



The Military Staff Committee: A Possible Future Role in UN Peace Operations?

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Introduction

The genesis of the Military Staff Committee provides some interesting insights into what structures and processes the creators of the UN, trying to save us from the scourge of war, felt necessary to enforce peace and bring about disarmament.

Organisations and individuals that witnessed the birth and development of the United Nations and its collective security aims, read the Brahimi report with a historical perspective. It is worth noticing that the Brahimi Report addresses many of the holes in UN military, strategic and planning functions that were left by the Military Staff Committee (MSC) which stopped functioning after twenty-nine months in July 1948. Its role, outlined in Articles 26 and 47 was to advise and assist the Security Council on all questions relating to its military requirements, including the employment, command and strategic direction of any armed forces placed at its disposal, as well as the regulation of armaments and possible disarmament. Clearly, it was envisaged that a powerful joint UN military staff would advise the Security Council and execute its orders, and would also bring about a reduction in armaments and disarmament. Yet the Cold War and the arms race it institutionalised rendered the MSC defunct and displaced these responsibilities onto other organs of the UN who were forced to undertake peace keeping on an ad hoc basis with insufficient structural or budgetary resources.

The Brahimi Report attempts to address the holes left by the MSC, as well as the whole so-called "humanitarian intervention" debate, the questions around peace keeping versus peace enforcement, the obvious and urgent need of the Security Council to improve the coordination and strategy of many of its peacekeeping operations, the neglect of disarmament as an essential component of keeping peace, as well as the debate about a permanent UN standing force. The recent Security Council resolution on the Brahimi Report did mention a possible role for the MSC, which is another reason there may be interest in its history.

What is the Military Staff Committee?

The Military Staff Committee (MSC) is the only subsidiary body specifically named in the UN Charter. Eric Grove has called it "a sterile monument to the faded hopes of the founders of the UN", because it is a body that meets every 14 days, mandated to achieve nothing. Giving it a mandate threatens to erupt Cold War indigestion, eliminating it would require Charter reform, so the bi-weekly ritual continues for the sake of form, facilitated by one staff based on the upper floors of the UN building in New York.

The first Security Council resolution (passed without a vote) directed the Military Staff Committee to begin work on 1 February, 1946. Twenty nine months later on 2nd July 1948, it reported to the Security Council that it was unable to fulfill its mandate (S/879). The Permanent Five members submitted reflections on the reasons why it had failed (China, France, UK, USA MS/417, Soviet Union MS/420). These stubborn Cold War positions remained in place until 1990, when the MSC almost rose from the dead to undertake the role of coordinating a naval interdiction against Iraq under SC resolution 665 (S/21640). However, two or three informal meetings of the MSC held in the French Mission concluded to not formally activate the Committee.

This episode, and the opportunities provided by the end of the Cold War, stimulated a short-lived discussion about the potential role of the Committee in providing the Security Council with military advice, realism and cohesion in its peace keeping and enforcing operations. A constant theme in these debates is around the difference between peace keeping and peace enforcing. There is an unfortunate tendency, due to the senate of one member state among other things, to view peace keeping in terms of the economic cost alone, abandoning strategy and actual capacity to achieve the aims. Some say the UN has subcontracted force out to entities like NATO (Kosovo, Bosnia), ECOWAS (Sierra Leone) and Coalitions of the Willing (Iraq) and has thus undermined its own ability and credibility.

History

Obedying the Security Council's first resolution, the MSC made up of delegations of the P5's airforces, navies and armies met in London February 1946. Rules of procedure were agreed, (S/10 restricted) and it was decided to study Article 43 from the military point of view so that "general principles" on the organisation of the proposed UN forces be worked out.

As the MSC developed these "general principles", from 9 April - 24 July, 1946 UN Secretary General Lie had an interesting correspondence with the MSC at this time, indicating that he felt the MSC, in its draft statute and rules of procedure had not given sufficient recognition to the important responsibilities and prerogatives of the Secretary General. These difficulties were ironed out and the MSC issued revised texts on 1st August 1946. (S/115 restricted)

One year later, the General Assembly passed some important resolution on disarmament, one of which called on the Security Council to press the MSC for results of their deliberations by April 30. The Security Council adopted a resolution to give effect to the two resolutions of the GA, and formally requested this report from the MSC in addition to the GA, (S/268/Rev.1/Corr.1). The report of the MSC was tabled on April 30 as requested, MS/264 contains 41 articles, over half of which enjoyed agreement (Special supplement no.1, S/336). In the same resolution mentioned above, the Security Council set up a Commission for Conventional Armaments and asked the MSC to make "such proposals as it may deem desirable concerning the studies which the MSC might be asked to undertake.

Initially, the use of force by the UN was not taboo, but it was clearly believed that the moral weight and potential power behind a decision by the UN to employ armed force would overawe aggressors. It was never intended that a UN standing armed forces be created, but rather, that all members (not just SC members) would contribute troops and equipment as required, to be under national command except when operating under the Security Council for Article 42 operations, when they would come under the strategic direction of the MSC. It was believed that the veto power in the Security Council meant that no large scale operation would take the form of a major war between "great" powers.

The opportunities and obligations to provide forces and assistance of every member state, not just SC states was re-emphasised a number of times. It was also emphasised and agreed that any action should be pre-emptive, and that forces should be ready for rapid action and be provided with logistical support.

Disagreements were also strong. The Soviet Union insisted that the P5 contributions should be identical (mainly because they lacked certain pieces of equipment), and that time limits be set for the withdrawal of forces after the

action. The Soviets also insisted that forces be based only on a nation's home territory, thus stopping the use of bases on foreign territory. The French and the Chinese wanted to be able to withhold forces in case of national emergency, which was seen as giving scope for reneging on promises. The British and French wanted UN subcommanders to serve under the Supreme Commander, rather than national deputies commanding each national contribution (giving the British and the French more opportunity to play a significant role).

Before the "general principles" discussion had produced consensus, in May 1947 the MSC set up a sub-committee to come up with ideas on the projected strength of forces that might be allocated to it. A provisional estimate was supplied June/July 1947, (149th meeting, pp 1175, 1178-9; 154th meeting, p.1267)

It was envisaged that air force would be the most appropriate weapon of first resort (specifically stated in Article 45 that members should hold immediately available national air force contingents). Large-scale land force were not expected to be necessary, as ground troops would be related primarily to the commitments of an occupational nature, but the Chiefs of the UK at the time said a small mobile and composite force capable of fighting its way in if necessary would be needed.

From documents quoted in articles about the MSC, the British Chiefs interpreted the term "major portion" to mean that the P5 would contribute two thirds of a UN force, and based their calculations on the total strength of a UN force that might comprise

Air Force - 600 bombers, 400 fighters, 200 others Naval Force - 2 battleships, 4 carriers, 6 cruisers, 24 destroyers, 48 frigates, 24 minesweepers, 12 submarines, assault lift for 2 brigades. Army - 8-12 divisions

By 1947, the various proposals of the P5 indicated that the force might be increased to:

Airforce - 750 bombers, 500 fighters, 25 others, total 1500 Naval Forces - 3 battleships, 6 carrier (4 fleet, 2 light), 12 cruisers, 33 destroyers, 64 frigates, 24 minesweepers, 14 submarines, assault life for four brigade groups (16,000 men)
Army - 15 divisions (375,000 - 450,000 men)

By August 1948 as the Cold War really set in, the meetings became mere repetition of positions and a deadlock was declared in S/879 (mimeo). However, the documents above show that realistic planning and cooperation is possible.

Why is the Military Staff Committee Relevant Now?

The UN Charter is essentially a peace keeping contract. The serious work undertaken by the Military Staff Committee in its first thirty months was about trying to make the SC and the UN an effective instrument for the maintenance of peace with Article 42 trying to give teeth to the Article 41 preference for peaceful settlement of disputes. Of course, many NGOs active at the time of the formation of the UN, including WILPF, emphasised the UN's role and capacity to prevent war. In 1945, and still today, we continue to problematise the notion of permanent membership of the Council and, in the case of the MSC, the almost exclusive power the P5 had to define and set the agenda of collective security.

Boutros-Ghali in his Agenda for Peace stated, "the military option envisaged by the Charter was essential to the credibility of the UN as an international organisation". The difference between Chapter 6 and Chapter 7 of the UN Charter on peace keeping and peace enforcement operations recently brought the military chiefs of the UNAMSIL operation to the table to grapple with the mistakes of the UN in Sierra Leone such as the kidnapping of peacekeepers and the surrendering of arms to the Revolutionary United Front (RUF) by UN peacekeepers. These kinds of disasters, not isolated, are forcing a discussion of the current conception of peace keeping by SC member states. The impossibility of keeping peace when there is no peace to keep, the problem of maintaining the credibility of the UN without some force or preparedness to use force and the taboos under the current conception of peace keeping are all on the table. Some nations, including Security Council members, are talking about preparing a battalion to be on standby for UN purposes.

Possible work for the MSC?

In his 1990 article "Is it Time to Revive the UN Military Staff Committee", (Occasional paper series, Cal State Uni, Center for the Study of Armament and Disarmament, # 19, 1990) Ralph M Goldman lists the following possible functions of the Committee which I think are worth reproducing in point form. I have added comments and questions in parentheses. He concludes his list with a clever proposal that all these suggestions, with the exception of peace enforcement, could be seen as routine administrative procedures. We have often seen how the procedural can hijack the substantive, however, perhaps on these items the MSC as a procedural and administrative facilitator of information could short cut through, and merely present, the substantive divergence of opinion. It is also worth noting that Goldman, in 1990 was justified in hoping that, "As NATO and the Warsaw Pact diminish, becoming more political than military, or possibly disappear, something will have to take their place. A future Military Staff Committee and the UN Security Council may prove to be the best alternative."

Goldman asks, "If the MSC could acquire useful less ambitious duties, and non-enforcement functions were assigned to it, what might they be?"

1. Arms Control: The UN Charter assigns the staffing of arms control negotiations to the MSC. It could and should become a principle staff center for preparing and serving bi-lateral and multilateral negotiations, and for managing and centralising a well coordinated and compelling administrative system. The MSC could provide information and counsel regional peace keeping forces.

(While Goldman emphasises arms control by placing it first, and discusses compliance next, he fails to mention disarmament at all, which is central to the role given to the MSC and the SC in Article 26. A full discussion of how the MSC might facilitate disarmament will require some additional research and consultation, which I am hoping to manage to do soon, with assistance.)

2. Monitoring Compliance: to reduce the burdens on national intelligence agencies, the MSC could become a third-party observer in matters of treaty compliance. This public, multilateral and therefore objective entity could provide a common intelligence pool, that might encourage reduction in intelligence budgets. It could also help monitor early warning missions to prevent surprise attacks or accidental military encounters. (These two points seem separate to me, but he has joined them).

3. Supervise licensing systems: the MSC could receive and maintain public records of all conventional weapons transfers, nuclear tests and nonmilitary explosions, announcements of training maneuvers etc.

4. Coordinate anti-terrorist operations - terrorism is often a sublimated form of international warfare, and when it is, the UN has a mandated interest in the case. Antiterrorist duties would give MSC functions that are traditionally assigned to police agencies.

5. Coordinate anti-drug operations - the alliances between drug traffickers, certain national military leaders of dictators, and terrorist groups have added a global military dimension to this underworld, therefore joining military to police forces should be explored.

6. Serve as a military information center - like the UN Institute for Training and Research (UNITAR) and the International Peace Academy (IPA), the MSC could be given responsibility for developing peace keeper knowledge and professionalism in support of UNITAR and IPA activities, and should become a military research and informational clearing house. (One former military person present at the NGO Millennium Forum suggested that the MSC should be a place

where best practices of peace keeping are shared, specifically the military lessons and strategies learned.)

7. Supervise a weapons research center - the qualitative arms race, as opposed to the quantitative arms race, accelerates each year. Lowering, harnessing or redirecting this creativity is necessary. The MSC could perhaps be a permanent negotiating forum for decelerating the pace of military invention and promoting research on weapons systems that may contribute to global security with innovative but less costly weapons.

8. Engage in military peacekeeping duties. Inevitably the discussion must return to the enforcement aspect of its function. All the earlier questions remain. Should peacekeeping be differentiated from enforcement? Who should authorize peace keeping missions and when? Who should participate? Should there be a permanent UN Force, and who will have operational control over it? Who pays, how much?

The MSC reports of 1947 and 1948 and the discussions of the Committee of 33 (would appreciate any information on this Committee of 33) would now be debated in a new world wherein the high cost of inconclusiveness on these questions, and the need for strengthening the principles of multilateralism and confidence building in world affairs is clear.

Relevant UN Charter Articles

Article 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be 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.

Article 43

1. 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 a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.
2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.
3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and group of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfillment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council Concerning the employment of contingents of that Members armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

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 responsibility 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 authorisation of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.