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**Chairman: Mr. Francisco URRUTIA (Colombia).**

**AGENDA ITEMS 20 AND 68**

**Regulation, limitation and balanced reduction of all armed forces and all armaments: report of the Disarmament Commission (A/2685, A/C.1/751, A/C.1/752/Rev.1) (*continued*)**

**Conclusion of an international convention (treaty) on the reduction of armaments and the prohibition of atomic, hydrogen and other weapons of mass destruction (A/2742 and Corr.1, A/2742/Add.1, A/C.1/750) (*continued*)**

1. The CHAIRMAN (*translated from French*): I wish to ask any delegations who wish to speak tomorrow morning to put their names on the list so that I can announce tomorrow's programme at the end of this meeting.

2. Mr. SKRZESZEWSKI (Poland) (*translated from French*): Our Committee has now spent some days discussing the conclusion of an international convention on the reduction of armaments and the prohibition of atomic, hydrogen and other weapons of mass destruction. The leading part in the debate has been taken by the great Powers. That is natural. The reduction of armaments and the effective prohibition of weapons of mass destruction depend primarily on understanding among the great Powers. Any proposals to that effect will have no real value unless they have the support of those Powers.

3. The Polish delegation is not intervening in the debate at this stage because of any overweening ambition or exaggerated idea of its capabilities. But disarmament is of such importance and of such deep concern to the entire human race that all peoples must of necessity be interested in it and make their contribution, however modest, towards the adoption, during this session, of constructive measures in this connexion. This is all the more important because no country can any longer claim the privilege of a monopoly of, or supremacy in, atomic weapons, or imagine that a war would leave it unscathed.

4. Poland, the country which my delegation represents here, has special reasons for following the current debates in the First Committee with deep interest and concern. My people have suffered most acutely from the destructive effects of what are called conventional armaments. We know only too well the meaning of the words bomb, shell, mine, fire, occupation, death-camp, execution, destruction, death and suffering. We have been the victims of armaments and war, and that is why we always oppose war and advocate effective disarmament. Poland is awaiting positive results from the present debate. All proposals designed to reduce international tension, to establish coexistence on firm foundations, to obviate the threat of a new war which hangs over mankind, have always received our active support. In 1946 and 1947, Poland, as a member of the Security Council, took part in the work of the Atomic Energy Commission and of the Committee on Conventional Armaments. In those bodies, we tried to make a modest but effective contribution in the search for the right solution to the problem of prohibiting the atomic bomb and other weapons of mass destruction, and of bringing about a substantial reduction of armaments and armed forces.

5. It is the same end which we have sought to achieve in the debates on disarmament at previous sessions of the General Assembly. With the intention of furthering the work of the United Nations in a matter so vital to peace, we also submitted a proposal [A/C.1/L.39] on disarmament. At the seventh session of the General Assembly, the Polish delegation suggested some measures for the reduction of international tension. Our draft resolution proposed, among other things, the prohibition of the atomic bomb and the reduction of armaments, beginning with those of the great Powers.

6. In the past, the General Assembly has not made use of existing possibilities for the solution of the disarmament problem, so essential to international co-operation. There were many such possibilities. The Soviet Union has persevered for many years in the United Nations in striving to bring about the elimination of the atomic bomb and other weapons of mass destruction and the reduction of armaments and armed forces. At nearly every session of the General Assembly it has submitted concrete proposals with that aim in view. That is an undeniable fact, confirmed by the history of the United Nations. That fact cannot be changed by the version which some representatives give of the work on the disarmament question in the United Nations, a version which does not correspond to the facts. Unfortunately, the USSR initiative was not supported. On the contrary, it met with opposition. Can there be any denying that, if the Soviet Union's initiative had been supported at the time and if collective measures had been taken, mankind might have been spared the considerable sacrifices caused by the frantic armaments race which has been going on for years? What vast resources might have been released thereby and applied to the peaceful development of many coun-

tries! International relations might long ago have become normal in many respects and conditions for peaceful international co-operation could have been created.

7. We know how the debates on disarmament developed at previous sessions of the General Assembly. The organs established by the General Assembly to seek a solution to the problem submitted reports which stated, year after year, that their work had reached a deadlock. The debates on those reports were pervaded with pessimism and gloom.

8. But this is not the time to go back over the previous work of the United Nations on disarmament. This year, the debates are proceeding in a different atmosphere. To what is this change due? Just before this session of the General Assembly, a particularly favourable climate was created. On the one hand, there was an increased awareness of the threat of war and the consequent danger for the entire human race. The certainty that there is no monopoly of nuclear energy was established. The conviction that the different systems must find some means of reaching an understanding and achieving a pacific settlement of their disputes became more marked.

9. In addition, the Berlin and Geneva Conferences provided a convincing example and proof that it was possible to come to an understanding, even about difficult and controversial questions. A propitious atmosphere has been created, which will make it possible to proceed with the search for a solution of other controversial problems.

10. It is in this atmosphere that the Soviet Union has once more presented, at the ninth session of the General Assembly, a proposal [A/C.1/750] for the conclusion of an international convention on the reduction of armaments and armed forces and the prohibition of atomic weapons, on the basis of the proposals submitted by France and the United Kingdom [DC/53, annex 9] on 11 June 1954 to the Sub-Committee of the Disarmament Commission meeting in London. That step by the Soviet Union has offered a real opportunity for agreement on the disarmament question. An opportunity to break the deadlock which for years has existed over the disarmament problem has been created.

11. The USSR proposal, which is based on the memorandum of France and the United Kingdom, takes all the various opinions into account and brings the different theories closer together. It will thus be possible to settle the disarmament question in a manner acceptable to everybody. This is undeniably a step forward. It has been hailed throughout the world. Millions of men everywhere breathed more freely. Once more they have acclaimed the new constructive proposals of the Soviet Union. They note with gratitude and they approve of the fact that the Soviet Union is once more stretching out its hand to the Western Powers. The Soviet Union has once again started to build the bridge of understanding from its own shores, before the eyes of the whole world. It has shown its purpose to be the conclusion of a great convention in keeping with a great cause and has revealed its desire to build up a common understanding on a basis acceptable to all, and thus to fulfil a common historic mission. The hearts of mothers and fathers, of men and women, young and old, rich and poor, of men of all races and nationalities, the hearts of all those to whom life, civilization and culture are dear are anxious about the possible outcome of the disarmament problem.

12. The question has been brought before the United Nations. What kind of reception has it had there? Our delegation has been following, with all due attention, the debate in the First Committee and is carefully studying all the relevant documents. It is difficult to avoid the impression that some delegations are, as we might say, taken aback, disagreeably surprised and even shocked, by the fact that the USSR delegation has based its proposal on the memorandum of France and the United Kingdom. It seems sometimes as if they have a grudge against Andrei Vyshinsky, leader of the Soviet Union delegation, because he is submitting such constructive proposals, because he very clearly utters not only the Russian "*da*", but the French "*oui*" and the English "*yes*". Are there perhaps some delegations, happily few in number, who suspect the authors of the memorandum of having submitted it only because they expected it to be rejected by the Soviet Union? We sometimes get the impression that some delegations find themselves between the Scylla of world public opinion, which demands an understanding, and the Charybdis of the USSR proposal for the conclusion of a convention on the reduction of armaments and armed forces and the prohibition of atomic weapons, based on the French and United Kingdom memorandum.

13. Some delegations are trying surreptitiously to read into their own former proposals a new meaning which they did not have before. Instead of taking up the common points on which agreement has already been reached and trying to reach an agreement on the remaining problems, they raise questions rather in the nature of ultimatums.

14. Our delegation ventures to propose another method to all delegations, particularly those of the United Kingdom and France. We propose a procedure which, while not original it is true, might and should be all the more acceptable in that its author is Mr. Lloyd himself. In that connexion, we should like to recall what Mr. Lloyd said in support of the French and United Kingdom memorandum, on 14 June 1954, in London at the 17th meeting of the Sub-Committee of the Disarmament Commission, on which he represented the United Kingdom. Listen to what Mr. Lloyd so rightly proposed. He said at that time

"Once agreement has been reached about a plan in outline, there will be many details still to be filled in. But where there is a will, there is a way, and if we can get agreement on the outline of the plan and then tackle the details in the right spirit, not permitting them to get clouded and obfuscated by a mass of technical refinements, it lies within our power to achieve a satisfactory result".

15. Thus, on 14 June, Mr. Lloyd held the view that the essential need was to reach agreement on the broad outlines of a disarmament plan, and he said so in the course of a discussion before a special sub-committee on disarmament consisting of the representatives of five countries, a committee which was better qualified to discuss the details of the problem than our Committee of sixty members.

16. By last Friday, 15 October [690th meeting], Mr. Lloyd had probably forgotten his proposals of mid-June. It is easy to see that what Mr. Vyshinsky, leader of the USSR delegation, said on Friday when describing the subsequent course of the work, was merely a

recapitulation of the proposals made by Mr. Lloyd in June.

17. The anxious world sees that the work of building the bridge is in full swing on one shore. The peoples are demanding that the building should be carried out on both sides simultaneously. It is only by keeping the work going on both sides at once that there will be any hope of success.

18. It seems surprising that, just at the time when we are discussing the problem of disarmament, certain representatives, both inside and outside the First Committee—I am referring to the Netherlands representative, among others—are defending agreements which are in flagrant contradiction with the very idea of disarmament. That is particularly astonishing in the case of the Netherlands representative, who comes from a country which has known war and occupation by Hitler's armies. On 15 October [690th meeting], speaking in the First Committee, the Netherlands representative quoted the London agreement on the remilitarization of Western Germany in opposition to the original Soviet proposals, which he called "a mirage of peace". According to him, the London agreements guarantee the security of the Netherlands. Here are his exact words:

"Now my Government has accepted the London agreements and it is not going to abandon its position as long as there is only a mirage of peace before us".

19. Poland and the Netherlands have both suffered the brutal attacks of German militarism; it is hard for us to understand how anyone can consider the rebirth of German militarism, the greatest enemy of all the peoples of Europe, as a guarantee of the security of the Netherlands or of any other European nation. It is difficult to see how the remilitarization of Western Germany, which is a threat to the peace of Europe and of the whole world, can be quoted in opposition to the Soviet Union proposals for the conclusion of an international convention on the reduction of armaments and the prohibition of the atomic bomb. Conferences such as those of Brussels and London lead to increased international tension; they create the conditions under which German militarism can again perpetrate its bestial atrocities against many nations, those atrocities which were suffered not so long ago by the peoples of Poland and the Netherlands.

20. If we really wish for peace, we must take the only right way to it, that of agreement, which will save humanity from the horrors of an atomic war and put an end to the armaments race, which is draining the resources of many countries. The peoples of the world are demanding disarmament with ever-increasing insistence. The military agreements of London, Brussels, or others of the same type, will only lead to the repetition of the tragic ordeals of the past world wars, ordeals which will be rendered ten times worse by the use of weapons of mass destruction. The peoples will have none of it.

21. The USSR proposal for the conclusion of an international convention on disarmament offers wide possibilities at the current session of the General Assembly; it provides an opportunity for a substantial reduction of international tension. I should like to stress that aspect of the USSR proposals. These proposals will, in particular, enable the United Nations to play a major part in the creation of peaceful conditions

favourable to the co-operation and coexistence of States with different social and economic systems. The agreement on disarmament would have a considerable influence on the settlement of other controversial international questions; it would create an atmosphere favourable to peaceful international co-operation in many respects. By facilitating agreement on disarmament, the United Nations would be playing the part assigned to it by the Charter.

22. The great importance of concluding a convention on disarmament, providing for a real reduction in armaments and armed forces, must be stressed. It would relieve many peoples of the crushing financial burden of armaments; in many countries standards of living would improve; for those countries there would be great prospects of economic development.

23. Is there any need to stress the great importance of concluding of a convention which would prohibit the production and use of the atomic bomb, the hydrogen bomb and other weapons of mass destruction? What wonderful prospects would then be opened to mankind, if the new sources of nuclear energy were used only for peaceful purposes! Under present conditions, prospects which formerly seemed remote and unattainable are becoming objectives capable of achievement.

24. Study of the French and United Kingdom memorandum of 11 June 1954 and the USSR proposals submitted at the present session show that there has been a definite *rapprochement* among the great Powers concerning the essential features of the problem. There is a determination to continue discussions for the settlement of questions on which there are still differences of opinion. The Polish delegation welcomes the new development in regard to the questions of disarmament.

25. The delegation of the People's Republic of Poland will do everything in its power to promote the achievement of positive results on the disarmament question at this session of the General Assembly.

26. Mr. ECHEVERRI CORTES (Colombia) (*translated from Spanish*): A wit once made the shrewd remark, which has been repeated many times, that all countries want peace, but that peace cannot be attained because each country wants peace plus something else. The remark, although true of most countries, certainly does not apply to my country, or to the Latin-American countries generally.

27. Like the other Latin-American countries, Colombia wants nothing but peace, and has no interest that is incompatible with peace. Like the other Latin-American countries and the small countries in general, Colombia can therefore make an important contribution to this debate—its complete disinterestedness, its sincere desire for peace, which is not obstructed by any contrary wishes, sentiments or interests.

28. In the opinion of the Colombian delegation, which has followed this debate most attentively, the statements so far made by the great Powers are so important as to encourage the hope that the disarmament problem will prove less intractable than it was in the League of Nations and has been, until quite recently, in the United Nations. As Mr. Wadsworth rightly remarked in his excellent speech on 12 October [687th meeting], "the first faint ray of hope" has been seen in the United Nations. Whether this ray of hope, which has so dazzled the world, becomes a living reality so that mankind can once again enjoy freedom from fear and peace of

mind depends primarily, in my opinion, on the willingness of the Soviet Union delegation to clarify in precise terms three points in Mr. Vyshinsky's statements that are still rather obscure. We all know that the rejection of the Baruch Plan on atomic energy and the failure to achieve agreement regarding disarmament are due to three causes.

29. First, in regard to disarmament, the USSR delegation's position has always been such that the United States would be required to destroy its entire atomic and thermonuclear potential with no certainty that there would in fact be a balanced reduction of armed forces and conventional armaments.

30. Secondly, in regard to the control of atomic energy, the Soviet Union has insisted on reservations and limitations, both in theory and in practice.

31. Thirdly, there has been the feeling that the veto might be used at the last moment to prevent any effective action to deal with violations and to enforce the prohibition of the manufacture of new atomic weapons.

32. Mr. Vyshinsky's statements seem to indicate that there has been a change in the Soviet Union's position, and of course we all hope that that is the case. Nothing could please the world more than to know that the Soviet Union has changed its position. Nothing could be more important for international peace and security than the acceptance by the Soviet Union, in the case of disarmament, of a system giving effective guarantees to both sides, and, in the case of atomic energy, of a broad and effective control such as can be set up in the United States, where anyone can find out with no difficulty whatever everything that is happening in this field. Lastly, nothing could be more important than an assurance that the Soviet Union does not intend to use the veto to prevent action by the international atomic energy control organ.

33. So far, we have not had a sufficiently clear reply from Mr. Vyshinsky on these three points, and naturally it is impossible in the circumstances to know definitely whether we are on the eve of the solution of the problem or whether we are merely faced by another astute propaganda campaign designed to halt rearmament of Western Germany and prevent the ratification of the recent London agreements. What Mr. Vyshinsky tells us and his replies on those three points will decide whether we can give the whole world the happy news that we are on the eve of a solution of the disarmament problem, or whether we have to report yet another propaganda move of the kind we have so often seen in the United Nations.

34. If Mr. Vyshinsky tells us that he does not claim that the United States must destroy its atomic and thermonuclear potential before there can be any effective guarantee of the balanced reduction of conventional armaments; if Mr. Vyshinsky tells us that the control of atomic activities could be undertaken in the USSR with the same freedom, efficiency and facilities as in this country; if Mr. Vyshinsky demonstrates clearly and unambiguously that it is not his intention to prevent effective action by the control organ by means of the veto, we shall be able to give the world the good news that the peace of mind and confidence which mankind has enjoyed until relatively recently will be restored.

35. If, on the other hand, this is a more or less cleverly disguised attempt to induce the United States to abandon its lead in the atomic and thermonuclear

field, so that the Soviet Union could gain an advantage from the fact that it has a larger army than the United States; if it is intended that the control of atomic energy should be carried out in the United States with the freedom and facility which is usual in all things in that country, while similar facilities are not provided in the Soviet Union; if it is intended that the entire basis of the disarmament plan should be undermined by the possible abuse of the veto, then we shall have to resign ourselves to telling the world that this has merely been another attempt to prevent German rearmament and to block the London agreements.

36. So far as the veto is concerned, for example, the position is as follows: Mr. Vyshinsky has clearly said that the control organ would not have effective authority to enforce its decisions and would only be able to report serious violations to the Security Council. It should be noted that in his statement of 11 October [686th meeting, paras. 106-7] Mr. Vyshinsky quoted the following passage from the United States working paper [DC/53, annex 4, para. 41]:

"The Authority should be empowered to take action as appropriate...

to remedy any violations or infractions in connexion with the enforcement of the provisions of the treaty establishing the system for the control of atomic energy. Such action would include:

"...

"(b) Bringing about the suspension of the supply of nuclear materials to the offending State;

"(c) Closing of plants utilizing nuclear materials in the offending State". Mr. Vyshinsky in commenting on that provision then said [686th meeting, para. 107]:

"Can the control organ be given such authority? In my opinion, no; because that is a punitive measure fraught with very serious consequences. Only the Security Council, which has primary responsibility for the maintenance of peace, has been given the power to take punitive action against States which fail to comply with the Charter or which violate international agreements. The Security Council is the only organ which can do that."

37. It is obvious that the application of such measures would lead to "serious consequences", and for that reason could only be taken by the Security Council. But, what would happen if these questions were taken to the Security Council by the control organ? Mr. Vyshinsky has given us two conflicting replies to this question.

38. On 12 October [687th meeting], replying to Mr. Belaúnde, the representative of Peru, Mr. Vyshinsky said that any attempt on the part of the control organ to suspend the supply of nuclear materials to the offending State or the closing of plants utilizing nuclear materials in the offending State would mean that the control body was taking punitive action, which only the Security Council can take. In that statement Mr. Vyshinsky did not tell us under which Chapter of the United Nations Charter such punitive action would be taken, but it is obvious that punitive measures must be based on Chapter VII of the Charter, which gives the right of veto to the permanent members of the Council. That is why we were surprised to hear Mr. Vyshinsky suggest, in his second reply to Mr. Belaúnde, on 12 October, that Chapter VI of the Charter would have to be invoked when the matter became a

dispute between the control organ and the country accused of a violation.

39. Later, Mr. Vyshinsky said that under Chapter VI, a party to the dispute would have to abstain from voting and would not be entitled to use the veto. However, in the course of the same speech he said:

"If such a question were to come before the Security Council and if it involved a country which was a member of the Council, that country could not vote; and if it were one of the permanent members enjoying the right of veto, then it could not exercise that right."

40. Later in the same statement, Mr. Vyshinsky said "Chapter VI is devoted to punitive measures"; the interpretation may of course have been inaccurate. Mr. Vyshinsky probably did not intend to suggest that "punitive measures" could be taken under Chapter VI. As he said in his statement, punitive measures would be subject to the veto under Chapter VII if the Security Council had to enforce them.

41. In my opinion, the confusion caused by Mr. Vyshinsky's statement—perhaps through a mistake in the English interpretation—must be cleared up. As we see, it is very obvious that in the view of the Soviet Union punitive action is subject to the veto under Chapter VII.

42. As Mr. Belaúnde rightly pointed out, even if the matter were dealt with under Chapter VI, one of the permanent members of the Security Council would always be in a position to use the veto, if the question concerned other governments which it was supporting. In recent years there has been a marked tendency for other States to be used to achieve the ends of one of the great Powers.

43. The position as regards the other two points is very similar. Mr. Vyshinsky has not been clear or precise. His statements have not been clear or precise enough to enable us to decide whether the Soviet Union has in fact substantially changed the intransigent attitude it adopted when the Baruch Plan was discussed, and which it has so far adopted on the question of disarmament in general. I am sure that all the representatives listening to me hope that Mr. Vyshinsky will be clearer and more explicit. We all want that there will be less ambiguity in these matters. We would like to hear a statement from Mr. Vyshinsky that will enable us to believe that we are going to make the "ray of hope" I mentioned earlier a reality.

44. However, in view of the history of this question, with which we are all familiar, it is up to Mr. Vyshinsky to tell us once and for all whether he is prepared to accept effective control, not paralysed by the veto, and a programme of action that will not necessarily be based on the strange idea that the United States should renounce all its advantages while the Soviet Union does not renounce those which it possesses.

45. In the excellent statement he made a few moments ago, Mr. Skrzyszewski, the representative of Poland, said that Mr. Vyshinsky was using the English "yes" and the French "*oui*". In my view, the important thing is that he should use the word "no" regarding the veto in the Security Council. The Spanish "*no*" would then be more important than the French "*oui*" or the English "yes".

46. In conclusion, I wish to state that the Colombian delegation will be ready to vote in favour of the Cana-

dian draft resolution [A/C.1/752]. However, we reserve the right to speak again, if necessary, on any amendments that may be presented.

47. Mr. VYSHINSKY (Union of Soviet Socialist Republics) (*translated from Russian*): I did not intend to speak today, nor shall I speak, on the substance of questions which we have touched on here several times and on which I have already made various explanatory observations.

48. I wish to speak only about the Colombian representative's statement. Naturally, like all other representatives, I am bound to speak as clearly as possible, particularly since of course everyone does not always understand correctly what is said in more or less clear terms.

49. This is apparently just what has happened in the present case. Why has reference been made once more to this Chapter VI, about which I am supposed to have spoken? When Mr. Lloyd made a statement to that effect, I immediately explained—or rather, I did not explain but merely recalled—that there had obviously been a misunderstanding, as I had never spoken of Chapter VI as a chapter providing punitive sanctions. I thought that this question had already been completely clarified. Nevertheless today the Colombian representative has once again made observations of that kind which I think are rather specific.

50. I crave the Committee's attention in order to clear up these misunderstandings. I shall quote from my statement at the 687th meeting on 12 October [*paras. 102-3*]:

"There has also been some mention here of the control organ. Mr. Wadsworth said—I am using the English text, and I think that I am translating correctly despite my poor knowledge of that language—that yesterday I had 'thoroughly dispelled all hope'—that is, the hope which had been aroused by the proposals which we submitted, and the hope that we would take the French and United Kingdom proposals of 11 June 1954 as the basis for the future international convention on the reduction of armaments and armed forces and the prohibition of atomic, hydrogen and other weapons of mass destruction; that is the hope, aroused by our proposals and our position, which I am alleged to have dispelled—'since I had made it perfectly clear that a control organ where there was no veto could do nothing "to punish violations"."

"That is correct; the control organ would be unable, and in fact ought not, to take any action which might be construed as punitive."

51. If the Colombian representative finds this insufficiently clear, then perhaps the Chairman of this Committee, who is also a member of the Colombian delegation, will explain it to him. I believe that the chairman of the Colombia delegation finds the question quite clear. He could perhaps explain it privately, as an office matter within the Colombian delegation, so to speak. Naturally I do not want to undertake that task. But if even that will not help, I shall once again be forced to take up the Committee's time and attention in explaining the actual state of affairs.

52. That is my answer to the question whether the control organ can take punitive measures. Rightly or wrongly, I replied quite clearly to the question on 11 October [686th meeting, *para. 106*] when I stated: My position ... is that the control commission cannot

be vested with such powers." I think that this is completely clear; or is it still not clear? Turning to my critics, I stated that if they disagreed with that, then they disagreed with the Charter. I then referred to Chapter VII of our Charter, entitled "Action with respect to threats to the peace, breaches of the peace, and acts of aggression", and I quoted Article 39 of that chapter. The Colombian representative probably has that article before him. I quoted it quite correctly.

"The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security."

I was clearly referring to Chapter VII, which states that only the Security Council can take measures with respect to violations which threaten the peace and are to be regarded as international crimes.

53. This should be abundantly clear. I also referred to Articles 41 and 42. If the Colombian representative will look at the Charter, he will find that they appear in Chapter VII. Then why is it suggested here that "punitive measures" can be taken by the Security Council under Chapter VI, which makes no such provision?

54. I did refer to Chapter VI, but in a completely different context. I asked what action the Security Council ought to take if it were called upon to deal with any questions which, for instance, concerned the work of the control organ—its reports and so forth. A question is submitted to the Security Council—how should the Council deal with it? It should act in conformity with the Charter. That was the point at which I referred to Article 27 of the Charter. This article deals with voting—that is, with voting procedure.

55. Therefore absolutely no reference was made to Chapter VI. When I spoke of punitive sanctions or sanctions in general—for sanctions may be regarded as punitive measures or punishment—I referred only to Chapter VII of the Charter. I completely fail to understand why the Colombian representative wishes to cloud this issue.

56. The Colombian representative goes further, and asks the Soviet Union delegation to state whether it would or would not allow the veto to be used in the Security Council in questions involving the control organ. I have already replied to his question. It seems that even Mr. Kyrrou, the Greek representative, stated here perfectly clearly that there would have to be an agreement that the veto, would not be used in the Security Council with regard to questions of control, and that representatives would voluntarily refrain from using it. The question even took the form: Is this possible or not? I answered that point also and stated that I considered it impossible. The Charter must not be violated. There are no grounds for that.

57. Our critics state that in that case there can be no control. I shall answer that point once more. If the veto is not to be used—that is to say, if decisions are adopted, not unanimously, but by a majority, and any one State does not agree, then there will be no control. Naturally no State will allow measures with which it does not agree to be taken in its territory. Do you want examples? Then here is one.

58. The Security Council examined the dispute between Egypt and Israel, and the Egyptian representative stated that his Government considered that the Israel complaint concerning violation of freedom of navigation and in particular of the 1888 Convention was invalid, and that Egypt did not accept and would not in the future accept the resolution which the General Assembly adopted in 1951. What action was taken with regard to Egypt then? Was a war declared?

59. I consider this question very important and I shall return to it. In particular I intend to explain more fully our point of view on this question from a logical, political and moral standpoint. I do not intend to do that now, as I do not want to deal with this question now, but I should like to say the following.

60. What is the veto? The veto is the principle of unanimity. What is meant by the principle of unanimity and its operation? It means that there must be agreement between the five great Powers which bear the main responsibility for war or peace. If they fail to agree on such questions at a time when humanity is faced with the threat of war, then a State which disagrees with a majority decision could only be forced to comply with that decision by force, that is to say by war. Agreement is necessary in order to avoid that situation, and that agreement is ensured by the principle of unanimity. I have decided that I had better explain this point in greater detail now rather than postpone it until the next meeting.

61. I should like to point out that when the Charter was being drawn up and the veto discussed in 1945, an extremely heated discussion took place in the United States Senate Foreign Relations Committee. The United States Secretary of State at that time, Mr. Stettinius, was asked what would happen if one of the five permanent members took advantage of the unanimity rule by direct exercise of the veto in order to prevent the application of sanctions against it.

62. Or perhaps, as the Colombian representative pointed out, the great Powers could act with the aid of other delegations. I have no such experience. Apparently he has experience which enables him to state that the veto can be applied by devious means. That is his business! I have no such experience.

63. That is how the question was expressed at that time. What did Mr. Stettinius reply to that question? It might perhaps be not without value to recall now what he said. He spoke as follows:<sup>1</sup>

"If one of these nations ever embarked upon a course of aggression, a major war would result, no matter what the membership and voting provisions of the Security Council might be.

"The Charter does not confer any power upon the great nations which they do not already possess in fact. Without the Charter the power of these nations to make or break the peace would still exist. What the Charter does is to place special and binding obligations upon the great nations to use—in unity together for peace, not separately for war—the power that is already in their hands."

<sup>1</sup> United States Senate, Foreign Relations Committee, *Hearings ... on the Charter of the United Nations* [79th Congress, July 1945], Washington, United States Government Printing Office, 1945, p. 215.



The words he used were: "in unity together for peace, not separately for war".

64. In his report on this matter Mr. Stettinius was expressing the opinion of the delegation of the United States at that time when he said:<sup>2</sup>

"... the requirement for unanimity among the five permanent members, with the safeguards that have been provided, is not only essential to the success of the United Nations Organization in the years immediately ahead, but ... it recognizes and confirms a power which a majority of Americans believe the United States should have in view of the great responsibilities our country must inevitably assume for the maintenance of world peace."

65. This attitude was certainly justified subsequently when, some six years later, John Foster Dulles published his book *War or Peace*, in which he said outright that the United States never intended to renounce the veto in matters where its essential interests were involved. He said this outright (forgive me if I am not perhaps quoting him quite accurately, but I am conveying the sense of that passage in his book), mentioning that the questions he had in mind at that time were connected with the Panama Canal.

66. On all important questions, therefore, the United States has never refrained from using the veto. And similar statements have been made by responsible people quite recently.

67. The matters we are now considering are extremely important, and it is impossible to establish a control commission where there will be no veto, where questions will be decided by a majority of votes, and where consequently States which have already agreed together and constitute a majority may secure the adoption of decisions which are unacceptable to the minority. And if they go to the Security Council, it may be that the minority will not find any equitable decision there either, because there too there will be the same majority of States which have already agreed together on certain actions and will make no allowance for the particular interests of other states.

68. I have already stated here that the question, for example, of the use of atomic energy for exclusively peaceful purposes is of extreme importance to my country, in view of the importance of the various sources of electric power. Any of these sources, in my country as in others, may fail to produce sufficient power. That is a very important matter to us. Similarly, it is of course a very important matter that the threat of atomic war should once and for all be removed. We are therefore in the highest degree concerned to ensure that the atomic bomb is prohibited.

69. In the rules of procedure governing the consideration of particular matters in the United Nations there is a principle on which agreement has been reached and which is embodied in the Charter. It is excellently expressed in the following quotation from the speech by Mr. Stettinius to which I have already referred:<sup>3</sup>

"The unanimity rule is an expression of those special obligations and of their commensurate responsibilities"—

that is to say, of the obligation to use their power in unity together for peace.

70. At that time the Government of the United States resisted the various opponents of this very unanimity principle, and expressed this resistance in this very important American document which I have just recalled. It states:<sup>4</sup>

"The General Assembly is not a legislative body. It is an international meeting of the representatives of sovereign nations. The act of voting on an important matter, therefore, is not likely to take place until all the means of adjustment usual in negotiations among nations have been brought to bear in order to reach a common viewpoint ...

"... much of the criticism of the voting provisions of the Charter arises from failure to remember that the United Nations is neither a federal union nor a world state and that voting procedures among its sovereign member nations cannot necessarily be judged on the same basis as voting procedures in a State legislature or in the Congress."

What does this mean? It means that a sovereign State cannot be coerced by the decision of the majority, if that State does not agree with it.

71. There are quite a number of these resolutions: on "collective security", the "little assembly", "Uniting for peace", and so on. We have always fought against those resolutions; we have never agreed to them, and I hope it has never occurred to any sensible person to force us to carry them out or accept them. We do not agree to them, just as you, perhaps, do not agree to a number of resolutions which you also have undertaken to carry out but are not carrying out. By "you" I mean those who are actually failing to carry them out. There is, for example, an "agreement concerning the peaceful settlement of the German question". That agreement has not yet been carried out. I have in mind the Potsdam agreement and the Yalta agreement, which have not been carried out because the other side refuses to carry them out, considers them inappropriate, and the like. I do not wish to go into details at present. But does it occur to any of us to use force to compel anyone to carry out these decisions? Of course not. I can mention many similar examples. We must understand what we are talking about, what the essence of the matter is.

72. Fundamentally, what it amounts to is this: we must come to an agreement. In international affairs, negotiation is a reliable method of solving outstanding problems, provided that the desire for negotiation is there. I associate myself with the remarks of Mr. Skrzyszewski on Mr. Lloyd's observation that where there is a will, there is a way. But what kind of will is it, if someone forces me to do something? What if decisions contrary to my interests are adopted, and then on top of that it is urged that I must carry out those decisions? What are we doing here? Is this a world government? This is an assembly of sovereign States in which the will, interests, desires and views of each must be respected.

73. It follows, then, that the general principle of unanimity is a natural one. Its formulation has perhaps at times been too extreme, as, for instance, in Article 5 of the Covenant of the League of Nations, according to which decisions at any meeting of the Assembly required the agreement of all the Members of the League—a provision which, incidentally, considerably hamp-

<sup>2</sup> *Ibid.*, p. 216.

<sup>3</sup> *Ibid.*, p. 215.

<sup>4</sup> *Ibid.*, p. 217.

ered the League's work. But the principle of unanimity is the natural consequence of another principle, that of the sovereign equality of States. I do not propose to go into the general question of sovereignty at this juncture, although it might well be pertinent, for I have not the time nor, I think, is it really necessary. That is a question which we may leave to another occasion. Sovereign equality must, however, exist.

74. Sovereign equality means that a sovereign State cannot be forced to do something to which it is on principle opposed. There is only one way of making it do that—by force, or war. I know of no other way of forcing a State, in important matters, to do what it does not agree to on principle. Perhaps the representative of Colombia knows; if so, let him tell us.

75. Well now, how would the veto operate in connexion with the work of the control commission? Of course, if there is a continual coming and going every day with fresh questionnaires—some coming up with this questionnaire, others going off with that—if there is no common discussion of certain specific questions, if we are to be interrogated in the manner referred to by the representative of Syria this morning [*691st meeting*—]—then of course it is going to be very difficult to reach agreement. Nonetheless, I have been listening very patiently to all these questions and have been trying to answer them, but some people simply will not listen to explanations: they do not wish to go into the substance of these explanations but keep on repeating, "If you don't do this, then that will happen". This, I think, is not a fitting method for the First Committee to adopt. This is the second week in which we have had nothing but questions; from some delegations I have heard not a single piece of sound advice; they have spent all their time asking for explanations.

76. I have already said perfectly clearly that in the United Nations the supreme custodian of international peace and security is the Security Council. The Security Council should therefore have a direct, and I would say, guiding relationship with the control body. The resolution on this subject adopted on 14 December 1946 [*41 (I)*] stated that the control body should be established within the framework of the Security Council. The words "within the framework of the Security Council" surely mean that the Security Council should have a very important connexion with the work of the control commission. This resolution was adopted unanimously.

77. I would ask the representative of Colombia to allow me to read him just one passage from this resolution:

"There shall be established, within the framework of the Security Council, which bears the primary responsibility for the maintenance of international 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."

78. Did our critics vote for this resolution at that time? I believe they did. Did we vote for it? Yes, we certainly did. Do they now wish to go back on this resolution? Do they now wish to give up the idea that the control commission should be within the framework of the Security Council? If so, perhaps they will be good enough to formulate their proposal clearly, and then I will answer them equally clearly. But I maintain that now, in accordance with existing decisions adopted

by the General Assembly eight years ago, the control body must be within the framework of the Security Council and, more than that, it must be within the framework of the Security Council because the Council "bears the primary responsibility . . ." You will notice that it is not the control commission which is said to bear primary responsibility for its functions in connexion with the maintenance of international peace and security, but the Security Council, which bears primary responsibility for that, as well as for all measures for the maintenance of peace and security.

79. Allow me, then, to ask what is the meaning of the words "within the framework of the Security Council"? Is the control commission to enjoy, "within the framework of the Security Council", such autonomy that the Security Council may not correct or amend its decisions? Is that the interpretation of the representative of Colombia and of all those who have raised this question?

80. I see it differently. I believe—especially as the resolution emphasizes that the Security Council bears primary responsibility for the maintenance of international peace—that the words "within the framework of the Security Council" or "under the Security Council" mean that in these matters affecting the maintenance of international peace and security the Security Council will unquestionably take its place and have power to supervise the activities of the control commission. I do not propose to discuss now the composition of the control commission, which is also a very important matter; nor do I propose to discuss a whole range of other questions. I believe, and I do not think I am wrong, that the Colombian and other representatives are probably thinking of serious cases of violation, not those countless small, day-to-day, routine misunderstandings which can easily be cleared up without the intervention of the Security Council. Nevertheless, the resolution of 24 January 1946 [*1 (I)*] on the organization and work of the control commission states that the principle underlying the internal relations of the commission shall be that it does not bear primary responsibility for the maintenance of peace, but that the Security Council has that responsibility. I should like to say, then, that if you are thinking, not of small routine matters, but of serious violations, then you should bear in mind an important document on this matter containing the views of the Atomic Energy Commission itself, which states that "serious violations of the treaty shall be reported immediately by the international control agency to the nations parties to the treaty, to the General Assembly and to the Security Council".

81. Why report to the Security Council if it can take no action? I cannot help thinking that this would be pointless, especially as violations of a convention prohibiting atomic weapons could only be regarded as crimes, for such violations would be committed with the intention of manufacturing atomic weapons; they might consist of concealed leakages, the seizure of production facilities or some other attempt at evading control, at deceiving the control body—all this would constitute a danger for the world and would therefore be an international crime. The Atomic Energy Commission itself, when it was discussing this question, concluded that violations of this kind must be considered international crimes.

82. I ask you, therefore, would the control commission have the right to deal with such international crimes, to take measures against them, to apply sanc-



tions to their perpetrators? The question is utterly absurd. Appropriate measures would have to be taken, not by the control commission, but by the Security Council.

83. You say that in that case there will be no control at all. There is absolutely no justification for that view, however; it is quite groundless as I shall try to explain in greater detail later in our discussion. All I want to say at the moment is that the argument put forward just now by the representative of Colombia with regard to the principle of the relationship between the control commission and the Security Council is feeble and will not withstand serious criticism. The representative of Colombia will probably not agree with me. Perhaps we shall have to argue this issue further. I shall participate in such a discussion with great pleasure. We may find it necessary to set up a sub-committee in which to debate such issues. I shall participate in such debates with great pleasure. The more business-like the questions raised there, the better it will be, of course, for our work here.

84. Mr. MOCH (France) (*translated from French*): Two of the three speeches which we have just heard prompt me to make some comments, which I should like to make both brief and to the point. I am referring to the statements of the representatives of Poland and the Soviet Union.

85. The Minister of Foreign Affairs of the People's Republic of Poland has made a statement to which I listened with interest, but I must frankly admit that his general approach is somewhat different from mine. He has described what he believes to be a sustained effort at conciliation on the part of the USSR delegation. In so doing, he has overlooked our suggestions of 1952 and 1953 and has considered the plan of France and the United Kingdom only from the point of view of the Soviet proposal of 30 September. He is entitled to do so; but he will permit me to look at things rather differently and to recall that we have made numerous attempts to reach an understanding which I enumerated earlier.

86. If one wishes to be objective, one must admit that the two principal efforts to find common ground were, on the one hand, the Franco-British plan, submitted in writing in June 1954, and the Soviet statement of 30 September announcing that the USSR delegation accepted that plan as a basis for discussion. We thus see emerging, in what may, if we succeed now or in the near future, prove to be a historical effort, the two successive stages on the road to disarmament, the first of which was completed in June and the second at the end of September. I must also add, without wishing to revive any outdated arguments but purely in an effort at objectivity, that the Franco-British plan was discarded at birth after a brief and hence summary examination by those who today agree—and I am the first to rejoice—to take it as a basis for discussion.

87. Nor shall I be so impertinent as to try to justify the arguments, which some consider contradictory, advanced by Mr. Lloyd. He is perfectly capable of doing so himself.

88. If I may be permitted a slight digression, I am sure that I express the views of many of us when I say to the man who will remain Minister of State of the United Kingdom for only a few more days that his numerous friends here are very happy to learn of his

promotion in the service of his Government and greatly regret that he has to leave us.

89. When on 14 June, in the London Sub-Committee, Mr. Lloyd stated that he favoured some agreement on the principles involved before we embarked on a detailed study of methods of implementation, there was—and the representative of Poland forgets this—no such agreement in existence. The Franco-British plan had already been, or was about to be, totally rejected, and agreement seemed further away than ever.

90. Today, Mr. Lloyd is being accused of forgetting those principles of 14 June. I am quite certain that he has no more forgotten them than have any of us who heard him speak. The only question is whether we are in absolute agreement on all the principles. Without wishing to raise any obstacles—as I would rather attempt to remove them—I honestly believe that none of us knows the exact extent to which we are in agreement about the principles and that our most urgent task is to examine this very point.

91. This allows me to pass from my first set of comments to the second, which concern the statement made by Mr. Vyshinsky, or rather the first half thereof as I find that the latter part confirms my own position.

92. To begin with, I wish to assure him that not only will I ask him no questions but also that I will endeavour to explain our position to some extent by placing this question of sanctions back again in what I believe to be its true perspective. I do not wish anybody here to adduce facile arguments based on a misrepresentation of our position in order to refute it, when an understanding of its exact nature might enable him to save his breath.

93. We do not in any way confuse sanctions, within the meaning of Articles 39, 41 *et seq.* of the Charter, with the actual functions of the control organ. We have never thought of vesting the control organ with the power of sanction envisaged in Article 39, because it would be unthinkable for two bodies to have that power simultaneously and thus to be able to take contradictory decisions. It must therefore be clearly understood that as soon as there is a threat to the peace, within the meaning of Article 39, that is to say when it is determined that there exists a threat to the peace, a breach of the peace or an act of aggression, the powers of the Security Council remain exactly as the Charter provides. This must be very clearly understood by us all, as the problem is sufficiently difficult to solve without any such further complications as might be created by proposing a revision of the Charter in the course of negotiations on disarmament.

94. But, conversely, we maintain that the control organ must not be merely a "walking eye," a body that wanders at large, notes violations, most of which will neither endanger peace nor constitute an act of aggression, and remains totally powerless to stop them. There are two different plans and I am happy that Mr. Vyshinsky, at the end of his statement, pointed out what I wish to stress, namely, that threats to the peace and violations of the future treaty must be placed on two different levels.

95. I shall take up an example quoted by Mr. Vyshinsky, who spoke of a button factory where shells might be secretly manufactured. In London, by a coincidence of the sounds in French, I visualized a bottle factory manufacturing shells after a shortage of iron and steel had necessitated the use of glass in the manufacture of

projectiles. I suppose that in either of those factories the control organ might discover the existence of thousands, or tens of thousands, of shell-cases, yet would that, in itself, amount to a threat to the peace? Clearly not. It would be a breach of the treaty if the factory were not authorized to manufacture shells. But no reasonable human being could argue that the existence of an extra few thousand empty shells in a factory constitutes in itself an act of aggression or a threat to the peace. The only question in such a case is whether the control organ, after discovering such a violation of the treaty, can, without imposing any curb or sanction, take what I have often already called "measures of conservation" making it possible for the matter to be given final consideration at a higher level. I am not going to elaborate today on the details of what form these measures might take. They will have to be provided for in the treaty. A clause in the treaty providing that the control organ, on discovering illicit stocks, should have the right to require the State concerned, in the exercise of its sovereignty and on its own responsibility, to attach those stocks and place them at the disposal of the international authority for subsequent verification, would be absolutely justified and in no way inconsistent with the Charter.

96. Those are the factors which I ask you to consider in this short discussion, which may be a trifle premature in that it is already concerned with the methods of applying the treaty while we are not yet certain, although we hope, that we are in agreement on all the fundamental principles.

97. To sum up, the purpose of providing in the treaty for the "measures of conservation" which I consider necessary is not to create a means of restoring peace, which is a matter for the Security Council, but to ensure the strict and regular application of the treaty. In other words, what the French delegation desires is, on the one hand, to abide by the Charter and, on the other hand, to ensure effective and serious supervision which will afford to all nations the guarantee that the international control organ is keeping an effective and close watch on disarmament and that every country can, at any time, ascertain the true situation.

98. As Mr. Vyshinsky said in concluding, we must reach agreement. The French delegation shares his view. And I believe that if we all reread the various explanations like mine which have been given, stripping them of all frills, we shall recognize that this desire to reach agreement is unanimous. I can only speak for the French delegation, but we share Mr. Vyshinsky's desire for agreement. We assume that it is also shared by all the other delegations. If that is so, agreement must be reached if we clarify the points which are still obscure.

99. Mr. KYROU (Greece): The representative of the USSR has again this afternoon explained to us his dislike of a discussion in the form of putting questions to him and, quite frankly, I can understand. Mr. Vyshinsky definitely prefers advice to questions, and there, too, I am in full agreement with him. That is why on Friday afternoon I took the liberty of giving advice and of very respectfully, making a suggestion. If I may be permitted to quote my remarks from the verbatim record of that meeting, I said [690th meeting, para. 37]:

"May I, in absolutely the same spirit, refer for a moment to the eventuality of the Security Council

opposing by the veto a decision of the control organ. May I suggest that one of the possible solutions to that crucial problem could be a formal engagement taken by the five permanent members of the Security Council to waive their right of veto in the specific case of disarmament."

That does not mean that I thought in any way to oppose the principle of unanimity laid down in Article 27, paragraph 3, of the Charter. Never has my delegation done so, and never will it do so.

100. The only thing I tried to do by submitting, I repeat, very respectfully, the suggestion was to show that there is perhaps a way out of the difficulty the Disarmament Commission will face.

101. The veto is at the same time a right and an obligation, conferred by the Charter for very obvious reasons on the five permanent members. But any of these five permanent members can avoid using this right; it can, on the advice and with the concurrence of the other permanent members, as well as of other Members of the United Nations, fail to fulfil an obligation. If I am not mistaken, Mr. Gromyko himself set such a precedent in December 1946 when, for the first time in the Security Council, he abstained; and his abstention was not in opposition to Article 27, paragraph 3.

102. Mr. BELAUNDE (Peru) (*translated from Spanish*): The question of the veto is indeed a sore point for the countries which opposed it at San Francisco but were finally obliged to accept it in order to save the Charter. We accepted it, however, knowing that there had morally been a change in the situation; we did not accept the veto as a privilege, but as an obligation to seek agreement.

103. Identical legal terms may be given a different moral import as a result of discussion and particularly of the intention underlying such discussion. At first the veto was regarded as a privilege of the great Powers, but after hearing the views of nearly all the Latin-American, Arab and Asian countries—and here I would recall particularly the stand of Egypt and Peru—we accepted the veto, with only Colombia and Cuba left in opposition, solemnly declaring our belief that the great Powers would keep their promise that they would not apply the veto in any but exceptional cases and, more particularly, that they undertook the moral obligation to make a sincere effort to reach agreement.

104. Without, therefore, bringing the revision of the Charter into the already complicated debate on disarmament—and in this the French representative is quite right—without seeking extraneous issues and without trying to embarrass any delegation by pressing for replies that do not depend upon its own views but upon instructions from its government, pending which an elusive or dilatory attitude is understandable, it is our duty to dot the "i's" and cross the "t's". The special points in today's debate are the following:

105. We are agreed that the control organ should be subordinate to the Security Council: there is not the slightest doubt on this point. We are agreed that the rule of unanimity should not apply in the control organ and that the Soviet Union accepted this as far back as 1946. At the same time, we agree that the control organ should inform the Council of everything that occurs and any measures that it may take, and that the Council is the final authority in matters of disarmament. I wish this were not the case; I should prefer a judicial solu-

tion, but I must relinquish that idea. We are speaking realistically here—the final authority is the Security Council.

106. The Security Council, then, will apply the veto in any case: all representatives must be aware of that. It will apply the veto in accordance with Chapter VI, because the violations are not going to occur in the territory of one of the Powers which has direct representation in the Council but in the territory of some small Power, which will be defended, supported and upheld by a great Power. That is obvious, and the veto will therefore be applied.

107. In the case of other acts which, as the French representative rightly stated, threaten the peace despite the control organ's warnings and any administrative measures it might adopt, which, in my opinion, should not be those proposed in the United States draft proposal—conservative, prudent, non-radical measures representing no threat to sovereignty—those measures then would come before the Security Council, which would first have to decide whether or not there was a threat to the peace. In determining whether there is a threat to the peace, will the veto apply? Will such a decision require unanimity, or will the usual procedure apply? We know that the Soviet Union has always maintained that unanimity is necessary on that point, giving rise to what Mr. Arce, the representative of Argentina at that time, has aptly called the double veto. Or has the double veto been eliminated?

108. Consequently, on this preliminary question of determining whether a matter is or is not a threat to the peace we already have the veto, and if it is decided that such a threat exists, the veto stands.

109. I am not seeking a revision of the Charter; I do not wish to complicate this question by speaking of the revision of the Charter; I fully concur with the idea of the Greek representative. What is called for is an appeal, a cry of anguish. If the veto continues there will be no effective control and no confidence. And I say to Mr. Vyshinsky, with all good will, that on the day the Soviet Union says: "There will be no veto; we shall bow to the will of the Security Council", on that day confidence will prevail.

110. Now I come to my final point, which is a very important one. Mr. Vyshinsky said that a solution must never be imposed upon a State against its will. It is sad to have to contemplate the possibility that any country might oppose the settlement of a dispute achieved without war and solely by means of lawful collective action carried out with full authority and in accordance with the law. When I heard Mr. Vyshinsky say that, I felt apprehensive; in fact, in the words of Kierkegaard, I trembled. What faith can we place in law and order if we say that when a country resists force applied in accordance with the law there is nothing to do but accept that resistance and take note of it? If that is so, what hopes can we place in the application of the law?

111. But there is more to the matter. From the point of view of realism I accept Mr. Vyshinsky's statement that in the case of a great Power a measure involving the use of force constitutes war. Perhaps that is true. Yes, there is a form of resistance which can be overcome only by universal disaster. But we do not want such resistance to be lawful. If there is resistance, let it not be possible under our Charter for it to take shelter in the veto and claim to be legitimate. It is

one thing to have resistance, which, with the general political situation of the world, may well occur if it has a chance of success. That is the unhappy order of things, the human tragedy; that is the rule of force. But it is quite another thing to say that the exercise of force and resistance is lawful. A great Power could and probably would resist but we do not want it to be able to say that its resistance is lawful. The Charter, which was drawn up to safeguard justice, should not be used to shelter injustice and to give the stamp of legality to what are violations of the Charter and acts of flagrant injustice.

112. Hence the only solution to this problem, as I said in my first statement [*476th plenary meeting*], is the acid test, the final proof, against which there can be no possible argument. The eloquence of Demosthenes, the dialectic powers of Aeschines, the rhetoric of Cicero and all the orators of the world could not convince us that there is any sincerity in a proposal for disarmament if we are told: "If we resist, we do so not only because we see fit but because we are protected by the legal shield of the veto".

113. We can never accept that, all arguments notwithstanding. We may be told that the United Nations can only make recommendations, but in my anguish, the anguish that we all share, I not only believe and desire, but I plead that an agreement may be reached, as I plead that the Soviet Union may give us a proof of its sincerity. I say this in all honesty, with all the strength of my convictions, with all the strength of my desire for agreement and in the same impartial spirit with which I spoke this morning: the final proof, the acid test, the "yes" or "no" of the matter, is the veto.

114. We are not proposing a revision of the Charter. Then what are we asking for? What did I ask for in my "casual" statement? What did the Greek representative ask for? A compromise — that in all matters concerning disarmament the great Powers will abstain from the use of the veto.

115. Mr. VYSHINSKY (Union of Soviet Socialist Republics) (*translated from Russian*): I listened to Mr. Belaúnde's last speech with great sympathy. I was very sorry indeed that his apparent misunderstanding of my remarks should have put him into such a state. I do not feel that Mr. Belaúnde's emotional upheaval, which he conveyed to us so movingly, was in any way called for by the circumstances. Perhaps what I am about to say will help him to calm down. I should like him to calm down, because even if he had been right, these questions cannot be discussed with so much passion. If Mr. Belaúnde has not yet regained his calm, I should prefer to refrain from further explanation, for I am afraid that what I have to say will again greatly upset him, and that he in turn will upset me.

116. Mr. Belaúnde tells us that what I said made a dreadful impression on him, and caused him to tremble for the fate of the world. Surely the world's fate is not so unstable or so weak a thing that it can be shaken either by my own speech or by the much more forceful and violent speech which we have just heard.

117. There is surely no need to use such dramatic language in connexion with a relatively minor matter, especially after Mr. Moch's speech. Mr. Moch said that we are, of course, discussing important questions, which may give rise to the apprehension that the security of peoples and peace itself will be endangered, and so on. Mr. Moch said further—and Mr. Belaúnde,

when he was still able to control his emotions, touched on the same issue—that the Security Council is indeed the supreme organ. I believe Mr. Moch made four points. I enjoyed hearing him make these points, never expecting a sudden storm to break out.

118. He agreed that the control organ was subordinate to the Security Council. I mentally applauded him. Splendid! Apparently the clouds were beginning to scatter. He said that the control organ could not exercise the veto in its work. That is our old position, and we agree with him on this second point as well. He said that the Security Council was the final authority. Again I fully agree with him. He agreed that in certain cases the Security Council must use the veto in accordance with the Charter. I too say that the Security Council must use the veto in accordance with the Charter. What, then, is the trouble?

119. I said, further, that it must be taken into account that we are dealing with States, which cannot be forced to accept decisions with which they disagree.

120. If my esteemed friend Mr. Belaúnde would only pull himself together for a moment, he would surely not deny that no State will regard it as normal to be forced to carry out a decision under pressure. Surely he will agree with me on that. In the past we have seen eye to eye on questions of principle and law.

121. I hold the view, not that might is right, but that right makes might—in other words, that force must rest upon law. That several States should take a decision unfavourable to one State—that is to say, adopt it by a majority of votes—does not necessarily mean that the decision is really lawful. Mr. Belaúnde must be well aware of that.

122. If a State considers a decision unlawful, how can it possibly agree to carry it out under pressure? Take the Union of South Africa, for instance. Its dispute with India has been going on for years. There is an international agreement on the status of Indians in the Union of South Africa; there are resolutions stating that the Union of South Africa must obey certain rules. Yet the Union of South Africa keeps on arguing and refuses to obey. Does Mr. Belaúnde suggest that we should force it to obey? None of us is strong enough for that. We argue. The Soviet Union is now arguing against the position taken by the Union of South Africa in the matter, but no one even dreams of imposing anything on it. In general, it is not possible in international relations to impose the majority's decision on the minority by force. It seems to me that this is an entirely natural position to take, nor can it be said that I am alone in taking it; we all, I believe, take this position.

123. And so I said that decisions cannot be imposed on a State by force against its will; while Mr. Belaúnde said that one should not resist coercion. That is an entirely different matter, and one to which I did not refer.

124. When I quoted Mr. Stettinius, I pointed out that the Charter imposes a special obligation on the great nations to use the power they hold, and in particular the veto or unanimity principle, in the defence of peace jointly and not separately, since that inevitably leads to complications the full extent of which no one can foresee. That is what I said. I said that a State cannot be forced to accept something with which it disagrees. The only way to obtain results is to negotiate with that State. Take the question of Indo-China; take the

Geneva Conference; take the termination of the war in Korea. The questions involved were not settled by a policy of action from strength, but by a policy of negotiation. Surely this cannot be denied.

125. I am happy to note that Mr. Belaúnde is now listening calmly to my simple remarks. Clearly he has recovered from his seizure. He was horrified beyond measure by what I said here; he assailed me with the most portentous moral condemnation—and all this, I submit, quite undeservedly.

I would ask him to read again the verbatim record of my speech, which I promise to leave uncorrected; he will then see that he merely wasted on his fit of passion strength that he needs for serious work.

126. Mr. BELAUNDE (Peru) (*translated from Spanish*): I ask the Committee to bear with me, but I feel that I must reply. It seems to me that Mr. Vyshinsky has been over-exercising his dialectic powers and ingenuity. Of course I was afraid, but by no means to the point of losing my mind. If he will permit my saying so, the feelings which accompany a certain frame of mind do not necessarily disturb it; and it would be very sad—indeed I should not be human—if I were to remain indifferent on the edge of an abyss such as that which confronts us. If, however, I have to set aside all human feelings for this debate, I shall do so for the sake of peaceful discussion. All I wish to say, as clearly as I can, is that we are facing a blank wall.

127. There is no trust in the world. There will be no disarmament without the abolition of the veto. The veto is a legal right, it is a matter of law, but is it moral, is it justified, is it legally desirable? We have great doubts on that score. In our opinion, the veto has been a manifestly unfair device. What do we ask of the Soviet Union as a proof of its good will? We ask it to renounce the veto. What does this renunciation mean? It means that the Soviet Union would agree beforehand to an arrangement whereby it would not appeal to the Security Council; in the last analysis, to say that a State will not appeal, merely means that it will faithfully abide by the disarmament convention. When will the Security Council intervene? The Security Council will intervene in cases where the control organ takes a decision by a majority vote and the State concerned opposes it. The agreement would be that the State would not oppose the Security Council, but obey it. If the decision of the control organ was unjust, there is no reason to assume that the Security Council will uphold an unjust decision. On the other hand, there is every reason to assume that, if the objecting State is in the wrong, it will veto the decision.

128. That is why I told Mr. Vyshinsky—and I tell him so in all calmness, calmness which I have never lost for a single moment, especially in my thinking and which I have perhaps maintained as well if not better than he has—that the situation is perfectly clear. It could not be clearer. It is obviously essential that the disarmament convention should be carried out and obeyed. Who will prevail in the case of disagreement between a State and the control organ? The State will prevail if it can use the veto. In that case, what is the use of signing a disarmament convention if the will of a given State is going to prevail in any case? Common sense tells us not to sign the disarmament convention in such circumstances. There can only be one reason for having a disarmament convention

and that is to commit ourselves to an arrangement which shall prevail over the will of the States concerned. There can be no arrangement which will prevail over the will of States if a State can impose its will on the Security Council by means of the veto. It seems to me that I am speaking with all the calmness of a professor of mathematics. This is undeniable.

129. Why should the Soviet Union object to saying: "Yes, we are acting in such good faith and we are so determined to comply so strictly with the disarmament convention that we are prepared to give up the veto." What a gesture that would be! I am not saying that Mr. Vyshinsky should do so today, and I shall not press him to answer "yes" or "no". I ask for nothing of the kind. I am in all serenity, calmness and optimism implanting this suggestion in his noble heart, in the hope, if not the certainty, that he will respond to my plea, which the Greek representative supported today, and which, I hope, the representatives of all the small countries will likewise support during this debate. When this happens, I shall be in a better position than I am now because Mr. Vyshinsky has a great advantage over me today. I am a humble person, while he is a great orator. He represents a great country; I represent Peru, a country with great and splendid legal tradition like all the countries of Latin America. But we are not speaking as equals. Though my country becomes a member of the Security Council it will have no veto. The USSR will have the veto. Nevertheless, I should like to tell him that in spite of this inequality, if tomorrow the Committee decides that there shall be no veto and when the wave of public opinion rises in all the continents, Europe, Africa, Asia, the Americas and Oceania—provided that the American Press does its duty and duly reports these debates, and I must point out in this connexion with all due respect that some of the proposals and ideas put forward are not always reported as they deserve to be—Mr. Vyshinsky will understand that the fear or trepidation was not a sign of frayed nerves, but rather an expression of human anxiety in the face of enormous responsibility. I realize that there is no need to tremble about an incident which is not going to disturb the peace of the world, but anyone who does not tremble, who is not afraid and who does not experience, at the thought of the atomic bomb, Pascal's fear of the infinite, is not, in my opinion, human. This is not a question of a State taking certain action or rebelling against some principle, or of arguing with more or less justification about the General Assembly's competence. No indeed, this is a matter of life or death for mankind.

130. The atomic age has changed all concepts. Mr. Vyshinsky, with his alert mind and youthful imagination, should be aware of this fundamental change. How shall we apply outdated and unjust devices, devices which have been disputed, which have become obsolete and which have fallen into disrepute because of use and misuse—sixty times the veto has been used in the Security Council—to new situations?

131. The young people of the world, and we older people who feel young, or at least who are spurred on by the young, have the right to tell Mr. Vyshinsky, whose youthfulness of mind and spirit I recognize, that he should join with us and ask for voluntary renunciation of the veto.

132. Mr. VYSHINSKY (Union of Soviet Socialist Republics) (*translated from Russian*): I should like to clarify a few points in connexion with Mr. Belaúnde's

second statement. Mr. Belaúnde may have started out as a mathematics professor, but he did not remain a mathematics professor to the end. Summing up his views on the question he has raised here, he not merely requested but actually demanded that the Soviet Union should prove certain things.

133. Surely it ought to be clear to Mr. Belaúnde that the Soviet Union is not here to prove anything and that we do not propose to submit proof of our sincerity and goodwill. If he expects me to furnish proof or to give any assurances regarding our real attitude on a given question, I must disappoint him from the outset. I shall do nothing of the sort, and shall provide no such proof.

134. The proof we shall provide will be of a different nature. It will be directed towards showing that Mr. Belaúnde has become completely tangled up in a maze of unrelated and confused theories. He seemed to speak at large about everything except the things that should really be discussed seriously if we are to reach any agreement.

135. He really started on the assumption that the Soviet Union will always apply the unanimity principle or rule—otherwise known as the veto—to any decision that the control commission may take, and that nobody except the Soviet Union needs the unanimity rule. As I pointed out earlier, this is completely wrong.

136. Of course, it may be said that the Soviet Union has used the veto so many times, and if the Committee really wants to go into that question, let us by all means go into it; but I am afraid that to do so would be bad for our work, because in the long run it would produce more great efforts of oratory—like today's, for example—and would contribute little to our progress or success. Speeches like this oblige me to speak of the many reasons why, in all conscience and good sense, we could not support certain decisions that have been taken. We could not vote for or support what we do not agree with in principle, even in order to put up a good show. Mr. Belaúnde must understand that if a proposal is utterly unacceptable to us in principle and in foreign policy, I cannot support it.

137. We are told that the Soviet Union has been able in the past to abstain on rather than to vote against a proposal it could not accept. Naturally there have been not a few such cases; but they merely prove that the Soviet Union votes against a proposal only when it feels it cannot merely abstain. Surely this can happen sometimes. Mr. Belaúnde himself has voted here not once but many times against Soviet Union proposals. Luckily, this body is not the Security Council.

138. Let us imagine for a moment, however, that Mr. Belaúnde also had a veto in the Security Council. He would still vote against certain proposals, and they would then come to a standstill. Surely having a veto would not prevent him from voting against a proposal.

139. The United States has occasionally stated that it would exercise the veto if a certain decision it wanted were not adopted. It never actually had to use the veto, but it has always maintained its right to do so. The reason it has never had to do so is simply that it commands a majority in the Security Council and can thus easily dispose of any matter without the veto.

140. We happen to be in the minority. It may be said that the minority ought always to admit that the majority is right. I do not think that is always true.

Sometimes it is true, but sometimes it is not, especially when the minority exists only in the Security Council and not outside. Outside the walls of the Security Council the "minority" constitutes one-third of all mankind; why should it abide by the decision of a number of other countries?

141. This is a wrong approach to the question. Indeed, it is one which only mathematicians will take, not philosophers or statesmen. Mathematicians can do so because they have two different kinds of mathematics, pure mathematics and applied mathematics. We here are diplomats and statesmen, and we cannot approach a question as a mathematical problem. In fact, if we did we should arrive at a different solution.

142. There is, after all, the Charter. The Charter sets forth specific principles and rules. As I understand Mr. Belaúnde, he is not yet prepared to move any amendment to the Charter in this particular direction. Apparently he is getting ready for that fight at the tenth session. Of course we are going to have a battle over that issue. But we are not ready for it at the moment, are we? Very well; we have the Charter and we are exercising these rights it grants us.

143. We are told that while this may be our legal right, we are morally wrong to use it. If we are morally wrong to use this rule, why was it adopted? Was it morally wrong to have adopted the rule? No, you say, you were justified by the circumstances at that time. Unfortunately the present circumstances make it necessary to follow this rule, for there is no other way to defend the views and interests of a minority in the United Nations.

144. Let us consider, for example, the admission of new Members. Mr. Belaúnde is the chairman of the three-man Committee of Good Offices which dealt with the question. I should like to ask him whether there, too, he met with our opposition, our veto. We exercised no veto, but merely said that it is impossible to admit one or two countries and not the other twelve or thirteen; that all fourteen countries must be admitted together.

145. What countries is it proposed to admit? The countries which are to the liking, not of Mr. Belaúnde personally—I know that he has been completely objective as chairman of the three-man committee—but of a certain majority of Members. The countries which are not to their liking, it is proposed, should not be admitted. This is the fact of the matter. Some are to be admitted, and others not. We are asked to exclude certain countries and admit others, one by one. We have nothing against Ceylon, Italy, Finland or Austria. We are prepared to admit them.

146. We cannot, however, permit injustice of this kind. Mr. Belaúnde cannot say it is morally right to shut out at the same time Romania, Hungary, Bulgaria and the Mongolian People's Republic. No, I say it is not morally right: first because these countries all have the same rights, and secondly because the United Nations is not, so far as I know, an anti-communist society. Or is it an anti-communist society to which only anti-communists—that is to say, countries which do not believe in communism—may be admitted? Does this mean that we were admitted like poor relations, like distant poor relations?

147. It so happened that at San Francisco the other Powers could not do without the Soviet Union. It can't be helped now. It was unfortunate, but there it is. Now

some clever statesmen, who are probably also mathematicians, are dreaming of expelling us from the United Nations. Mathematicians indeed!

148. It seems to me that morality and law must coincide. You cannot say that morality is one thing and law another. If any legal principle or institution is not moral, it ought not to exist. I would abolish it. If, however, it exists and we recognize it, then we must recognize it as moral.

149. Mr. Moch wondered whether it were not too early to discuss this question. He quoted me as saying that it is too early. It would indeed be better for the health of some representatives if we did not discuss the matter at this point. Why should we on this day, 18 October, discuss this question, when there are so many preliminary questions before us, such as the Canadian and Philippines resolutions, and an Australian resolution is being born somewhere in I know not what labour pains. We are having a stormy meeting, as though a hurricane had swept through this room. And why? Have we no time to deal with more productive questions?

150. The question then remains whether we are to amend the Charter in connexion with the work of the control commission. I hear the reasonable answer: "No". If we are not going to amend it, are we or are we not going to abide by it? That is what the reasonable answer suggests, but I do not hear it, for instance, from a jurist like Mr. Belaúnde—who, after all, represents Latin-American law. Indeed we are going to abide by the Charter. But if we are going to abide by it what then are we arguing about? Which provision of the Charter are we arguing about? We are arguing about how we are going to abide by the Charter in the future. That, however, should be clear from the very provisions of the Charter themselves. Such questions cannot be settled in the abstract. Besides, is it necessary for us to settle them? The Security Council may never have occasion to discuss a matter affecting the control commission. What we need is a suitable international agreement with the necessary basic provisions giving sound and firm instructions to the control commission on how it should operate. All functions, rights, powers and the like of the control commission will be provided for in the agreement.

151. We already have some experience and some documents relating to this question which may be of help to us in our work. Time will show whether we shall use the veto or not. What is the principle involved? Under the United Nations Charter, the unanimity principle is applicable in the Security Council; therefore, if the question is decided in the Security Council it will have to be decided in the manner prescribed by the Charter. We may be asked whether the question itself relates to the maintenance of the peace or not, and whether the veto will be called for here as well, and so forth. My answer is that surely we shall be able to reach agreement on such an elementary matter as whether or not a question bears on the maintenance of peace.

152. Take the case of Trieste. We held consistently that the solution of the Trieste question must conform strictly to the Treaty of Peace with Italy. Members know that time and time again we raised in the Security Council the issue of appointing a Governor for Trieste as called for in the Treaty. This did not meet with majority support. In the meantime Italy and Yugoslavia arrived at a temporary settlement of the question.



153. What position did the Soviet Union take? Its position is stated in the letter [S/3305] which, at my Government's instructions, I addressed to the President of the Security Council; it was that inasmuch as the agreement was achieved between the two countries most directly concerned, inasmuch as it contributed to the strengthening of peace and the easing of international tension, we took note of it. We simply took note of it, and contemplated no further steps.

154. These are the circumstances, these are the facts. I could cite many more examples. But Mr. Belaúnde, if he will forgive my saying so, is trying to read the future like an astrologer and not like a mathematician. That is hardly a suitable occupation for the First Committee. Let us not dabble in astrology here. Let us rather keep our feet on the ground.

155. Well, what are we to do? If I may be permitted to look ahead just a little—what are we to do? Let us assume that the control commission has been set up and a convention on the prohibition of atomic weapons has been adopted. The commission must begin to act. It does so. What action can it take?

156. This is 1954. In 1947 we submitted our "Proposals on atomic energy control", contained in document AEC/31/Rev.1 of 11 June 1947. I dare say Mr. Belaúnde has already forgotten these proposals. If not, if he still remembers them, I beg him to hear me out calmly. Quite calmly. In that document we raised a number of questions. I repeat—the document dates back to 1947. This is 1954. There have been many changes in the atomic problem itself. Different technical methods are being used. Consequently we cannot say, "Let us adopt these proposals here and now." I doubt whether we can say that.

157. But I want to speak about these proposals now because it might be useful for others to understand our general outlook, our way of thinking. If our way of thinking is correct, we can naturally make additions here and deletions there—that would be a political matter. Let us sit down at the same table and examine all these questions from a political point of view. These questions are both technical and legal, the two being intertwined. What did we have to say on the issue which has caused such irritation and excitement here? Our proposal concerning relations between the control commission and its organs and the government of any given country is the following.

158. First, the international control commission (I am selecting only the points in our proposals which seem to me of present importance) shall "make recommendations to Governments on questions relating to the production, stockpiling and use of atomic materials and atomic energy". In other words, the commission has the right to "recommend". I think that is very sensible.

159. It may be said, "Recommendations are all very well, but what next?" Next we said the following: "For the fulfilment of the tasks of control... entrusted to the International Control Commission, the latter shall have the right of: ...making recommendations and presenting suggestions to Governments"—here we progress to suggestions!—"on matters concerning the production and use of atomic energy", and also of making "recommendations to the Security Council on measures for prevention and suppression with regard to violators of the conventions on the prohibition of atomic weapons and on the control of atomic energy".

160. Is this too little? No, it is a great deal. It means that the matter will come before the Security Council

and that the Security Council will consider it. But the fear now seems to be that, while the Security Council, for its part, will do its duty, the Soviet Union will use the veto. But what are the grounds for this apprehension? Why should it be thought that when we veto a proposal—that is to say, when we vote against it—those who submitted the proposal must be in the right and we must necessarily be in the wrong? How did this idea arise?

161. I cannot understand it. It seems to me, first of all, that if the control commission makes a reasonable recommendation it ought to be accepted. In that case there will be no need for the commission to make suggestions to the Security Council. If the recommendation is unreasonable, I am sure that the Soviet Union—if concerned in the recommendation—will reject it, and that in a similar case the United Kingdom or the United States will do likewise. I repeat, if the recommendation is impractical, if for any reason it is unacceptable, it will not be accepted. Just think how many proposals we have submitted and how many times our proposals have been rejected because they were politically unacceptable to the other side. How can a proposal which is politically unacceptable to one side be binding on the other side? There is no logic in such reasoning.

162. I am then told that in that case the control organ is powerless to do anything. But this assertion is made on the premise that all the parties have made up their minds from the outset not to observe the convention and are not interested in its observance. But if we are not interested in observing the convention, that means that we are not interested in the convention itself. Why, then, should we propose its adoption? If that were the case, we should not. And the armaments race would continue, the race in stockpiling atomic and hydrogen bombs would go on. Members have surely not forgotten that the Soviet Union has both the atomic and the hydrogen bomb. Then why should we be going to all this trouble? These matters deserve a little thought.

163. It is clearly our desire to reach an agreement concerning the prohibition of both the use and the production of atomic weapons, so that atomic energy may be used for peaceful purposes, as we are already using it. Why must our critics start from the premise—actually, if one analyses their arguments, it is plain that they start from this premise—that we will first violate the convention, and then use our veto in order somehow to justify the violation or to prevent it from being remedied. How can you deal with people who start out to approach the question in such a spirit? It would seem that you do not have an ounce of confidence in the good faith of those with whom you deal.

164. I therefore feel that all these discussions can only have resulted either from over-exact mathematical calculation or simply from the sort of panic which seems to take possession of some representatives. I exclude the second possibility in Mr. Belaúnde's case. I know that he is far from being panic-stricken. But since he himself said he was a mathematician, I can only think that incorrect mathematical calculations have led him into a mathematical and political muddle.

165. I think that is enough for today.

166. Mr. BELAUNDE (Peru) (*translated from Spanish*): I merely wish to say that I shall study AEC/31/Rev.1 with great interest; that the only object of my statement was to clear up the matter, and that I

repeat all that I said regarding the veto. As Mr. Vyshinsky has had the kindness to advise me to study this document, I would ask him to remember—because he

knows it already—the theory of unjust law and the abuse of law.

*The meeting rose at 5.45 p.m.*