

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1952 No. 60

Overgelegd aan de Staten-Generaal door de Minister
van Buitenlandse Zaken

A. TITEL

*Handvest der Verenigde Naties; San Francisco, 26 Juni 1945
(Resolutie ontwapenings-commissie, Resoluties internationale-
vrede-en-veiligheid en Resolutie definitie-van-agressie)*

B. TEKST

De Engelse tekst (en vertaling in het Nederlands) van het Handvest is bekendgemaakt bij Koninklijk besluit van 21 December 1945 (*Staatsblad* No. F 321).

C. VERTALING

D. GOEDKEURING

E. BEKRACHTIGING

F. TOETREDING

G. INWERKINGTREDING

Zie *Tractatenblad* 1951 No. 44.

J. GEGEVENS

Zie *Tractatenblad* 1952 No. 52.

De zesde Algemene Vergadering van de Verenigde Naties heeft in haar 358ste bijeenkomst op 11 Januari 1952 met 42 stemmen vóór (waaronder Nederland), 5 tegen en 7 onthoudingen een resolutie

aangenomen inzake regeling, beperking en evenredige vermindering van alle strijdkrachten en alle bewapeningen. De Engelse tekst van deze resolutie (V.N. signatuur No. 502 (VI)) luidt:

The General Assembly,

Moved by anxiety at the general lack of confidence plaguing the world and leading to the burden of increasing armaments and the fear of war,

Desiring to lift from the peoples of the world this burden and this fear, and thus to liberate new energies and resources for positive programmes of reconstruction and development,

Reaffirming its desire that the United Nations develop an effective collective security system to maintain the peace and that the armed forces and armaments of the world be progressively reduced in accordance with the Purposes and Principles of the Charter,

Believing that a necessary means to this end is the development by the United Nations of comprehensive and co-ordinated plans, under international control, for the regulation, limitation and balanced reduction of all armed forces and all armaments, for the elimination of all major weapons adaptable to mass destruction, and for the effective international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only,

Recognizing that a genuine system for disarmament must include all kinds of armed forces and armaments, must be accepted by all nations whose military resources are such that their failure to accept would endanger the system, and must include safeguards that will ensure the compliance of all such nations,

Noting the recommendation of the Committee of Twelve established by resolution 496 (V) that the General Assembly should establish a new commission to carry forward the tasks originally assigned to the Atomic Energy Commission and the Commission for Conventional Armaments,

1. *Establishes* under the Security Council a Disarmament Commission. This Commission shall have the same membership as the Atomic Energy Commission and the Commission for Conventional Armaments, and shall function under the rules of procedure of the Atomic Energy Commission with such modifications as the Commission shall deem necessary;

2. *Dissolves* the Atomic Energy Commission and recommends to the Security Council that it dissolve the Commission for Conventional Armaments;

3. *Directs* the Disarmament Commission to prepare proposals to be embodied in a draft treaty (or treaties) for the regulation, limita-

tion, and balanced reduction of all armed forces and all armaments, for the elimination of all major weapons adaptable to mass destruction, and for effective international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only. The Commission shall be guided by the following principles:

(a) In a system of guaranteed disarmament there must be progressive disclosure and verification on a continuing basis of all armed forces — including para-military, security and police forces — and all armaments including atomic;

(b) Such verification must be based on effective international inspection to ensure the adequacy and accuracy of the information disclosed; this inspection to be carried out in accordance with the decisions of the international control organ (or organs) to be established;

(c) The Commission shall be ready to consider any proposals or plans for control that may be put forward involving either conventional armaments or atomic energy. Unless a better or no less effective system is devised, the United Nations plan for the international control of atomic energy and the prohibition of atomic weapons should continue to serve as the basis for the international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only;

(d) There must be an adequate system of safeguards to ensure observance of the disarmament programme, so as to provide for the prompt detection of violations while at the same time causing the minimum degree of interference in the internal life of each country;

(e) The treaty (or treaties) shall specifically be open to all States for signature and ratification or adherence. The treaty (or treaties) shall provide what States must become parties thereto before the treaty (or treaties) shall enter into force;

4. *Directs* the Commission, when preparing the proposals referred to in the preceding paragraph, to formulate plans for the establishment, within the framework of the Security Council, of an international control organ (or organs) to ensure the implementation of the treaty (or treaties). The functions and powers of the control organ (or organs) shall be defined in the treaty which establishes it;

5. *Directs* the Commission, in preparing the proposals referred to in paragraph 3 above, to consider from the out-set plans for progressive and continuing disclosure and verification, the implementation of which is recognized as a first and indispensable step in carrying out the disarmament programme envisaged in the present resolution;

6. *Directs* the Commission, in working out plans for the regulation, limitation and balanced reduction of all armed forces and all armaments:

(a) To determine how over-all limits and restrictions on all armed forces and all armaments can be calculated and fixed;

(b) To consider methods according to which States can agree by negotiation among themselves, under the auspices of the Commission, concerning the determination of the over-all limits and restrictions referred to in sub-paragraph (a) above and the allocation within their respective national military establishments of the permitted national armed forces and armaments;

7. *Directs* the Commission to commence its work not later than thirty days from the adoption of the present resolution and to report periodically, for information, to the Security Council and to the General Assembly, or to the Members of the United Nations when the General Assembly is not in session. The Commission shall submit its first report not later than 1 June 1952;

8. *Declares* that a conference of all States should be convened to consider the proposals for a draft treaty (or treaties) prepared by the Commission as soon as the work of the Commission shall have progressed to a point where in the judgment of the Commission any part of its programme is ready for submission to governments;

9. *Requests* the Secretary-General to convene such a conference when so advised by the Commission;

10. *Requests* the Secretary-General to furnish such experts, staff and facilities as the Commission may consider necessary for the effective accomplishment of the purposes of the present resolution.

De zesde Algemene Vergadering van de Verenigde Naties heeft in haar 359ste bijeenkomst op 12 Januari 1952 twee resoluties aangenomen over de methoden, welke gebruikt zouden kunnen worden om overeenkomstig de doeleinden en beginselen van het Handvest de internationale vrede en veiligheid te handhaven en te versterken. De eerste resolutie is aangenomen met 51 stemmen vóór (waaronder Nederland), 5 tegen en 3 onthoudingen; de tweede resolutie met 57 stemmen vóór (waaronder Nederland), geen tegen en 2 onthoudingen. De Engelse tekst van deze resoluties (V.N. signatuur No. 503 A en B (VI)) luidt:

A

The General Assembly,

Reaffirming that it is one of the foremost Purposes of the United Nations to "take effective collective measures for the prevention and removal of threats to the peace and for the suppression of acts of aggression or other breaches of the "peace";

Recognizing that the establishment of an effective collective security system is in harmony with other United Nations Purposes

and Principles as embodied in the Charter, in particular those relating to the pacific settlement of disputes, which must be fulfilled if an enduring peace is to be secured,

Reaffirming its desire, as expressed in its resolution 377 A (V) entitled "Uniting for peace", to ensure that the United Nations has at its disposal means for maintaining international peace and security pending the conclusion of agreements provided for in Article 43 of the Charter,

Recognizing that the ability and readiness of States to contribute armed forces and other assistance and facilities in support of United Nations collective action are essential to an effective security system,

Having received the report of the Collective Measures Committee rendered in accordance with paragraph 11 of resolution 377 A (V),

Noting the responses from Member States to its recommendation contained in that resolution that they maintain elements within their national armed forces which could be made available for United Nations service,

Convinced, moreover, that additional action should be taken by States and further study undertaken by the United Nations for the establishment of an effective system of collective security under the authority of the United Nations,

Recognizing that regional and collective self-defence arrangements concluded in accordance with the terms of the Charter can and should constitute an important contribution to the universal collective security system of the United Nations,

Recognizing that United Nations collective action, to be most effective, should be as nearly universal as possible and that in the event of need States not Members of the United Nations should unite their strength with that of the United Nations to maintain international peace and security in accordance with the Purposes and Principles of the Charter,

1. *Takes note* of the report of the Collective Measures Committee and of its conclusions and expresses its appreciation of the Committee's constructive work in the study of collective security;

2. *Recommends* to Member States that, in accordance with paragraph 8 of resolution 377 A (V), each take such further action as is necessary to maintain within its national armed forces elements so trained, organized and equipped that they could promptly be made available, in accordance with its constitutional processes and to the extent to which in its judgment its capacity permits it to do so, for service as a United Nations unit or units without prejudice to the use of such elements in exercise of the right of individual or collective self-defence recognized in Article 51 of the Charter and without prejudice likewise to internal security;

3. *Recommends* to Member States that they take such steps as are necessary to enable them, in accordance with their constitutional processes and to the extent to which in their judgment their capacity permits them to do so, to provide assistance and facilities to United Nations armed forces engaged in collective military measures undertaken by the Security Council or by the General Assembly;

4. *Recommends* to Member States that they determine, in the light of their existing legislation, the appropriate steps for carrying out promptly and effectively United Nations collective measures in accordance with their constitutional processes;

5. *Recommends* to Member States that they continue the survey of their resources provided for in paragraph 7 of resolution 377 A (V);

6. *Recommends* to Members of the United Nations which belong to other international bodies, or which are parties to international arrangements concluded in accordance with the Charter, that, in addition to their individual participation in the collective security system of the United Nations, they seek to obtain, when appropriate, in and through such bodies and arrangements within the constitutional limitations and the other provisions of those bodies and arrangements, all possible support for collective measures undertaken by the United Nations;

7. *Invites* States not Members of the United Nations to take note of the report of the Collective Measures Committee and consider ways and means, in the economic as well as in other fields, whereby they could contribute most effectively to collective measures undertaken by the United Nations in accordance with the Purposes and Principles of the Charter;

8. *Requests* the Secretary-General to appoint as soon as possible the members of the panel of military experts provided for in paragraph 10 of resolution 377 A (V), to the end that they can be made available on request to States wishing to obtain technical advice regarding the training, organization and equipment of the United Nations units referred to in paragraph 2 above;

9. *Directs* the Collective Measures Committee, in consultation with the Secretary-General and with such States as the Committee finds appropriate, to continue for another year its studies on methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter, taking account of both regional and collective self-defence arrangements, and to report thereon to the Security Council and to the General Assembly before the seventh session of the General Assembly;

10. *Recognizes* that nothing in the present resolution shall be construed to permit any measures to be taken in any State without the free and express consent of that State.

B

The General Assembly,

Considering that a basic task of the United Nations is to secure and strengthen international peace and security, and bearing in mind that under the Charter the main responsibility for the maintenance of international peace and security has been conferred on the Security Council,

Recommends that the Security Council, in accordance with Article 28 of the Charter, should convene a periodic meeting to consider what measures might ensure the removal of the tension at present existing in international relations and the establishment of friendly relations between countries whenever such a meeting would usefully serve to remove such tension and establish such friendly relations in furtherance of the Purposes and Principles of the Charter.

De zesde Algemene Vergadering van de Verenigde Naties heeft in haar 368ste bijeenkomst op 31 Januari 1952 met 30 stemmen vóór, 12 tegen (waaronder Nederland) en 8 onthoudingen een resolutie betreffende de definitie van agressie aangenomen, waarvan de Engelse tekst luidt (V.N. signatuur No. 599 (VI)):

The General Assembly,

Considering that, under resolution 378 B (V) of 17 November 1950, it referred the question of defining aggression, raised in the draft resolution of the Union of Soviet Socialist Republics (A/C.1/608), to the International Law Commission for examination in conjunction with matters which were under consideration by that Commission,

Considering that the International Law Commission did not in its report¹⁾ furnish an express definition of aggression but merely included aggression among the offences defined in its draft Code of Offences against the Peace and Security of Mankind,

Considering that the General Assembly, on 13 November 1951, decided not to examine the draft Code at its sixth session but to include it in the provisional agenda of its seventh session,

Considering that, although the existence of the crime of aggression may be inferred from the circumstances peculiar to each particular case, it is nevertheless possible and desirable, with a view to ensuring international peace and security and to developing international criminal law, to define aggression by reference to the elements which constitute it,

¹⁾ A/1858, *Official Records of the General Assembly, Sixth Session, Supplement No. 9.*

Considering further that it would be of definite advantage if directives were formulated for the future guidance of such international bodies as may be called upon to determine the aggressor,

1. *Decides* to include in the agenda of its seventh session the question of defining aggression;

2. *Instructs* the Secretary-General to submit to the General Assembly at its seventh session a report in which the question of defining aggression shall be thoroughly discussed in the light of the views expressed in the Sixth Committee at the sixth session of the General Assembly and which shall duly take into account the draft resolutions and amendments submitted concerning this question;

3. *Requests* States Members, when transmitting their observations on the draft Code to the Secretary-General, to give in particular their views on the problem of defining aggression.

Uitgegeven de drie en twintigste April 1952.

De Minister van Buitenlandse Zaken a.i.,
W. DREES.