

APPENDIX 3

STATEMENT BY THE NEW ZEALAND DELEGATION REGARDING THE ASSOCIATION OF THE SECURITY COUNCIL WITH THE MILITARY CLAUSES OF DRAFT TREATIES, 26 AUGUST, 1946

THE New Zealand delegation wish to set out the views of their Government upon Article 39 of the draft treaty for Italy, Article 19 of the draft treaty for Roumania, Article 17 of the draft treaty for Bulgaria, Article 18 of the draft treaty for Hungary, and Article 21 of the draft treaty for Finland. These provide that the military, naval, and air clauses of the various treaties will remain in force until modified in whole or in part by agreement between the Allied and Associated Powers and the particular ex-enemy State, or, after the State becomes a member of the United Nations, by agreement between the State and the Security Council.

The New Zealand Government welcome the association of the Security Council with the control of the armed forces and armaments of the ex-enemy countries, but, looking forward to the international regulation of armaments envisaged in Article 26 of the Charter, feel that the powers of the Security Council in this connection might well be greater than is proposed in the draft treaties.

We have not, up to the present, advanced a specific amendment aimed at increasing the powers of the Security Council because we have not completed our examination of the implications of such a proposal and we desire to ascertain the views of members of the Commission on this question before coming to a definite conclusion ourselves. As a first step we would prefer that the present peace treaties should provide for the level of armaments of the ex-enemies to be set by the Security Council.

We would ask delegates to consider whether there might not be a provision in the treaty which limited the armed forces or military, naval, or air installations or equipments permitted to the ex-enemy States to such as might be deemed by the Security Council to be necessary for the maintenance of internal order, or for local defence of frontiers, or for allocation to the Security Council for the purpose of maintaining international peace and security. We realize the force of the objections to such a proposal; indeed, they have weighed heavily with us, and it was these objections which made us refrain from committing the Commission to consider our proposal as a formal amendment. We know that to provide that the armaments of an ex-enemy State should be determined by the Security Council, after that State has become a full member of the United Nations, is to put a limitation on sovereignty which may be inconsistent with full membership of the United Nations. We know, too, that it may be argued that the Security Council is not authorized by the Charter to prescribe the level of armaments of any State. This is an argument we find unduly legalistic; we remember that the Council of the League of Nations undertook functions not specifically provided for but consistent with the purposes of the Covenant. In the same way we hope that the Security Council will take a broad view of its function and will be willing to undertake tasks consistent with the purposes and principles set out in Article I of the United Nations Charter.