

A United Nations Standing Army

- 4.1 The United Nations does not possess any military forces of its own. Nowhere within the UN Charter does there exist any reference to a UN army. However, Chapter VII of the UN Charter defines some of the powers which are granted to the Security Council to maintain international peace and security:
- Article 43 obliges all members of the UN to make available to the Security Council armed forces, assistance and facilities to maintain peace and security; and
 - Article 47 provides for the only military unit within the UN, the Military Staff Committee, to advise and assist the Security Council. However, even the committee is composed of the Chiefs of Staffs of the permanent members of the Security Council, rather than any UN soldiers.
- 4.2 Despite such limited powers being granted to the Security Council, peace operations have grown in such a way during the 1990s that the appearance may be that the UN has a military force of its own. Although the reality is quite different, several proposals have been made to improve the UN's access to military forces.

The Need for Rapid Deployment

- 4.3 In circumstances of ongoing tension or outright conflict, there is sometimes a need for the UN to deploy troops rapidly which can be difficult to achieve due to the political, material and organisational constraints placed on the UN. One reason for this slowness of response is the way in which the veto power of the permanent members of the Security Council is used to prevent peace operations. But even when the political will exists within the Security Council, it has proven difficult for

the UN to marshal sufficient numbers of troops from willing member states to conduct peace operations.

4.4 The Department of Foreign Affairs and Trade outlines the need for rapid deployment in the following way:

The slow speed of response by both member states and the United Nations itself in the organisation and deployment of operations led to a recognised need for a system of rapid deployment for peacekeeping operations. Rapid deployment includes the "rapid deployment of all resources required in order to sustain UN operations in the field as well as the means by which they are deployed".¹

Stand-by Arrangements System

4.5 In order to conduct peace operations, the UN currently requests troops from member states using the United Nations Standby Arrangements System (UNSAS). The system was initiated in 1990, and in 1992, the then Secretary-General Boutros Boutros-Ghali called for its support in *An Agenda for Peace*. The UN describes the UNSAS as being '... based upon commitments by Members States to contribute specified resources within agreed response time for United Nations peacekeeping operations'.²

4.6 Under the system, these resources remain on stand-by in their home country until a request for their use is made by the Secretary-General. Even at this stage, member states still have discretion about whether their troops or resources offered under the system can be used in individual operations. Although individual soldiers on peace operations may be directed by foreign commanders, a troop contributing nation always has the discretion to withdraw its forces. The UN also guarantees that the resources made available to it under the system will be used exclusively for peacekeeping operations mandated by the Security Council.

4.7 In its submission, the Department of Foreign Affairs and Trade noted the ability of member states to refuse to allow their troops to be deployed: 'The Stand-by Arrangements system is premised on a fundamental characteristic of peacekeeping – that being the right of the member state to decline to contribute resources to the operation'.³

4.8 Member states make these arrangements by negotiating a Memorandum of Understanding (MOU) with the UN, which specifies the resources to be

1 DFAT. Submission No. 107, p. 1286.

2 United Nations. 'UN Standby Arrangements System Description' posted on 1 March 2000. www.un.org/depts/dpko/rapid/sys.htm visited on 22 May 2001.

3 DFAT. Submission No. 107, p. 1286.

made available, the timeframe in which they will be made available, and any conditions on their use.

- 4.9 As of 1 July 2000, 88 countries expressed their willingness to participate in the system. Sixty-six member states provided a list of capabilities that they would make available. Forty-four member states had provided the UN with more detailed planning information, while 33 member states had negotiated an MOU with the UN for their participation in the system.
- 4.10 Despite the existence of this system since 1990, there are some types of specialised equipment and personnel which the UN lacks access to:
- Whilst there is no shortage of infantry, major deficiencies exist in the areas of strategic lift, multi role logistics, road transport and utility aircraft (i.e. the force multipliers). Additionally there is a shortage of civilian police.⁴
- 4.11 Major General Tim Ford, the Military Adviser to the Department of Peacekeeping Operations, did not see the supply of infantry as being without difficulties. He told the committee that the UN usually had to take whatever was offered, regardless of skill, training or experience, as there were always fewer troops than were needed. The work of DPKO was further complicated by the requirement of the Fifth Committee that only self-sustaining units be accepted. While understandable, this requirement had a negative effect on the capacity of poorer countries to participate.
- 4.12 As of 1 July 2000, the following contributions had been made available to the UN under the UNSAS:

Table 4.1 Contributions to the UNSAS 1 July 2000

Type	Quantity
Operational	85,000
Support	56,700
Civilian police	2,150
Military observers	1,600
Others	2,450
Total	147,900

Australian Participation in UNSAS

4.13 The ADF is not structured for use in peace operations. Instead, the Department of Defence stated that:

The fundamental aim of Australia's defence policy is to prevent or defeat the use of force against Australia and its interests. Our core defence interests relate to those factors in the strategic environment that would increase the likelihood of direct attack, or the erosion of our capability to resist such an attack.⁵

The ADF is not formally structured around peacekeeping operations; instead, the ADF's primary role is the use of armed force to defeat aggression against Australia.⁶

4.14 The committee accepts the argument of the Department of Defence that the Australian Defence Forces should be trained for war rather than solely for peacekeeping and that the Australian troops have been able to make the transition from that training to a capacity to conduct peace operations very well.

4.15 The Department of Defence noted that as at 30 March 2000, there were a total of 2,149 ADF personnel deployed to UN or other peace operations. This level had been reduced from Australia's peak contribution of 5,490 personnel, deployed during the INTERFET operation in East Timor.⁷

4.16 A list of the military capabilities which the Government of Australia could provide to the UN peace operation appears at Appendix E.

Stand-by High Readiness Brigade

4.17 A new development in the rapid deployment of forces is the creation of the Stand-by Forces High Readiness Brigade also known as (SHIRBRIG). SHIRBRIG became operational at the end of 1999 for deployment on Chapter VI operations. The Department of Defence discussed SHIRBRIG in the following way:

To improve the UN's responsiveness to a crisis, a new concept has been implemented, the Standby Forces High Readiness Brigade (SHIRBRIG). This Danish initiative to improve the reaction time of an initial UN operational response to a crisis, has now reached an operational standard that would allow it to be committed within 15 to 30 days. SHIRBRIG, which is composed of a core headquarters of 13 officers, led by a Dutch Brigadier, and 5000

5 Department of Defence. Submission No. 108, p. 1323.

6 Department of Defence. Submission No. 108, p. 1324.

7 Department of Defence. Submission No. 108, p. 1325.

personnel from 10 member nations, is designed to be available for Chapter VI operations of less than six months. This 'fire brigade' would be committed to the beginning of new operations only.⁸

- 4.18 However, both the Department of Defence and the Department of Foreign Affairs and Trade expressed concerns about SHIRBRIG. The Department of Defence suggested that:

Whilst this is a welcome development, Defence has a number of reservations with SHIRBRIG relating to cost, command and approval of operations. Additional problems include logistical and resource difficulties of maintaining its headquarters in Copenhagen, the lack of interoperability of equipment and command, and the time frame set for deployment.⁹

A Standing Army for the United Nations?

- 4.19 To ensure timeliness of preventive deployment in order to prevent conflict, genocide or to take enforcement action authorised by the Security Council, several submissions to this inquiry believed the UN should have a standing army of its own.

- 4.20 The creation of a standing army for the UN was supported by the Southern Highlands Talking Points group of the University of the Third Age:

We support the general concept of establishing a standing International Peace Keeping Force as an instrument of the United Nations Organization. The deployment of the Force should rest with the Secretary-General on the authority of the Security Council in support of the principles proclaimed by the General Assembly in the Universal Declaration of Human Rights in 1948/49.¹⁰

- 4.21 The Women's International League for Peace and Freedom (WILPF) also supported greater access by the Secretary-General to personnel and equipment for peace operations:

... WILPF believes that the SG should have at his disposal personnel and equipment standing ready for deployment on those occasions when an immediate peace-keeping presence is required.¹¹

8 Department of Defence. Submission No. 108, p. 1337.

9 Department of Defence. Submission No. 108, p. 1337.

10 U3A – Southern Highlands Talking Points Group. Submission No. 24, p. 153.

11 WILPF. Submission No. 63, p. 517.

4.22 The Australian Baha'i Community submitted that:

Without a standing international force, whose loyalty to the UN and independence from national considerations can be assured, problems of disarmament (including nuclear proliferation) cannot be resolved. They present an ever-present risk to the welfare of the world and of Australians. Ad hoc arrangements, as most recently experienced in the case of East Timor, are beset by political and logistic complexities, which hinder the delivery of peace and security to people whose lives are threatened.¹²

4.23 Despite these comments, the possible creation of a standing army of the UN was one of the most emotive issues raised by this inquiry. An overwhelming number of submissions were firmly against the idea for various reasons. These objections can be categorised in the following way:

- technical difficulties of how such a force would be operated, and how much it would cost to operate;
- belief that Australian participation in a UN standing army would be unconstitutional;
- concern that the UN was an incompetent or inappropriate organisation to have an independent army, or that the UN would misuse a standing army; and
- existing or other alternatives were more appropriate.

Technical Difficulties and Cost

4.24 The Department of Foreign Affairs and Trade questioned the viability of a standing army, but welcomed the opportunity to discuss the proposition at greater length:

... I think we query the achievability of it, given the way the UN is constituted. There is also a whole range of practical questions: where would it be headquartered; what would be the command structure; what would you do with the forces during downtime, if you like; what would be the optimum size of the force? We think it would founder on the practical difficulties.¹³

4.25 According to the Department of Defence, the factors militating against a standing army are fundamental issues of national control of ADF

12 Australian Baha'i Community. Submission No. 95, p. 980.

13 DFAT. Transcript, 19 May 2000, p. 18.

personnel; a requirement for additional resources to fund a standing army; and a lack of detailed information on force specification.¹⁴

4.26 The United Nations Youth Association provided some detailed analysis of the problems associated with a standing army:

UNYA notes the unsatisfactory nature of the ad-hoc peace keeping and peace enforcement system, however, we do not believe that a standing army is the solution to such problems. UNYA notes in particular the following immense difficulties associated with the concept of a standing army and as such, urges the Australian Government to withhold support for the proposal:

- The difficulty of maintaining the independence of the UN while retaining an armed force;
- The potential problem of having Member States ignore their individual obligations to peace and security if they come to rely on the force;
- The difficulty of resourcing and financing a standing army which may need to be deployed in several areas simultaneously;
- The difficulty posed by rules of engagement which would need to be developed should such a body be established;
- The fact that Member States are unwilling to surrender control of their forces;
- The value of negotiating the details of peacekeeping and peace enforcement operations through the Security Council and obtaining international support for the makeup of the forces to be deployed.¹⁵

Constitutional Objections

4.27 One of the most serious concerns raised in submissions is that participation in a UN standing army would breach Australia's Constitution. Many submissions expressed fear that proper constitutional processes were being ignored, because the command in chief of Australia's military forces is vested with the Governor-General within Australia's Constitution. Mr Bernard Rusterholtz submitted that:

The Constitution in Section 68 demands that the command in chief of our armed forces remains vested in the Governor-General as the Queen's representative. He only, and no-one else, may allow our forces to be engaged.¹⁶

14 Department of Defence. Submission No. 108, p. 1336.

15 UNYA. Submission No. 47, p. 319.

16 Rusterholtz, Bernard. Submission No. 20, p. 135.

- 4.28 While it is generally accepted that the role of Governor-General in relation to the armed forces is only titular, there are constitutional obligations and legislative mechanisms for dealing with those obligations. Section 68 of the Constitution states that: 'The command in chief of the naval and military forces of the Commonwealth is vested in the Governor-General as the Queen's representative'.
- 4.29 In submissions to this inquiry, there was a fear that proper constitutional processes were being ignored and there existed an expectation that for changes to occur to the way ADF members are deployed, there is a requirement for a referendum to change the Constitution. As Mr M Whitton submitted:
- Australia's Constitution states that the Governor-General is Commander-in-Chief of our Armed Forces. It is not for our politicians to transfer command powers to any other authority (or even think of it) without the consent of the Australian people, which would be decided by referendum.¹⁷
- 4.30 While the Governor-General does not take an active role in the command of Australia's armed forces, the *Defence Act 1903* makes clear what the powers of the Governor-General are in relation to the ADF. Other than powers to appoint senior officers to the ADF and powers to call out the ADF to protect against domestic violence, one power of the Governor-General described within the Act is that to call out reserve forces in the event of war or other contingencies. The reasons for this call are to be proclaimed and communicated to the Commonwealth Parliament, on the understanding that any situation grave enough to warrant calling out the reserves should allow the Parliament to properly debate the issue at hand. However, in practice, the Governor-General acts on the advice of ministers, through the mechanism of the Federal Executive Council, as outlined in Sections 62 and 63 of the Constitution.
- 4.31 In order to ensure that constitutional processes are followed, it is important to ensure that there is a proper legislative framework for deploying Australian forces abroad on peace operations. *The Defence Legislation Amendment (Enhancement of the Reserves and Modernisation) Act 2001* has expanded the range of circumstances under which the Governor-General's assent will be required to call out reserve forces for use on peace operations.

17 Whitton, M. Submission No. 61, p. 499.

Recommendation 4

The committee endorses the amendment of the *Defence Act 1903* to include reference to peace operations.

The Intent and Effectiveness of the UN

4.32 Some submission to this inquiry stated their suspicions that the UN was a 'world government' or that it was inappropriate for the UN to have a standing army. Others expressed the views that the UN was ineffective in the way it conducted peace operations and should not have a standing army.

4.33 Ms Heather Williams submitted that a UN army would be at odds with its primary purpose to maintain international peace and security:

A UN standing army would alter the perception of the organisation as one which endeavours to uphold peace and prevent militarisation in the world. This type of standing army would mean a military type of bureaucracy, one much less flexible than current arrangements by which nations may combine into and withdraw from a UN peacekeeping force, to be used only as a last resort.¹⁸

4.34 Some submissions to the inquiry insinuated that the UN was a world government, and could apply force to Australia on a whim, ignoring the significant impediment of Security Council authorisation for its use. Queenslanders for a Constitutional Monarchy believed that: 'Government is force, and world government is world force and can be applied against Australia or any national government without rhyme or reason to promote a totalitarian objective'.¹⁹

4.35 In his submission, Mr Charles Spry QC suggested that a UN standing army would not even have to be used to be powerful:

If a United Nations standing army were set up, it would almost certainly be applied in some situations: that is, it would be used for military including combat purposes. But further, the very fact of its existence would be of cardinal importance in pressuring countries to accept or comply with decisions of the General Assembly or of the Security Council. Where there is a force, that

18 Williams, Heather. Submission No. 68, p. 568.

19 Queenslanders for a Constitutional Monarchy. Submission No. 81, p. 741.

force does not need to be actually deployed in order to be powerful. Its very existence is in terrorem.²⁰

- 4.36 Several other submissions made comments to the effect that Australia's armed forces should remain wholly within Australian control. Mr W G Bethage believed that maintaining control of Australia's armed forces was:

... one of the most significant matters for Australia's survival as a free and sovereign nation, we must under NO circumstances submit to losing control of our police and/or military forces to the United Nations.²¹

- 4.37 Mr Tom King suggested that participating in a UN army would invoke hostility within Australia:

I submit that to contemplate the formation of a "UN Army" would be counterproductive to the national interest. It would not be acceptable to the Australian people and it would reignite suspicion, as to the potential abuse of power by the UN at some future period in our history.²²

Should Australia Participate in a UN Standing Army?

- 4.38 The arguments against a standing army clearly outweigh any benefits that could be gained from having a dedicated UN force ready to be dispatched at the will of the Security Council. Although speed of response is important, an equally important factor is the legitimacy of that response. Having a UN standing army could result in peace operations being conducted in circumstances where they are not appropriate or reduce the onus on member states to support peace operations.
- 4.39 The committee does not agree that Australia's Constitution has been breached by participating in peace operations, as the role of the Governor-General in these areas has to be understood in the context of Sections 62 and 63 of the Constitution, the operation of the Defence Act and the general principle that the Governor-General acts under the advice of the government of the day. Consequently, we believe that the further clarification of the Defence Act as to the Governor-General's role relating to the use of reserves in peace operations will assuage these concerns.
- 4.40 The committee does not believe that the UN is a 'world government' or an 'evil empire' working against the interests of the very member states which comprise it. The committee's objection to a UN Standing Army is on the basis of the financial, technical and practical difficulties.
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20 National Observer. Submission No. 45, p. 296.

21 Bethage, W G. Submission No. 33, p. 210.

22 King, Tom. Submission No. 53, p. 369.

- 4.41 Until models such as SHIRBRIG have proven themselves in terms of interoperability and funding and command arrangements, Australia should not seek to participate in any standing army other than the ADF. For the reasons discussed above, the committee rejects the idea of a UN standing army.

Recommendation 5

The committee does not support the concept of a United Nations Standing Army and recommends that the Australian Government continue to consider requests for military assistance from the United Nations on a case-by-case basis.

- 4.42 The need to use ADF personnel on peace operations will continue for the foreseeable future. In Australia's immediate region, ADF personnel are engaged in operations in East Timor, on Bougainville island and in the Solomon Islands. These places are of immediate concern to the security of Australia, and thus assistance towards peace and stability should be important to all Australians. Simply ignoring the problems being faced by our neighbours is not in our national interest. However, we also suggest the consideration of alternatives, such as greater and more structured cooperation with the defence forces of New Zealand in future peace operations.

Alternatives to a UN Standing Army

- 4.43 In the absence of any significant support for the SHIRBRIG concept or a UN standing army, the current UNSAS system was favoured in some submissions. The Department of Defence stated that:

In Defence's view, the current system of a UN standby list of high readiness units able to deploy at short notice with formal Government approval remains the preferred solution. Although rapid response arrangements would improve the responsiveness of the UN to crises, sufficient funding and support would need to be assured for the concept to be workable.²³

- 4.44 The United Nations Association of Australia noted the value and importance of negotiation when planning peace operations, and that the UNSAS committed the UN or lead nations to gather sufficient support and legitimacy before undertaking peace operations:

23 Department of Defence. Submission No. 108, p. 1337.

The present system, although at times not as fast as might seem desirable, does have the valuable effect of ensuring negotiation among member states about how a particular situation can best be dealt with, and of involving a range of participants in learning the realities of peacekeeping and intervention on the ground.²⁴

4.45 Mr W B 'Digger' James expressed support for the current arrangements:

The concept of 'Standby Arrangements' would be the most desirable way of providing support to our UN commitment. It should be understood that Australia must not enter into permanent arrangement of commitment of a force with call out in the hands of the UN. I firmly believe that Australia must retain its capacity to choose to support or choose not to support a so-called UN initiative.²⁵

4.46 Mr Jeremy Lee noted the importance of maintaining a national veto on participating in certain peace operations:

... Australia should at all times preserve the right to decide on participation in any future peacekeeping effort, judging each request on its merits. Australian servicemen and women should serve directly under their own commanders who, while co-operating fully in logistics and deployment, should always do so as a force responsible to Australia and its people, with the permanent right to "contract out" of any unworthy engagement.²⁶

4.47 The committee believes that the current Stand-by Arrangements System and national veto over participation in peace operations remains the best option for ADF participation in peace operations.

Training

4.48 Given their *ad hoc* nature - the narrow time frame in which they were gathered and the urgency and complexity which confronted them, the Department of Peacekeeping Operations expressed concern about the standard of and access to training that was available to UN forces. The DPKO does attempt the supervise training, but there were only three people in the training section. It was suggested to the committee that it could be useful for troops within a particular region to train together. In particular, that regional defence forces might consider conducting joint

24 UNAA. Submission No. 71, p. 604.

25 James, W B. Submission No. 89, p. 890.

26 Lee, Jeremy. Submission No. 12, p. 100.

exercises focused on possible peacekeeping or peace enforcing tasks and aimed at improving the interoperability of forces that might be required by the UN.²⁷ Given Australia's experience in East Timor, the committee believes that this suggestion is a valuable one that the Department of Defence should consider.

Recommendation 6

The committee recommends that the Department of Defence give consideration to approaching regional countries with a view to conducting joint military exercises specifically focused on UN peace operations.

- 4.49 The issue of specific training for personnel deployed on peace operations was discussed at public hearings and in some submissions. A question arose whether the ADF should train for combat operations, for peace operations or for a combination of both. Many submissions, including Mr Michael O'Connor of the Australian Defence Association supported training based on combat operations:

I believe that you have to train for combat operations. The purpose of having an army is to defend your country, fundamentally. You have to have combat-trained soldiers for that. But you can use combat-trained soldiers for peace operations with a relatively short period of indoctrination before they actually deploy to point out to them what they can do, what they cannot do, what their purpose is, who the various players are and what their task is.²⁸

- 4.50 In its submission, the Department of Defence stressed the importance of having soldiers adapt their training to the requirements of peace operations, rather than being trained specifically for peace operations:

Although the ADF is not structured or trained for peace operations, effective and appropriate training for deployed personnel is crucial. Through pre-deployment training, the pre-existing military professional skills of ADF personnel are adapted to the requirements of peace operations. Personnel may also undertake specific formal training in negotiation and cross-

27 The committee notes that the recent Australian- United States exercise, Exercise Tandem Thrust, included in a scenario involving the treatment of prisoners of war. The involvement of the International Red Cross was valuable in this part of the exercise.

28 Australian Defence Association. Transcript, 6 July 2000, p. 223.

cultural communication, including background briefing on the history, culture and political system of the country they will be in contact with.²⁹

- 4.51 The Department considered it to be of particular importance to the success of peace operations that ADF personnel were properly trained in international humanitarian law:

A number of recent UN Security Council resolutions have called for peacekeepers to be trained in international humanitarian law – a proposal that Australia supports. Extensive specialised training in this field is provided as a matter of course to all ADF personnel involved in peace operations. The experience of the ADF in East Timor has underlined the critical importance of providing such training to the successful outcome of a peace operation.³⁰

- 4.52 In accord with these comments, Mr Michael O'Connor suggested that there were several elements which should be considered when selecting soldiers for peace operations: 'They must be selected on the basis of military professionalism and cultural commitment to respect for human rights and protection of the weak and defenceless'.³¹

- 4.53 The Medical Association for the Prevention of War (Australia) emphasised the importance of having a code of conduct for peace operations:

There should be a clear and strictly implemented code of conduct for UN peacekeeping operations, and training in human rights issues should be mandatory for all personnel involved in these operations.³²

- 4.54 World Vision Australia echoed this call, suggesting that accountability for UN operations would be assisted by a code of conduct:

All participating UN representatives including peacekeepers should be accountable to the international community. This accountability can be maintained by establishing a UN Code of Conduct for Peacekeepers (including UN civilians staff and the UN Civil Police). Training in the requirements of peacekeepers (knowledge of international law and instruments) should be essential.³³

29 Department of Defence. Submission No. 108, p. 1333.

30 Department of Defence. Submission No. 108, p. 1333.

31 Australian Defence Association. Submission No. 5, p. 46.

32 Medical Association for the Prevention of War (Australia). Submission No. 90, p. 925.

33 World Vision Australia. Submission No. 99, p. 1014.

Australian Peacekeeping Centre

4.55 In Australia, the principal facility for the training of ADF personnel in UN peace operations is the Australian Defence Force Warfare Centre at Williamstown in NSW. The Department of Defence described the facility in the following terms:

A key contribution to peace operations training is made by the ADF Peacekeeping Centre established in 1993 at RAAF Base Williamstown. The ADF Peacekeeping Centre draws on Australian and overseas experience to develop ADF peacekeeping skills and those of our regional neighbours. To this end, the Centre conducts seminars for personnel from within the Australian Defence Organisation, Government and non-Government agencies and civilian and military personnel from regional countries. The Centre also prepares relevant doctrine for the ADF and training material for the DPKO and the UN Institute for Training and Research.³⁴

4.56 The committee believes that the Peacekeeping Centre will continue to provide an opportunity for officers of the ADF to come together with representatives of other government departments, humanitarian agencies and better prepare for future peace operations. The centre also presents the ADF with the opportunity to refine its doctrine in relation to peace operations.

34 Department of Defence. Submission No. 108, p. 1333.

