

United Nations

Nations Unies

**SECURITY
COUNCIL**

**CONSEIL
DE SECURITE**

RESTRICTED
S/187
28 October 1946
Original: French

LETTER FROM THE CHAIRMAN OF THE MILITARY STAFF COMMITTEE
TO THE PRESIDENT OF THE SECURITY COUNCIL REGARDING QUES-
TIONS RAISED BY THE COMMITTEE OF EXPERTS IN THE COURSE OF
ITS STUDY OF DOCUMENT S/115

10 October, 1946.

Sir,

In reply to your letter of 20 September 1946, I have the honour to send you the replies of the Military Staff Committee to the questions submitted by the Committee of Experts of the Security Council.

The Military Staff Committee decided to nominate the Chairman of the Sub-Committee instructed with the study of the Statute and of the Rules of Procedure of the Military Staff Committee, accompanied by an officer from each of the other national Delegations, as suggested in your letter of 10 September 1946, to be present at meetings of the Committee of Experts, on each occasion that the necessity arises and if the Committee of Experts considers it necessary to comment on the replies which have been drafted and approved by the Military Staff Committee.

Please accept, Sir, the assurance of my high esteem.

(signed) P. BILLOTTE

Lieutenant-General, French Army
Chairman, Military Staff Committee

The President of the Security Council,
United Nations.

Enclos.

A N N E X

ANSWERS TO QUESTIONS REFERRED TO THE MILITARY
STAFF COMMITTEE BY THE COMMITTEE OF
EXPERTS OF THE SECURITY COUNCIL.

1. a. In preparing Section VII of the Draft Statute and Rule 2 of the Draft Rules of Procedure, the provisions of which refer to the functioning and availability of the Military Staff Committee, the Chinese, French, U.K. and U.S. Representatives on the Military Staff Committee felt that it was advisable to use the same words as are used in the United Nations Charter with reference to the functioning and availability of the Security Council in view of the recognition of their responsibility to advise and assist the Security Council whenever needed. Article 26, paragraph 1, states: "The Security Council shall be so organised as to be able to function continuously. Each Member Nation of the Security Council shall for this purpose be represented at all times at the seat of the Organisation." Consequently the Chinese, French, U.K. and U.S. Representatives on the Military Staff Committee felt that the inclusion of the word "continuously" in Section VII and the words "at all times" in Rule 2 was not only desirable but was necessary, and that any change from the Charter wording would be inappropriate.
- b. The U.S.S.R. Delegation consider that the continuous functioning of the Military Staff Committee and its permanent location at the seat of the Organisation as proposed by the U.S., U.K., French and Chinese Delegations in Section VII of the Statute and Rule 2 of the Rules of Procedure of the Military Staff Committee, are not necessary. Paragraph 1 of Article 47 of the Charter very clearly states that the Military Staff Committee is established "to advise and assist the Security

Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security". It is not stated in any Article of the United Nations Charter that the Military Staff Committee must function continuously or that it must be permanently located at the seat of the Organisation. It does not follow from the Charter that the Security Council's military requirements would be a permanent necessity of the Security Council. On the contrary it follows from the Charter that the military requirements can only come up in a situation which might constitute a threat to international peace and security. It follows from the Charter that the Military Staff Committee works in accordance with the directives and the instructions of the Security Council, which might be issued by it only when such a situation exists. There might be a necessity in the continuous functioning of the Military Staff Committee and in its permanent location at the seat of the United Nations only in such a case, when it would be required to exercise continuously the strategic direction of the Armed Forces, made available to the Security Council. But such a situation will not in fact exist, as, in accordance with Article 43 of the Charter, Member Nations of the United Nations furnish armed forces only on call of the Security Council for action, provided for in Articles 41 and 42 of the Charter and only in that case is the Military Staff Committee responsible for the strategic direction of any armed forces, made available to the Security Council.

2. Rule 3 of the Rules of Procedure and Section III of the Statute are intended to apply only to the officially designated incumbents of the offices of Secretary-General and Assistant

Secretary-General for the Department of Security Council Affairs charged with fulfilling all the responsibilities of these offices.

3. Rule 3 (a), quoted by the Committee of Experts, refers to the Military Staff Committee only. The question of the attendance at Military Staff Committee meetings of advisers to representatives of Members of the United Nations, who are not members of the Military Staff Committee, is covered by the Draft Statute, Section 4 (c). The word "representatives", as here employed, is intended to include advisers and assistants.
4. The Military Staff Committee had no special reason for introducing in its Rules of Procedure a Rule analogous to Rule 20 of the Provisional Rules of Procedure of the Security Council. It considers that by reason of its special function it has no need for such a rule.
5. "Internal Procedure" matters are considered to be matters of procedure within the Military Staff Committee and its sub-committees. Relations between the Security Council and the Military Staff Committee are not such matters. Relations between the Military Staff Committee and its regional sub-committees will be determined if and when regional sub-committees are established in accordance with Article 47 of the Charter.
6.
 - a. In case unanimity cannot be obtained on any matter of principle or substance, it is considered that no decision has been reached. Therefore, a full statement of all divergent views would be prepared and forwarded to the Security Council for decision.
 - b. Regarding the second part of this question, Rule 7 (d) is intended to stand alone, and not be governed by Rule 7 (b).

In case unanimity could not be attained on the invitation, it would be dropped from further consideration and the invitation would not be extended.

7. Since no member of the Military Staff Committee habitually uses the Spanish language, the Military Staff Committee felt that it was unwarranted for it to provide from its very limited translating and interpreting staff personnel for Spanish translation and interpretation. Concerning reports from the Military Staff Committee, considering that Spanish is an official language, the Secretary-General could well furnish the necessary Spanish translators from the General Secretariat. Any Member Nation invited to sit with the Military Staff Committee under Article 47 would, of course, be allowed to bring its own interpreters.

8. Rule 13 provides that the "special permission" of both the Security Council and the Military Staff Committee shall be obtained before a document of the Military Staff Committee is published, in view of the peculiar requirements for military security.

The final decision to publish a Military Staff Committee document must rest with the Security Council, but Rule 13 is designed to ensure that the Military Staff Committee is consulted beforehand in each case.

The Military Staff Committee considers that Article 47 of the Charter recognises that the Military Staff Committee alone has the technical knowledge necessary to determine the military implications of publishing any of its documents.

9. The importance and seriousness of the matter require unanimity of the Military Staff Committee in inviting a Member

Nation not permanently represented on the Military Staff Committee to its meetings.

Were "a Member of the United Nations not permanently represented on the Committee" to attend against the wishes of one or more members of the Military Staff Committee, the unity so essential to the proper functioning of the Military Staff Committee would be lacking and its work hampered rather than assisted.

10. Under Article 47 of the Charter, the Military Staff Committee is charged with advising and assisting the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament. The Military Staff Committee does not feel that any recommendation to the Security Council on these matters would be adequate, authoritative, or complete unless this recommendation is made with the unanimous approval of all five members of the Military Staff Committee. On all those matters where unanimous agreement cannot be obtained, there is no recommendation, as such, forwarded from the Military Staff Committee to the Security Council: rather, the divergent views of the members of the Military Staff Committee on the point at issue are forwarded to the Security Council so that it may have the benefit of the recommendations of all the individual members of the Military Staff Committee before the Security Council makes the final decision in the matter.
11. a. Due to the special functions of the Military Staff Committee, it is considered advisable and in the interest of

efficiency and convenience of control for the Military Staff Committee to draw its assistants from the same Nations as are permanently represented on the Military Staff Committee.

b. It would appear that the Committee of Experts has not interpreted the relationship between the five Secretaries and the Secretary-General as intended by the Military Staff Committee. This relationship establishes the responsibility of the five Secretaries in the selection and control of the personnel who will work with them. These arrangements were considered advisable in view of the special nature of the duties of the Military Staff Committee and with these arrangements the Secretary-General was in full accord.