

other respect the nations retain their sovereignty. The difficulties of administration may prove great and, in any event, will require exceptional coöperation from every Power. No lethal weapon has ever been successfully outlawed; the success achieved by the reciprocal fear of poison gas is no analogy for the atom bomb. There would be a temptation to gain conclusive advantage from its early use. It may prove difficult to distinguish forbidden uses from purposes that are to be permitted and encouraged. It may be objected that while constituent governments may agree to the appointment of such a supernational group,¹⁰ the attempt to destroy forbidden works or to inspect them will be resisted by individual powers. If that is the verdict of experience then we must face the inevitable consequences: the atomic race will be on.

EDWIN BORCHARD

INTERNATIONAL CONTROL OF THE ATOMIC BOMB

The atomic bomb is the most efficient instrument of mass destruction so far devised by the genius of man. Its use against the cities of Hiroshima and Nagasaki, however it may be justified, might seem to imperil "those standards of humane conduct which have been developed as an essential part of modern civilization."¹ We are warned in the Truman-Attlee-King Declaration that even graver threats to civilization may be in store for us.

Having developed the bomb under the stimulus of fear that it might be developed first by Germany, and having used it, as Cromwell said of a sanguinary massacre in Ireland, to prevent the effusion of blood, we are charged by our consciences to see that it shall never be used again. We can hardly be surprised, however, to find that some of those who have the strongest reasons for confidence in our magnanimity are deeply resentful of the fact that we have it in our power, temporarily, to destroy them without being ourselves destroyed.

The atomic bomb is an equalizer of nations in the same way that the six-shooter was an equalizer of men in our "Wild West." We may be sure that if one nation has atomic bombs in its armory, all other self-respecting nations will have atomic bombs in their armories as soon as they can get them. We

¹⁰ It must be admitted that evidence of a genuine internationalism is sadly lacking. The demand for national conscription in peace, coming after two world wars, the pride taken in a monster navy, the celebration of Navy Day, the receptions given in this country to Messrs. Eisenhower, Wainwright, and Nimitz, are hardly manifestations of a growing internationalism. Wars promote not internationalism but nationalism. And yet, since an atomic bomb race signifies the possible passing of the human species, the nations may find the necessary courage to vest control of the bomb and the destruction of all the incidental works in an international group having this authority only. If successful in this experiment, the nations might be willing in time to go somewhat further. The gap between international science and national politics and economics was never more ominous.

¹ Quoted from a press release of Acting Secretary of State Welles, June 4, 1938, denouncing aerial bombings which had resulted in the death of "many hundreds of the civilian population" in China and Spain.

may be sure also that if atomic bombs are available to the belligerents in any major war of the future, the only effective deterrent to their use by one side will be the belief that the other side is prepared, as we were prepared, with respect to gases in World War II, to retaliate overwhelmingly in kind. Belligerents, as Dr. Hyde observes, will be "contemptuous of the dictates of humanity when they appear to frustrate a means of attaining an early and decisive victory," and "the equities of unoffending non-combatants, even where they are strongest, will be swept aside as inconsequential if they balk success."²

In these circumstances, and in view of the fact that the United States, Britain, and Canada are unwilling to utilize their present exclusive control of atomic power to impose lasting peace upon the world, there can be no doubt of the wisdom of the Truman-Attlee-King recommendation that atomic weapons and all other major weapons of mass destruction be eliminated from national armaments.³ It is important to note, however, that this recommendation is subject to the prior establishment of control of atomic energy to the extent necessary to ensure its use only for peaceful purposes. The control envisaged must be international control. It would not be safe, at the present stage of the development of mankind on the social side, to entrust to national governments the sole responsibility for preventing quantities of plutonium or uranium 235, produced within their respective territories for peaceful purposes, from passing into the hands of makers of ordnance. It should be clear that the formal elimination of atomic weapons from national armaments will be actually dangerous to world peace unless it is preceded or immediately followed by the inauguration of a system of constant checks, under international auspices, upon the production of atomic energy and upon the use made of materials that could be applied to the manufacture of atomic bombs.

Messrs. Truman, Attlee, and King, in the declaration mentioned above, left the details of their recommendations to be worked out by a proposed Atomic Energy Commission. If such a body is set up, it will find useful a draft of an agreement considered at the Geneva Disarmament Conference in 1935 with respect to the manufacture of and trade in arms. This draft provided for a system of national supervision and inspection, supplemented by general supervision, special investigations, and on-the-spot inspections when deemed necessary, by an international body. It was accepted in principle by a committee which included representatives of the United States, France, Soviet Russia, and Great Britain.⁴

It may be presumed that the nations represented at the Geneva Disarmament Conference are no less conscious now than they were then of the

² Hyde, C. C., *International Law*, 1945 (2d ed.), Vol. III, pp. 1822, 1835.

³ For text of declaration see below, Supplement, p. 48.

⁴ Details are summarized by Mrs. Laura Puffer Morgan in *Geneva Studies*, Vol. XI, No. 7 (1940).

need for international supervision and inspection of the production and distribution of lethal weapons and their component parts. It may be presumed that it would be practicable now to obtain universal acceptance of a system of national supervision and inspection, supplemented, in special situations, by international supervision and inspection, in the field of atomic energy. It is submitted, however, that such a system would fall far short of affording effective safeguards against the military use of atomic energy. It is believed to be imperative to establish a system of day-to-day supervision and inspection, by competent representatives of an international body, of all production of atomic energy and of the location of all materials susceptible of use in the manufacture of atomic bombs. With such a system in effective operation, and with all the existing atomic bombs destroyed, the world might again breathe as easily as it did before August 6, 1945.

For effective operation, a system of constant international supervision and inspection would require the presence of a staff of scientists, of different nationalities, at every plant in which atomic energy is produced. The number of such plants would probably have to be limited by agreement, and special inducements, such as private laboratories for research, would probably have to be held out to the scientists charged with the duties of supervision and inspection at the production plants and throughout assigned areas. The agreement establishing the system would, of course, bind every member of the United Nations to cooperate fully with the international agency, to enact laws penalizing violations of the reasonable orders of the agency, and to give the agency such police support as might be required.

There is inherent in such a system of control the possibility of conflicts with national governments engaged in the production of atomic energy or permitting their citizens to engage in such production. For this reason, among others, it is believed to be appropriate to consider seriously whether the production of atomic energy and the distribution of plutonium, uranium 235, and similar materials susceptible of both military and non-military uses should not be entrusted exclusively to an international body. An agreement for the establishment of such an international monopoly might provide for the immediate use, without specific authorization of the Security Council, of international force, to be placed at the disposal of the International Atomic Energy Authority, for the seizure of any plant operating or any materials held in defiance of the Authority. The agreement might also provide that any person, official or unofficial, charged with specified acts of defiance of the Authority should be liable to punishment, upon conviction by an international tribunal, for crimes against the United Nations. The problem of national survival, presented in its most dramatic form by the atomic bomb, is such as to warrant radical departures from the patterns of international arrangements in the preatomic era.

EDGAR TURLINGTON