

3/Wieczend

ORGANISATION DU TRAITÉ DE L'ATLANTIQUE NORD
NORTH ATLANTIC TREATY ORGANISATION

(B)

PLACE DU MARÉCHAL DE LATTRE DE TASSIGNY - PARIS (XVI^e) - TÉL. KLE. 50-20

BUREAU DU REPRÉSENTANT
DU GROUPE PERMANENT
LOM 404/65

OFFICE OF THE STANDING GROUP
REPRESENTATIVE

16 November 1965

MEMORANDUM FOR : Director, Standing Group
SUBJECT : Earmarking of Forces for UN Peacekeeping
Reference : LOSTAN 6722 *sb*

1. A paper has been prepared on this subject, commenting on the questions raised at the Council meeting on 6 October. It was put together by Deputy Secretary General-Assistant Secretary General for Economics and Finance, with assistance from the Legal Advisor and in consultation with the Assistant Secretary General for Political Affairs, the Executive Secretary and SGREP. A copy is enclosed.

2. After consideration of this paper, the Secretary General will decide in what form the matter should be put to members of Council.

W. W. Stromberg
W. W. STROMBERG
Major General
STANDING GROUP
REPRESENTATIVE

Enclosure : Earmarking of Forces by NATO Members for UN
Peacekeeping Machinery (DJW(65)52)

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11 November, 1965

Earmarking of Forces by NATO Members for UN
Peacekeeping Machinery

I. BACKGROUND TO PROBLEM

On 6 October 1965, the Netherlands Permanent Representative informed the Council that, in response to a new appeal by the Secretary General of the United Nations, his Government had decided to make substantial additional forces available on a stand-by basis to the United Nations. He pointed out that the offer had been made on the understanding that whenever a specific request for forces was made by the Secretary General of the United Nations the Netherlands Government would have to be consulted and give its consent. In turn the Netherlands Government would, of course, "only give its approval in conformity with established NATO procedures." Mr. Boon explained the view of his authorities that the increase in the Dutch forces which might eventually be made available for the peace-keeping machinery of the United Nations was fully compatible with the continued assignment or earmarking to NATO of the largest possible part of the Netherlands armed forces. He pointed out that committing forces to NATO did not prevent the simultaneous encouragement of the development of the United Nations peace-keeping forces because this would, in the last resort, also contribute to the security of the West by eliminating or confining military conflict outside the NATO area.

2. During subsequent Council discussion, the Representatives of Belgium, Turkey and Germany suggested that the question of the compatibility of earmarking forces for NATO and the United Nations should be further studied; the Belgian Representative in particular drew attention to the procedure established in CM(55)82(Final) for the withdrawal of forces committed to NATO and thought that the Council should study what changes might be necessary in this document to take account of decisions such as that announced by the Netherlands Representative. Canada, while agreeing with the Netherlands, the United States and the United Kingdom, that there was no conflict between United Nations and NATO commitments in principle, thought that a contradiction might arise in the case of a specific case and that on this matter the Council should have technical advice.

3. In his summing up, the Secretary General said he thought it important to recognise the possibility that in a specific case there might be a conflict between NATO and United Nations commitments and suggested that the question be reflected on further.

II. NATO MEMBER COUNTRIES AND UN COMMITMENTS

4. The preamble to the North Atlantic Treaty itself commences with the phrase "the Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations"
Article 5 of the Treaty invokes the right of individual or collective self defence recognised by Article 51 of the Charter of the United Nations and concludes with the paragraph that "any armed attack against one or more NATO members and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security." Attention should also be drawn to Article 7 of the North Atlantic Treaty which states "this Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations under the Charter of the parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and order."

5. Provision was made in the Charter of the United Nations for the contribution by member states of armed forces to enable the Security Council to maintain international peace and order. Thus Article 45 of the Charter states:

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

Furthermore, Article 45 provides that:

"In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air force contingents for combined international enforcement action. The strength and degree of readiness of these contingents

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and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee."

Articles 47 and 48 give further indications of how military requirements of the Security Council for peace-keeping should be regulated.

6. The Charter of the United Nations was drawn up on the assumption that the members of the Security Council would be able to agree on measures for maintaining international peace, but it soon became apparent that disagreement between Security Council Members effectively prevented this body from fully carrying out functions originally envisaged for it. An attempt to provide the United Nations with "teeth" was made in the General Assembly when this body approved the "Uniting for Peace Resolution" on 3 November 1950. In this resolution the Assembly recommended,

"that each Member maintain within its national armed forces elements so trained, organised and equipped that they could promptly be made available, in accordance with its constitutional processes, for service as a United Nations unit or units, upon recommendation by the Security Council or the General Assembly, without prejudice to the use of such elements in exercise of the right of individual or collective self-defence recognised in Article 51 of the Charter."

7. Although the Collective Measures Committee established by the Uniting for Peace Resolution attempted to reach certain agreements on the earmarking of forces, little was done in this field until the United Nations initiated its policing operation in the Congo. In June 1959 the Secretary General of the United Nations, Mr. Hammarskjöld, approached some of the member nations with past experience in United Nations peace-keeping operations, including the Scandinavian member states, and asked them whether they would consider earmarking military forces for possible use in future United Nations operations. In May 1961, the United Nations Secretary General approved plans under which Sweden, Norway and Denmark would earmark forces and equipment for United Nations military operations. These plans cover 2 Battalions by Sweden and one Battalion each by Norway and Denmark. Following President Kennedy's Address to the General Assembly, the three countries confirmed to the United Nations the availability of these forces.

8. Other NATO countries which earmark forces for eventual assignment to United Nations peacekeeping operations are Canada, the Netherlands and the United Kingdom. These contributions by member countries are set out in more detail at Annex.

III. NATO PROCEDURE FOR WITHDRAWING FORCES COMMITTED TO NATO

9. The Resolution on Important Changes in National Defence Efforts (CM(55)82(Final)) first of all clarifies the nature of the obligation concerning national contributions to NATO defence accepted by Governments through the Annual Review. Thus, adoption by the Council of agreed firm force goals arrived at during the Annual Review constitutes acceptance by Governments of a commitment to raise and maintain such forces and to assign them to or earmark them for the appropriate NATO Supreme Commander, or to make them otherwise available for the defence of the NATO area.

10. However, the Resolution also recognises that " provision should be made for circumstances in which a member government feels compelled to make important qualitative or quantitative changes in its current or prospective force contribution to NATO at a time of year, or with a degree of urgency, which render impracticable their considerations under normal procedure." Accordingly, it is agreed that, in these circumstances;

- the Council and the NATO Military Authorities should be informed of the changes contemplated whenever possible in time for the Council's views to be fully considered by the Government concerned before the execution of decisions on the matter in question;
- if a Government felt compelled to withdraw units from the area of NATO command to which they are assigned or earmarked in order to meet an emergency elsewhere, it should immediately inform the NATO Military Authorities and, as soon as possible, the Council.

In both cases, the NATO Military Authorities would provide the Council with an estimate of the military effects of the proposed alterations.

IV. CONCLUSIONS

11. The Netherlands Permanent Representative's statement of 6 October last appears to raise three separate questions:

- A. Is it possible to earmark, for the United Nations, forces which are already earmarked or assigned to a NATO command?

Comment: In principle there appears to be no reason to regard "double earmarking" of forces to the United Nations and to NATO as being incompatible with either the combined provisions of the Charter of the United Nations and the North Atlantic Treaty or the commitments entered into by Member countries within these two organisations.

A problem which might conceivably arise is that of ensuring that the powers of the Major NATO Commanders over the forces committed to them, as defined in MC-53, MC-57 and MC-58, are not affected by the Netherlands offer to the United Nations. In fact, past experience indicates that the powers of the United Nations Secretary General over forces offered in this way have been decided on a case-by-case basis usually at a time when the forces in question are actually made available to the United Nations. Information as to the precise conditions under which the Netherlands offer has been accepted by the United Nations can only be given by the Netherlands Government. It is unlikely, however, that such conditions, if any, would in any way diminish the powers and responsibilities of the Major NATO Commanders over forces committed to them in peacetime.

- B. Under which conditions could the forces in question be made available to the Secretary General of the United Nations for peacekeeping operations?

Comment: The Netherlands Authorities have given the assurance that they would only agree to put forces at the disposal of the United Nations after a specific request had been made by the Secretary General of this organisation and "in conformity with established NATO procedures." In practice, this means that the Netherlands Government would invoke paragraph 8 of CM(55)82(Final) should it wish to withdraw forces from the NATO area in order to make them available to the United Nations; this entails informing both the NATO Military Authorities and the Council, if possible before the contemplated changes have

been implemented, and seeking the views of the NATO Military Authorities on the military ^effects of the proposed withdrawals. In view of the lengthy nature of United Nations procedure, there should normally be sufficient time available for the NATO Council to be consulted beforehand as envisaged in paragraph 8(a) of CM(55)82(Final).

If a request for forces was made by the United Nations at a time of tension or immediate threat to the NATO area, a NATO member might, and almost certainly would, invoke Article 51 of the Charter to justify its inability to comply with such a request.

C. Under which conditions could the forces in question be withdrawn from the United Nations emergency force and restored to NATO command?

Comment: Such a withdrawal could generally be justified under the provisions of Article 51 of the Charter. Furthermore, this problem should normally be covered by an eventual exchange of letters between the Secretary General of the United Nations and the Netherlands Government at the time when the United Nations force is actually set up (e.g., see United Nations document A/3943, Annex I, paragraph 8 on the United Nations Middle East emergency force). However, even if no such provision is made in the exchange of letters, it can be argued that a right of withdrawal, based on "force majeure" does exist. This was the argument used by the Tunisian Government when, at the time of the Bizerta incident of 1961, it withdrew its contingent from the United Nations Congo emergency force (see Security Council Document S4.876 of 21 July 1961, a copy of which is attached to this note).

12. It is difficult to draw any further firm conclusions from what is, at present, a purely hypothetical set of circumstances. At present there seems to be no necessity to modify the terms of CM(55)82 (Final); the important point to be stressed is that member countries should respect this procedure, in particular the provisions of paragraph 8(a) which requires countries, whenever possible, to inform their Allies of contemplated changes before such changes have been executed.

NATIONS UNIES
CONSEIL DE SECURITE

8/4876 - 21 Juil. 1961
Original Français

Télégramme en date du 21 juillet 1961 adressé au Secrétaire
Général des Nations Unies par le Président de la République
Tunisienne.

Devant la gravité des menaces qui pèsent sur mon
pays du fait de l'agression de l'armée française qui, à l'heure
où je vous adresse ce message, bombarde et tente d'occuper la
région de Bizerte et d'autres parties du territoire, je me vois,
à mon grand regret, dans l'obligation de vous demander de vouloir
bien faire procéder au rapatriement immédiat des trois bataillons
de l'armée tunisienne stationnés au Congo. Je tiens à vous
confirmer, Monsieur le Secrétaire Général, que seule la situation de
force majeure mettant en danger la sécurité et l'intégrité territoriale
de mon pays m'impose de formuler la présente demande. La Tunisie
plus que jamais demeure attachée à l'O.N.U. et à son action que
nous demeurons disposés à renforcer dans la mesure de nos
possibilités. Sentiments de haute considération.

HABIB BOURGUIBA.

ANNEX

FORCES FOR UNITED NATIONS PEACE-KEEPING MACHINERY
OF NATO COUNTRIES

CANADA

Canada is contributing to various United Nations peace-keeping operations and, at present, there are some 2,500 men from the Canadian forces on active U.N. service. Of these some 1,100 are in Cyprus and 1,100 in Palestine. A Canadian Commander and 35 officers as well as 9 aircraft and an air element are with the U.N. peace-keeping force in Kashmir.

Furthermore, Canada maintains a "Special Service Force" one brigade group, consisting of three infantry battalions which, in addition to its primary rôle of "participation in the defence of the Canada/U.S. Region"⁽¹⁾, supports Canada's various U.N. and international undertakings. Only one infantry battalion from this brigade is specifically earmarked for U.N. use, but the Canadian authorities do draw on the whole brigade for the provision of peace-keeping forces for the United Nations.

This brigade group is an all-regular unit and has been formed over the last year. It is presently undergoing the special training required for peace-keeping tasks. It is planned to equip the brigade group with light mortars instead of field artillery and to provide it with an air-portable capability. Although well under way, the equipment procurement has not yet been completed.

DENMARK

Denmark is contributing forces to several United Nations peace-keeping operations, for which she has at present a total of some 1,500 men on active service.

In April 1964 the Danish Parliament approved the formation of a Permanent Danish Military Emergency Force and authorised the government at the request of the United Nations and on the basis of

(1) Not assigned to a NATO command.

an evaluation of the general situation to place this force at the disposal of the organization, with a view to assisting it in peace-preserving measures approved by the United Nations.

The Danish allocation to the United Nations peace-keeping force is planned to include one infantry battalion, one signal company, one medical company, one military police company, as well as personnel for staff service, etc. The personnel required to man these units is expected to be all volunteers.⁽¹⁾

At present the Danish peace-keeping forces for the United Nations are mainly deployed in Gaza and on Cyprus. These forces are not earmarked or assigned to NATO.

ITALY

There are no Italian forces as such earmarked for U.N. peace-keeping operations. However, a list has been drawn up of officers who might, on request from the U.N., be assigned individually to various U.N. missions.

NETHERLANDS - The following forces to be maintained on a stand-by basis for UN use. X

Royal Netherlands Navy

- A contingent of 600 marines;
- An underway replenishment ship, if needed equipped with 4 transport-liaison helicopters;
- Some vessels for patrolling.

In a later phase, this naval contribution may be enlarged with other units, notably:

- A light aircraft carrier for transport of personnel and equipment;
- Further units to serve as headquarter ship or as logistic support ships.

Royal Netherlands Army

- A self-supporting armoured infantry battalion, available in the course of 1966;

(1) AR(64) DENMARK-D/1, Item VIII (Memorandum), Part I, para. 4.

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A medical unit with the strength of an independent medical company;

These Army units can be made available at short notice, once they have been readied for transport abroad.

Royal Netherlands Air Force

One transport aircraft F-27 with crew and/or three Alouette II helicopters with crews.

With the exception of the 600 marines, all these forces appear to be either assigned to, or earmarked for assignment to, NATO.

NORWAY

Norway is contributing forces to various United Nations peace-keeping operations, for which she has earmarked at present units with a total of some 1,300 men.

In accordance with a decision of the Norwegian Parliament of 8th June 1964, the units are earmarked for United Nations service until they may be needed for the own defence of Norway. The Norwegian contingent earmarked for United Nations peace-keeping operations is not constantly in active service, but will be convened instantaneously and be made available for United Nations if the need arises. To this end the personnel of these units, except officers and NCOs in the Army and Air Force elements, are recruited on a volunteer basis. If possible, personnel with previous peace-keeping experience has been taken. The Norwegian force contribution to the United Nations has recently completed its training and is now available to the United Nations, except for an air transport unit which will be established at a later date.

The Army element consists of an infantry battalion of 795 all ranks, capable of performing peace-keeping operations, inspection and control; further one hygienic unit, a military police platoon, a movement control platoon, a workshop company and a surgical emergency unit. The naval element consists of one frigate and one harbour command ship. The frigate may in addition to its normal functions also be used for transport of personnel and equipment to theatres of operations. The Air Force element consists of one air transport headquarters, one helicopter unit of 4-6 heli-

copters and one air transport unit of four transport aircraft.

These forces are not assigned or earmarked to NATO.

UNITED KINGDOM

The Foreign Secretary announced in the House of Commons on 23rd February 1965 that Britain will offer military logistic support for a United Nations force of up to six infantry battalions. The logistic backing would be available "if so requested and subject to national commitments." It could include short-range aircraft, engineering and signal troops and ambulance, ordnance and motor transport units. The British government also "hoped" to take a share in providing long-range aircraft for the transport of peace-keeping forces.