

**May 25, 1946**  
**Memorandum from M. Litvinov to Stalin, 25 May  
1946**

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**Summary:**

Memorandum from M. Litvinov to Stalin, 25 May 1946. Memorandum discusses comments on the American "Draft Treaties" and the provisions set up for Japan and Germany post-Potsdam.

**Original Language:**

Russian

**Contents:**

Translation - English

TO GENERAL SECRETARY OF THE TSK VKP(b)  
Comrade J. V. STALIN

Comments on the American "Draft Treaties"

The substance of these documents is far less than what the Americans advertised. They wrote and talked about some kind of allied treaties, allied guarantees, and so forth. We might have imagined that they were talking about a quadrilateral treaty of mutual assistance in the event of renewed German aggression. But in fact, it is hardly possible to speak of any sorts of treaty or agreement whatsoever.

These documents are merely drafts of provisions for German and Japanese disarmament which should be included in the peace treaties. We might ask why the Americans had to draft a separate agreement for one section of a peace treaty whose provisions had already been outlined at the Potsdam Conference and had provoked no disagreement whatsoever. Obviously Byrnes's gesture is designed solely for ulterior political propaganda motives, namely, creating the illusion of guaranteeing complete security vis-a-vis Germany and Japan. Once our security is assured, ostensibly, our various actions and demands that have given rise to disagreements between us and the western powers will lose their rationale. One might even assume—and this poses the greatest danger of all—that signing the proposed "treaties" will serve as a prelude to the demand for an early end to the occupation of Germany.

It is true that Article IV mentions a subsequent agreement which would stipulate "the size and kinds of armed forces that each country should provide for the purpose of enforcing the treaties." The draft, however, provides absolutely no indication of whether these forces should be stationed in German territory at all or for how long. Article III, which states that "Germany's acceptance of Articles I and II will constitute a necessary condition for the termination of the allied occupation," is particularly suspicious. This could be interpreted as providing for termination of the occupation after Germany's acceptance of Articles I and II even before Germany has signed a peace treaty.

In my opinion, our response to Byrnes's proposal should be to point out the nature of the proposed drafts as soon as possible, i.e, we should publicly explain that Byrnes's proposal merely covers one section of the future peace treaties and does not constitute the basis for any special agreement by which the United States would assume any obligations over and above the obligations which it would be forced to assume pursuant to the peace treaties. In the process we might express our doubts concerning the timeliness and benefits of such a special agreement on issues which have never been in dispute before. But if for some reason the Americans insist on a special agreement, we would not have any fundamental objections as long as they do not try to split up the peace treaties and as long as they work towards an agreement for the disarmament of Germany and Japan. As a basic precondition, however, we would have to insist on an agreement which would maintain some kind of occupation of Germany, at least until Germany signs a full-fledged peace treaty, and for a long time afterward.

Certain clauses of the drafts elicited the following comments:

Article A-I-a of the Potsdam Resolutions on disarmament are somewhat more complete than Article i-A in Byrnes's draft. Moreover, Article I of Byrnes's draft says absolutely nothing about a ban on the production and importation of toxic agents or the construction of fortifications. For some mysterious reason, Point D-2 of Article I of the draft treaty with Germany prohibiting "fissionable materials" was omitted from the draft of the treaty with Japan.

By the way, the very same clause of the draft treaty with Germany permits fissionable materials under conditions approved by the treaty powers. Experience has shown that any provisions involving approval and consents should always stipulate unanimity.

The same comment applies to Point [illegible] of Article I, which talks of the possibility of exceptions to disarmament under conditions to be determined by the treaty powers.

Article IV discusses violations of the disarmament provisions which would call for action deemed suitable "by a majority of the members of the commission" and stipulates that in general action could only be taken "by general agreement." The principle of making decisions by a majority of votes contained in this clause is especially dangerous. In my opinion we must stipulate that in the event of a disagreement, any treaty power may act alone, at its own risk and responsibility and with its own resources, to prevent violations of the disarmament provisions.

It is interesting that the very same Article IV of the draft treaty with Germany requires that reports of inspection results be submitted to the Security Council of the United Nations. Whether by accident or intention, the Security Council is never mentioned in the same article of the draft treaty with Japan.

The effective term of the agreement should run 50 years instead of 25 years, with the provision that after 25 years the treaty powers should consult with one another every five years on the possibility of amending the treaty or terminating it altogether.

[signed] M. LITVINOV