

Dual distribution

UNITED NATIONS GUARD

Report of the Secretary-General

DEMONSTRATED NEED

1. The operation of United Nations Missions in the field under decisions of the General Assembly and Security Council has decisively emphasised the need for adequate observation, protective and technical service personnel to be provided promptly in their support.

The operations of United Nations Missions in Greece, the Balkans, Indonesia, Korea, Palestine and more recently in India and Pakistan, all point the need and establish the pattern of the requirements.

2. Availability of international protective personnel is a sine quo non of a Mission's ability to proceed with the necessary confidence and authority to arrange for the free movement of observers and other mission personnel in troubled areas without the suspicion of partiality which the use of local police or national foreign militia engenders. Absence of an independent international body representative of the authority of the United Nations and capable of offering minimum personal protection to United Nations staff has seriously embarrassed the work of United Nations Missions both in the course of hearings and enquiries as well as in the operation of truce arrangements and the rendering of good offices. In Palestine the Mediator emphasized again and again the need to assure to him adequate facilities to enable him to guard mission personnel as well as neutralized buildings and objectives in specified areas. Had even a small security or protective force been available, some injury to and loss of life of United Nations personnel might have been avoided, as might also the destruction of vital neutralized objectives, the loss of which could have permanently jeopardized the whole of the Mediator's work.

3. Up to the present, United Nations Missions have been charged variously with responsibilities ranging from investigation and mediation generally, to observation and supervisory duties in connection with such matters as the cessation of hostilities. Indications suggest that these responsibilities might at any time be extended to cover the supervision of referendums, assisting in security measures incidental to the demilitarization of

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specified areas and similar and related functions, which have posed in the past, and will continue to pose in the future, the urgent problem of how such functions are to be serviced.

4. It has been demonstrated that United Nations Missions can handle a great many situations in a disputed area in the interests of a peaceful solution without invocation by the Security Council of those provisions of the Charter relating to the use of force.

5. It is clear, from the uniform experience of United Nations Missions in the field, that there must be available at their disposal adequate representative and protective authority to give effect to their decisions as well as technical service assistance to enable them to function with speed and efficiency.

6. It is the Secretary-General's opinion that essential needs can, in many cases, be limited to the availability, on call, of a comparatively small United Nations Guard able to offer the necessary minimum protective services as well as limited technical services in support of the functions and authority of United Nations Missions.

7. The Secretary-General clearly recognizes that both on practical as well as on legal grounds such a Guard could not be used for enforcement purposes as envisaged under the Charter, nor for the purpose of maintaining law and order in an area. It is, however, his view that the provision of a Guard such as he proposes would immeasurably strengthen the hands of United Nations Missions which are established for the express purpose of assuring pacific settlements without recourse to the use of force and would assist them to expedite peaceful settlements.

8. In view of the unknown extent of the future needs of United Nations Missions in any given circumstances it would be impractical to propose a definite strength for the Guard in too precise terms without considerable further study of probable requirements. It is considered, however, in view of its established need in more than one area at one time, that the minimum strength of the Guard should approximate to one thousand men and its maximum strength at least to several thousand more, possibly held on a reserve basis.

9. Apart from the need for established protective services, it is clear that in the operation of United Nations Mission, the Secretariat will always have to rely upon ad hoc arrangements improvised with the aid of host and other Governments to provide significant technical service requirements. In many cases, however, reliance upon such arrangements for first emergency needs and the absence of readily available resources from which to draw upon for these, has proved most unsatisfactory and has on many occasions jeopardised the accomplishment of specific tasks set by organs of the United Nations. The inevitable delays and shortcomings of improvisation

have not only impaired the efficiency of Missions but the authority of the United Nations has lost indignity thereby. Therefore, apart from providing purely protective services, the Guard would be so recruited, trained and equipped as to be able to furnish supplementary technical service requirements to a United Nations Mission whenever lack of immediate alternative facilities renders this necessary or desirable.

10. The Secretary-General believes that adequate constitutional authority exists under the Charter for him to recruit and provide such limited personnel as will be required for the establishment of the proposed Guard. He suggests that the Guard should be recruited as part of the staff of the United Nations Secretariat, in accordance with Articles 97, 98, 100 and 101 of the Charter, and that it should be made available by the Secretary-General to responsible organs of the United Nations for use in support of United Nations Missions in the field.

11. The Secretary-General is of the opinion that the formation of a United Nations Guard several thousand strong, should be closely studied and reported upon by the appropriate committees of the General Assembly. He feels, however, that there exists an immediate need for the provision of a nucleus Guard establishment to service the minimum essential needs of United Nations Missions presently operating in the field, and therefore proposes as follows:

(a) There shall be established immediately a United Nations Guard eight hundred strong consisting of a nucleus permanent establishment of three hundred men, located and trained either at United Nations headquarters or at an appropriate location in Europe, and a volunteer reserve cadre of up to five hundred men recruited multinationally and held in reserve in their national homes at the call of the Secretary-General as and when required.

(b) The legal basis under which the Guard will be formed and operated, its character and functions, and the broad lines upon which it will be organized are set out in Appendices A, B and C hereto.

12. Preliminary estimates suggest that an amount of up to \$4,000,000 is likely to be required, of which sum approximately three-quarters would represent the cost of the permanent establishment of the Guard and one-quarter that of the reserve establishment. The Secretary-General proposes therefore that, if the above proposal be agreed in principle, detailed estimates will then be prepared for the consideration of the Advisory Committee on Administrative and Budgetary Questions and of the Fifth Committee.

APPENDIX A

LEGAL BASIS OF THE GUARD

The legal basis of the proposed United Nations Guard must be considered in relation to the following three principal aspects:

1. The authority of the Secretary-General to establish a permanent unit of the Secretariat for this purpose;
2. The protective and control functions which may legally be exercised by the proposed Guard;
3. The relationship of the Guard to the State in whose territory it operates.

1. The authority of the Secretary-General

The authority of the Secretary-General to establish the Guard in the Secretariat rests, in the first instance, on the provisions of Chapter XV of the Charter. Article 97 states that the Secretariat shall include "such staff as the Organization may require" and it designates the Secretary-General as the chief administrative officer of the Organization. Article 98 provides that the Secretary-General shall perform "such other functions as are entrusted to him" by the General Assembly, the Security Council, the Economic and Social Council and the Trusteeship Council. On the basis of these provisions, the General Assembly, in its resolution 13 (I) of 13 February 1946, requested the Secretary-General to take steps to establish an "administrative organization which will permit of the effective discharge of his administrative and general responsibilities under the Charter, and the efficient performance of those functions and services required to meet the needs of the several organs of the United Nations".

Under these provisions, there is no doubt that the Secretary-General has broad power to establish units of the Secretariat, provided that budgetary approval is voted by the General Assembly. The primary test is whether such units are required to meet the needs of the several organs. That there is a need of such a Guard has been amply demonstrated by the experience of the United Nations Field Missions.

The proposed Guard, like other units of the Secretariat, will be subject to Articles 100 and 101 of the Charter, and would be appointed by the Secretary-General under the regulations relating to personnel already established by the General Assembly, or such special regulations as the General Assembly might find it desirable to adopt.

2. The protective and control functions which may legally be exercised by the proposed Guard

It is of course essential that functions exercised by the Guard be in

accordance with the Charter and pursuant to the proper exercise of authority by the particular organ of the United Nations concerned. In its most general application the Guard may be used by the Secretary-General for the protection of United Nations officials and property. Such guards, in fact, function on a small scale at headquarters, and they have been required by several Missions operating in troubled areas. From the legal standpoint, it is entirely clear that any organ or subsidiary body carrying out a constitutional function may properly utilize the guards for the protection of its archives, offices and personnel. The necessity for such guards may arise in the case of commissions of inquiry sent by the General Assembly under Chapter IV of the Charter, by commissions of conciliation or investigation established by the Security Council under Chapter VI, by a Mediator, or by any other body of the United Nations acting pursuant to proper constitutional authority.

There is one important legal limitation on the function of the Guard. Under the Charter it appears clear that the Guard may not be used to carry out the military enforcement measures provided for under Article 42. Such armed action may be undertaken only in accordance with special agreements contemplated by Article 43 or pending the coming into force of such agreements by the five members referred to in Article 106.

It is clear, however, that the Guard may be called upon to perform certain protective and control functions which involve more than the guarding of United Nations offices, archives and personnel. Such functions may properly be assumed by an organ of the United Nations acting in accordance with the Charter and under special arrangements consistent with the Charter. Significant cases arise where the United Nations has been granted temporary responsibility in connection with the supervision of truce arrangements or a plebiscite. In these types of situation, where an organ has properly assumed certain control, it is clear that such functions may be carried out by the Guard acting in accordance with the decisions of that organ. Thus, in case of a truce the guards may protect places and establishments which have been neutralized, or supply lines: in the case of elections, they may act to supervise polling places and to prevent fraudulent voting.

3. The relationship of the Guard to the State in whose territory it operates

An important legal principle applicable to the proposed Guard is that it will function in a territory only with the consent, express or implied, of the territorial sovereign. For the performance of purely protective and technical services this consent may be implied from the consent given to a United Nations Mission to enter the territory or the acceptance of a

resolution which provides for such a Mission. There is obviously no need to have specific consent as to secretaries, professional and technical assistants, who are to accompany the Mission, and there is no greater reason to require specific consent for a unit which is furnishing purely protective services to the Mission.

In those cases where the Guard function extends beyond the protection of United Nations property and personnel, it will be necessary that the territorial authorities consent to the exercise of such functions. A truce arrangement accepted by the parties to a dispute, which provides for supervision by the United Nations, would constitute adequate legal authority for the Guard's exercise of such functions. In short, there would be no derogation from the sovereignty of a State in the exercise of control functions by the United Nations Guard.

In considering the relationship to the territorial State, it should be noted that it may be necessary in certain cases to obtain express consent for the carrying of weapons or the operation of equipment, such as motor vehicles, radio, or other means of communication. In these cases, it will be necessary to look to the local law to see whether special license or permit is required. If such special permission is needed under local law, the agreement of the Government concerned would normally have to be obtained or individual licenses issued.

APPENDIX B

CHARACTER AND FUNCTIONS OF THE GUARD

1. The proposed United Nations Guard will be entirely non-military in character.
2. It will combine both a permanent and reserve establishment and its members will be distinctively uniformed and will be recruited by the Secretary-General as a normal unit of the Secretariat under provisions of Articles 100 and 101 of the Charter.
3. In common with other elements of the United Nations Secretariat, it will be made available by the Secretary-General to meet requests of organs of the United Nations by virtue of whose decisions it will be used in support of specific directives to United Nations Field Missions.
4. Its equipment will be limited to personal emergency defence weapons (such as revolvers, rifles or carbines or light automatic weapons, or side-arms) and to emergency technical equipment, and it will not be organizationally of such a size or character as to be possible of use as an aggressive force.
5. It will not have the powers, as such, of either a civilian or military police force (such as powers of arrest, quelling of insurrections or, generally, functions implying the use of force for other than personal protective reasons). It will, however, be charged with protecting the persons of United Nations observers who might be subject to personal attack from undisciplined individuals, or to guard neutralized objectives vital to the success of negotiations.
6. Its primary positive purpose will be to be representative of United Nations authority in support of United Nations Missions in the field and to provide a limited protection to United Nations personnel and property so as to:
 - (a) Afford personal security for members of a Field Mission and its Secretariat,
 - (b) Afford security to premises used as United Nations Headquarter or Field Offices,
 - (c) Afford security of a Mission's archives and other **property**,
 - (d) Furnish supplementary technical functions of transportation, communications and supply as might be necessary to supplement services available to a Mission in the field,
 - (e) Maintain order during hearings and investigations of United Nations Missions,

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/((f) Patrol

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(f) Patrol points or guard objectives neutralized under truce or cease-fire order of the United Nations,

(g) Exercise supervisory and observation functions at polling points during the conduct of referendums conducted under United Nations auspices.

APPENDIX 3

ORGANIZATION OF THE GUARD

1. Organizational pattern.

(a) The United Nations Guard will as a nucleus consist of eight hundred men made up of two elements:

A. A permanent establishment of three hundred members recruited under Articles 97, 98 and 100 of the Charter and under such special regulations of the General Assembly as may be applicable.

B. A reserve cadre of five hundred members. The pattern of organization of this cadre will take the form of the recruitment of sections and sub-sections of a complete unit in Member countries and of providing for a training pattern common to all.

National sections of the Guard will be held equipped and ready for service on call and will be so deployed as to make available, under common command, at the point of operation a multinational unit, selected as required.

The international character of the Guard would thus be fully maintained by placing at the disposal of United Nations Missions small national cadres (of five or ten men or multiples thereof) drawn from such numbers of Member nations as will be required to provide the requisite personnel strength to meet any given need.

The provision of such a reserve cadre, whilst presenting no insuperable difficulties either of organization or movement, offers the advantage of considerable budgetary savings. Furthermore, expansion of this element of the Guard would be neither costly nor difficult to organize at short notice. It is contemplated under this proposal that payment of national reserve cadres may be made in their national currencies and that, furthermore, their compensation when not on active duty would be limited to a small retainer fee in consideration of which they will be required to attend regular training courses and maintain the limited equipment allocated to them in a state of preparedness.

(b) All elements will be recruited in accordance with Article 101 of the Charter for a minimum period of two years service. Contracts of service will be covered by special regulations.

(c) For ease of control and deployment, the Guard will be a self-contained unit of the United Nations Secretariat, but will be administratively serviced and supplied through normal Secretariat channels.

(d) A Headquarters Control Unit of the Guard will be responsible for its administration, planning, training, deployment and discipline.

This group will include inter alia communications, transport, and

medical liaison officers whose duties will include maintaining contact with Governments of Member nations for the purpose of arranging, in their respective fields, for the loan on call of essential equipment and services required by a United Nations Mission in the field.

(e) Field units will be organised broadly along the lines set out in the table to this Appendix. This pattern will permit of the utmost flexibility in use since experience in the field has determined that functional responsibilities will require to be undertaken by scattered units in support of United Nations Mission personnel at widely scattered points. It will also permit of swift deployment of completely self-contained elements of a Mission's staff when and where necessary and will make it possible for a Mission to go forward with its task with despatch and confidence.

2. Location of the Guard.

(a) The location of the Guard will be normally, and except during periods of inactivity, where United Nations Missions are operative.

(b) The location of the permanent establishment of three hundred members during periods of non-activity (including its Headquarters Control Unit) will be either at United Nations Headquarters or under Headquarters control at a location to be arranged, where it will be held under supervision and training.

(c) The five hundred members of the reserve cadre will, during periods of non-activity, be located at their normal place of residence in their home countries and will, as required, be subject to deployment to field locations designated by the Secretary-General.

3. Qualifications of personnel

(a) All members of the Guard will be required to subscribe to the provisions of Article 100 of the Charter.

(b) Personnel of the Guard will, as far as possible, be recruited from physically fit men without dependents, preferably between the ages of twenty-two to thirty years. (This proviso will tend to reduce the burden of expense associated with the maintenance of dependents and will generally be conducive to the ready availability of personnel for movement into the field.)

(c) Personnel of the Guard will be recruited with due regard (in the numbers required) to their technical qualifications to act as radio operators, transport drivers, clerical assistants, etc., in addition to their suitability to perform security and protective duties.

4. Equipment

(a) The Guard will be provided with special United Nations uniforms.

(b) It will be equipped, when necessary only, with limited emergency personal defence weapons to include either revolvers, light automatic weapons, carbines or rifles, or side-arms.

/(c) It will

(c) It will not be equipped to meet substantial transport, communications and supply needs of United Nations Missions, the size and nature of which are largely indeterminable in advance; but it is essential that such supplies be placed at the disposal of the Secretary-General by Member Governments, on loan, or that they be otherwise made available to him under arrangements appropriate to the circumstances.

The Guard will however be equipped with the following basic emergency transport and communication equipment for training purposes, and for use as first emergency services in support of the initial minimum needs of any United Nations Field Mission set up:

- (i) 4 armoured Staff cars.
- (ii) 36 jeeps and trailers.
- (iii) 36 "3/4 supply" trucks.
- (iv) 20 mobile radio transmission units.

(d) No tanks, artillery or major offensive weapons will form part of the regular equipment.

(e) Aircraft and vessels will not form part of the permanent equipment of the Guard but there will be provided on its headquarters staff a Liaison Official who will, as circumstances necessitate, seek the assistance of Member-Government or commercial undertakings for the provision of urgent needs as required.

TABLE OF ORGANIZATION
OF THE GUARD

Headquarters Unit - Office of the Commandant

- 1 Guard Commandant
- 1 Clerk
- 1 Chief of Staff
- 1 Clerk
- *6 Deputy Chief of Staff
- *3 Clerks
- 1 Chief Supply Officer
- 1 Clerk
- *6 Deputy Supply Officers
- *3 Clerks
- 1 Chief of Communications
- 1 Clerk
- *6 Deputy Communications Officers
- *3 Clerks
- 1 Chief Transportation Officer
- 1 Clerk
- *6 Deputy Transportation Officers
- *3 Clerks
- 2 Recruitment & Records Officers
- *3 Clerks
- 1 Chief Pay Officer
- *6 Pay Clerks
- 1 Medical Officer
- 1 Clerk

1. The Headquarters Unit will provide all the officer personnel of the Guard both whilst it is inactive and active. It will also furnish Heads of Field Missions with technical liaison officers responsible for communications, transport and supply.

* All field command and training officers for field units of the Guard will be drawn from this staff.

/2. The Chief

2. The Chief of Staff and his chief technical officers will be responsible for the planning, recruitment, training, and deployment and discipline of the Guard, and for maintaining liaison with Member Governments in respect of loan of services and equipment which might be necessary in support of the operation of a United Nations Field Mission.

3. The Deputy Chiefs of Staff shall each command a unit of the Guard when inactive and will be available as Commanders of Guard units operating with a Field Mission.

4. The deputy supply, communications and transport officers shall likewise be available for planning, training, and commanding their respective technical sections when the Guard is inactive, and will act as Command technical officers in the field when the Guard is servicing a Field Mission.

Field units

1. The permanent establishment of the Guard will comprise six field units of forty men divided into four sections of ten men each, inclusive of, and under a section leader. Sections will in turn be sub-divided into sub-sections of five men under, and inclusive of, a sub-section leader.

2. The reserve cadre establishment will comprise twelve field units of forty men similarly divided and sub-divided.

3. The primary purpose and training of each field unit will be for Guard duty as such. However, in order to ensure that its personnel are sufficiently versatile to be able to render supplementary assistance in technical service functions when operating in isolated areas or when not required for essential Guard duties in any given circumstances, each field unit will be recruited, organized and trained to be able to furnish:

- 1 supply section
- 1 communications section
- 1 clerical section
- 1 transport section

of ten men, each sub-divided into two sub-sections of five men each.
