

FIRST COMMITTEE: SUB-COMMITTEE 3

DRAFTING GROUP

SUMMARY RECORD OF SECOND MEETING

Held at Lake Success, New York on Tuesday, 10 December 1946, at 11:00 a.m.

Members present:

Chairman: Mr. Spaak	(Belgium)
Mr. Eschott Reid	(Canada)
Mr. Wellington Koo	(China)
Mr. Hsu	(China)
Mr. Clementis	(Czechoslovakia)
Mr. Fawzi	(Egypt)
Mr. Parodi	(France)
Mr. Dejean	(France)
Sir Hartley Shawcross	(United Kingdom)
Mr. Connally	(United States)
Mr. Vyshinsky	(USSR)

Redrafting of the Following Paragraphs of a Resolution Concerning the General Regulation and Reduction of Armaments:

Paragraphs 1 and 2 as Adopted in Sub-Committee 3;

Paragraph 3, on the Basis of Texts Submitted by the United States, USSR, United Kingdom, French and Canadian Delegations;

Paragraph 4, on the Basis of an Indian Text Adopted by Sub-Committee 3 and Amendments Submitted by the Egyptian and United States Delegations.

Paragraph 5 as Adopted in Sub-Committee 3.

Second Part of Paragraph 3:

The CHAIRMAN remarked that the original paragraph 3 of the United States text (document A/C.1/90) had been adopted and that two proposals were now before the Drafting Group for the second part:

First Proposal

Add after paragraphs 1 and 2 and after the first part of paragraph 3 (United States text):

"To ensure the adoption of measures for the reduction of
/armaments

armaments and prohibition of the use of atomic energy for military purposes and other major weapons adaptable for mass destruction, there shall be established within the framework of the Security Council, who bear the main responsibility for peace and security, an international system operating through special organs, which organs shall derive their powers and status from the Convention or Conventions under which they are established."

Second Proposal

Add the words after the resolution quoted above:

"and should include:

"(a) A Commission competent in the matter of the reduction of armaments including the application of any necessary system of control and inspection.

"(b) A Commission competent in the matter of the prohibition of the use of atomic energy for warlike purposes and its control and supervision for peaceful purposes and in regard to the prohibition of other major weapons adaptable to mass destruction."

Mr. VYSHINSKY (USSR) declared he could adopt the first proposal if the words "of control and inspection" were inserted after "international system." He wished to omit the second proposal and leave to the conventions which were to be drafted, the definition of these commissions and their functions.

Sir Hartley SHAWCROSS (UNITED KINGDOM) said he would accept the first proposal as amended by Mr. Vyshinsky with the addition of the following sentence:

"One of the organs established as part of this system shall have power to prohibit the use of new major weapons as occasion may require."

Mr. VYSHINSKY did not object to the substance of this addition because he was sure one of the commissions to be established would receive under a convention the power to prohibit. He opposed its insertion in the resolution as an unnecessary attempt to define the powers of a Commission which would be set forth in the conventions. The last clause of the first proposal "which.... established" was a general formula on which the whole Committee could agree without entering into further details.

Mr. CONNALLY (UNITED STATES) assumed that the word "control" in Mr. Vyshinsky's phrase "of control and inspection" meant the widest possible type of control which might be specified in the conventions and would relate to the entire subject matter.

/Mr. VYSHINSKY

Mr. VYSHINSKY (USSR) replied that Marshal Stalin had said there must be a strong international control. This meant effective international control.

Sir Hartley SHAWCROSS (UNITED KINGDOM) pressed for the inclusion of his idea whose substance Mr. Vyshinsky appeared to have accepted, and proposed that the following alternative amendment be added at the end of the first proposal:

"The said convention or conventions shall contain provision for the prohibition of other major weapons as occasion may require."

Mr. PARODI (FRANCE) and the CHAIRMAN felt this text was satisfactory, but Mr. VYSHINSKY rejected it.

Mr. CLEMENTIS (CZECHOSLOVAKIA) proposed to insert "now or in the future" after the word "adaptable".

Sir Hartley SHAWCROSS (UNITED KINGDOM) declared he would accept this proposal if the word "prohibition" were added to the words "control and inspection" which Mr. Vyshinsky had suggested. Mr. Vyshinsky's definition of a system as one of "control and inspection" did not give the power of prohibition to any control commission to be established. Since the second line of the proposal included the word "prohibition", there should be no objection to its insertion later on to show clearly that one organ would be entitled to prohibit any new major weapons. Unless such a power were vested in a control organ, the Security Council veto might at some time prevent the prohibition of newly invented weapons.

Mr. VYSHINSKY (USSR) opposed the United Kingdom Delegation's suggestion. The idea of prohibition was already mentioned in paragraph 2 and in paragraph 3. The convention could give the power of prohibition to the commission. It should not be inserted in the resolution under discussion. The Drafting Group had already concluded at its previous meeting that prohibition was an objective, whereas inspection and control were methods of work. The three could not be treated on the same plane.

/Mr. Vyshinsky

Mr. Vyshinsky felt Mr. Clementis' proposal to insert "now or in the future" covered the contingency of newly invented weapons against which Sir Hartley Shawcross wished to provide.

The CHAIRMAN proposed to change the words of the first proposal after "peace and security" to the following:

"a system which would work through special organs whose powers, including the prohibition of new major weapons as need may arise will be defined by the Convention or Conventions under which they are established".

The Delegations of France and the United Kingdom declared this text acceptable.

Since the Chairman's proposal was not acceptable to Mr. Vyshinsky, Mr. SPAAK offered the alternative of inserting Mr. Clementis' idea as a final clause to be added to paragraph 2:

"including the prohibition of atomic and all other major weapons, present or future, adaptable to mass destruction".

Mr. CONNALLY (UNITED STATES) observed that Mr. Vyshinsky's definition of an international system as one "of control and inspection" excluded the power of prohibition from a commission to be established by treaty. That power was necessary to avoid turning over the question of prohibition to the possibility of a Security Council veto. Therefore, either "of control or of inspection" must be omitted or the United Kingdom Delegation's amendment should be inserted in the second part of paragraph 3.

Mr. PARODI (FRANCE) agreed with Mr. Vyshinsky that there was no need to repeat in paragraph 3 the idea of prohibition already expressed in paragraph 2, and proposed to insert the following clause after

"international system": "as mentioned at the end of paragraph 2".

Sir Hartley SHAWCROSS (UNITED KINGDOM) agreed to this proposal.

Mr. VISELSKY (USSR) accepted this formula on condition that the amendment to the last clause of the second paragraph adopted at the previous meeting should be changed to read:

/"for the creation

"for the creation of an international system of control and inspection and for the prohibition - - -".

The CHAIRMAN pointed out that Mr. Vyshinsky meant a control system could control or inspect but could not prohibit. The prohibition was to be established by a convention. A system of control would supervise the prohibition.

Mr. PARODI (FRANCE) reposed the problem before the Drafting Group. If a new major weapon were discovered after the original conventions provided by the Security Council had been ratified, must a new convention be ratified to prohibit such weapons or would the commission established by the original convention have the power to prohibit the newly discovered weapon?

Sir Hartley SEAWCROSS (UNITED KINGDOM) moved that "of control and inspection" be removed from the first proposal and the following inserted in its place:

"as mentioned at the end of paragraph 2 hereof".

He asked what objection Mr. Vyshinsky could have to the adopted text in paragraph 2 if he agreed that the commission which prohibited atomic weapons would also be in charge of inspection and control.

Mr. VYSHINSKY (USSR) remarked that one or more conventions would concern the prohibition of atomic and other major weapons, while the same or other conventions would establish commissions of control and inspection. His objection was to place control, inspection and prohibition on the same footing. Control and inspection were methods, while prohibition was an objective. There could be no system of prohibition. A system of control would supervise prohibition, therefore he proposed to change the text of paragraph 2 after the words "convention or conventions" to the following:

"for the creation of an international system of control and inspection, these conventions to include provisions for the prohibition of atomic and all other major weapons present and future adaptable to mass destruction".

The Drafting Group accepted the proposal of the delegate for the United Kingdom to insert "and armed forces" after the words "reduction of armaments" in the first proposal.

/The CHAIRMAN

The CHAIRMAN then read the final approved version of the second part of paragraph 3:

"To ensure the adoption of measures for the reduction of armaments and armed forces and prohibition of the use of atomic energy for military purposes and of other major weapons adaptable now or in the future for mass destruction there shall be established within the framework of the Security Council, who bear the main responsibility for peace and security, an international system, as mentioned at the end of Paragraph 2, operating through special organs, which organs shall derive their powers and status from the Convention or Conventions under which they are established."

Mr. REID (CANADA) expressed the view the Committee should not repeat in the second part of paragraph 3 the language at the close of paragraph 2. He proposed that this second part commence:

"And to set up the international system recommended at the end of paragraph 2"

Mr. Reid also believed the language of paragraph 2 did not adequately cover the use of atomic energy for peaceful purposes, an important term of reference of the Atomic Energy Commission. The first sentence of paragraph 2 covered all the phases of the Atomic Energy Commission's work as set forth in Section 5 of the Assembly resolution, but in its second sentence the conventions specified did not include among their objectives the control of atomic energy for peaceful purposes.

The Canadian Delegate finally agreed to drop his first suggestion. He was unable however, to accept the views of other speakers that adequate reference to all the objectives of the Atomic Energy Commission were contained in the first part of paragraph 2 and therefore reserved his position on the second Canadian suggestion.

Mr. PARODI (FRANCE) asked in the name of the Atomic Energy Commission, of which he was Chairman, that nothing in the final text should prejudice the Commission's findings. If the Atomic Energy Commission should decide that a control exercised from the outside upon atomic energy production was impracticable and impossible at some stages and order an international

/Atomic

Atomic Development Authority to take direct charge of production, it should not be hampered in executing such a decision by any clause in the disarmament resolution. Mr. Parodi expressed willingness to accept the paragraph's wording, achieved with so much difficulty, but in the understanding that "control" should have the broadest possible meaning and should include the possibility of an international authority managing the production of atomic energy.

The CHAIRMAN replied that the Committee agreed with Mr. Parodi's interpretation. The Committee's resolution did not prejudge the system of commissions to be set up in conventions drafted by the Security Council in the light of the reports of the Atomic Energy Commission. The resolution neither provided for nor prohibited any organ performing the work of direct management.

Paragraph 4, on the Basis of an Indian Text Adopted by Sub-Committee 3 and Amendments submitted by the Egyptian and United States Delegations

Mr. VYSHINSKY (USSR) proposed to amend the second sentence to read as follows:

"It recommends the Governments to undertake the progressive and balanced withdrawal of forces stationed in territories and the immediate withdrawal of forces stationed in the territories of States Members of the United Nations without their consent consistent with the Charter and the corresponding reduction of national armed forces".

Mr. VYSHINSKY explained that the phrase "in due course" was used to provide, for such special circumstances as were involved in the troop withdrawals planned to take place within three months after the conclusion of peace treaties with Italy and the ex-satellite states. The other major change was intended to make clear that the progressive withdrawal of troops and the progressive reduction of national forces would proceed side by side.

The Drafting Group accepted the substitution of "ex-enemy" for "foreign".

After objection had been made to the suggestion of delay in the phrase "in due time", the Committee accepted the following text proposed by

/Mr. Parodi

Mr. Parodi to take care of the problem Mr. Vyshinsky had mentioned: "The progressive and balanced withdrawal of forces stationed in ex-enemy territories, taking into account the needs of occupation".

Sir Hartley SHAWCROSS (UNITED KINGDOM) felt that the Soviet Union's amendment requiring "published treaties" was unnecessary, since the Charter in Article 102 required publication of all treaties.

In his opinion, the free consent to the presence of foreign troops on a nation's territory was the problem of that sovereign state alone. The Assembly could only state that the presence of foreign troops should not be without a nation's free consent. He also objected to the phrase in the Soviet Union's amendment "and not contradicting international agreements".

He considered the proposed amendments were outside the Committee's terms of reference, since they raised the new idea of limiting demobilization of national forces to the totals of troops withdrawn from stations abroad.

Mr. CONNALLY (UNITED STATES) did not approve of the suggested requirement for "published treaties". Registration of treaties was directed by the Charter. Consent to the presence of foreign troops in its territories was an act of sovereignty that could not be abridged. If a country objected to the presence of troops, it could protest. This point of view had been the basis for the United States Delegation's amendment to this paragraph, which the Committee had adopted the previous day. The amendment had been drafted to allow such cases as the maintenance of United States troops in the Panama Canal zone on land leased from Panama.

Mr. CONNALLY also pointed out that the proposed Indian amendment had intended to recommend general disarmament. This reflected the generally approved objective of a reduction in the present huge standing armies. He inquired whether Mr. Vyshinsky's amendment aimed at reducing home armies only to the extent of troop withdrawals from territories abroad.

Mr. FAWZI (EGYPT) felt that if the text clearly indicated that all

/treaties

treaties or agreements were to be "consistent with the Charter", the problem of "published treaties" would be removed.

Mr. VYSHINSKY (USSR) explained that the insistence on "published treaties" was to guarantee the bona fides of the agreements. He pointed out that Article 102 did not insure the publication of all treaties, as Sir Hartley Shawcross had remarked, because its second paragraph definitely envisaged the possibility of unpublished treaties. The phrase "and not contradicting international agreements" had been drafted in the light of such an accord as that of December 1945 by the Council of Foreign Ministers providing for the withdrawal of both United States and Soviet Union forces from China. Although the Soviet Union's troops had been withdrawn, he did not think that this was the case with those of the United States. To provide for such a case as this, the Soviet Union's amendment said the presence of troops must be in accord with international agreements.

The link established by the amendment between withdrawal of troops from abroad and the reduction of national forces at home did not imply that demobilization of national forces would be limited to the total of those withdrawn from abroad.

Sir Hartley SHAWCROSS stated that his delegation did not want demobilization to be limited to the total of troops withdrawn from abroad, but wanted home forces so reduced as to do away with huge standing armies. That was the purpose of the whole disarmament proposal.

Therefore, he suggested he could agree to Mr. Vyshinsky's amendments if the following further sentence were added:

"The Assembly further recommends the progressive demobilization of national forces."

Mr. VYSHINSKY (USSR) declared the Soviet Union amendment to the Indian draft was based on three propositions:

- (a) Free consent should be expressed in written published instruments;
- (b) Troops should not be located in foreign territories in conflict

/with

with international treaties;

(c) As troops were withdrawn from abroad, there should be a balanced reduction of national forces. This balanced reduction would only be a part of the general disarmament to be provided for by conventions referred to in paragraph 2 of the resolution.

The CHAIRMAN observed that a free and public consent was more important than publication of treaties giving that consent. Therefore he felt the phrase "consent freely and publicly expressed" could be substituted for the phrase of the Soviet Union Delegation "expressed in published treaties."

Mr. SPAARK then pointed out that the Indian draft generally approved by the Committee at its previous meeting clearly expressed the ideas of progressive and balanced withdrawal of forces from abroad and also the idea of a reduction of armaments, but established no link between these two points. To make reduction of troops dependent on withdrawal of troops from abroad raised a new issue and might change the substance of the adopted text.

The CHAIRMAN then proposed the following revised text for paragraph 4:

"The General Assembly, regarding the problem of security as closely connected with that of disarmament, recommends the Security Council to accelerate as much as possible the placing at its disposal of the armed forces mentioned in Article 43 of the Charter. It recommends the Governments to undertake the progressive and balanced withdrawal, taking account of the needs of occupation, of their forces stationed in ex-enemy territories, and the withdrawal without delay of forces stationed in the territories of Member States without their consent freely and publicly expressed in treaties or agreements consistent with the Charter and not contradicting international agreements. It further recommends a corresponding reduction of national armed forces, and a general progressive and balanced reduction of these national armed forces."

The Delegates for the Soviet Union, United Kingdom and United States provisionally accepted this text but reserved their positions.

Discussion of Additional Soviet Union Amendment
(document A/C.1/87/Add.1/Corr.1)

The CHAIRMAN read the proposed amendment:

"The General Assembly; deems it necessary that all States Members of the United Nations should submit information to be submitted when the Security Council shall consider the proposal for general reduction of armaments".

/Sir Hartley SHAWCROSS

Sir Hartley SHAWCROSS (UNITED KINGDOM) said he did not oppose the amendment but proposed its redrafting thus:

"The General Assembly considers that all States Members of the United Nations should periodically submit information regarding all their armed forces and armaments. This information should be submitted to the Security Council when the same has entered upon the consideration of proposals for disarmament and has established machinery for the verification of such information. The information shall be in a form to be specified by the Security Council."

Mr. VYSHINSKY (USSR) stated that the USSR amendment did not propose periodic reports but the submission of information to the Security Council in connection with the general planning of disarmament. Therefore, he could not accept the United Kingdom delegation redraft.

Sir Hartley SHAWCROSS (UNITED KINGDOM) replied that periodical submission of information would make sure that States were reducing their armaments in accordance with general disarmament plans.

The meeting rose at 3:40 p.m.

NOTE: This Summary is an unofficial record for the use of the Secretariat and has not been verified by the Delegations.
