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COUNCIL

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LETTER FROM THE CHAIRMAN OF THE MILITARY STAFF COMMITTEE TO THE  
SECRETARY-GENERAL DATED 30 APRIL 1947 AND ENCLOSED REPORT  
ON GENERAL PRINCIPLES GOVERNING THE ORGANIZATION OF THE  
ARMED FORCES MADE AVAILABLE TO THE SECURITY COUNCIL BY  
MEMBER NATIONS OF THE UNITED NATIONS

30 April 1947

Sir,

In pursuance of the Directive of the Security Council of February 16, 1946, the Military Staff Committee studied Article 43 of the Charter from a military point of view and as a first stage of the study of the provisions of Article 43 has prepared recommendations on the General Principles Governing the Organization of the Armed Forces made available to the Security Council by Member Nations of the United Nations.

In accordance with the decision of the Security Council of February 13, 1947, I have the honour on instructions of the Military Staff Committee to forward to you the Report containing the above recommendations on the General Principles and to request you to forward that Report to the Security Council for consideration.

The Report includes both recommendations agreed upon by all Delegations represented on the Military Staff Committee and the proposals of individual Delegations on which unanimous decision has not been achieved in the Military Staff Committee. In this latter case, the positions of the various Delegations are set out in Annex "A". Certain general comments by the French Delegation are set out in Annex "B".

The Military Staff Committee has instructed me to request you to draw the attention of the Security Council to the fact that the question of financial expenditures which might arise in connection with the

fulfillment by countries - Members of the United Nations - of measures envisaged in Article 42 of the Charter, has not been reflected in the recommendations prepared.

In accordance with Rule 13 of its Rules of Procedure, the Military Staff Committee has the honour to inform the Security Council that it does not attach any category of secrecy to this Report.

I have the honour to be,

Sir,

Your obedient Servant,

(Signed) A. Ph. Vasiliev,

Lt.-General, Soviet Army  
CHAIRMAN,  
Military Staff Committee

The Secretary-General,  
of the United Nations

GENERAL PRINCIPLES GOVERNING THE ORGANIZATION OF THE ARMED FORCES

MADE AVAILABLE TO THE SECURITY COUNCIL

BY MEMBER NATIONS OF THE UNITED NATIONS

Report by the Military Staff Committee

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CHAPTER I

PURPOSE OF ARMED FORCES

ARTICLE 1

Armed Forces made available to the Security Council by Member Nations of the United Nations are intended for the maintenance of the restoration of international peace and security in cases:

- a. of existence of any threat to international peace;
- b. of any breach of international peace and security;
- c. of any act of aggression,

when measures undertaken by the Security Council in accordance with Article 41 of the United Nations Charter would be inadequate or have proved to be inadequate and when the threat to international peace and security is such that it necessitates the employment of these armed forces.

ARTICLE 2

These Armed Forces may not be employed for purposes inconsistent with the purposes, principles and spirit of the United Nations Charter as defined in its Preamble and Chapter I.

CHAPTER II

COMPOSITION OF ARMED FORCES

ARTICLE 3

Armed Forces made available to the Security Council by Member Nations of the United Nations in accordance with Article 43 of the Charter shall be composed of units (formations) of national armed forces, land, sea and air which are normally maintained as components of armed forces of Member Nations of the United Nations.

ARTICLE 4

These Armed Forces shall be made available to the Security Council from the best trained and equipped units (formations) of Member Nations of the United Nations.

CHAPTER III

OVERALL STRENGTH OF ARMED FORCES

ARTICLE 5

The moral weight and the potential power behind any decision to employ the Armed Forces made available to the Security Council by Member Nations of the United Nations in enforcement action will be very great, and this fact will directly influence the size of the Armed Forces required.

ARTICLE 6

The Armed Forces made available to the Security Council by Member Nations of the United Nations shall be <sup>of a</sup> limited to a strength sufficient to enable the Security Council to take prompt action in any part of the world for the maintenance or the restoration of international peace and security as envisaged in Article 42 of the Charter.

ARTICLE 7

Accepted by the Chinese, French  
U.K. and U.S. Delegations

An estimate of the overall  
strength of the Armed Forces  
and the strength of the Services,  
land, sea and air, constituting  
those forces will be made by the  
Security Council with the  
assistance of the Military Staff  
Committee, and used as a basis for  
negotiating the Special Agreements  
referred to in Article 43 of the  
Charter. The final decision

The U.S.S.R. Delegation accepts  
Article 7 conditionally. The  
final acceptance of Article 7  
by the U.S.S.R. Delegation will  
depend on the acceptance by the  
other Delegations of the Prin-  
ciple of Equality regarding  
strength and composition of  
Armed Forces contributed by the  
five Permanent Members of the  
Security Council, as stated  
in the proposal by the U.S.S.R.  
Delegation for Article 11.

regarding the overall strength required will be made by the Security Council as a result of these negotiations.

ARTICLE 8

Accepted by the Chinese, French, U.K. and U.S. Delegations

In order to adapt the overall strength of the Armed Forces to international conditions, this overall strength and the strength of the Services constituting these Forces, may be changed on the initiative of the Security Council by additional agreements between the Security Council and the Member Nations of the United Nations.

The U.S.S.R. Delegation accepts Article 8 conditionally. The final acceptance of Article 8 by the U.S.S.R. Delegation will depend on the acceptance by the other Delegations of the Principle of Equality regarding strength and composition of Armed Forces contributed by the five Permanent Members of the Security Council, as stated in the proposal by the U.S.S.R. Delegation for Article 11.



CHAPTER IV

CONTRIBUTION OF ARMED FORCES BY MEMBER NATIONS

ARTICLE 9

All Member Nations shall have the opportunity as well as the obligation to place armed forces, facilities and other assistance at the disposal of the Security Council on its call and in accordance with their capabilities and the requirements of the Security Council.

ARTICLE 10

In order to facilitate the early establishment of the Armed Forces made available to the Security Council, the Permanent Members of the Security Council shall contribute initially the major portion of these Forces. As the contributions of other Nations of the United Nations become available they shall be added to the forces already contributed.

ARTICLE 11

Accepted by the Chinese, French,  
U.K. and U.S. Delegations.

Accepted by the U.S.S.R.  
Delegation.

Each of the five Permanent Members of the Security Council will make a comparable initial overall contribution to the Armed Forces made available to the Security Council by Member Nations of the United Nations. In view of the differences in size and composition of national forces of each Permanent Member and in order to further the ability of the Security Council

Permanent Members of the Security Council shall make available armed forces (land, sea and air) on the Principle of Equality regarding the overall strength and the composition of these forces. In individual instances, deviations from this principle are permitted by special decisions of the Security Council, if such a desire is expressed by a Permanent Member of the Security Council.

to constitute balanced and effective combat forces for operations, these contributions may differ widely as to the strength of the separate components, land, sea and air.

#### ARTICLE 12

The size and composition of contributions of individual Member Nations will be determined on the initiative of the Security Council, and on the advice of the Military Staff Committee, in the process of negotiations with each Member Nation in accordance with Article 43 of the Charter.

#### ARTICLE 13

No Member Nation of the United Nations shall be urged to increase the strength of its armed forces or to create a particular component thereof for the specific purpose of making a contribution to the Armed Forces made available to the Security Council by Member Nations of the United Nations.

#### ARTICLE 14

Contributions by Member Nations of the United Nations, other than the Permanent Members of the Security Council, may not necessarily be represented by armed forces. Such other Member Nations which may be unable to furnish armed forces may fulfill their obligation to the United Nations by furnishing facilities and other assistance in accordance with agreements reached with the Security Council.

ARTICLE 15

Proposals for changes in the size or composition of contributions of a Member Nation or a group of Nations may be initiated by the Security Council or by the Member Nation or group of Nations. Any change in contributions will be effected by additional agreements between the Security Council and the respective Member Nation or group of Nations.

ARTICLE 16

Accepted by the Chinese, French,  
U K. and U.S. Delegations

Accepted by the U.S.S.R.  
Delegation.

The strength and composition  
of national air force  
contributions made available  
to the Security Council shall  
be determined as set forth in  
Article 12 above taking into  
account the obligations  
arising from Article 45 of  
the Charter.

The strength and composition  
of national air force contingents  
made available to the Security  
Council by Member Nations for  
action envisaged in Article 45  
of the Charter are determined  
by the Security Council, with  
the assistance of the Military  
Staff Committee, within the  
limits of a Special agreement or  
Agreements referred to in  
Article 46 of the Charter.

ARTICLE 17

Accepted by the Chinese and  
French Delegations.

Not accepted by the U.S.S.R.,  
U K. and U.S. Delegations.

In case of self defense  
(Article 51 of the Charter)  
and of national emergencies,

Member Nations will have the right to make use of Armed Forces, which they have made available to the Security Council in conformity with the terms of special agreements. They undertake, however, to assume anew all of their obligations within the shortest possible space of time.

CHAPTER V

EMPLOYMENT OF ARMED FORCES

ARTICLE 18

The Armed Forces made available to the Security Council by Member Nations of the United Nations will be employed, in whole or in part, only by the decision of the Security Council and only for the period necessary for the fulfillment of the tasks envisaged in Article 42 of the Charter.

ARTICLE 19

In view of the military advantages which would accrue, the employment of the Armed Forces under Article 42 of the Charter should, whenever possible, be initiated in time to forestall or to suppress promptly a breach of the peace or an act of aggression.

ARTICLE 20

Accepted by the Chinese, French,  
U.K. and U.S. Delegations.

Accepted by the U.S.S.R.  
Delegation.

After the Armed Forces, including line of communication forces, made available to the Security Council have carried out the tasks with which they have been entrusted by the Security Council under Article 42 of the Charter, they shall be withdrawn as soon as possible to the general locations governed by the Special Agreement or Agreements provided for by

The Armed Forces will be withdrawn to their own territories and territorial waters within a time-limit of thirty to ninety days after they have fulfilled the measures envisaged in Article 42 of the Charter, unless otherwise decided by the Security Council. This time-limit should be provided for in Agreements concluded under Article 43 of the Charter.

Article 43 of the Charter.

The time for the beginning  
and completion of the with-  
drawal shall be fixed by the  
Security Council.

ARTICLE 21

Not accepted by the Chinese,  
French, U.K. and U.S.  
Delegations.

Accepted by the U.S.S.R.  
Delegation.

If for any reasons these  
Armed Forces remain in  
territories or territorial  
waters granted for the use  
of such forces, under agree-  
ments between the Security  
Council and other Member  
Nations of the United Nations  
for the passage, stationing  
or action of these forces,  
they should be withdrawn to  
their own territories or  
territorial waters not later  
than thirty days after the  
expiration of the period  
indicated in Article 20\*,  
unless otherwise decided by  
the Security Council. This  
time-limit should be provided  
for in Agreements concluded  
under Article 43 of the Charter.

\* See proposal by the U.S.S.R.  
Delegation.

CHAPTER VI

DEGREE OF READINESS OF ARMED FORCES

ARTICLE 22

The degree of readiness of the Armed Forces made available by individual Member Nations of the United Nations is fixed by the Security Council, on the advice of the Military Staff Committee, as a result of the negotiations in concluding the Special Agreements with these Member Nations under Article 43 of the Charter.

ARTICLE 23

The degree of readiness of the Armed Forces should be maintained at a level which will enable these Forces to start in good time with the fulfillment of the Security Council measures envisaged in Article 42 of the Charter.

ARTICLE 24

These Armed Forces should be either maintained in readiness for combat or brought up to readiness for combat within the time-limits to be specified in the Special Agreements.

ARTICLE 25

Accepted by the Chinese, French,  
U.K. and U.S. Delegations.

Accepted by the U.S.S.R.  
Delegation.

The degree of readiness of national air force contingents should be maintained at a level which will enable the United Nations to take urgent military measures in accordance with the provisions of Article 45 of the Charter.

The degree of readiness of national air force contingents made available to the Security Council by Member Nations for action envisaged in Article 45 of the Charter are determined by the Security Council, with the assistance of the Military Staff Committee, within the limits of a Special Agreement or Agreements referred to in Article 43 of the Charter.

CHAPTER VII

PROVISION OF ASSISTANCE AND FACILITIES, INCLUDING RIGHTS  
OF PASSAGE, FOR ARMED FORCES

ARTICLE 25

Accepted by the  
Chinese, U.K. and  
U.S. Delegations

Accepted by the  
French Delegation.

Accepted by the  
U.S.S.R.  
Delegation.

The Special  
Agreements between  
the Security Council  
and Member Nations  
under Article 43 of  
the Charter shall  
include the  
following:

a. A general  
guarantee of  
rights of  
passage and of  
the use of such  
of the Member  
Nation's  
available bases  
as are required  
by Armed Forces  
operating under  
the Security  
Council;  
b. Specific pro-  
visions covering  
details of bases

Special Agree-  
ments envisaged in  
Article 43 of the  
Charter will indi-  
cate bases,  
assistance and  
facilities, includ-  
ing the right of  
passage, which the  
Member Nations will  
put at the disposal  
of the Security  
Council on its call.  
In case of  
necessity, Member  
Nations undertake, on  
call of the Security  
Council and through  
additional Special  
Agreements, to make  
available to it,  
other bases,  
assistance and  
facilities which

Special  
Agreements  
envisaged in  
Article 43 of  
the Charter will  
indicate  
assistance and  
facilities,  
including the  
rights of  
passage, which  
the Member  
Nations will  
make available  
to the Security  
Council on its  
call and in  
accordance with  
specific agree-  
ments concluded  
between the  
Security Council  
and the Member  
Nations concerned.



and other assistance and facilities, including rights of passage, which Member Nations agree to make available to the Security Council on its call. Such specific provisions may be contained in the original agreement or in subsequent agreements under Article 43 of the Charter to be concluded at the appropriate time.

would have proved necessary to the operations undertaken. Specific Agreements, concluded at the appropriate time, between the Security Council and the Member Nation concerned, will indicate the duration and the other conditions involved in the exercise of rights thus extended to the Armed Forces operating under the direction of the Security Council.

Specific Agreements, concluded at the appropriate time between the Security Council and the Member Nation concerned, will indicate the duration and the other conditions involved in the exercise of rights thus extended to the Armed Forces operating under the direction of the Security Council.

#### ARTICLE 27

Accepted by the Chinese, French, U.K. and U.S. Delegations.

Not accepted by the U.S.S.R. Delegation.

A Member Nation will retain its national sovereignty, and its control and command, over bases and other facilities placed at the disposal of the Security Council.

ARTICLE 28

Accepted by the Chinese, French,  
U.K. and U.S. Delegations.

Not accepted by the U.S.S.R.  
Delegation.

If additional contributions  
from Permanent Members of the  
Security Council are requested  
when enforcement action under  
Chapter VII of the Charter is  
under consideration, those  
contributions should also be  
of comparable size taking into  
account the value of assistance  
and facilities as well as armed  
forces which any of the above  
Member Nations may provide.

CHAPTER VIII

LOGISTICAL SUPPORT OF ARMED FORCES

ARTICLE 29

Member Nations of the United Nations which, in accordance with Special Agreements, have placed armed forces at the disposal of the Security Council on its call for the carrying out of measures envisaged in Article 42 of the Charter; will provide their respective forces with all necessary replacements in personnel and equipment and with all necessary supplies and transport.

ARTICLE 30

Each Member Nation will at all times maintain a specified level of reserves to replace initial personnel, transport, equipment, spare parts, ammunition and all other forms of supply for the forces which it has agreed to place at the disposal of the Security Council on its call. This reserve level will be prescribed in the Special Agreements under Article 43 of the Charter.

ARTICLE 31

Accepted by the Chinese, U.K.  
and U.S. Delegations.

Accepted by the French and  
U.S.S.R. Delegations

Member Nations, in the event of inability to discharge to the full extent their responsibilities under Article 29 above, may invoke the aid of the Security Council, which, on the advice of the Military Staff Committee, will negotiate with other appropriate Member Nations for the provision

Deviations from the principle stated in Article 29 above shall be permitted in individual instances at the request of a Member Nation, by special decisions of the Security Council on the advice of the Military Staff Committee, if this Member Nation desires to have supplies and transport made available to it for the

such assistance as it deems necessary. The agreement of Member Nations concerned must be obtained by the Security Council before the deficiencies in the contribution of one Member Nation can be made up by transfers from the contribution of another Member Nation.

proper provision of the Armed Forces placed by this Member Nation at the disposal of the Security Council.

CHAPTER IX

GENERAL LOCATION OF ARMED FORCES

ARTICLE 32

Accepted by the  
Chinese, U.K. and  
U.S. Delegations

Accepted by the  
French Delegation

Accepted by the  
U.S.S.R. Delegation

Armed Forces  
made available to the  
Security Council by  
Member Nations when  
not employed by the  
Security Council will,  
within the terms of  
Special Agreements  
referred to in Article  
43 of the Charter,  
be based at the dis-  
cretion of Member Nations  
in any territories or  
waters to which they  
have legal right  
of access.

When ~~they~~ are  
not employed by the  
Security Council, the  
Armed Forces which  
the Member Nation  
undertakes to make  
available to the  
Security Council, on  
its call, are stationed  
in the general locations  
governed by the Special  
Agreement or Agreements  
concluded between  
the Security Council  
and the Member Nation  
under Article 43 of  
the Charter:

- (1) either within  
the national  
borders of the  
Member Nation  
or the territories  
or waters under  
its jurisdiction;

Armed Forces  
made available to the  
Security Council by  
Member Nations of  
the United Nations  
shall be garrisoned  
within the  
frontiers of the  
contributing Member  
Nations' own  
territories or  
territorial waters,  
except in cases  
envisaged in  
Article 107 of the  
Charter.

(2) or within the  
territory or waters  
of ex-enemy nations  
under Article 107  
of the Charter or under  
the terms of the  
Peace Treaties;

(3) or within the  
territory or waters  
of other Nations  
where Armed Forces  
have access under  
international  
agreements registered  
with the United  
Nations Secretariat and  
published by it in  
accordance with  
Article 102 of the  
Charter;

(4) or in certain strategic  
areas specified by the  
Security Council and  
which have been the  
subject of specific  
agreements between the  
Security Council and the  
Member Nation under  
Articles 82 and 83 of  
the Charter.

ARTICLE 33

Accepted by the Chinese,  
French, U.K. and U.S.  
Delegations.

Not accepted by the  
U.S.S.R. Delegation

The locations of these  
Armed Forces should be so  
distributed geographically  
as to enable the Security  
Council to take prompt  
action in any part of the  
world for the maintenance  
or restoration of inter-  
national peace and security.

ARTICLE 34

Accepted by the Chinese,  
French, U.K. and U.S.  
Delegations.

Not accepted by the  
U.S.S.R. Delegation.

Any displacement of  
forces likely to modify  
their availability as  
governed by the Special  
Agreement or Agreements  
shall be brought to the  
notice of the Security  
Council.

ARTICLE 35

The Armed Forces made available to the Security Council  
by Member Nations of the United Nations, on its call, for the  
fulfillment of measures envisaged in Article 42 of the Charter  
will be based, during the carrying out of these measures, in  
areas designated by the Security Council.

CHAPTER X

STRATEGIC DIRECTION AND COMMAND OF ARMED FORCES

ARTICLE 36

The Armed Forces which Member Nations of the United Nations agree to make available to the Security Council shall be under the exclusive command of the respective contributing Nations, except when operating under the Security Council.

ARTICLE 37

When these forces are called upon for the fulfillment of measures envisaged in Article 42 of the Charter, they shall come under the control of the Security Council

Note: The word "control" is translated into French as "autorite" and into Russian as "подчинение".

ARTICLE 38

During the period these armed forces are employed by the Security Council, the Military Staff Committee shall be responsible, under the Security Council, for their strategic direction. The time and place at which the Military Staff Committee will assume or relinquish strategic direction will be designated by the Security Council.

ARTICLE 39

The command of national contingents will be exercised by Commanders appointed by the respective Member Nations. These contingents will retain their national character and will be subject at all times to the discipline and regulations in force in their own national armed forces.

ARTICLE 40

The Commanders of national contingents will be entitled to communicate directly with the authorities of their own country on all matters.



ARTICLE 41

Accepted by the Chinese  
U.S.S.R. and U.S.  
Delegations

Accepted by the French and  
U.K. Delegations.

An overall Commander or  
overall Commanders of Armed  
Forces made available to  
the Security Council may  
be appointed by the  
latter, on the advice of the  
Military Staff Committee,  
for the period of employment  
of these forces by the  
Security Council.

A supreme Commander or supreme  
Commanders of Armed Forces  
made available to the  
Security Council may be  
appointed by the latter,  
on the advice of the  
Military Staff Committee,  
for the period of employment  
of these forces by the  
Security Council.

Commanders-in-Chief  
of land, sea or air forces  
acting under the supreme  
Commander or Commanders  
mentioned above may be  
appointed by the Security  
Council on the advice of  
the Military Staff Committee

ANNEX "A"

POSITIONS OF THE DELEGATIONS OF THE  
MILITARY STAFF COMMITTEE ON THE ARTICLES OF THE  
GENERAL PRINCIPLES COVERING THE ORGANIZATION OF ARMED FORCES  
ON WHICH THE MILITARY STAFF COMMITTEE HAS NOT REACHED UNANIMITY

C O N T E N T S

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(Strategic Direction and Command of Armed Forces)

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### CHAPTER III

## OVERALL STRENGTH OF THE ARMED FORCES

### ARTICLE 7

#### Position of the Chinese Delegation

The Chinese Delegation accepts the Article because it considers that in determining the overall strength of the Armed Forces made available to the Security Council, both the requirements of the Security Council and the conditions of Member Nations concerned should be taken into account.

Regarding the principle of equality as proposed by the U.S.S.R. Delegation, see the Chinese position on Article 11.

#### Position of the French Delegation

See French position on Article 11 below.

#### Position of the U.S.S.R. Delegation

The U.S.S.R. Delegation conditionally accepts Article 7. The final acceptance of Article 7 by the U.S.S.R. Delegation will depend on the acceptance by the other Delegations of the principle of equality regarding the strength and composition of Armed Forces made available by the five Permanent Members of the Security Council as stated in the U.S.S.R. proposal on Article 11.

#### Position of the U.K. Delegation

The arguments of the U.K. Delegation against the principle of equality are contained in full in the U.K. position for Article 11.

#### Position of the U.S. Delegation

See the U.S. position on Article 11 below.

### ARTICLE 8

#### Position of the Chinese Delegation

The Chinese Delegation considers that since the Security Council has been entrusted, under Article 24 of the Charter, with

the responsibility for the maintenance of international peace, it is only logical that the Security Council should be given the authority to initiate proposals to change the overall strength of the Armed Forces in accordance with the prevailing international situation. Hence, this text is acceptable to the Chinese Delegation.

Regarding the principle of equality as proposed by the U.S.S.R. Delegation, see the Chinese position on Article 11.

Position of the French Delegation

See French position on Article 11 below.

Position of the U.S.S.R. Delegation

The U.S.S.R. Delegation conditionally accepts Article 8. The final acceptance of Article 8 by the Soviet Delegation will depend on the acceptance by the other Delegations of the principle of equality regarding the strength and composition of Armed Forces made available by the five Permanent Members of the Security Council as it stated in the U.S.S.R. proposal on Article 11.

Position of the U.K. Delegation

The arguments of the U.K. Delegation against the principle of equality are contained in full in the U.K. position for Article 11.

Position of the U.S. Delegation

See the U.S. position on Article 11 below.

CHAPTER IV

CONTRIBUTION OF ARMED FORCES BY MEMBER NATIONS

ARTICLE 11

Position of the Chinese Delegation

The Chinese Delegation feels that the spirit of the Charter emphasizes throughout above all else the importance of maintenance or restoration of international peace. It is with such an object in view that the Armed Forces are going to be organized. Hence, it seems to the Chinese Delegation that how these Armed Forces are organized matters less than the fact that the United Nations do have an effective police force that would be powerful enough to guard the peace.

The Chinese Delegation is by no means unaware of the fact that the Permanent Members of the Security Council in a sense share equal responsibility in maintaining international peace and security, and does not deny that it would be an ideal to make the contributions of the Permanent Members absolutely equal down to the smallest detail. On the other hand, however, the Military Staff Committee should not blind itself to the realities of the present situation. The military conditions of the Permanent Members differ widely from one another and the strengths of their three different Services, land, sea and air, are not of the same level. Hence, it seems to the Chinese Delegation that it would be highly inadvisable to allow scrupulous regard to an ideal impractical at least at the present stage to prejudice the efficiency and effectiveness of the international force, thereby weakening the guardian of universal peace.

For the above reasons, the Chinese Delegation prefers the text accepted by the four Delegations.

Position of the French Delegation

The French Delegation considers that contributions from Members of United Nations should be determined on the basis of the following principles:-

- A. With regard to the comparison between the contributions by each of the five Permanent Members, the French Delegation is in favour of equality of responsibility as well as equality of sacrifice and equality of rights among the five Permanent Members of the Security Council, but considers that it would be utopian to insist that each of them provide contributions equal in quantity and in quality.
- That is why the French Delegation proposes that the Armed Forces envisaged in the initial Special Agreements should be provided on the principle of equivalent contributions by the five Permanent Members of the Security Council. On this assumption, the French Delegation waives the obligation that the five Permanent Members should provide forces of identical composition with regard to land, sea and air components, and insists solely on a comparable overall strength of the contingents.

The French Delegation foresees, should the occasion arise to appreciably increase the overall strength of the United Nations Armed Forces, the provision by the five Permanent Members, to the extent of their capacity, of additional equivalent contributions, taking into account bases, assistance and facilities.

- B. With regard to the comparison of contributions by Permanent Members and by other Member Nations of United Nations, the French Delegation considers that.



in spirit, the Charter entrusts the five Permanent Members with the major portion of responsibilities. The proof of this can be found in two of its main provisions:

- i. Article 27 of the Charter requires the concurring votes of the five Permanent Members to adopt any decision by the Security Council on any question other than a matter of procedure.

The greater the responsibility, the greater should be the liabilities.

- ii. Article 106 of the Charter entrusts the five Permanent Members with the responsibility of maintaining international peace and security, pending the coming into force of Special Agreements referred to in Article 43 of the Charter.

As long as the Charter remains in force, without amendments, this main responsibility of the five Permanent Members will be the decisive factor of the system.

Moreover, the French Delegation considers that, in practice, the vast superiority of the Permanent Members, viewed from every angle (population, economic and financial strength, area of territories, geographical distribution of these territories), is such that the greater part of the Armed Forces of United Nations will always be provided by the five Permanent Members.

#### Position of the U.S.S.R. Delegation

The principle of equality in the contribution of armed forces by the five Permanent Members of the Security Council proposed by the U.S.S.R. Delegation is based on the provisions of the United Nations Charter which lay the main responsibility for the maintenance of international peace and security on those

States and that corresponds to their equal status in the Security Council.

The overall size of the armed forces made available to the Security Council will not be too large. Therefore the five States can make armed forces available on the principle of equality, that is they can contribute armed forces, land, sea and air, which would be equal in strength and composition. The principle of equality does not permit advantages in the position of any Permanent Member of the Security Council in the contribution of armed forces by that Member.

The principle of "comparable contributions" proposed by the other Delegations permits a situation when certain of the five States may, for instance, contribute the major portion of the Armed Forces chiefly in air forces, others chiefly in sea forces, and a third group chiefly in land forces, and so on. That would lead to advantages in the positions of certain States in the contribution of armed forces by these States and therefore would be in contradiction with the equal status of these States as Permanent Members of the Security Council.

#### Position of the U.K. Delegation

The U.K. Delegation considers that the existing variation in the size and composition of the three Services amongst the five Permanent Members of the Security Council must be a major consideration in determining their contributions to the United Nations Forces. It seems essential to maintain as far as possible equality of sacrifice amongst the five Permanent Members and at the same time ensure that the Security Council is provided with armed forces, from which it can select a balanced force for a specific operation.

In the opinion of the U.K. Delegation, a rigid rule of equality would not in practice be capable of implementation and in fact the proposal of the U.S.S.R. Delegation has had to recognize the need for deviations from such a principle. Furthermore by accepting deviations from this principle, an equality of sacrifice amongst the five Permanent Members would not necessarily be maintained. On the other hand, the U.K. Delegation considers that the principle of comparable overall contributions is the only realistic one, and that given goodwill, common sense and military knowledge it could be implemented among the Five Permanent Members of the Security Council without particular advantage to any specific Member. Thus the U.K. Delegation is firmly convinced that the principle of comparable overall contributions is the only practical one.

#### Position of the U.S. Delegation

The U.S. Delegation believes that the fundamental and dominant aim of the General Principles is the establishment and organization of effective United Nations Armed Forces. The contributions of all Member Nations will and should, in large measure, be based upon the capability and willingness of the Member Nations and the requirements of the Security Council. Every Member Nation should have the right to offer as its own contribution such forces as it considers reasonable and proper. Each Permanent Member should have the right to contribute armed forces equal to those contributed by any other Permanent Member, but these contributions should not be limited or restricted by this right. The Security Council will, of course, determine

the acceptability of contributions offered. It is desirable that these forces should result from contributions of the Permanent Members which are comparable or not greatly disproportionate in overall strength. However, no principle governing national contributions should jeopardize the all-important goal of effective United Nations Armed Forces.

The U.S.S.R. "Principle of Equality" is inconsistent with the goal of effective United Nations Armed Forces and with Article 9, and is, therefore, unacceptable to the United States. This principle has been interpreted by the U.S.S.R. Delegation to mean that each of the five Permanent Members of the Security Council must make available identical forces. The military power of each of the five Permanent Members does not rest on equal military forces or on equal services, land, sea and air, and probably never will. Hence, the Permanent Members should not be expected to provide equal forces. Under the "Principle of Equality" as defined by the U.S.S.R. Delegation, every component and every element of every component, contributed by the Permanent Members would be limited so that it must be equal in strength and composition to the weakest corresponding component or element provided by any Permanent Member.

It is recognized that the Soviet proposal provides that deviations from the Principle of Equality may be made by special decision of the Security Council. However, the U.S. Delegation believes that, if the goal of effective forces is to become a reality, the deviations would of necessity become the rule.

In the discussions leading to the formulation of this Article, there arose the question as to whether or not the Permanent Members of the Security Council should contribute, for

all time, the major portion of the Armed Forces made available to the Security Council. Certain Delegations indicated the belief that the major portion of these Armed Forces should always be provided by the Permanent Members of the Security Council. Whereas this concept is no longer implicit in the proposals for this Article, the U.S. Delegation nevertheless desires to state its position on this principle.

The U.S. Delegation agrees that the Permanent Members of the Security Council should contribute initially the major portion of the Armed Forces in order to facilitate the early establishment of these forces as indicated in Article 10. It may be that the contributions of the other nations will never overtake those of the five Permanent Members. However, the U.S. Delegation cannot agree that this condition necessarily will govern for all time. It may be that the collective capabilities of the members of the United Nations, other than the Permanent Members of the Security Council, might at some time in the future exceed the capabilities of the five Permanent Members of the Security Council, in which case, the U.S. Delegation conceives of no reasons why the contributions of those other Members of the United Nations should not exceed those of the Permanent Members of the Security Council.

Therefore, in recognition of the national interests of all Members of the United Nations, the U.S. Delegation is opposed to expressing as a permanent principle that the five Permanent Members would, for all time, contribute the major portion of the Armed Forces.

## ARTICLE 16

### Position of the Chinese Delegation

In view of the fact that the Air Force is essential to prompt military action, the Chinese Delegation believes that in determining the strength of national air force contributions of the Member Nations, the obligations arising out of Article 45 of the Charter should be taken into consideration. Hence, it prefers the text agreed upon by the four Delegations.

### Position of the French Delegation

The French Delegation considers that the responsibilities under Article 45 of the Charter should be taken into consideration at the time when the Special Agreements envisaged in Article 43 of the Charter will be negotiated. The French Delegation considers that the national contingents referred to in Article 45 of the Charter represent only a portion of the air forces made available to the Security Council, in fulfilling the terms of the Special Agreements to which reference is made above,

### Position of the U.S.S.R. Delegation

The General Principles for the Organization of the Armed Forces should refer to all the principal Services, land, sea, and air, and should be based on the provisions of Article 43 of the Charter.

The examination of Article 45 of the Charter can take place only after the completion of the study of Article 43 of the Charter and the conclusion of Special Agreements. After the conclusion of such Agreements, the Security Council, with the assistance of the Military Staff Committee, shall determine, under Article 45 of the Charter, what portion of the overall number of national air force contingents made available to the Security Council under the Agreements should be held

immediately available for the taking of urgent military measures in case of necessity.

The proposals of the other Delegations stated in Article 16 of the General Principles on the furnishing of national air force contributions concern Article 45 of the Charter, and therefore, for reasons stated above, these proposals cannot be justified.

Position of the U.K. Delegation

The U.K. Delegation does not agree with the U.S.S.R. Delegation that the provisions of Article 45 of the Charter should not be reflected in the General Principles, since in the opinion of the U.K. Delegation these provisions must be taken into consideration at the time when the Special Agreements envisaged in Article 43 of the Charter are negotiated.

Article 45 of the Charter deals with the strength and composition and the state of readiness of national air force contingents. In the opinion of the U.K. Delegation, any reference to these factors should be made separately under the appropriate Chapters of the General Principles.

The U.K. Delegation considers the implementation of Article 45 of the Charter would be carried out by the following processes:

- a. In determining the strength and composition of the total national air force contributions, the obligations arising from Article 45 of the Charter would be taken into account.
- b. The air force contingents for action envisaged in Article 45 of the Charter would be selected from amongst the national air force contributions made under Article 43 of the Charter.
- c. The Security Council, advised by the Military Staff Committee, would request Member Nations to maintain at a high degree of readiness the air force contingents selected for this purpose.

The U.K. Delegation considers that the proposal of the U.S.S.R. Delegation, being phrased in the exact wording of Article 45 of the Charter, does not give the full military interpretation of this Article.

Position of the U.S. Delegation

The U.S. Delegation interprets Article 45 of the Charter as making available to the Security Council specific contingents of national air force contributions for the special purpose of providing the United Nations with a means of taking urgent military measures. It will be necessary to establish these particular contingents as a part of the overall national air force contributions. This requirement will be a major consideration in determining the strength and composition of the national air force contributions. The U.S. Delegation considers it most appropriate to include, in the Chapter concerned with the principles governing national contributions under Article 43 of the Charter, an article which will ensure recognition of these obligations arising from Article 45 of the Charter.

The U.S.S.R. proposal in this Article deals only with the strength and composition of the specific air force contingents envisaged in Article 45 of the Charter. Whereas this limited consideration will be highly important at the time of the actual establishment of these contingents, it is not considered appropriate in the Chapter dealing with overall national contributions of armed forces.

ARTICLE 17

Position of the Chinese Delegation

The Chinese Delegation upholds this Article because of the following considerations:



1. It cannot be disputed that a Member Nation, when the existence of its legitimate government is threatened, should have the right to use for self-defense its armed forces made available to the Security Council.
2. Some internal disturbances might develop into world conflagrations. For example, an illegal act of force to overthrow a legitimate government might, if not checked immediately, endanger international peace and security. The use by a Member Nation of its armed forces made available to the Security Council in cases like these would be no more than an action designed to nip in the bud a disturbance of international peace, and as such is in perfect consonance with the purpose of the Armed Forces.
3. If in case of national emergency Member Nations are allowed to make use of the Armed Forces which they have made available to the Security Council, the total strength of the armed forces normally maintained in peacetime by some Member Nations may be somewhat reduced, and such possible reduction would be more in conformity with the universally desired ideal of world disarmament.
4. In addition to the cases mentioned above, the Chinese Delegation shares the view of the French Delegation that national emergency likewise covers cases of catastrophes such as floods, fires or others that call for immediate succor from the Armed Forces nearby.

Position of the French Delegation

The French Delegation considers that it would be impossible to employ large bodies of forces, required for operations, without a fairly accurate knowledge on the part of the organ responsible for strategic direction, of either the location of units constituting these forces and their state of readiness, or the date on which they would be moved in combat readiness, to a pre-determined location.

Armed Forces to be made available to the Security Council must, obviously, not deviate from this elementary strategic rule. We would be completely defenceless if Member Nations did not conform to this rule and if they contemplated the use, as they saw fit, of the forces they had ear-marked to be made available, on call, to the Security Council, until the day when these forces had been placed at the disposal of the Security Council. The French Delegation considers, therefore, that any move of these forces likely to modify their general location or the time limit of their intervention as stipulated by the Special Agreements, should be submitted for the approval of the Security Council. This represents, obviously, a certain surrender of sovereignty with which the French Government is ready to agree, if other Governments act likewise, in order to give to the desired system of security its full measure of effectiveness.

But the above cited provisions should acquire a measure of flexibility in certain cases of emergency when there would be insufficient time for the Security Council to give its consent. These are:-

- a. The case of self-defence, adequately covered by Article 51 of the Charter which consequently deserves, like all others, to be included in the body of our document insofar as its military implementation is concerned.

b. The case of national emergency by which is understood:

1. Serious natural cataclysms such as floods, fires, or extraordinary atmospheric occurrences, which might compel a Member Nation for a while to immediately make use of the Armed Forces nearest to the cataclysm, it being impossible to give the Security Council any advance notice. Those are all exceptional cases, but which should be envisaged.
2. National emergency likewise covers the case when the Government of a Member Nation, that is by definition, a democratic and legitimate government, whose legal powers and responsibilities to its people or its peoples are derived from its national constitution, would be threatened by a faction which would attempt to seize power by illegal means. It seems impossible not to recognize that this government has the same absolute right of self-defense against an armed aggression from within as that which is granted to it by Article 51 of the Charter against an armed aggression coming from without, and consequently, to employ all the necessary means, and, possibly, the Armed Forces which it intends to make available to the United Nations.

To deny this right would be contrary to all the provisions of Public Law in force in civilized nations. To deny such a possibility would be contrary to actual facts; to fail to envisage frankly the bearing it has on the employment of the Armed Forces to be made available to the Security Council would be not to fulfill adequately our duty to the Security Council.

Position of the U.S.S.R. Delegation

There is no necessity to include Article 17 in the General Principles since Article 51 of the Charter adequately protects the rights of Member Nations of the United Nations to use their armed forces for self defense in case of an armed attack.

The United Nations Charter does not give any statement on the cases of "emergencies" as set out in the proposal of the Chinese and French Delegations. The introduction of the idea of "an emergency" might give rise to such an interpretation of Article 51 of the Charter which might differ from its actual meaning.

The U.S.S.R. Delegation considers that the idea reflected in Article 51 of the Charter does not need any additional interpretation.

Position of the U.K. Delegation

The U.K. Delegation maintains that, in case of self-defense, the position of Member Nations is adequately safeguarded under Article 51 of the Charter. It is unable to agree to the inclusion of this Article in the General Principles for the following reasons:-

- (a) The United Nations Charter makes no specific provision for the release of a Member Nation from its obligations under the Charter in the event of a National Emergency.
- (b) It is impossible to define precisely the term "National Emergency"; its inclusion might therefore leave a loophole for Member Nations to evade their responsibilities.

The U.K. Delegation believes that if in the event of an emergency, not strictly within the terms of Article 51 of the Charter, a Member Nation was obliged to commit forces which

it had earmarked for the Security Council, that Member Nation should have no difficulty in justifying its action.

Position of the U.S. Delegation

The U.S. Delegation believes that cases of self-defense are adequately covered by Article 51 of the Charter. The term "national emergencies" is indefinite and is difficult to define. This Article, if adopted, presumably would permit a Member Nation in many cases not envisaged in the Charter to withhold armed forces it has agreed to make available to the Security Council on call. In fact the proposed Article would permit unilateral abrogation of an agreement by a Member Nation, since the other party to the treaty, the Security Council, would not have to be consulted. The U.S. Delegation considers that the Security Council and other Member Nations will recognize cases in which a Member Nation might be required to utilize all of its armed forces, including those made available to the Security Council, for the purpose of individual or collective self-defense if an armed attack from any source occurred against a Member Nation. The same would apply if extraordinary and temporary conditions within the domestic jurisdiction of the Member Nation required a nation to make use temporarily of its entire armed forces.

Therefore, the U.S. Delegation cannot agree to the inclusion of this Article in the General Principles.

CHAPTER V

EMPLOYMENT OF ARMED FORCES

ARTICLE 20

Position of the Chinese Delegation

The Chinese Delegation cannot accept the U.S.S.R. texts for Articles 20 and 21 because of the following considerations:-

- (1) After the Armed Forces have accomplished their task, they should be withdrawn to the "general location" which will be defined in the special agreements provided for in Article 43 of the Charter.
- (2) The time-limit for the withdrawal of the Armed Forces after operation cannot be predetermined. It should be determined by the Security Council according to the prevailing situation at the time.

Hence, the Chinese Delegation accepts the text as agreed upon by the four Delegations since the term "General Location" is consistent with Article 43 of the Charter and the time for withdrawal is left to the Security Council to decide.

Position of the French Delegation

The French Delegation considers that the best way to define the locations to which Armed Forces would be withdrawn would be by referring to the wording used in Paragraph 2 of Article 43 of the Charter. The troops shall be withdrawn to the "general locations" which will be defined in the Special Agreements provided for in Article 43 of the Charter.

Such a wording presents the advantage of avoiding any confusion and any differences of interpretation since this "general location" will be accurately defined in the Special

The French Delegation, whilst agreeing on the advantage that would accrue from the stating of a precise time-limit for the withdrawal of the Forces, is of the opinion, however, that it is practically impossible to determine such a time-limit in advance, either now or at the time of the conclusion of the Special Agreements, in view of the lack of knowledge of the conditions that would prevail at the conclusion of a determined operation.

The French Delegation considers, under these circumstances, that it would be sufficient to state that the Armed Forces should be withdrawn as soon as possible after the fulfillment of their task. The Member Nations would undertake to comply with the time-limits which would be fixed by the Security Council.

#### Position of the U.S.S.R. Delegation

The proposal of the U.S.S.R. Delegation with regard to the question of the withdrawal of Armed Forces of Member Nations after the fulfillment of measures undertaken under Article 42 of the Charter provides for concrete time-limits within which these Armed Forces should be withdrawn so that these forces would again be at the disposal of their Member Nations.

Indications in Special Agreements concluded in accordance with Article 43 of the Charter concerning the time-limits for the withdrawal of Armed Forces would serve as a guarantee to Member Nations that Armed Forces which they have made available would not be kept for a longer time than is required by the necessity for their employment by the Security Council.

Position of the U.K. Delegation

The U.K. Delegation considers that in the principle of withdrawal the following two facts should be established:-

- (a) that the Armed Forces after they have accomplished their task must be withdrawn to their general locations as governed by Special Agreements;
- (b) that the Security Council should determine the time-limit for their withdrawal.

The U.K. Delegation cannot accept the U.S.S.R. text because it considers that it establishes too rigidly the places to which Armed Forces may be withdrawn, and goes beyond the principles which the U.K. Delegation is prepared to accept under Chapter IX - General Location of Armed Forces.

With regard to the time-limit for withdrawal, the U.K. Delegation considers that it is impracticable now or even when Special Agreements are being drawn up to indicate the precise period in which Armed Forces must be withdrawn. It is essential to leave the determination of this time-limit to the Security Council, whose decisions will be taken according to the prevailing circumstances.

Position of the U.S. Delegation

The U.S. Delegation believes that Armed Forces should be withdrawn to the places specified in the Special Agreements, which places may well be other than a Nation's own national territories if the stationing of the Armed Forces in other areas is specified in the Special Agreements. If it is stated that the Armed Forces must return to the general location governed by the Special Agreement or Agreements under Article 43 of the Charter, these areas certainly will be satisfactory to the Security Council and to the Member Nations concerned.



This Article is in conformity with the principles of the United Nations as the wording is derived from the Charter. It is impossible, either now or at the time the Special Agreements are being negotiated, to set a time-limit for the withdrawal of Armed Forces, as this will depend on the prevailing situation in each case, which cannot be foreseen. The decision regarding the time-limit is a prerogative of the Security Council. The U.S. Delegation feels that the Military Staff Committee should not adopt any principle which might tend to place a restriction on this authority of the Security Council.

#### ARTICLE 21

##### Position of the Chinese Delegation

See the Chinese position on Article 20.

##### Position of the French Delegation

See the French position on Article 20 above.

##### Position of the U.S.S.R. Delegation

The principle set out in the proposal by the U.S.S.R. Delegation establishing the time-limit for the withdrawal of Armed Forces from the territories or territorial waters of Member Nations will serve as a guarantee for these Member Nations that Armed Forces of other Member Nations will be withdrawn from their territories and territorial waters within the established time-limit and that these forces would not be held for a longer time than is required by the necessity for the fulfillment of their tasks under Article 42 of the Charter.

The reduction of these time-limits would mean the elimination of extra difficulties for countries - Members of the United Nations in connection with the stationing of Armed Forces of other Member Nations in their territories beyond the required period.

Position of the U.K. Delegation

The U.K. Delegation cannot accept the U.S.S.R. text for this Article for the same reasons that it cannot accept the U.S.S.R. text for Article 20. The U.K. Delegation also considers the U.S.S.R. Article 21 is not necessary for the following reasons:-

- (a) A guarantee for the withdrawal of Armed Forces within a time to be decided by the Security Council has already been given in Article 20 accepted by the U.K. Delegation.
- (b) It is artificial and redundant to make a rigid distinction between the withdrawal from the territory of the aggressor nation or nations on the one hand and on the other hand from territory or territories in which facilities for the United Nations Armed Forces have been offered by Member Nations.
- (c) The whole process of withdrawal will be watched by the Security Council with the advice of the Military Staff Committee to ensure that it takes place as speedily as possible.

Position of the U.S. Delegation

The U.S. Delegation feels that the provisions of this Article are already cared for in Article 20, which is agreed to by four Delegations. The wording of Article 20 does not specify the territory from which the Armed Forces will withdraw but the wording includes not only the territory of a State which has violated the peace but also the territories of other Member Nations in which the Armed Forces may have been stationed for the purpose of carrying out their task.

## CHAPTER VI

### DEGREE OF READINESS OF ARMED FORCES

#### ARTICLE 25

##### Position of the Chinese Delegation

The Chinese Delegation is of the opinion that in view of the characteristics of the air arm, the principle of the Degree of Readiness would be incomplete without mention of the air force which is particularly dealt with by Article 45 of the Charter.

Hence, the Chinese Delegation believes that the part of the said Article in connection with the degree of readiness of the air force contingents should be given a separate Article, dealing with urgent military measures.

The Chinese Delegation prefers this to the U.S.S.R. text as its wording emphasizes the fact that the degree of readiness of these contingents should be such as to be able to cope with urgent military measures, and therefore it is more in conformity with the idea of immediate availability that is contained in Article 43 of the Charter.

##### Position of the French Delegation

The French Delegation, during the discussion on Article 16, indicated its position with regard to strength and composition of airforce contributions by Member Nations. The French Delegation considers that the degree of readiness of that portion of the airforces intended to carry out the measures envisaged in Article 45 of the Charter must be determined taking into account the obligations arising from this Article.

##### Position of the U.S.S.R. Delegation

The General Principles for the Organization of the Armed Forces should refer to all the principal Services, land, sea, and air, and should be based on the provisions of Article 43 of the Charter.

The examination of Article 45 can take place only after the completion of the study of Article 43 and the conclusion of Special Agreements. After the conclusion of such Agreements, the Security Council, with the assistance of the Military Staff Committee, shall determine, under Article 45, what portion of the overall number of national air force contingents made available to the Security Council under the Agreements should be held immediately available for the taking of urgent military measures in case of necessity.

The proposals of the other Delegations stated in Article 16 of the General Principles on the furnishing of national air force contributions concern Article 45 of the Charter, and therefore for reasons stated above, these proposals cannot be justified.

#### Position of the U.K. Delegation

For the reasons given in the position of the U.K. Delegation on Article 16, the U.K. Delegation considers that special reference should be made in Chapter VI to the degree of readiness of national air force contingents in accordance with the provisions of Article 45 of the Charter.

#### Position of the U.S. Delegation

As previously stated under Article 16, the U.S. Delegation interprets Article 45 of the Charter as an agreement on the part of the Member Nations to hold immediately available to the Security Council specific contingents of their national air force contributions in order to enable the United Nations to take urgent military measures. Implicit in this Article of the Charter is the immediate availability of these particular contingents, as distinguished from the state of readiness which would govern the remainder of the national air force contributions. The U.S. Delegation

considers it essential that a clear distinction be made as to the special degree of readiness required of the air force contingents provided by Article 45 of the Charter. The U.S. Delegation considers that this distinction is appropriately made in the Chapter dealing with the state of readiness of armed forces.

The proposal by the U.S.S.R. Delegation in this Article fails to distinguish clearly the special state of readiness required of the air force contingents under Article 45 of the Charter. Neither does the U.S.S.R. proposal properly recognize the immediate availability of those contingents as essential in meeting the urgency of the military measures envisaged in Article 45 of the Charter.

CHAPTER VII

PROVISION OF ASSISTANCE AND FACILITIES,  
INCLUDING RIGHTS OF PASSAGE, FOR ARMED FORCES

ARTICLE 26

Position of the Chinese Delegation

The Chinese Delegation believes that bases should be mentioned in the General Principles for two reasons:

- (1) The term "bases" is implied in the meaning of the term "assistance and facilities" in Article 43 of the Charter, according to the interpretation of the Chinese Delegation.
- (2) Land, sea and air bases are essential in modern operations.

Further, the Chinese Delegation accepts this text because it embodies the following points:

- (1) It gives a general guarantee to furnish available bases and rights of passage, thereby operating as a legal basis on which relevant special agreements in accordance with Article 43 of the Charter are made.
- (2) It has more flexibility because it covers both cases in which Member Nations would like to list bases in the original agreement and in which they would not.
- (3) It provides for requirements of changing world conditions in accordance with which, subsequent agreements dealing with all details of bases and other assistance and facilities, including rights of passage, may be more appropriately entered into.

Position of the French Delegation

The French Delegation considers that bases are a vitally important factor in the employment of armed forces.

It therefore feels that it is impossible to omit mention of this question in the General Principles.

With regard to the substance of Article 26, the French Delegation considers that:-

1. The Special Agreements should list the bases placed at the disposal of the Security Council by Member Nations.

The Charter does not impose the obligation on Member Nations to place at the disposal of the Security Council their total resources and, particularly, all of their bases. Article 43 of the Charter stipulates that Member Nations of the United Nations undertake to make available to the Security Council, in accordance with a special agreement or special agreements, armed forces, assistance and facilities required for the maintenance of international peace and security.

Member Nations should, obviously, have an exact knowledge of bases which they should maintain in a state of preparedness, in order not to dissipate their efforts. If the bases were not listed in the special agreements, it would be essential to conclude specific agreements at the time of an emergency and the negotiation of such agreements would entail a loss of time which would be to the aggressor's advantage.

However, in the event that the above-mentioned bases, assistance and facilities will prove insufficient for the conduct of operations in a given zone, a guarantee will be given to the Security Council that it will be able to obtain such bases, assistance and facilities which it finds indispensable, in additional special agreements to be concluded with the Member Nations.

The French proposal is consistent with the spirit of Chapter II (Composition of the Armed Forces). All Delegations have, indeed, considered at the time of the consideration of this Chapter, that the overall strength of the United Nations Armed

Forces should be limited to a size necessary to carry out successfully measures ordered by the Security Council.

Obviously, such a consideration applies to bases and facilities as well as to Armed Forces themselves.

2. The special agreements should not contain detailed provisions with regard to assistance and facilities granted by the Member Nations. The provisions concerning the duration and other conditions in the exercise of rights thus granted to Armed Forces operating under the direction of the Security Council should be included in specific agreements concluded at the appropriate time.

#### Position of the U.S.S.R. Delegation

Article 43 of the Charter obliges Member Nations to make available Armed Forces, assistance and facilities including rights of passage to the Security Council, but this Article does not contain provisions obliging Member Nations to make bases available. The U.S.S.R. Delegation considers that the question of the provision of bases by Member Nations of the United Nations is not connected with the General Principles.

#### Position of the U.K. Delegation

In the opinion of the U.K. Delegation, this Article should include:-

(a) A general guarantee to furnish available bases and rights of passage,

and

(b) A provision that details regarding bases and other assistance and facilities, including rights of passage, should be included either in the original agreement or in subsequent agreements to be concluded at the appropriate time.



The U.K. Delegation cannot accept the view of the U.S.S.R. Delegation that the question of provision of bases should not be included in General Principles because bases are not mentioned specifically in Article 43 of the Charter. In the opinion of the U.K. Delegation, the ability of the United Nations Forces to use bases of Member Nations under agreed conditions is one of the essential facilities referred to in Article 43 of the Charter "as necessary for the maintenance of international peace and security", since the United Nations Force would be incapable of effective action unless assured of such facilities.

The U.K. Delegation also cannot accept the proposal of the French Delegation because it envisages an obligation to indicate, in the original agreements, assistance, facilities including right of passage and bases.

Since the assessment of the full requirements of the United Nations Force can only be studied in detail in the light of a specific situation, the U.K. Delegation considers that the original agreements under Article 43 of the Charter should contain a general guarantee with regard to rights of passage and bases but that specific details and conditions of provision could be left to subsequent agreements made at the appropriate time.

#### Position of the U.S. Delegation

The initial special agreements between the Security Council and Member Nations, under Article 43 of the Charter, should include general guarantees providing for rights of passage and for the use of available bases required by the United Nations Armed Forces. This is necessary in order that the Security Council may have the freedom of action in planning for the employment of Armed Forces resulting from assurance as to the availability of existing bases. The

guarantee in sub-paragraph a of Article 26, refers only to available bases and does not require a nation to produce any facility which it does not normally have. Any such additional facilities would be covered in sub-paragraph b regarding specific provisions.

Details regarding the providing of assistance, facilities and rights of passage, including lists of specific bases, may be specified either in the original agreements or in subsequent agreements, concluded at the appropriate time. Such subsequent agreements may be necessary from time to time as world conditions change. The U.S. Delegation emphasizes the fact that all such agreements, including the subsequent agreements, will be made under Article 43 of the Charter. The Security Council must be assured of the use of available bases of Member Nations by a general guarantee in the initial agreements.

The U.S. Delegation not only considers that bases are included in the term "assistance and facilities" but also considers that bases constitute the major element of this term. Minor elements would be such as communications facilities, weather services, and the like. Therefore, the U.S. Delegation believes that this major element should be clearly and specifically stated in the principle governing assistance and facilities.

#### ARTICLE 27

##### Position of the Chinese Delegation

The Chinese Delegation believes that it is necessary to have an article dealing with the sovereignty of bases and other facilities that are made available to the Security Council. This article accepted by the Chinese Delegation recognizes the right of a Member Nation to retain its sovereignty, command and control over bases and other facilities that it has placed at the disposal of the Security Council.

Position of the French Delegation

The French Delegation considers that it is necessary to introduce this Article in the document on General Principles because it considers that the preservation of national sovereignty is indispensable if it is desired that Member Nations agree to place bases and other facilities at the disposal of the Security Council.

Position of the U.S.S.R. Delegation

The U.S.S.R. Delegation cannot agree to accept Article 27 for the reasons set out in its position on Article 26.

Position of the U.K. Delegation

The U.K. Delegation supports this Article because it considers it necessary to safeguard the overall rights of sovereignty and control of a Member Nation when it places bases and other facilities at the disposal of the Security Council.

Position of the U.S. Delegation

The U.S. Delegation considers that it is important that each Member Nation is assured that it retains its sovereignty, control, and command over bases and other facilities placed at the disposal of the Security Council and that it is essential that this Article be included in the General Principles.

ARTICLE 28

Position of the Chinese Delegation

In view of the fact that facilities and assistance play an important part in operations, their value should be taken into account by the Security Council, on the advice of the Military Staff Committee, when additional contributions

from the Permanent Members of the Security Council are requested in connection with an enforcement action under Chapter VII of the Charter.

Position of the French Delegation

The French Delegation had already taken a position by accepting Article 8 (Chapter III, Overall Strength of Armed Forces) on the possibility of a considerable increase of the initial contributions provided by Member Nations, should the situation demand it.

It is obvious that the principle of equivalent contributions of Armed Forces might be applied when a comparatively small force is concerned. But the vastly different resources of the five Permanent Members of the Security Council do not allow them to adhere to the same principle, should the extent of these contributions be very appreciably increased.

For this reason, the French Delegation considers that the equivalence of possible additional contributions among the Permanent Members of the Security Council could only be arrived at taking into account together armed forces, bases, assistance and facilities.

Position of the U.S.S.R. Delegation

The U.S.S.R. Delegation cannot accept Article 28 since it does not take into account the Principle of Equality in the Contribution of Armed Forces by the Permanent Members of the Security Council as set out in its proposal for Article 11 of the General Principles.

Position of the U.K. Delegation

The U.K. Delegation has recommended in Article 26 that a Member Nation should give a general guarantee to provide available bases as required by the Security Council but realises that it is not practicable to estimate the value of bases and other facilities when assessing the initial contributions of the Five Permanent Members of the Security Council. The U.K. Delegation however considers that their value should be taken into account if and when additional contributions are requested by the Security Council when a specific operation is under consideration, in order to apportion the burden amongst the Five Permanent Members of the Security Council as equitably as possible.

Position of the U.S. Delegation

The U.S. Delegation is in agreement with the principle that assistance and facilities should be taken into account when assessing the contributions of all Member Nations. However, the U.S. Delegation is not aware of a practical method of accomplishing this until such time as the actual need for specific assistance and facilities would arise when enforcement action is either under consideration or taken by the Security Council. The Article to which the U.S. Delegation has agreed states this principle adequately.

CHAPTER VIII

LOGISTICAL SUPPORT OF ARMED FORCES

ARTICLE 31

Position of the Chinese Delegation

The Chinese Delegation feels that Article 49 of the Charter emphasizes the importance of mutual assistance by Member Nations in the execution of measures designed for the purpose of maintaining universal peace. It seems to the Chinese Delegation that in view of the destructiveness of modern warfare, it is more than probable that some Member Nations may be incapacitated in continuing to supply their troops adequately in operations. When such exigencies occur it is only reasonable that both the Security Council and other Member Nations should do all in their power to succor such unfortunate fellow members in the interest of international peace. It is with such an object in view that this Article is framed. Moreover, the Chinese Delegation believes that the Article ought to be so worded as to give a more definite method of procedure in rendering such mutual assistance.

Hence, the Chinese Delegation accepts the text as agreed upon by the three Delegations.

Position of the French Delegation

The French Delegation considers that the rules set out in Articles 29 and 30 should be rendered more flexible by introducing a paragraph providing for the inability of a Member Nation to fulfill its obligations.

The French Delegation considers it unreasonable to extend this assistance to the defaulting Nation by also providing it with reserves of personnel. Numerous disadvantages would follow and in particular the loss of the national character of contingents made available to the Security Council by Member Nations.

For these reasons the French Delegation prefers the statement of a broad principle, which would leave the Security Council, after it had been notified by a Member Nation, the full initiative of solving on the advice of the Military Staff Committee any special problems which might arise by the default of a Member Nation.

The text favored by the French Delegation appears to express in a satisfactory manner the role of the Security Council in such a case.

#### Position of the U.S.S.R. Delegation

Article 13 of the General Principles states that no Member Nation of the United Nations shall be urged to increase its armed forces for the specific purpose of placing a contribution at the disposal of the Security Council. The Security Council shall also not demand of a Member Nation to make armed forces available of a size which that Member Nation would not be in a position to furnish. Therefore, it is inadvisable to mention beforehand in the General Principles the "inability" of a Member Nation to provide the armed forces which that Member Nation has made available with everything necessary.

The proposal of the U.S.S.R. Delegation makes it possible in individual instances for a Member Nation to request the Security Council for assistance regarding the provision of that Member Nation with supplies and transport of which he is deficient. Such assistance may be rendered by special decision of the Security Council if that Member Nation expresses such a desire.

#### Position of the U.K. Delegation

All Delegations recognize the possibility that any Member Nation may, for reasons beyond its control, require assistance in order to maintain the effectiveness of its contributions to the United Nations Armed Forces. It is logical therefore, that principles should be established to cover such circumstances.

The U.K. Delegation considers that on receipt of a request for assistance by a Member Nation, the Security Council, with the advice of the Military Staff Committee, would decide whether the application was justifiable and, if so, to what extent assistance should be provided. Following a decision to assist the applicant, the Security Council, being itself unable to provide material assistance, would normally help the Member Nation by acting as initiator and intermediary in negotiations with other Member Nations, or, in certain circumstances, by concluding agreements with appropriate Member Nations.

At the same time the U.K. Delegation also recognizes that the integrity of a Member Nation's contribution should not be disturbed without the free consent of the Member Nation.

The U.K. Delegation considers that the Article accepted by the Chinese and U.S. Delegations incorporates all the above principles, whereas the Article accepted by the French and U.S.S.R. Delegations does not indicate the responsibilities of the Security Council following a decision to provide such assistance as it has deemed necessary.

#### Position of the U.S. Delegation

The U.S. Delegation believes that cases of a Member Nation's inability to discharge its responsibilities under Article 29 must be provided for. It might be, for example, that during the time a Member Nation has armed forces operating under the Security Council, that Nation may be over-run by hostile forces or may suffer severe damage to its industries. Such a condition might make it impossible for that Nation to continue to furnish supplies to its contingents in the United Nations Armed Forces. The Article agreed to by the U.S.



Delegation is intended to provide for such a condition.

The U.S. Delegation particularly stresses the importance of the second sentence of the Article agreed to by the Chinese, U.K. and U.S. Delegations. This sentence serves to protect the tactical integrity of units of armed forces made available to the Security Council. There must be assurance that such units will not be unbalanced by any transfer from the contributions of one Member Nation to make up deficiencies in the contributions of another Member Nation without the agreement of the Member Nations concerned.

The proposal of the U.S.S.R. Delegation provides for deviations from Article 29 by special decisions of the Security Council, but does not provide for the agreement of the Member Nation furnishing the assistance, and is therefore unacceptable to the U.S. Delegation.

CHAPTER IX

GENERAL LOCATION OF ARMED FORCES

ARTICLE 32

Position of the Chinese Delegation

The Chinese Delegation considers that the object of the Armed Forces made available to the Security Council is to maintain or restore international peace. This fact should be kept constantly in mind when the "general location" of such Forces is considered. Generally speaking, therefore, these Forces should be so located that prompt action could be taken by the Security Council in the interest of peace. It follows that the Security Council will have a wider choice of locations for these Armed Forces to achieve this purpose if Member Nations are allowed to base their Armed Forces made available to the Security Council in places where they have legal right of access. Hence, the U.S.S.R. proposal is unacceptable as its interpretation of the term "general location" is too restrictive, and, therefore, prejudicial to the effective functioning of the Armed Forces. Further, it is the belief of the Chinese Delegation that the phrase "any territories or waters to which they have legal right of access" in the text is more all-embracing and already inclusive of the list of possible locations as suggested by the French Delegation.

Finally, since the Military Staff Committee has agreed that Armed Forces made available to the Security Council are from the units which form an integral part of the armed forces of Member Nations (Article 3, General Principles) and are under the "exclusive command" of the contributing Nations when not employed by the Security Council (Article 36, General Principles), and since Article 51 of the Charter recognizes the "inherent right" of self-defence in case of an armed attack, it seems logical to the Chinese Delegation that Member Nations should have the right to exercise

"discretion", within the terms of Special Agreements under Article 43 of the Charter, in the choice of locations for these Forces.

For the above reasons, the Chinese Delegation accepts the texts for Articles 32 and 33.

#### Position of the French Delegation

The French Delegation cannot accept either the U.S.S.R. proposal or the proposal supported by the U.S., U.K. and Chinese Delegations.

In the opinion of the French Delegation, the U.S.S.R. proposal is much too restrictive. It takes into consideration the legal and geographical point of view of the U.S.S.R. only, which is territorially and constitutionally united, and the provision of Article 107 of the Charter only, relative to the occupation of ex-enemy territories, to the exclusion of other Articles of the Charter dealing with similar measures, such as Articles 102, 82 or 83. It does not in any way take into consideration the entirely different geographic and legal factors of other federations as, for example, the French Union, in which are associated under various juridical acts - Metropolitan France, its Departments and territories overseas, its associated territories and States geographically spread out throughout the world. In limiting their stationing only in their national territories, the U.S.S.R. proposal also does not take into account the absolute necessity for the strategic world distribution of Armed Forces to be made available to the United Nations, if it is desired that their intervention be speedy and consequently effective.

In the opinion of the French Delegation, the proposal supported by the U.S., U.K. and Chinese Delegations is not sufficiently explicit. The expression "right of legal access"

might lead both to misunderstanding and to possible suspicion. This could have been the case before the existence of the United Nations Charter, which deals, in Articles 82 - 83, 102 and 107, with the legal conditions of occupation of territories outside national boundaries. It appears to the French Delegation not only appropriate but indispensable to refer to them.

#### Position of the U.S.S.R. Delegation

Proposals of other Delegations on the general location set out in Articles 32 and 33 of the General Principles permit the stationing of armed forces of Member Nations which they make available to the Security Council in any territories or waters to which they have the "legal right" of access. Such a principle of location of Armed Forces made available to the Security Council cannot be justified by the interests of maintenance of peace and development of friendly relations among countries. Moreover, experience has shown that the presence of foreign troops on territories of other Member Nations without sufficient grounds does not facilitate the strengthening of international peace and the development of good neighborly relations among states. On the contrary, it gives rise to a feeling of anxiety among Member Nations for their national independence. It is for these reasons that the proposal by the U.S.S.R. Delegation in Article 32 provides for the garrisoning of Armed Forces only in their own territories or territorial waters.

Regarding the stationing of Armed Forces of Member Nations during the fulfillment of measures under Article 42 of the Charter, it will be carried out under the direction of the Security Council and that is spoken of in Article 35 of the General Principles.

#### Position of the U.K. Delegation

The U.K. Delegation considers that, provided a Member Nation's Armed Forces, when not employed by the Security Council,

are located or based in the territories or waters to which the Member Nation has legal right of access, there can be no valid objection on the part of any other Member Nation. The U.K. Delegation therefore cannot accept the rigid interpretation contained in the Soviet proposal.

The U.K. Delegation also objects to the French proposal since it attempts to define in detail the "legal right of access", which is not the task of the Military Staff Committee.

#### Position of the U.S. Delegation

The U.S. Delegation believes that it is essential to the effectiveness of the Armed Forces that they may be based wherever the Member Nation has the legal right of access. The General Principles governing the location of the Armed Forces should be broad and general. The U.S. Delegation does not agree that a special list of authorized locations should be included. Such a list of locations might form part of the Special Agreements under Article 43 of the Charter, but would be out of place in the General Principles, consequently, the U.S. Delegation does not agree with the French Article.

The U.S.S.R. Article restricts the locations where a nation can station its armed forces in time of peace. The U.S. Delegation cannot agree to the incorporation in the General Principles of any restriction upon the legal right which a nation may have to base forces in areas other than its own national territories and consequently cannot accept the U.S.S.R. proposal.

#### ARTICLE 33

##### Position of the Chinese Delegation

See Chinese position on Article 32.

##### Position of the French Delegation

The French Delegation considers that an appropriate geographical distribution of Armed Forces made available to the

Security Council will enable the latter to undertake prompt action in any part of the world. Such a provision will undoubtedly increase the efficiency of the United Nations Armed Forces.

#### Position of the U.S.S.R. Delegation

Proposals of other Delegations on the general location set out in Articles 32 and 33 of the General Principles permit the stationing of armed forces of Member Nations which they make available to the Security Council in any territories or waters to which they have the "legal right" of access. Such a principle of location of Armed Forces made available to the Security Council cannot be justified by the interests of maintenance of peace and development of friendly relations among countries. Moreover, experience has shown that the presence of foreign troops on the territories of other Member Nations without sufficient grounds does not facilitate the strengthening of international peace and the development of good neighborly relations among states. On the contrary, it gives rise to a feeling of anxiety among Member Nations for their national independence. It is for these reasons that the proposal by the U.S.S.R. Delegation in Article 32 provides for the garrisoning of Armed Forces only in their own territories or territorial waters.

Regarding the stationing of Armed Forces of Member Nations during the fulfillment of measures under Article 42 of the Charter, it will be carried out under the direction of the Security Council and that is spoken of in Article 35 of the General Principles.

#### Position of the U.K. Delegation

The U.K. Delegation has accepted this paragraph since it will provide useful guidance to the Security Council and the

Military Staff Committee when assessing the overall strength of the armed forces and when drawing up the Special Agreements under Article 43 of the Charter.

Position of the U.S. Delegation

The U.S. Delegation believes that it is necessary that the locations of the United Nations Armed Forces should be so distributed geographically that the Security Council can take prompt action in any part of the world. All Delegations have approved a wording similar to this Article in Article 6 relating to Overall Strength. Both factors of Strength and Location are equally important in enabling the Security Council to initiate action promptly, and therefore the U.S. Delegation considers the inclusion of this Article essential.

ARTICLE 34

Position of the Chinese Delegation

The object of the Article on "General Location" is to enable the Security Council to know when and where the Armed Forces are available so that plans of operations could be accordingly made when action is considered desirable. It follows, therefore, that any displacement of these Forces that modifies their availability as specified by Special Agreements under Article 43 of the Charter should be brought to the notice of the Security Council. For the above reasons, the Chinese Delegation accepts this text.

Position of the French Delegation

The French Delegation had specified the reasons for the inclusion of such a special Article dealing with movements of Forces, likely to change their delay in intervention, when stating its position with regard to Article 17 above.

Position of the U.S.S.R. Delegation

The proposal of the other Delegations provides that Member Nations which have made their Armed Forces available to the Security Council should inform the Security Council of any displacement of these forces which might change their availability.

The proposal of the U.S.S.R. Delegation on Article 32 permits the stationing of Armed Forces made available by Member Nations only within the limits of their own territories or territorial waters with the exception of cases envisaged in Article 107 of the Charter. Within those territories Armed Forces of Member Nations have the full right to change the areas of their garrisoning at the discretion of the Member Nations without informing the Security Council of such changes.

Position of the U.K. Delegation

The availability of contributions of Member Nations includes two elements, namely, the time taken to mobilize and the time taken to concentrate in a given area. The U.K. Delegation considers that a Member Nation will undertake to produce its contributions, when called for by the Security Council within a given time. The U.K. Delegation recognizes that a Member Nation will from time to time wish to make changes in location of its forces made available to the Security Council. When such changes affect the time taken to concentrate, the U.K. Delegation considers that the Member Nation should be under an obligation to inform the Security Council immediately.

Although it may be held that such an obligation would exist under the Special Agreements, Article 34 emphasizes this requirement and the U.K. Delegation therefore favors inclusion of this Article.



Position of the U.S. Delegation

The U.S. Delegation is of the opinion that customary international procedure requires a nation which is a party to a treaty or agreement to notify promptly other signatories to the instrument when that nation is unable to comply fully with the terms of the treaty or agreement. For this reason the U.S. Delegation does not consider that Article 3<sup>4</sup> is essential.

However, since several Delegations have expressed the view that this Article is needed to insure that the Security Council will be informed of any change in the availability of a Member Nation's contribution of Armed Forces, the U.S. Delegation has no objection to the inclusion of Article 3<sup>4</sup> in the General Principles.

## CHAPTER X

### STRATEGIC DIRECTION AND COMMAND OF ARMED FORCES

#### ARTICLE 41

##### Position of the Chinese Delegation

The Chinese Delegation considers either the word "supreme" or the word "overall" acceptable. Further, it is the opinion of the Chinese Delegation that while it is desirable to have an Article dealing in a general way with the supreme command of the Armed Forces, it is premature to lay down the chain of command in detail. The text agreed to by the Chinese Delegation is adequate enough as a statement of a general principle since it covers the cases of Overall Commanders of different theatres of operations.

##### Position of the French Delegation

The French Delegation considers that the experience gained in the last war with regard to the organization of Command, should not be ignored in the General Principles governing the organization of the Armed Forces.

Actually, the problems which confronted the Allied Governments at that time are of a similar character to those which will have to be solved by the United Nations in the near future. It would therefore appear profitable to bring to the attention of the Security Council the advisability of adopting a procedure which, from the point of view of the French Delegation, has given proof of its value.

The French Delegation likewise considers it essential that it be clearly stated in the text of the Article that Commands will be delegated by the Security Council on the advice of the Military Staff Committee. Indeed, only an international authority, with the advice

of a technical body, has both governmental and military knowledge as well as the impartiality required to make such decisions.

It seems impossible to the French Delegation to uphold in the face of public opinion a procedure which would invest the Supreme Commander of an operational theatre, whatever may be his authority and capabilities, with the authority of personally nominating the Commander-in-Chief of the land, sea and air forces which will come under his command. It would be difficult to reconcile such an eventuality with the international character which should be retained, from the French point of view, both by the Armed Forces made available to the Security Council as well as to the Command of these Forces.

#### Position of the U.S.S.R. Delegation

In the view of the U.S.S.R. Delegation at the present stage of the study of Article 43 of the Charter from the military point of view, it is sufficient to provide for in the General Principles that the Security Council on the advice of the Military Staff Committee may appoint an overall Commander or overall Commanders of Armed Forces made available to the Security Council. A detailed study of the questions of Organization of Command can take place at a later stage.

#### Position of the U.K. Delegation

The U.K. Delegation considers that provision should be made for the appointment by the Security Council of a Supreme Commander of Armed Forces made available to the Security Council or Supreme Commanders should there be more than one theatre of operations.

In addition, the U.K. Delegation considers that circumstances may also require the appointment of Commanders-in-Chief of Land, Sea or Air Forces acting under the Supreme Commander or Commanders and that the provisions of Article 41 should make this possibility clear.

The fact that Article 41 provides for these Commanders does not make their actual appointment mandatory, neither does it anticipate the ultimate structure of command which may be set up to meet a particular situation. The U.K. Delegation, however, considers it essential to state in the General Principles that the Security Council has the power to appoint Supreme Commanders or Commanders-in-Chief without prejudice to the provisions of Article 47 of the Charter.

#### Position of the U.S. Delegation

The U.S. Delegation believes that the designation of the Commanders for a specific operation under the Security Council cannot be subject to rigidly established criteria. It is sound from the military point of view, and in accordance with the provisions of the Charter, that the Security Council, with the assistance of the Military Staff Committee, should be empowered to appoint the Overall Commander for such an operation. However, additional fixed rules concerning the actual number of component Commanders to be appointed by the Security Council might be detrimental to the formation of an efficient Command echelon.

The operation in hand might be one which did not employ all the components of forces, land, sea, and air, made available to

the Security Council; or simultaneous operations in different regions might present altogether different command situations. It might be desirable at the time to follow the procedure as set out in the wording accepted by the French and U.K. Delegations or it might be more desirable for a component Commander to be designated by the Overall Commander. It is impractical to prejudge all situations which might arise, and to formulate exact and inflexible rules for their solution.

For these reasons, the U.S. Delegation believes that the method of designation of Commanders of mixed contingents of forces made available to the Security Council, other than the overall Commander, must be resolved when the occasion arises. Therefore, the U.S. Delegation adheres to the wording of this Article accepted by the Chinese, U.S.S.R. and U.S. Delegations.

With regard to the minor divergence in wording between the respective first paragraphs of this Article, the U.S. Delegation is agreeable to the use of either wording, "overall commander(s)" or "supreme commander(s)".

ANNEX "B"

GENERAL COMMENTS BY THE FRENCH DELEGATION

The French Military Delegation considers that the Principles of Organization of the Armed Forces to be made available to the United Nations have been formulated in the spirit of the Charter of the United Nations in that, in the opinion of the French Military Delegation, they imply unanimity among the five Permanent Members of the Security Council regarding the employment of these Forces. Although the security system which will emerge from those Principles may be strictly limited in its objective and in its means, the French Military Delegation considers that it is not without a positive value for the collective security, because conflicts would thus be confined to their original source and consequently their expansion prevented.

The French Military Delegation considers that some of the Principles of Organization tend to limit the strength of the Armed Forces made available to the Security Council. The French Military Delegation deliberately approved these Principles, thus anticipating in particular the results which would follow with regard to disarmament, and which would endow the Armed Forces made available to the Security Council with a relatively more important position in the entire existing modern armed forces.

It was also considered that "the moral weight and the potential power behind any decision to employ the Armed Forces made available to the Security Council by Member Nations of the United Nations in enforcement action will be very great and this fact will directly influence the size of the Armed Forces required".

In the course of its work the Military Staff Committee did not consider it appropriate to tackle certain problems of a politico-military character, the solutions of which are, however, considered as indispensable by the French Military Delegation. Indeed, on their solution rests all hope of the effectiveness of Armed Forces to be raised by implementing the General Principles which are the subject of this Report. It follows that the two major problems of determining the aggressor and the setting in motion of measures, taken in pursuance of Articles 41 and 42 of the Charter, must, in the opinion of the French Military Delegation, be solved before any action by the Armed Forces made available to the Security Council can be contemplated.

From a purely military viewpoint, the factor of speed in the setting in motion of these measures is imperative for the success of the action undertaken. The chances of successful intervention will be relatively all the greater in that the comparable strength of the Forces weighs more heavily in favor of the United Nations. Therefore, the French Military Delegation considers that it is of paramount importance that action by the Security Council should be swift and energetic, and with this object in view:

1. The determination of the aggressor must be decided as soon as possible.
2. Economic and political actions envisaged in Articles 40 and 41 of the Charter must be so combined as to prepare and support the military intervention which might ensue.
3. The plans drawn up by the Security Council for the employment of the Armed Forces must provide for the immediate enforcement of measures envisaged in Article 42 of the Charter and may thus prevent any aggression.

In the opinion of the French Military Delegation only under these conditions will it be possible for the Security Council to take really effective measures which will enable it to maintain or restore international peace and security.

Furthermore, the French Military Delegation notes that one of the important problems which the Military Staff Committee did not consider came within its province is the financial problem raised as to the manner of settling the expenses devolving on Member Nations in carrying out the directives of the Security Council. The solution of this problem by the Security Council will undoubtedly have a bearing on the importance of the contribution which each Nation will agree to provide to the Security Council.

The solutions of the problems aforementioned, should, from the viewpoint of the French Military Delegation, be undertaken immediately in order that the negotiation of Special Agreements envisaged in Article 43 of the Charter be commenced.

