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TOP SECRET

THE WHITE HOUSE
WASHINGTON

August 15, 1956

MEMORANDUM TO MEMBERS OF THE NATIONAL SECURITY COUNCIL

FROM: The Acting Special Assistant to the President on Disarmament Problems (Peaslee)

For your information a copy is enclosed of a memorandum which is being distributed to members of the President's Special Committee on Disarmament Problems.

This has been prepared in the light of written and oral comments which have been received in response to the memoranda of June 29 and July 10 sent to members of the National Security Council.

The immediate present purpose is to try to ascertain the area of departmental agreement within existing policy, but as applied to possible specific action and documents.

Amos J. Peaslee

DOE review

Amos J. Peaslee
Acting Special Assistant
to the President

When separated from enclosure handle as Confidential.

NSC review(s)

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State Dept. review

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THE WHITE HOUSE
DISARMAMENT STAFF

Identification No. 75-372-12

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THE WHITE HOUSE
WASHINGTON

This document consists of 28 pages,
copy 12 of 100 copies, Series A.

August 15, 1956

Memorandum to Members of the President's Special Committee on Disarmament Problems

A meeting of the President's Special Committee on Disarmament Problems will be held in the Chart Room (272½ Executive Office Building) on Monday, August 27, at 11:00 a.m., to discuss the attached memorandum respecting the armament regulation program.

Departmental views are requested at that time regarding the subject matter of the memorandum, including comments upon the drafts of proposed possible documents included in the memorandum, which have now been substantially modified in the light of previous departmental comments..

The purpose is to ascertain if possible what area of agreement can be found as a basis for guidance of U.S. representatives at the next inter-governmental discussions on this subject.

The discussion at the meeting on August 27 will be limited to consideration of the area of possible agreement within existing U.S. policy, as applied to specific draft documents.

Insofar as our governmental representatives may also need instructions involving any new policy decisions, such discussion will not be undertaken at the meeting on August 27.

Amos J. Peaslee

Amos J. Peaslee
Deputy Special Assistant
to the President

Attachment

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CIA TR 158532

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August 15, 1956

ARMAMENT REGULATION PROGRAM

MEMORANDUM

I.

Present Considerations

1. The explosive Middle East - Suez.

2. Uncertainty whether the Soviets will ever learn except the hard way.

3. The grim prospect if it must be the hard way.

4. Tactical advantages to any fanatical leader in a surprise attack.

5. U.S. official policy under existing N.S.C. decisions (see attached Annex A).

6. Reactions to Governor Stassen's memorandum of June 29, 1956 - the strong views of Defense and A.E.C. that an actual inspection and "control" organization is a prerequisite to safe reductions and restrictions (Annex B).

7. Pressures upon the U.S. - the Disarmament Commission's resolution of July 16, 1956; the requests of the U.K. and Canada for early four-power talks; the joint four-power resolution offered to the Disarmament Commission by the U.S., U.K., France and Canada July 3, 1956; the irritations of our friends preceding the Subcommittee meetings in March 1956 because of our delay in producing concrete suggestions; the probability of early U.K. unilateral manpower reductions; Eden's statement in Parliament on July 23 that the U.K. would, if necessary, be "quite ready now" to discuss limitation on nuclear tests separately from a disarmament convention; Soviet circular letters of June 6, and July 24; Krishna Menon's speech at the Disarmament Commission of July 12; and the Indian note verbal of July 25, 1956; Japanese and other restlessness respecting tests.

8. The President's desires that we ascertain the area of Departmental agreement as a basis for then ascertaining the area of possible inter-governmental agreement (Conference of July 31, 1956).

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9. The activities of Senator Humphrey's Subcommittee of the Senate Committee on Foreign Relations, 8 hearings, 3 staff studies and a large volume of documents.

10. The unfinished business from the Geneva Conference a year ago.

11. The success of the I.A.E.A. negotiations.

12. Present general commitments of the United States regarding the use of armaments; unused procedures contemplated by the U. N. Charter; inadequate use of the International Court of Justice.

13. The desirability of maintaining U.S. independence of judgment and action, consistent with our general commitments -- pros and cons of the "veto" in the Security Council.

14. Pros and cons of either (a) a subsidiary organ of the Security Council, or (b) a subsidiary organ of the General Assembly, or (c) a detached inspection and "control" body.

15. Possible usefulness of reaching some agreement on the subject of armament regulation even though it be assumed that the Soviets will probably breach the agreement or abuse it -- (cf. A. J. P. experience with Nazi Germany).

16. Time factors - undesirability of attempting just another Subcommittee session without knowing how it is likely to come out - Canada's recommendation to us privately at London several months ago of bilaterals - other suggestions of bilaterals.

17. Desirability that the next discussions be quiet ones, devoid of any glare of publicity; that they be exploratory, with a view to ascertaining maximum and minimum positions; and that they be without U.S. commitment until we know what is possible.

18. Possible desirability of a unilateral statement of U.S. position (a) if reasonable agreement seems possible or (b) if it does not seem possible. Question of the timing of such a statement.

II.

Possible U.S. Proposals

1. A U.S. policy declaration (rough draft attached, Annex C).

2. A resolution of the United Nations Security Council to set up the proposed Agency as a subsidiary organ of the Security Council

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(rough draft attached, Annex D). If the indications are that the Soviets will block that, then consider adapting it to become a subsidiary organ of the General Assembly, or a detached Agency.

3. A multipartite treaty or agreement providing for an Armament Regulation Agency or Organization - as the organization through which reasonably satisfactory inspection procedures might develop (rough draft attached, Annex E).

4. A Statute providing bylaws governing the Agency's powers and procedures, following the general lines of the I.A.E.A. Statute (rough draft attached, Annex F).

III.

Questions

1. In what respects are these suggestions desirable or undesirable?

2. If and where they are undesirable, what alternate action or documents are desirable?

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

ANNEX A

UNITED STATES OFFICIAL POLICY ON "DISARMAMENT" UNDER EXISTING NATIONAL SECURITY COUNCIL DECISIONS

In Action No. 1419 of June 30, 1955, the National Security Council:

"b. agreed that the United States in its own interest, should as interrelated parts of our national policy:

(1) actively seek an international system for the regulation and reduction of armed forces and armaments.

****

"c. Agreed that the acceptability and character of any international system for the regulation and reduction of armed forces and armaments depends primarily on the scope and effectiveness of the safeguards against violations and evasions, and especially the inspection system."

An Annex to NSC Action No. 1513 approved by the President on March 1, 1956, provides:

"If the Eisenhower aerial inspection and blue print exchange proposal, with accompanying ground inspection, is accepted, and if such a system is proven to the United States to be satisfactorily installed and operating, and assuming the political situation is reasonably stable, the United States, with the other nations concerned, would be prepared to begin a gradual reciprocal safeguarded reduction of armaments, armed forces and military expenditures."

The President also approved on March 15, 1956, in Paragraph 38 of NSC No. 5602/1, "Basic National Security Policy", the following:

"The United States in its own interest should, as interrelated parts of its national policy, actively seek a comprehensive, phased and safeguarded international system for the regulation and reduction of armed forces and armaments; concurrently, in related, parallel steps, make intensive efforts to resolve other major international issues; and meanwhile continue the steady development of strength in the United States and in the free world coalition required for U.S. security. As the initial step in this international arms system, the United States should give priority to early agreement on and implementation of (a) such confidence-building measures as the exchange of military blueprints,

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mutual aerial inspection and establishment of ground control posts at strategic centers; and (b) all such measures of adequately safeguarded disarmament as are now feasible. The acceptability and character of any international system for the regulation and reduction of armed forces and armaments depend primarily on the scope and effectiveness of the safeguards against violations and evasions, and especially the inspection system."

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

ANNEX B.

REACTIONS TO THE MEMORANDUM OF JUNE 29, 1956 -- EMPHASIS ON INSPECTION AND CONTROL SYSTEM.

A. The Atomic Energy Commission -- (Comments of July 26, 1956)-- disagrees in the following respects:

(1) AEC believes that Governor Stassen's "estimate of the situation with respect to the intentions and capabilities of the other nations to build nuclear weapons is stated in more positive terms than is warranted by the information available to us."

(2) "Strongly opposes the fixing of such an early date as July 1, 1957, for the cut off of all future production of fissionable material for weapons purposes."

(a) emphasizes that an "effective inspection system is an essential pre-requisite to such action.... we believe that it would be impossible to install such a system and adequately test it within a period much under three years from the date of agreement."

(b) AEC believes that the "relative adequacy of the United States nuclear weapons stockpile as of July 1, 1957 or a date one, two or three years later must be measured against estimated Soviet capabilities as of those dates."

(3) United States could not give weapons to UK anyway without an amendment to the Atomic Energy Act.

(4) Believes that the United States should determine

"the earliest date at which we could attain a weapons stockpile goal sufficient to meet our requirements for defense..... before proposing a date for the cessation of the production of fissionable materials."

(5) Opposes any "international agreement for a cessation or moratorium in the matter of testing nuclear weapons apart from a general disarmament agreement which includes an effective and proven inspection system."

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

(6) "Believes it to be possible to devise and install an inspection system to effectively monitor outer-space missile test violations, but it would be more difficult to achieve than a system for the detection of low yield nuclear test explosions. An effective inspection system would require periodic and continued surveys, preferably aerial, of a major portion of the territory of the nations concerned in order to detect the establishment of test sites other than those declared open for international participation. Although monitoring could be conducted at some distance from known test sites, some of the monitoring stations would have to be located within the territory of the larger nations inspected."

(7) AEC "agrees that continuation of negotiations is a desirable and necessary approach, provided that it is clearly recognized as only a preliminary step to actual disarmament. Assurance against surprise attack does not rest upon negotiations, but, rather, upon the demonstrated workability of an inspection system. Only when accumulated experience has shown that the inspection system is operative in terms of its ability to provide satisfactory advance warning of a planned surprise attack, can disarmament be undertaken without the risk of irreparable damage to our nation. The activities necessary to an adequate system -- whether aerial inspection, nuclear inspection, or ground post control inspection -- are not properly items for negotiation after disarmament, but should be viewed as indispensable pre-requisites to disarmament."

(8) AEC "believes that the Eisenhower Aerial Inspection Plan proposed at Geneva last year scored the most telling victory yet achieved by the United States in the cold war against the Soviet Union. We believe that it won worldwide support outside the red orbit, and we should not retreat from this position simply because the Soviets have waged strong objections to the proposal."

(9) The AEC says "in the absence of an aerial inspection over the Soviet Union and Red China, we do not believe that we could safely rely upon Soviet agreement" respecting reductions.

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

The Defense Department (Comments of July 12, 1956) objects to the memorandum of June 29, 1956 on the ground:

> "that the proposed courses of action submerge the requirements for an adequate control and inspection system to the desirability of reaching early agreement."
>
> "Until we are ready to accept Soviet protestation of good faith at face value, our security requirements demand that we reject any agreement limiting our ability to use all our resources for defense as we see fit unless we can be assured through actual observation that all subscribing nations are fully complying with the agreed limitations."

The Secretary of Defense concludes:

> "In short, it is my belief that progress toward disarmament and our national security interests can be compatible only so long as we insist that any limitations be continued on prior acceptance of the specifics of an effective control system....."

The Joint Chiefs of Staff in a memorandum to the Secretary of Defense dated July 7, 1956, comment on the June 29 memorandum as follows:

> "The Joint Chiefs of Staff are mindful of the current basic national policy of the United States which, inter alia, is to 'actively seek a comprehensive phased and safeguarded international system for the regulation and reduction of armed forces and armaments' and of the commendable efforts which the Special Assistant to the President has made to break the deadlock which has for ten years prevented effective progress. It is also clear that the principal stumbling block to an agreement on disarmament has been and continues to be the refusal of the USSR to entertain any proposal for international inspection which, in the opinion of the United States and other Western Powers would provide real safeguards against violations. The Joint Chiefs of Staff urge adherence to the principle which they have repeatedly sponsored, namely, that an acceptable and proven procedure for inspection and verification of armaments should be a pre-requisite of an international agreement on disarmament."

Specific comments of the Joint Chiefs of Staff include these:

(a) The JCS opposes the establishment of "a small United Nations atomic force and a like force in NATO" as

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Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

"unduly restricting the freedom of the United States decision respecting the use of nuclear weapons."

(b) The JCS make the same points made by the AEC regarding the sharing of information with the UK, the necessity for "inspection and control system" before "the transfer of fissionable material from past production to peaceful purposes as a means of reducing weapons stockpiles until they have had ample proof that an inspection and control system can be implemented which will verify compliance with agreements"(sic).

(c) The JCS believes that "as long as nuclear weapons stockpiles exist, nuclear and thermonuclear tests are necessary to ensure the development and maintenance of our nuclear weapons capability."

(d) As to research, development and testing of long-range missiles and outerspace vehicles for military purposes, the JCS opposes this "in the absence of a comprehensive and effective inspection system." The JCS suggests that proposals regarding inspection and control "should be reworded so as to make it clear that the Eisenhower proposal, combined with the Bulganin ground post control system, would require considerable expansion to verify adequately subsequent agreements on the reduction of armaments and armed forces."

(e) The JCS opposes any "inadequately verified disarmament agreement."

(f) The JCS considers it "undesirable to associate the German Federal Republic with current disarmament discussions."

(g) The JCS believes that "United States security interests would require, in case of any disarmament agreement with the USSR, inspection not only of the USSR but also of Communist China."

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Draft - August 15, 1956

ANNEX C

Policy Declaration by the President or the Secretary of State[1]

Members of the United Nations when they signed the Charter of that body, agreed to unite their "strength to maintain international peace and security".[2] They also agreed to ensure by the "institution of methods" that armed force "shall not be used, save in the common interest".[3] The Charter also reserves the "inherent right of individual or collective self defense" under conditions which it prescribes.[4]

The Charter of the United Nations, in provisions which, up to now, have not been implemented, places upon the Security Council of that body certain obligations with respect to the maintenance of international peace. It specifies that members of the United Nations undertake to make available to the Security Council on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.[5]

It specifies that the agreement or agreements shall be concluded between the Security Council and members, or between the Security Council and groups of members, and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.[6]

C

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[1]As a precedent see the "Policy Declaration by the President of the United States on Western European Union" of March 10, 1955, Department of State Bulletin March 21, 1955. See also the Stimson Non-Recognition Doctrine originally set forth in identic notes addressed to the Chinese and Japanese Governments on January 7, 1932, and the Monroe Doctrine declared in a message to Congress on December 2, 1823.

[2]Preamble of the Charter. [3]Id. [4]Art. 51.

[5]Art. 43 of the U.N. Charter

[6]Id.

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

The United Nations Charter also provides that the Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.[1]

With a view to making progress toward the implementation of these provisions of the United Nations Charter, our Chief Delegate to the United Nations is proposing to the Security Council[2], subject to our constitutional processes, the execution of an agreement or agreements with the Security Council and such members of the United Nations as may wish to become parties, whereby:

(a) all of the nations which become parties to the agreement or agreements will approve the creation of an armament regulation agency or organization as a subsidiary organ of the Security Council of the United Nations, to exercise inspection and control functions to be defined in its statute with a view to ensuring that all armaments shall be used only in the common interest or in legitimate self defense under the conditions prescribed in the Charter, and with a view to facilitating the performance by the Security Council of its responsibilities.

(b) Upon the installation and proved effectiveness to the satisfaction of the principal nations concerned, of an inspection system capable of exercising such inspection and control functions, the nations possessing nuclear weapons will renounce and discontinue all future production of nuclear weapons and of fissionable materials for the manufacture of nuclear weapons; and thereupon, all tests of nuclear and thermonuclear explosions shall forthwith be discontinued.

(c) Upon the installation and proved effectiveness, to the satisfaction of the nations principally concerned, of such an inspection system, all nations then possessing nuclear weapons shall begin to make equitable transfers of fissionable materials in successive increments from their previous production over to supervised peaceful purposes.

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[1]Art. 29 of U.N. Charter. [2]See alternate suggestion respecting the General Assembly if it seems probable that the Soviets would block this.

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

(d) Upon the installation and proved effectiveness to the satisfaction of the nations principally concerned, of such an inspection system, any research or development activity by any of the parties to the agreement directed toward sending objects through outer space or travelling in outer space shall thereafter be devoted exclusively to peaceful and scientific purposes and shall be open to international participation on a reciprocal basis; and no outer space or long-range missile tests shall be conducted without appropriate international participation and under an effective inspection system.

If these proposals are accepted by the nations principally concerned and by the United Nations, a recommendation will be sent to the Congress of the United States, in accordance with our constitutional processes that it render effective, insofar as the United States is concerned, the proposed agreement or agreements and other action mentioned in this policy declaration.

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Draft - August 15, 1956

ANNEX D

Resolution of the Security Council[1] of the United Nations Establishing an Armament Regulation Organization

THE SECURITY COUNCIL,

Having in mind its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, and

Considering the provisions of the agreement entered into on _____, 195___, between it and certain nations regarding the establishment of an armaments regulation organization as a subsidiary organ of the Security Council

Hereby authorizes the establishment, as a subsidiary organ of the Security Council, pursuant to Article 29 of the Charter, an Armaments Regulation Organization, which shall have and exercise the rights, powers and functions set forth in the Statute annexed to the said agreement; and hereby authorizes the Secretary General of the United Nations to enter into such a treaty or agreement on its behalf.

[1]Consider adapting this to the General Assembly under Article 22 of the Charter or as a detached agency, if it becomes evident that the Soviets would block it as a subsidiary organ of the Security Council.

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

ANNEX E

AGREEMENT RELATING TO ARMAMENTS AND ARMED FORCES, AND PROVIDING FOR THE CREATION OF AN ARMAMENT REGULATION ORGANIZATION, AS A SUBSIDIARY ORGAN OF THE SECURITY COUNCIL[1]

Signed at _____, _____, 1956.
The President of the United States of America, the Union of Soviet Socialist Republics, _____, _____, _____; and the Security Council of the United Nations.

Deeply sensible of their solemn duty to reduce the burdens, the tensions and the fears arising from the maintenance of large armies and armaments;

Mindful of objectives stated in the Charter of the United Nations,

(a) to save succeeding generations from the scourge of war and to practice tolerance and to live together in peace with one another as good neighbors, and

(b) to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources;

Mindful too, of the enlarged destructive power of nuclear and thermonuclear weapons and ballistic missiles, and of the responsibilities of all nations to unite in effective action to preserve the public peace;

Hopeful that other nations of the world will join with them in developing effectively the purposes of this agreement;

Have decided to conclude an agreement and for that purpose have appointed as their respective plenipotentiaries:

[1]Consider adapting this to the General Assembly under Article 22 of the Charter, or as a detached agency if it becomes evident that the Soviets would block it as a subsidiary organ of the Security Council.

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

The Honorable _____, on behalf of the Security Council of the United Nations; The Honorable John Foster Dulles, Secretary of State for the United States of America; _____, _____, _____, and _____.

Who having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

The parties approve the creation of an armament regulation agency or organ as a subsidiary organ of the Security Council of the United Nations, to exercise inspection and control functions to be defined in its statute with a view to insuring that all armaments shall be used only in the common interest or in legitimate self defense under the conditions prescribed in the Charter, and with a view to facilitating the performance by the Security Council of its responsibilities.

ARTICLE II

Upon the installation and proved effectiveness to the satisfaction of the nations principally concerned, of an inspection system capable of exercising such inspection and control functions, all of the parties hereto will renounce and discontinue all future production of nuclear weapons and of fissionable materials for the manufacture of nuclear weapons; and thereupon all tests of nuclear and thermonuclear explosions shall forthwith be discontinued.

ARTICLE III

Upon the installation and proved effectiveness to the satisfaction of the nations principally concerned of such an inspection system, all nations then possessing nuclear weapons shall begin to make equitable transfers of fissionable materials in successive increments from their previous production over to supervised peaceful purposes.

ARTICLE IV

Upon the installation and proved effectiveness to the satisfaction of the nations principally concerned of such an inspection system, any research or development activity by any of the parties hereto directed towards sending objects through outer space or travelling in outer space shall thereafter be devoted exclusively to peaceful and scientific purposes and shall be open to international participation on a reciprocal

TOP SECRET

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

basis; and no outer space or long range missile tests shall be conducted without appropriate international participation and under an effective inspection system.

ARTICLE V

Members of the United Nations, and nations or states not members of the United Nations which are not signatories to this agreement may become parties to it upon the approval of the Security Council of the United Nations respecting the terms of their accession to it.

ARTICLE VI

Any party to this agreement may withdraw from it upon one year's notice to the Secretary General of the United Nations; and any party to this agreement may withdraw from it, or suspend its participation in it, in whole or in part forthwith upon filing with the Secretary General a written notice specifying that any other party is in default respecting its obligations.

ARTICLE VII

Ratification of acceptance of this agreement shall be effected by nations in accordance with their respective constitutional processes.

This agreement shall come into force when _____ nations, including the United States of America, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, _____ and _____ have deposited instruments of ratification in accordance with this Article.

In witness thereof the undersigned, have executed this agreement this _____ day of _____ one thousand nine hundred and fifty-six.

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Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

ANNEX F

Statute Of The Armament Regulation Organization 1/

ARTICLE I

Establishment of the Organization

The parties hereby approve the establishment by Resolution of the Security Council of the United Nations 2/ of an armament regulation organization (herein referred to as the "Organization") upon the terms and conditions herein set forth.

ARTICLE II

Membership

(1) The initial members of the organization shall be those nations, members of the United Nations, which shall have signed this statute within ninety days after it is opened for signature and shall have deposited an instrument of ratification.

(2) Other members of the organization shall be those nations, states, or regimes, whether or not members of the United Nations, which deposit an instrument of acceptance of this statute after their membership in this organization has been approved by the General Conference upon the recommendation of the Board of Governors. In recommending and approving a nation, state or regime for membership, the Board of Governors and the General Conference shall determine that the nation, state or regime is able and willing to carry out the obligations of membership in the organization, giving due consideration to its ability and willingness to act in accordance with the purposes and principles of the Charter of the United Nations.

1/ For precedents as to format, see Draft Statute of the International Atomic Energy Agency as adopted by the working level meeting at Washington, April 18, 1956.

2/ Consider adapting this to the General Assembly under Article 22 of the Charter, or as a detached agency if it becomes evident that the Soviets would block it as a subsidiary organ of the Security Council.

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

ARTICLE III

Rights and Powers

With a view to the establishment of effective international control over the fulfillment of the obligations undertaken in the agreement of _____ among the members of the organization and with the Security Council of the United Nations, the organization shall have the following rights and powers:

(1) In order to prevent a surprise attack by one member upon another member of the organization, the organization shall, at the request of any member (herein referred to as a "requesting member") establish on the territory of any other member (herein referred to as the "inspected member") on a basis of reciprocity, control posts at large ports, at railway junctions, on main motor highways and at the airdromes and other inspection facilities, including mobile units and equipment for aerial photographs.

(2) The system of supervision provided for in this statute shall be applied also to such armed forces and material as an inspected member may possess outside its own borders, subject to the consent of the nation or nation where such armed forces or materiel may be located.

(3) The organization shall exercise control, including inspection on a continuing basis, to the extent necessary to insure implementation of and compliance with this statute and the agreement to which it is annexed.

(4) The staff of inspectors performing any requested inspection shall have within the bounds of the control functions which they exercise, unimpeded access at all times to all objects of control. Any member may, on a basis of reciprocity require that the inspectors conducting any inspection requested by it shall to the extent of up to 60% thereof be of the nationality of the requesting member.

(5) The objects of control include military, naval and aerial units; stores of military, naval and aerial equipment and ammunition; land, naval and air bases; and factories manufacturing armaments and ammunition. Any inspected member, upon a reciprocal basis, may exempt from inspection any particular objects or information of such a sensitive nature that the

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

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inspection thereof would, in the opinion of the inspected member, endanger the national security of the inspected member. Such exemption shall be accomplished by filing a notice thereof with the Director General of the organization specifying generally the objects or information excluded. Such notice of exemption shall, however, exclude all right by the member availing itself of this privilege, of inspecting similar or comparable objects or information of the requesting member.

(6) The organization shall have unimpeded access to records relating to budgetary appropriations of member nations for military needs.

(7) All inspection posts and mobile units of the organization may maintain constant communications with headquarters of the organization.

(8) All members will (subject to the right of exemption of sensitive objects and information above mentioned) report to the headquarters of the organization, the location of every unit within its territory or under its control producing fissionable materials, of every unit under construction designed to produce fissionable materials, and shall file with the headquarters of the organization certified copies of all plans and blueprints for the construction of facilities to produce fissionable materials, prior to the initiation on construction of such planned units.

(9) Full and complete records shall be maintained and kept current by the organization at its headquarters and shall be available to duly authorized representatives of the members of the organization.

(10) The inspectors who are to conduct inspections of members which have mutually requested inspections of each other, shall enter the territory of such members simultaneously, and the inspection system affecting such members will be installed simultaneously and reciprocally.

(11) The Organization shall cooperate and exchange information with the International Atomic Energy Agency, when and if it shall come into being, and shall coordinate its efforts so as to maintain comprehensive records respecting all fissionable material located in all parts of the world whether designed for purposes of weapons or for purposes of producing power and other peaceful objectives. It may enter into an agreement

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

or agreements with International Atomic Energy Agency or similar body for the joint conduct of inspections, control and maintenance of records.

(12) In the event of noncompliance or failure by any member or members in the obligations undertaken in this statute or in the taking of any requested corrective steps within a reasonable time as may be directed by the headquarters of the organization, the headquarters shall promptly notify the United Nations Security Council of such failure; and in addition any member of the organization shall have the right to notify the Security Council of the United Nations of any such failure or violation of this Statute which may come to its attention.

(13) Any inspected member shall have the right to expell from its territory any inspector who shall exceed or abuse the honest purpose of the inspections authorized by this Statute.

ARTICLE IV

The Headquarters and Staff of the Organization[1]

(1) The Headquarters of the Organization shall be under the direction of a Director General who shall be appointed by the Board of Governors for a term of _____ years. The Director General shall be the chief administrative officer of the organization.

(2) The Director General shall, within the limits herein specified, be responsible for the appointment, organization and functioning of the staff including the inspectors, and shall be under the authority of and subject to the control of the Board of Governors. He shall perform his duties in accordance with regulations adopted by the Board.

(3) The Staff shall include such qualified technical personnel as may be required to fulfill the objectives and functions of the organization.

1/ Language of this and other articles parallels language of the Statute of the IAEA.

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

(4) The terms and conditions on which the staff shall be appointed, remunerated and dismissed shall be in accord with the regulations made by the Board of Governors, subject to provisions of this statute and to general rules approved by the General Conference on the recommendation of the Board of Governors.

(5) In the performance of their duties, the Director General and the Staff shall not seek or receive instructions from any source external to the organization. They shall refrain from any action which might reflect on their position as officials of the organization. Each member undertakes to respect the international character of the responsibilities of the Director General and the Staff and shall not seek to influence them in the discharge of their duties.

ARTICLE V

Board of Governors

(1) The Board of Governors shall be composed as follows:

(a) _____ permanent members which shall include the United States of America and the Union of Soviet Socialist Republics and such other nations as they may jointly from time to time designate.

(b) The outgoing Board of Governors (or in the case of the first Board, the Preparatory Commission referred to in Article _____) shall designate for membership on the Board, _____ members.

(c) The General Conference shall elect _____ members to membership on the Board of Governors and shall be guided in its selection by regard for the makeup, the responsibilities and the geographical distribution of the members of the Organization.

(2) The designation provided for in Subparagraph 1 (a) of this article shall take place not less than 60 days before each regular annual session of the General Conference. The election

"Annex F"

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

provided for in Subparagraph 1 (c) of this article shall take place at the regular annual session of the General Conference.

(3) Members of the Board of Governors shall hold office from the end of the next regular annual session of the General Conference after their designation until the end of the following regular annual session of the General Conference.

(4) Each member of the Board of Governors shall have one vote and decision shall, except as otherwise provided in this statute, be made by a majority of those present and voting, including the affirmative votes of the permanent members. A majority of the permanent members plus two-thirds of all other members of the Board shall constitute a quorum.

(5) The Board of Governors shall meet at such times and places as it may determine. The meetings shall be at the headquarters of the organization unless otherwise specified in the call.

(6) The Board of Governors shall elect a Chairman and other officers from among its members and, subject to the provisions of this statute shall adopt its own rules and procedure.

(7) The Board of Governors shall prepare and submit an annual report to the General Conference concerning the affairs of the organization.

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

ARTICLE VI

The General Conference

(1) A General Conference consisting of representatives of all members shall meet in regular annual sessions and in such special sessions as may be convened by the Director General at the request of the Board of Governors or of a majority of the members of the organization.

(2) At such sessions each member shall be represented by one delegate who may be accompanied by alternates and by advisors. The cost of attendance of any delegation shall be borne by the members concerned.

(3) The General Conference shall elect a president and such other officers as it may deem desirable at the beginning of each session. They shall hold office for the duration of the session. The General Conference, subject to the provisions of this statute, shall adopt its own rules of procedure. Each member shall have one vote and except as otherwise provided in this statute, decisions shall be adopted by majority of those present and voting. The majority of members shall constitute a quorum.

(4) The functions of a General Conference shall be limited to the following:

(a) To elect members of the Board of Governors in compliance with the provisions of Article V of this statute.

(b) To admit new members in compliance with provisions of Article II of this statute.

(c) To suspend a member from the privileges and right of membership in accordance with the provisions of this statute.

(d) To consider the annual report of the Board of Governors.

(e) To approve the budget of the organization recommended by the Board of Governors or return it with recommendations as to its entirety or in parts to the Board, for resubmission to the General Conference.

(f) To approve rules and limitations regarding the exercise of borrowing power by the Board of Governors.

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

(g) To make recommendations to the Board of Governors on any matter relating to the functions of the organization.

(h) To request from the Board of Governors reports on any matter relating to the functions of the organization.

ARTICLE VII

Finance

(1) The Board of Governors shall submit to the General Conference the annual budget estimates for the expenses of the organization. To facilitate the work of the Board in this regard the Director General shall initially prepare the budget estimates. If the General Conference does not approve the estimates it shall return them together with its recommendations to the Board. The Board shall then submit further estimates to the General Conference for its approval.

(2) The Board of Governors shall apportion the expenses authorized by the budget among members in accordance with a scale to be fixed by the Board.

(3) Subject to rules and limitations approved by the General Conference, the Board of Governors shall have the authority to exercise borrowing powers on behalf of the organization.

ARTICLE VIII

Privileges and Immunities

(1) The organization and its officials, including inspectors and other employees, shall, subject to the rights of inspected members herein described, enjoy in the territory of each member such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.

ARTICLE IX

Relationship with other Organizations

This Organization is a subsidiary organ of the Security Council.

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

ARTICLE X

Settlement of Disputes

(1) Any question or dispute concerning the interpretation or application of this statute or of the agreement or resolution to which it is an annex which is not settled by negotiation may be referred by any member of the Organization or by the Security Council of the United Nations to the International Court of Justice which shall have jurisdiction to determine the issues thereof, unless the parties concerned agree upon another mode of settlement.

(2) The Board of Governors is empowered, subject to authorization from the Security Council of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the organization's activities.

ARTICLE XI

Amendments and Withdrawals

(1) Amendments to this statute may be proposed by any member. Certified copies of the text of any amendment proposed shall be prepared by the Director General and communicated by him to all members.

(2) Amendments shall come into force for all members when

(a) Approved by the Board of Governors,

(b) Approved by the General Conference by a two-thirds majority of those present and voting, and

(c) Accepted by two-thirds of all the members, including the original members possessing nuclear weapons at the time of the establishment of the organization, in accordance with their respective constitutional processes. Acceptance by a member shall be effected by the deposit of an instrument of acceptance with the Secretary General of the United Nations.

(3) Any party to this statute may withdraw from membership in the organization upon one year's notice to the Secretary General of the United Nations; and any party to this agreement may withdraw from it, or suspend its participation in it in whole or in part forthwith upon filing with the Secretary General a written notice specifying that any other party is in default respecting its obligations.

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

(4) Withdrawal by a member from the organization shall not affect its prior obligations entered into hereunder or its budgetary obligations for the year in which it withdraws.

ARTICLE XII

Suspension of Privileges

(1) A member of the organization which is in arrears in the payment of its financial contributions to the organization shall have no vote in any organ of the organization if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two years. The General Conference may nevertheless permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

(2) A member which is in default respecting its obligations under this statute or under the agreement to which it is an annex, as determined by a decision or advisory opinion of the International Court of Justice under the procedure specified in Article X of this statute, may be suspended from the exercise of the privileges and rights of membership by the Board of Governors acting by two-thirds majority of the members present and voting.

ARTICLE XIII

Signature Acceptance and Entry Into Force

(1) This statute shall be opened for signature on ____, 1956 by all nations which are members of the United Nations, and shall remain open for signature by those nations for a period of ____ days.

(2) The signatory nations shall become parties to this treaty by deposit of an instrument of ratification.

(3) Instruments of ratification by signatory nations and instruments of acceptance by those whose membership in the organization has been approved under Article II of this statute shall be deposited with the Secretary General of the United Nations.

(4) Ratification of acceptance of this treaty shall be effected by nations in accordance with their respective constitutional processes.

(5) This treaty shall come into force when five nations, including the United States of America, the Union of Soviet Socialist Republics, and the United Kingdom of Great Britain and Northern

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Ireland, which are nations which now possess nuclear weapons, have deposited instruments of ratification with the Secretary General of the United Nations.

ARTICLE XIV

Preparatory Commission

(1) A Preparatory Commission shall come into existence on the first day that this treaty is open for signature. It shall be composed of one representative from the United States of America, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and one representative each from each of two other nations selected by the Security Council of the United Nations provided the Security Council agrees to such designation within 60 days from the first date that the treaty became open for signature. In the absence of such selection by the Security Council, the Preparatory Commission shall consist of the representatives of the three specifically designated nations mentioned above.

(2) The Preparatory Commission shall

(a) Make arrangements for the immediate installation of the inspection system provided for in this statute, including arrangements for a temporary headquarters and provisional officers and personnel;

(b) Make arrangements for the first session of the General Conference.

(c) Make designation for membership on the first Board of Governors.

ARTICLE XV

Authentic Text and Certified Copies

This statute signed in the English, Russian, and French languages, each being duly authorized, shall be deposited with the Secretary General of the United Nations. Duly certified copies of this statute shall be transmitted by the Secretary General to any member or in response to any other request upon payment of costs thereof as determined by the Secretary General.

In witness whereof the undersigned duly authorized have signed this statute at _____ this _____ day of _____, one thousand nine hundred and fifty-six.

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3

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Approved For Release 2007/08/28 : CIA-RDP80B01676R000600010031-3