

LEAGUE OF NATIONS

CONFERENCE

FOR THE

CONTROL

OF THE

INTERNATIONAL TRADE IN ARMS,
MUNITIONS
AND IMPLEMENTS OF WAR

Historical Survey.

Text of the Draft Convention.

Extracts from Minutes of the Temporary Mixed
Commission, of the Permanent Advisory
Commission and of the Council.

Other Documents.

GENEVA, 1925.

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HISTORICAL SURVEY.

[The following Historical Survey has been prepared by means of the texts of the various reports of the Temporary Mixed Commission and of the Third Committee of the Assembly. The sections which have been inserted in this *résumé* by the Secretariat in order to connect the quotations from the competent Commissions have been printed in italics.]

The effective regulation of the international trade in arms and ammunition is a matter of vital and urgent importance in connection with the question of reduction of armaments. By Article 23, paragraph (d), of the Covenant, the League of Nations is entrusted with the general supervision of the trade with the countries in which the control of this traffic is necessary in the common interest; and its regulation has been, moreover, recognised by the technical organisations of the League as an indispensable measure of a general character in connection with the application of the fifth paragraph of Article 8 of the Covenant.

The control of the international traffic in arms has long been the subject of consideration by Governments. As long ago as 1887, a treaty on the matter was agreed to by a number of Powers. The subject was discussed at the Peace Conference in Paris and a new treaty to replace that of 1887 was drawn up and signed by the Powers which took part in the Conference. (See text of the St. Germain Convention and Protocol, Document 1, pages 29 to 37.)

Since then it has been the subject of consideration by the Permanent Advisory Commission and the Temporary Mixed Commission, as well as by the Assembly of the League at both its previous meetings (1920 and 1921) and on a number of occasions by the Council. On all those occasions it has been agreed that it is pre-eminently in the interest of civilisation that the international traffic in arms should be subjected to control by international action.

It is unnecessary to elaborate the reasons for this opinion. Every Member of the Assembly is doubtless aware of the grave and sordid scandals connected with the trade in arms.

The Arms Traffic Convention which was signed at St. Germain in September 1919 was intended to fulfil the two following purposes:

(a) To prevent the importation of arms, except under the strictest possible control, to certain defined areas inhabited by backward peoples. The purpose of this part of the Treaty is evident. The task of preventing bloodshed in great parts of Africa and in the countries which border the Red Sea is rendered far more difficult if the inhabitants have access to unlimited quantities of arms and munitions. It was felt to be especially desirable to bring this part of the Treaty quickly into effect in order to prevent dissemination to these parts of the world of the surplus stocks left over from the war.

(b) To secure by a system of licensing full publicity for all international traffic in arms. The parties to the Convention undertook not to allow the export of arms from their territories except with a licence from the Government authorities, which should indicate the quantities the export of which was allowed, and the destination to which they were sent.

The Treaty further provided that copies of these licences should immediately be forwarded to a central office to be established under the League, and that they should be published. It was believed that, by securing in this way the fullest publicity for traffic in arms, something at least would be done to get rid of the evils attendant upon it.

The Convention of St. Germain was drafted on the assumption that it would be universally accepted by the Governments of all countries. While, of course, it is essential to secure the co-operation of countries which produce arms and munitions, it is nevertheless desirable that every country, whether it produces arms or not, should be a party to such a Convention.

When the St. Germain Convention was signed, the principal parties to it also agreed to a supplementary protocol to the effect that they would bring its provisions into immediate effect without waiting for formal ratification. This protocol, unfortunately, was not acted upon, except by a few of the principal signatories and in respect only of the defined backward areas mentioned above. Since then, great efforts have been made to bring into force the Convention. At both meetings of the Assembly of the League — 1920 and 1921 — very strong resolutions were agreed to, urging the Governments of Members of the League and of States outside the League to ratify the Convention or to adhere to it as the case might be. The Council of the League has addressed a number of letters to the Governments, inviting them to act in accordance with these Assembly resolutions. In reply to these letters, thirty-four Governments have, up to the present, expressed

their views on the subject. Of these, eleven Governments have actually ratified the Convention and four others have expressed their willingness to adhere to it. The remainder, including all the principal signatories, except the United States of America, and also the other States which produce arms and munitions, have expressed their willingness to ratify the Convention when all the other producing States are ready to do so. Germany and Austria, which used to be great producers of arms, are bound under the provisions of the Peace Treaty by the St. Germain Convention.

It therefore appeared that, as the result of three years of continuous effort, the Council and the Assembly of the League might have had reason to hope that the Convention of St. Germain would be generally brought into effect without undue delay. (A.124.1922.)

CO-OPERATION OF THE UNITED STATES IN THE WORK OF THE TEMPORARY MIXED COMMISSION.

The Government of the United States, on whose action depended the ratification of the Convention by most of the producing countries, sent to the Secretary-General, on July 28th, 1922, the following letter:

"The communication which the Secretary-General of the League of Nations addressed to the Secretary of State of the United States of America on November 21st, 1921, has had careful consideration.

"In that communication the Secretary-General was so good as to bring to the knowledge of the Secretary of State a resolution adopted on October 1st, 1921, by the Assembly of the League of Nations, suggesting that the importance of ratifying the Arms Traffic Convention of St. Germain should be strongly impressed on all the States signatories thereto, whether Members of the League of Nations or not, as well as the decision of the Council of the League that the Assembly's resolution should be brought to the notice of all States which had not notified the League of their intentions on the subject.

"In reply to the inquiry made by the Secretary-General in pursuance of this action, whether the Government of the United States of America is prepared to ratify the Convention of St. Germain, the Secretary of State begs to state that the terms of the proposed Convention have been carefully examined and that, while the Government of the United States is in cordial sympathy with efforts to restrict traffic in arms and munitions of war, it finds itself unable to approve the provisions of the Convention and to give any assurance of its ratification.

"The Secretary of State also desires to call attention to the fact that the Government of the United States is desirous to co-operate for the purpose of suitably controlling traffic in arms and munitions, and to this end the Congress of the United States has already enacted legislation providing that, 'whenever the President finds that in any American country, or in any country in which the United States exercises extra-territorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States and makes proclamation thereof, it shall thereafter be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.' " (A.31.1922.)

This communication from the Government of the United States defined the situation. After this, it was unlikely that the St. Germain Convention, in its existing form, would be signed by all the principal Powers.

In view of this situation, the Temporary Mixed Commission, on September 1st, 1922, adopted the following resolution:

"The Commission takes note of the communication of the Department of State stating that the Government of the United States is not able to ratify the Convention of St. Germain. The Sub-Commission considers that this constitutes a *fait nouveau*. The Commission is of opinion that the question of a Convention on Arms Traffic must be re-examined in its entirety in the light of the existing situation and with a view to finding the basis of a possible collaboration with the United States." (A.31.1922.)

After examining the situation arising from the inability of the United States to ratify the Convention of St. Germain, the Third Assembly (1922) adopted the following resolutions:

"(a) The Assembly considers it highly desirable that the Government of the United States should express the objections which it has to formulate to the provisions of the Convention of St. Germain, as well as any proposals which it may care to make as to the way in which these objections can be overcome.

"(b) The Assembly is of the opinion that the Temporary Mixed Commission should

be instructed to prepare a scheme for the control of the international traffic in arms to be considered by the conference which is to deal with the private manufacture of arms.

"(c) The Assembly requests the Council to take such steps as it thinks advisable to carry out the purpose above indicated."

It was at once apparent to the Temporary Commission that neither the preparation of a new scheme for the control of the international traffic in arms laid down in paragraph (b) of this resolution nor the execution of a scheme for the control of private manufacture could be successfully undertaken until the co-operation of the United States Government, as indicated in paragraph (a) of the above resolution, had been obtained. It was in this sense that the Commission reported to the Council in accordance with paragraph (c) of the Assembly resolution. The Council considered the arguments put forward to be well founded, and requested its President to address a letter to the Secretary of State of the United States on the lines indicated by the Assembly resolution. Accordingly, on May 1st, 1923, the Acting President of the Council despatched a letter to the Government of the United States.

In this letter, after a brief review of the St. Germain Convention, the President of the Council wrote as follows:

"In reply to the note addressed to the United States on November 21st, 1921, you were good enough to inform the Secretary-General, on July 28th, 1922, that 'while the Government of the United States was in cordial sympathy with efforts to restrict traffic in arms and munitions of war, it found itself unable to approve the provisions of the Convention and to give any assurance of its ratification'.

"The Third Assembly, which met shortly afterwards, in September, had therefore to consider the situation thus created.

"The Third Committee of the Assembly, referring to this reply, expressed the following opinion:

"This reply puts an end to the hopes that the Convention of St. Germain in its present form would receive general acceptance.

"As has already been said, it is most desirable that some treaty should be universally accepted for the control of the international trade in arms, and that all civilised countries should co-operate in a common policy of regulation.

"Whether that can be done, however, depends on the attitude of the United States of America. It is important, therefore, that the Members of the League should endeavour in every way to meet the views of the United States Government, and to secure their co-operation in a common policy."

"In the meantime, the work carried out by the Permanent Advisory Commission on Military, Naval and Air Questions and by the Temporary Mixed Commission for the Reduction of Armaments had led these bodies to the conclusion that the two problems of the private manufacture of arms and the international control of the arms traffic were too closely connected to be dealt with separately, and that the solution of both had to be sought at the same time and by the same methods. The Third Assembly therefore adopted the following resolutions:

"The Assembly, having noted the proposal of the Temporary Mixed Commission for an international agreement for the control of the manufacture of arms by private companies, urges the Council to consider the advisability of summoning at an appropriate moment a conference of the Members of the League to embody this agreement in the form of a convention. The Assembly is further of the opinion that States not Members of the League should be invited to participate in this conference and to co-operate in the policy on which it may agree.

"The Assembly considers it highly desirable that the Government of the United States should express the objections which it has to formulate to the provisions of the Convention of St. Germain, as well as any proposals which it may care to make as to the way in which these objections can be overcome."

"Since these resolutions were taken, the Council and the Temporary Mixed Commission have given their attention to this matter, with the result that the Council passed, at its last session, the resolution quoted at the beginning of this letter. In virtue of this resolution, I have the honour to ask you whether the United States Government would be ready to inform the Members of the League of Nations as to the general lines on which it would be willing to co-operate in an attempt to solve on a universal and permanent basis the two problems of the private manufacture of arms and the international control of the arms traffic.

"In order to enable you to form an accurate opinion of the scope and nature of the work carried out on this subject by the organs of the League, I beg to enclose the report of the Temporary Mixed Commission to the Council and that of the Third Committee to the last Assembly (1922), in each of which two chapters are devoted to these questions." (A.35.1923. Part II.)

During the session of the Fourth Assembly (1923), all decisions giving effect to the resolutions of the Third Assembly relating to the control of the international trade in arms had to be suspended by the Council until the reply of the Government of the United States to the letter sent on May 1st, 1923,

had been received. This reply, the text of which is given below, arrived at the Secretariat during the Assembly:

“ Washington, September 12th, 1923.

“The Secretary of State of the United States of America has given most careful study to the communication from the Acting President of the Council of the League of Nations dated May 1st, 1923, asking the views of the United States regarding the control of the traffic and private manufacture of arms set forth in the Convention of St. Germain, and begs to inform you that the Government of the United States is in cordial sympathy with any efforts suitable to restrict traffic in arms and munitions of war.

“As evidence of its interests in the matter, it may be recalled that, by a joint resolution approved April 22nd, 1898, as amended March 12th, 1912, the following provision was made with respect to the regulation of the shipment of arms from the United States:

“‘That, whenever the President shall find that in any American country conditions of domestic violence exist which are promoted by the use of arms or munitions of war procured from the United States, and shall make proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President shall prescribe, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.’

“By a resolution approved January 31st, 1922, this provision of law was extended so as to include any country in which the United States exercises extra-territorial jurisdiction. It is also the policy of the Government to restrict the sale of Government supplies of arms and ammunition.

“After a careful examination of the terms of the Convention, it has been decided that the objections found thereto render impossible ratification by this Government.

“While the application of the Convention to certain designated areas or zones, extending in effect the Brussels Convention, may fulfil a useful object, the plan of the present Convention is much broader. The distinctive feature of this plan is not a provision for a general limitation of armament but the creation of a system of control by the signatory Powers of the traffic in arms and munitions, these signatory Powers being left free not only to meet their own requirements in the territories subject to their jurisdiction but also to provide for supplying each other with arms and munitions to the full extent that they may see fit.

“There is particular objection to the provisions by which the contracting parties would be prohibited from selling arms and ammunitions to States not parties to the Convention. By such provisions this Government would be required to prevent shipment of military supplies to such Latin-American countries as have not signed or adhered to the Convention, however desirable it might be to permit such shipments, merely because they are not signatory Powers and might not desire to adhere to the Convention.

“It should be observed also that the acceptance by the United States of an agreement of the nature and scope of the Convention of St. Germain would call for the enactment of legislation to make it operative and particularly for the imposition of penalties applicable to private arms-producing concerns as a means of establishing an effective control. This Government is not in a position to undertake to obtain the enactment of such legislation.

“Finally, it may be observed that the provisions of the Convention relating to the League of Nations are so intertwined with the whole Convention as to make it impracticable for this Government to ratify, in view of the fact that it is not a Member of the League of Nations.”

The Assembly was of opinion that it was the duty of the League of Nations to persevere, and it therefore adopted the following resolution:

“IV. (a) The Assembly recommends that the Temporary Mixed Commission should be invited to prepare a new convention or conventions to replace that of St. Germain for the Control of the Traffic in Arms.

“The Temporary Mixed Commission should be requested to draw up the draft convention or conventions in such a form that they might be accepted by the Governments of all countries which produce arms or munitions of war.

“The Temporary Mixed Commission should, however, also make alternative proposals for a convention or conventions which might be adopted by some of the producing Powers even if others refused their co-operation.

“The Assembly recommends that the Council should invite the United States Government to appoint representatives to co-operate with the Temporary Mixed Commission in preparing the draft convention or conventions.”

In its session of December 1923, the Council, having examined this resolution, requested the Temporary Mixed Commission to prepare one or more conventions to replace that of Saint-Germain, in accordance with the instructions of the Assembly.

The Council, moreover, in fulfilment of the last paragraph of the above resolution, sent to the Government of the United States of America a letter, dated December 14th, 1923, in which, after alluding to the contents of his letter of May 1st, 1923, the President of the Council concludes as follows:

"I have the honour, on behalf of my colleagues of the Council, to invite the Government of the United States to co-operate with the Temporary Mixed Commission in the preparation of the draft convention or conventions suggested by the Assembly.

"In sending this invitation to the Government of the United States, the Council has felt that the problem of the control of the traffic in arms — a problem which, the Federal Government will agree, has an eminently moral and humanitarian character — cannot be entirely solved except with the help of all the great producing countries.

"I have the honour to enclose not only the report of the Temporary Mixed Commission to the Council and the report of the Third Committee to the Assembly, both of which deal with the question raised in this letter, but also the resolution of the Council, setting out the constitution and character of the Commission."

The United States Minister at Berne (Mr. Grew) (since appointed Under-Secretary of State) replied to this invitation by the following letter to the Secretary-General, dated February 2nd, 1924:

"With reference to the communication addressed to the Secretary of State in December 1923 by M. Branting, Acting President of the Council of the League of Nations, inviting the Government of the United States to co-operate with the Temporary Mixed Commission in the preparation of the new Convention for the Regulation of the Traffic in Arms, to supersede the Convention of Saint-Germain, and with reference to my letter to you dated December 15th, 1923, relating to the same subject, I take pleasure in informing you that I have been instructed by my Government to attend the meetings of the Temporary Mixed Commission which open on February 4th, 1924, in order that I may be fully advised with regard to the proposals made and particularly to receive information respecting the draft Convention which it is understood will be considered by the Commission.

"I shall, of course, have no authority to bind my Government in any way to whatever conclusions may be reached by the Commission. I shall be glad, however, to transmit to my Government any recommendations which may be formulated, and, in case any appropriate plan is devised, the question of securing necessary legislation will receive proper consideration by the Government of the United States."

Mr. GREW took part in the work of the ninth session of the Temporary Mixed Commission, which was held at Geneva in February 1924, and of the eighth session of the First Sub-Commission, in Paris, in March 1924. When Mr. Grew was appointed Under-Secretary of State he was replaced by Mr. Gibson, his successor at Berne, who took part in the work of the tenth session of the Temporary Mixed Commission at Geneva in July 1924.

CO-OPERATION OF PERSIA IN THE WORK OF THE TEMPORARY MIXED COMMISSION.

The Persian Government, which, in a letter addressed to the Council on September 18th, 1923 (see below), had declared itself interested in this question, was also invited by the Council to send a representative to attend the meetings of the Temporary Mixed Commission on the question of the control of the international trade in arms, and was represented by Prince Arfa-ed-Dowleh.

"The Persian Government has instructed me to forward you, on its behalf, a formal declaration relative to the suppression of illicit traffic in arms and ammunition. As a member of the League of Nations, Persia has decided to support any equitable measure or agreement which may assist in the prevention and stoppage of this traffic, against which she has already taken steps in her own territory by means of particularly severe legislation.

"As a sovereign State, however, the Persian Government must be in a position to defend its neutrality, to meet such undertakings as may arise under the terms of Article 10 of the Covenant, and, therefore, to import for its own use the arms and ammunition required for the small army of 75,000 men which it deems indispensable for the protection of its frontier and the fulfilment of its duties of international solidarity within the meaning of the treaty of guarantee now under consideration by the League of Nations.

"Chapter II of the Saint-Germain Convention, which was signed in 1919 by certain Powers and drawn up without the participation of Persia, contains certain stipulations

which place our country in a prohibited zone and which are to-day embarrassing the Government by impeding the lawful importation of such arms and ammunition as it requires to carry out its duties. I am instructed to protest officially against Article 6 of the Convention referred to and to point out that Persia was never consulted and that she cannot recognise the validity of any document which disposes of her sovereign rights without her assent.

"Persia requests the Council of the League of Nations to assist her in putting an end to this difficulty and at the same time to furnish her with the means of associating herself with any appropriate measures against the illicit traffic in arms and ammunition in general agreement with the other Members of the League or by direct treaty with each of the Powers signatory to the St. Germain Convention, which it is impossible for her to recognise as it stands.

"In the hope that the Council will comply with our request and give a favourable consideration to these observations," etc.

POSSIBLE CO-OPERATION OF STATES NON-MEMBERS OF THE LEAGUE OF NATIONS IN THE SOLUTION OF THE PROBLEM OF THE TRADE IN ARMS AND OF THE PRIVATE MANUFACTURE.

The Temporary Mixed Commission believes that it has given effect to the meaning of the following sentence of the resolution adopted by the Fourth Assembly (1923): "The Assembly is further of the opinion that States not Members of the League should be invited to participate in this conference and to co-operate in the policy on which it may agree", by submitting the following resolution to the Council:

"The Commission resolves to recommend the Council to invite the Governments of all States not Members of the League of Nations to express an opinion as to how they would be prepared to co-operate in the solution of the problems of the traffic in arms and ammunition and the private manufacture of arms."

From the point of view of these two problems, the non-Member States may be divided into two categories: (1) those which are not bound by any obligation in the Treaties of Peace; (2) those which have obligations laid down in the Treaties of Peace in respect of the trade and the private manufacture of arms.

Apart from the United States, which do not come into the question, Russia, Mexico, Ecuador, etc., belong to the first category; Germany belongs to the second category. (The position of Turkey in this matter may be regarded as a special one.)

In respect of the international traffic in arms, Germany is bound by Article 126 of the Treaty of Versailles, which says:

"Germany undertakes to accept and observe the agreements made or to be made by the Allied and Associated Powers or some of them with any other Power with regard to the trade in arms and spirits, and to the matters dealt with in the General Act of Berlin of February 26th, 1885, the General Act of Brussels of July 2nd, 1890, and the conventions completing or modifying the same."

In respect of private manufacture, she is bound by Article 168 of the Treaty of Versailles:

"The manufacture of arms, munitions, or any war material shall only be carried out in factories or works the location of which shall be communicated to and approved by the Governments of the Principal Allied and Associated Powers, and the number of which they retain the right to restrict.

"Within three months from the coming into force of the present Treaty, all other establishments for the manufacture, preparation, storage or design of arms, munitions, or any war material whatever shall be closed down. The same applies to all arsenals except those used as depots for the authorised stocks of munitions. Within the same period the personnel of these arsenals will be dismissed."

Article 170 of the Treaty may be regarded as dealing with both the traffic and with private manufacture:

"Importation into Germany of arms, munitions and war material of every kind shall be strictly prohibited.

"The same applies to the manufacture for, and export to, foreign countries of arms, munitions and war material of every kind."

During its July 1923 session, the Council examined this question, and, while recognising the advisability of postponing its decision on the matter in order to give time to the United States Government to reply to the letter of May 23rd, took note (as the Minutes show) that such a course would not prejudice its action at the next session.

The following resolution was adopted:

“The Council, having examined the resolution adopted by the Temporary Mixed Commission recommending that the Governments of all States not Members of the League of Nations should be invited to state their views as to the manner in which they would be willing to co-operate in the solution of the problems of the traffic in arms and munitions and of the private manufacture of arms, approving the principle of this resolution without at the same time prejudging the obligation which certain of these Governments have undertaken in the Treaties of Peace, considers it advisable to postpone its decision on the matter until such time as the reply from the United States Government to the letter addressed to it by the President of the Council on May 1st, 1923, is received.”
(A. 35. 1923. Part II.)

No further decision was taken on this question.

THE DRAWING UP OF THE DRAFT CONVENTION BY THE TEMPORARY MIXED COMMISSION.

The Fifth Assembly (1924), after taking note of the draft Convention drawn up by the Temporary Mixed Commission, and feeling that the time had arrived for giving effect to the wishes of preceding Assemblies, adopted the following resolution:

“The Assembly requests the Council to submit to the Governments of States Members and non-Members of the League of Nations the draft Convention relating to the Control of the International Trade in Arms, Munitions and Implements of War drawn up by the Temporary Mixed Commission, and to request these Governments to inform the Secretary-General, before the Council meets in December, whether they are prepared to take part in a Conference to be convened in April or May 1925 for the purpose of discussing this draft Convention.”

In execution of this resolution, which was adopted by the Council at its meeting on September 30th, 1924, the Secretary-General sent, on October 9th, 1924, to all States Members and non-Members of the League of Nations, the draft Convention drawn up by the Temporary Mixed Commission.

DRAFT CONVENTION FOR THE CONTROL OF THE INTERNATIONAL TRADE IN ARMS, MUNITIONS AND IMPLEMENTS OF WAR

PREAMBLE

Whereas the Convention of Saint Germain signed by the High Contracting Parties therein mentioned has not entered into full force and effect;

Whereas it is necessary to exercise a general supervision over the international trade in arms, munitions and implements of war, with the object of securing the fullest possible publicity in regard to such trade;

Whereas the existing treaties and conventions, and particularly the Brussels Act of July 2nd, 1890, regulating the traffic in arms and munitions in certain regions, no longer meet present conditions;

Whereas a special supervision of the maritime zone adjacent to certain countries is necessary to ensure the efficacy of the measures adopted by the various Governments both as regards the import of arms, ammunition and implements of war into these countries and their export from their own territory;

Have appointed:

Chapter I. — DEFINITION OF THE ARMS, MUNITIONS AND IMPLEMENTS OF WAR THE INTERNATIONAL TRADE OF WHICH IS TO BE CONTROLLED.

Article 1.

This Convention applies to the following arms, munitions and implements of war:

CATEGORY I.

1. ARMS AND MUNITIONS, ASSEMBLED OR COMPONENT PARTS, EXCLUSIVELY DESIGNED FOR LAND, SEA OR AERIAL WARFARE, WHATEVER THEIR MODE OF EMPLOYMENT.

(a). — All arms and ammunition which are or shall be comprised in the equipment of the armed forces of the different States, including:

Pistols and revolvers, automatic or self-loading, and developments of the same, designed for single-handed use or fired from the shoulder, of a calibre greater than 6.5 mm. and length of barrel more than 10 cm.;

Rifles, muskets, carbines;

Machine-guns, interrupter gears, mountings for machine-guns;

Aerial gun sights;

Infantry apparatus for the discharge of projectiles;

Flame throwers;

Cannon, long or short, bomb throwers and mortars of all kinds and their carriages, mountings, recuperators, accessories for mounting and sighting apparatus;

Apparatus for the discharge of all kinds of projectiles, bombs, torpedoes, depth charges, etc.;

Grenades, bombs, land mines, submarine mines fixed or floating, torpedoes, depth charges;

Projectiles of all kinds;

Ammunition and appliances for the above arms and apparatus;

Bayonets, swords and lances;

(b). — All arms and ammunition which, after having been employed in the services of the different States, are no longer part of their equipment but remain capable of being utilised for military purposes to the exclusion of any other utilisation.

2. IMPLEMENTS OF WAR HEREAFTER ENUMERATED AND COMPONENT PARTS WHICH ARE CAPABLE OF BEING UTILISED ONLY IN THE MANUFACTURE OF THE SAID MATERIAL.

Ships of all kinds designed exclusively for war, including submarines and submersibles;

Airships, aeroplanes and seaplanes designed exclusively for war;

Tanks;

Armoured cars.

CATEGORY II.

ARMS AND MUNITIONS, ASSEMBLED OR COMPONENT PARTS, CAPABLE OF USE
BOTH FOR MILITARY AND OTHER PURPOSES.

1. Fire-arms, designed or adapted for non-military purposes, that will fire cartridges that can be fired from fire-arms in Category I.
2. All other rifled, fire-arms, firing from the shoulder, of a calibre of 6 mm. or above, not included in Category I.
3. Ammunition for the arms enumerated above.
4. Gunpowder and explosives.

CATEGORY III.

ARMS AND MUNITIONS HAVING NO MILITARY VALUE.

All the arms and munitions other than those defined in Categories I and II, such as :

Rifled weapons of a calibre of less than 6 mm. designed for firing from the shoulder ;
Revolvers and automatic pistols of a calibre of 6.5 mm. or less and length of barrel of 10 cm. or less ;
Smooth-bore shot guns ;
Double-barrelled shot-guns of which one barrel is rifled, the other smooth-bore ;
Single-shot pistols ;
Fire-arms firing rimfire ammunition ;
Muzzle-loading fire-arms ;
Life-saving rockets.
Guns for whaling or other fisheries ;
Signal and saluting guns.
Humane cattle-killers of all sorts.
Ammunition for the above.

Chapter II. — EXPORT AND TRANSIT OF ARMS, MUNITIONS AND IMPLEMENTS OF WAR.

Article 2.

The High Contracting Parties undertake not to export themselves, and to prohibit the export of, arms, munitions and other implements of war enumerated in Category I, except on the conditions hereinafter mentioned.

Article 3.

Notwithstanding this prohibition, the High Contracting Parties may grant in respect of arms, munitions and implements of war whose use is not prohibited by international law, licences for the export of arms, munitions and implements of war enumerated in Category I, in the following conditions :

1. Licences are not to be granted except for a direct supply to a Government recognised as such by the Government of the exporting country.
2. The Government acquiring the consignment must act through a duly accredited representative.
3. Such representative must produce a written authority from the Government he represents for the acquisition of each consignment, which authority must state that the consignment is required for delivery to that Government for its own use.
4. The form in which this licence shall be given shall, so far as practicable, be that given as an appendix to the present Convention.

Each licence must contain a description sufficient for the identification of the arms, munitions and implements of war to which it relates and the names of the exporter and the acquiring Government, ports of embarkation and disembarkation, means of transport, intended route and destination.

5. A separate licence shall be required for each separate consignment which crosses the frontier of the exporting country, whether by land, water or air, and shall accompany each separate consignment.

6. A return of the licences granted shall be sent quarterly to the Central International Office referred to in Article 8 of the present Convention by the issuing Governments ; importing Governments, when High Contracting Parties, shall also forward quarterly to the Central International Office a return of the same licences enclosing particulars of the heading under which the imported goods will appear in their imports statistics.

Article 4.

Further, licences for the export to private individuals of component parts covered by Category I may be granted on the following conditions :

The said component parts must be exported direct to a recognised manufacturer of war material, duly authorised by his own Government, on a declaration from him to the effect that the said component parts are required by him.

The Government which grants the licence and the Government of the importer's country shall take all adequate precautions to ensure that the said component parts are sent direct to their destination.

The licences granted in the terms of the present Article shall, so far as practicable, be drafted according to the form annexed to the present Convention, and shall conform to the provisions of the present Convention, and particularly to those of Article 8.

Article 5.

Without prejudice to any obligations to which they may have subscribed under international conventions dealing with transit, the High Contracting Parties, when they have reason to believe that any consignment of arms, munitions or implements of war in transit through their territory does not conform to the provisions of the present Convention, undertake to investigate the circumstances and if necessary to prohibit the transit.

Article 6.

Without prejudice to the provisions of Article 7, arms and munitions in Categories II and III may, if the exporter's country so desires, be exported without licence. Provided, nevertheless, that in the case of arms and munitions of Category II the High Contracting Parties hereby undertake to determine from the size, destination and other circumstances of each consignment whether these arms and munitions are intended for war purposes. If such is the case, the High Contracting Parties undertake that the shipments shall become subject to Articles 2 to 5.

Article 7.

The High Contracting Parties further undertake to prohibit the export of arms, munitions and implements of war enumerated in Article 1, to the maritime or territorial zones specified in Article 9.

Nevertheless, the High Contracting Parties may grant export licences, notwithstanding this prohibition, provided that they conform to the provisions of Articles 3 to 5. The competent authorities must satisfy themselves, before issuing the licences, that the arms, munitions or implements of war are not intended for export to any destination or for disposal in any way contrary to the provisions of this Convention.

Article 8.

A Central International Office shall be established by the Council of the League of Nations for the purpose of collecting, preserving and publishing documents of all kinds exchanged by the High Contracting Parties with regard to the trade in and the distribution of arms, munitions and implements of war, as well as the text of all laws, orders and regulations made for the carrying out of the present Convention.

Each of the High Contracting Parties shall publish an annual return of the export licences which each may have granted in respect of arms, munitions and implements of war in pursuance of the present Convention, mentioning the quantities and destination of the arms, munitions and implements of war to which the export licences refer. A copy of this return shall be sent to the Central International Office.

The High Contracting Parties further undertake to forward to the Central International Office all information which they will be in a position to provide relating to consignments under contracts entered into before the coming into force of the present Convention.

*Chapter III. — IMPORT OF ARMS, MUNITIONS AND IMPLEMENTS OF WAR.
PROHIBITED ZONES.*

Article 9.

The High Contracting Parties undertake, each as far as the territory under its jurisdiction is concerned, to prohibit the importation of arms, munitions and implements of war into the following territorial zones, and also to prevent their exportation to, importation and transportation in the territorial zones as well as in the maritime zone defined below.

Special licences for the import of arms, munitions and implements of war into the zones defined above may be issued. In the African zone they shall be subject to the regulations specified in Articles 10 and 11 or to any local regulations of a stricter nature which may be in force.

In the other zones specified in the present Article, these licences shall be subject to similar regulations put into effect by the Governments exercising authority there.

Chapter IV. — SUPERVISION ON LAND.

Article 10.

Arms, munitions and implements of war exported under licence into the prohibited zones shall be admitted only at ports, or other places of entry, designated for this purpose by the authorities of the State, Colony, Protectorate or territory under mandate concerned.

Such arms, munitions and implements of war must be deposited by the importer at his own risk and expense in a public warehouse under the exclusive custody and permanent

control of the Authority and of its agents, of whom one at least must be a civil official or a military or naval officer. No arms, munitions or implements of war shall be deposited or withdrawn without the previous authorisation of the administration of the State, Colony, Protectorate or territory under mandate, unless the arms, munitions and implements of war to be deposited or withdrawn are intended for the forces of the Government or the defence of the national territory.

The withdrawal of arms, munitions or implements of war deposited in those warehouses shall be authorised only in the following cases :

1. For despatch to places designated by the Government where the inhabitants are allowed to possess arms, under the control and responsibility of the local authorities, for the purpose of defence against robbers or rebels.
2. For despatch to places designated by the Government as warehouses and placed under the supervision and responsibility of the local authorities.
3. For individuals who can show that they require them for their legitimate personal use.

Article II.

In the prohibited zones specified in Article 9, trade in arms, munitions and implements of war shall be placed under the control of officials of the Government and shall be subject to the following regulations :

1. No person may keep a warehouse for arms, munitions or implements of war without a licence.
2. Any person licensed to keep a warehouse for arms, munitions or implements of war must reserve for that special purpose enclosed premises, having only one entry, provided with two locks, one of which can be opened only by the officers of the Government.

The person in charge of a warehouse shall be responsible for all arms, munitions or implements of war deposited therein and must account for them on demand. For this purpose all deposits or withdrawals shall be entered in a special register, numbered and initialled. Each entry shall be supported by references to the official documents authorising such deposits or withdrawals.

3. No transport of arms, munitions or implements of war shall take place without a special licence.
4. No withdrawal from a private warehouse shall take place except under licence issued by the local authority on an application stating the purpose for which the arms or ammunition are required, and supported by a licence to carry arms or by a special permit for the purchase of ammunition. Every arm shall be registered and stamped; the authority in charge of the control shall enter on the licence to carry arms the mark stamped on the weapon.
5. No one shall without authority transfer to another person either by gift or for any consideration any weapon or ammunition which he is licensed to possess.

Article 12.

In the prohibited zones specified in Article 9, the manufacture and assembling of arms, munitions or implements of war shall be prohibited, except at arsenals established by the local Government or, in the case of countries placed under tutelage, at arsenals established by the local Government, under the control of the mandatory Power, for the defence of its territory or for the maintenance of public order.

No arms shall be repaired except at arsenals or establishments licensed by the local Government for this purpose. No such licence shall be granted without guarantees for the observance of the rules of the present Convention.

Article 13.

Within the prohibited zones specified in Article 9, a State which is compelled to utilise the territory of a contiguous State for the importation of arms, munitions or implements of war whether complete or in parts, or of material or of articles intended for armament, shall be authorised on request to have them transported across the territory of such State.

It shall, however, when making any such request, furnish guarantees that the said articles are required for the needs of its own Government, and will at no time be sold, transferred or delivered for private use or used in any way contrary to the interests of the High Contracting Parties.

Any violation of these conditions shall be formally established in the following manner :

- (a) If the importing State is a sovereign independent Power, the proof of the violation shall be advanced by one or more of the representatives accredited to it of contiguous States among the High Contracting Parties. After the representatives of the other contiguous States have, if necessary, been informed, a joint enquiry into the facts by all these representatives will be opened, and if need be, the importing State will be called upon to furnish explanations. If the gravity of the case should so require, and if the explanations of the importing State are considered unsatisfactory, the representatives will jointly notify the importing State that all transit licences in its favour are

suspended and that all future requests will be refused until it shall have furnished new and satisfactory guarantees.

The forms and conditions of the guarantees provided by the present Article shall be agreed upon previously by the representatives of the contiguous States among the High Contracting Parties. These representatives shall communicate to each other, as and when issued, the transit licences granted by the competent authorities.

(b) If the importing State has been placed under the mandatory system established by the League of Nations, the proof of the violation shall be furnished by one of the High Contracting Parties or on its own initiative by the mandatory Power. The latter shall then notify or demand, as the case may be, the suspension and future refusal of all transit licences.

In cases where a violation has been duly proved, no further transit licence shall be granted to the offending State without the previous consent of the Council of the League of Nations.

If any proceedings on the part of the importing State or its disturbed condition should threaten the public order of one of the contiguous State signatories of the present Convention, the importation in transit of arms, munitions or implements of war, material and articles intended for armament shall be refused to the importing State by all the contiguous States until order has been restored.

Chapter V. — MARITIME SUPERVISION.

Article 14.

Subject to any contrary provisions in existing special agreements, or in future agreements, provided that in all cases such agreements otherwise comply with the provisions of the present Convention, the sovereign State or mandatory Power shall carry out the supervision and police measures within territorial waters in the prohibited zones specified in Article 9.

Article 15.

Within the prohibited zones specified in Article 9, no native vessel of less than 500 tons (net tonnage) shall be allowed to ship, discharge or tranship arms, munitions or implements of war.

A ship shall be deemed to be native if she is either owned by a native, or fitted out, or commanded by a native, or if more than half of the crew are natives of the countries included in the prohibited zones specified in Article 9.

This provision does not apply to lighters or barges, nor to vessels which are engaged exclusively in the coasting trade between different ports of the same State, Colony, Protectorate or territory under mandate, where warehouses are situated.

All cargoes of arms, munitions or implements of war shipped on the vessels specified in the preceding paragraph must obtain a special licence from the territorial authority, and all arms, munitions and implements of war so shipped shall be subject to the provisions of the present Convention.

This licence shall contain all details necessary to establish the nature and quantity of the items of the shipment, the vessel on which the shipment is to be loaded, the name of the ultimate consignee and the ports of loading and discharge. It shall also be specified thereon that the licence has been issued in conformity with the regulations of the present Convention.

The provisions of this Article do not apply :

(a) To arms, munitions and implements of war conveyed on behalf of a Government either under that Government's authorisation or accompanied by a duly qualified official.

(b) To arms and munitions in the possession of persons provided with a licence to carry arms, provided such arms are for the personal use of the bearer and are accurately described on his licence.

Article 16.

To prevent all illicit conveyance of arms, munitions and implements of war within the prohibited zones defined in Article 9, native vessels of less than 500 tons (net tonnage) :

(a) if not exclusively engaged in the coasting trade between different ports of the same State, Colony, Protectorate or territory under mandate,
or

(b) if not engaged in carrying on behalf of a Government as permitted by Article 15, paragraph (a), and proceeding to or from any point within the said zones,

must carry a manifest of their cargo or similar document specifying the quantities and nature of the goods on board, their origin and destination.

The provisions as to the above-mentioned document shall not apply to vessels only partially decked having a maximum crew of ten men and exclusively employed in fishing within territorial waters.

Article 17.

Authority to fly the flag of one of the High Contracting Parties, within the prohibited zones defined in Article 9, shall not be granted to native vessels of under 500 tons (net tonnage) as defined in Article 15 unless they satisfy all the three following conditions :

- (1) The owners must be nationals of the Power whose flag they claim to fly or a company duly registered under the laws of that Power ;
- (2) They must furnish proof that they possess real estate in the district of the authority to which their application is addressed or must supply a solvent security as a guarantee for any fines to which they may become liable ;
- (3) Such owners, as well as the captain of the vessel, must furnish proof that they enjoy a good reputation, and especially that they have never been convicted of illicit conveyance of the articles referred to in the present Convention.

The authorisation must be renewed every year. It shall contain the indications necessary to identify the vessel, the name, tonnage, type of rigging, principal dimensions, registered number and signal letters. It shall bear the date on which it was granted and the status of the official who granted it.

The initial letters of the port of registration of the native vessel followed by the vessel's registration number in the serial port numbers must be incised and painted in white on black ground on both quarters of each vessel.

The same marks may be painted in black on the sails.

The net tonnage of the native vessel shall also, if practicable, be incised and painted in a conspicuous position inside the hull.

Article 18.

The High Contracting Parties agree to apply the following rules in the maritime zone specified in Article 9.

(1) When a warship belonging to one of the High Contracting Parties encounters outside territorial waters a supposed native vessel of less than 500 tons burden (net tonnage)

- (a) Flying the flag of one of the High Contracting Parties ;
- (b) Flying the flag of a recognised nation ;
- (c) Flying no flag ;

and the Commander of the warship has good reason to believe that the supposed native vessel

- (d) is flying a flag without being entitled to do so ;
- (e) is not lawfully entitled to fly the flag of any recognised nation ;
- (f) is illicitly conveying arms, munitions or implements of war,

he may proceed, subject to the conditions indicated in the paragraphs below to verify the nationality of the vessel by examining the document authorising the flying of the flag, if this document exist and also the manifest referred to in Article 16.

Any vessel which presents the appearance of a native build or rig may be presumed to be a native vessel.

(2) With this object, a boat commanded by a commissioned officer in uniform may be sent to visit the suspected vessel, after she has been hailed to give notice of such intention. The officer sent on board the vessel shall act with all possible consideration and moderation. Before leaving the vessel, the officer shall draw up a procès-verbal in the form and language in use in his own country. This procès-verbal shall state the facts of the case and shall be dated and signed by the officer.

Should there be on board the warship no commissioned officer other than the commanding officer, the above-prescribed operations may be carried out by the warrant, petty or non-commissioned officer at the discretion of the commanding officer.

The captain or master of the vessel visited, as well as the witnesses, shall be invited to sign the procès-verbal, and shall have the right to add to it any explanations which they may consider expedient.

(3) In the cases referred to in paragraphs 1 (a) and 1 (b) of this Article, unless the right to fly the flag can be established, the vessel shall be conducted to the nearest port in the zone where there is a competent authority of the Power whose flag has been flown and shall be handed over to such authority.

Should the nearest competent authority representing the Power whose flag the vessel has flown be at some port at such a distance from the point of arrest that the warship would have to leave her station or patrol to escort the detained vessel to that port, the foregoing regulation need not be carried out. In such a case, the vessel may be taken to the nearest port where there is a competent authority of one of the High Contracting Parties of nationality other than that of the warship, and handed over to such authority, and steps shall at once be taken to notify the detention to the competent authority representing the Power concerned.

No proceedings shall be taken against the vessel or her crew until the arrival of the representative of the Power whose flag the vessel was flying or without authority from him.

The suspected vessel may also be handed over to a warship of the nation whose flag she had flown, if the latter consents to take charge of her.

(4) The procedure laid down in paragraph 3 may be followed if, after the verification of the flag and in spite of the manifest being in order, the commander of the warship continues to suspect the native vessel of engaging in the illicit conveyance of arms, munitions or implements of war.

(5) In the cases referred to in paragraph 1 (c) of this Article, if it is ascertained, as a result of the visit made on board the native vessel, that whereas it flew no flag, it was also not entitled to fly the flag of a recognised State, the native vessel shall, unless the innocent nature of her cargo can be established to the satisfaction of the commanding officer of the warship, be conducted to the nearest point in the zone where there is a competent authority of the Power to which the warship which effected the capture belonged, and shall be handed over to such authority.

If it should be established that the vessel was engaged in the illicit conveyance of arms, munitions and implements of war, the vessel and all cargo carried in addition to the arms, munitions and implements of war shall be seized by such authority and disposed of according to its own laws — the destruction of the illicit cargo of arms, munitions and implements of war may be ordered according to the same laws.

Article 19.

The authority before whom the suspected vessel has been brought shall institute a full enquiry in accordance with the laws of his country in the presence of an officer of the detaining warship.

If, however, owing to the duties upon which the warship is engaged, it is not practicable for an officer of this warship to attend this enquiry, an affidavit sworn by the commanding officer of the warship shall be accepted by the authority holding the enquiry in place of the verbal evidence of an officer of the warship.

If it is proved at this enquiry that the flag has been illegally flown but that the vessel is entitled to fly the flag of a recognised State she shall, if that State is one of the High Contracting Parties, be handed over to the nearest authority of that State and in all other cases shall be disposed of by agreement between the State responsible for her detention and the State whose flag she is entitled to fly, and, pending such agreement, shall remain in the custody of the authorities of the nationality of the detaining warship.

If it should be established that the use of the flag by the detained vessel was correct but that the vessel was engaged in the illicit conveyance of arms, munitions and implements of war, those responsible shall be brought before the courts of the State under whose flag the vessel sailed. The vessel herself and her cargo shall remain in charge of the authority directing the enquiry. The illicit cargo of arms, munitions or implements of war may be destroyed in accordance with the laws and regulations drawn up for the purpose.

Article 20.

The High Contracting Parties agree to communicate to the Central International Office specimen forms of the documents mentioned in Articles 15, 16, 17.

Article 21.

Any illicit conveyance or attempted conveyance legally established against the captain or owner of a vessel authorised to fly the flag of one of the signatory Powers, or holding the licence provided for in Article 15, shall entail the immediate withdrawal of the said authorisation or licence.

The High Contracting Parties will take the necessary measures to ensure that their territorial authorities or their consuls shall send to the Central International Office certified copies of all authorisations granted under this Convention to fly their flag as soon as such authorisation shall have been granted, as well as notice of withdrawal of any such authorisation. They also undertake to communicate to the said office copies of the licences provided for under Article 15.

Article 22.

The commanding officer of a warship who may have detained a vessel flying a foreign flag shall in all cases make a report thereon to his Government, stating the grounds on which he acted.

An extract from this report, together with a copy of the procès-verbal, drawn up by the officer, warrant officer, petty or non-commissioned officer sent on board the vessel detained shall be sent as soon as possible to the Central International Office and at the same time to the Government whose flag the detained vessel was flying.

Article 23.

If the authority entrusted with the enquiry decides that the detention and diversion of the vessel or the measures imposed upon her were irregular, he shall fix the amount of the compensation due. If the capturing officer, or the authorities to whom he is subject, do not

accept the decision or contest the amount of the compensation awarded, the dispute shall be submitted to a court of arbitration consisting of one arbitrator appointed by the Government whose flag the vessel was flying, one appointed by the Government of the capturing officer, and an umpire chosen by the two arbitrators thus appointed. The two arbitrators shall be chosen, as far as possible, from among the diplomatic, consular or judicial officers of the High Contracting Parties. These appointments must be made with the least possible delay, and natives in the pay of the High Contracting Parties shall in no case be appointed. Any compensation awarded shall be paid to the person concerned within six months at most from the date of the award.

The decision shall be communicated to the Central International Office.

Chapter VI. — GENERAL PROVISIONS.

Article 24.

The High Contracting Parties who exercise authority over territories within the prohibited zones specified in Article 9 agree to take, so far as each may be concerned, the measures required for the enforcement of the present Convention, and in particular for the prosecution and repression of offences against the provisions contained therein and to appoint the necessary territorial and consular officers or special representatives competent for this purpose.

They shall communicate these measures to the Central International Office and shall inform them of the competent authorities referred to in the preceding Article.

Article 25.

In time of war, Articles 2, 3, 4, 5 and 6 shall be considered as suspended from operation until the restoration of peace so far as concerns any export and transit of arms, munitions or implements of war to or on behalf of any of the belligerents recognised as such by the exporting country and the countries of transit, provided such recognition has been previously communicated to the other High Contracting Parties.

Article 26.

Any Government may, on signing or adhering to the present Convention, declare that it accepts its provisions partially or conditionally, provided that the High Contracting Parties consent and that it does not thereby affect the effectiveness of the supervision of the trade in arms, munitions, and implements of war.

Nevertheless, the Convention shall only apply to Powers availing themselves of the option provided in the previous paragraph if, within the period of one year from the notification by the French Government of the deposit of their ratification (or adherence), partial or conditional, no opposition to such ratification (or adherence) has been raised by any of the Contracting Parties.

Article 27.

All the provisions of former general international Conventions relating to the matters dealt with in the present Convention, including the Convention for the Control of the Trade in Arms and Ammunitions and the Protocol signed at Saint Germain-en-Laye September 10th, 1919, shall be considered as abrogated in so far as they are binding between the Powers which are Parties to the present Convention.

The present Convention shall in no way affect the rights and obligations which may arise out of the provisions either of the Covenant of the League of Nations or of the Treaties of Peace signed in 1919 and 1920 at Versailles, Neuilly, Saint Germain and Trianon or of the Treaty limiting Naval Armaments signed at Washington on February 6th, 1922, and the provisions of Agreements registered with the League of Nations and published by the League up to the date of the coming into force of the present Convention, so far as the Powers which are signatories of or benefit by the said Treaties or Agreements are concerned.

Article 28.

The Council of the League of Nations shall cause to be published an annual report on the operation on the present Convention.

This report shall be presented to the Assembly of the League of Nations.

Article 29.

The present Convention, of which the French and English texts shall both be authentic, is subject to ratification. It shall bear to-day's date and shall be open for signature by the Powers until..... [date].

Each Power shall address its ratification to the French Government, which shall at once notify the deposit of ratification to each of the other signatory Powers.

The instruments of ratification shall then remain deposited in the archives of the French Government.

Article 30.

The High Contracting Parties will use their best endeavours to secure the accession to the present Convention of the other States, whether Members of the League or not. On and after..... [date] the present Convention may be acceded to by any Power. Accession shall be effected by an instrument communicated to the French Government, which shall at once notify such deposit to all Powers which are signatories of or accede to the Convention.

The instruments of accession shall remain deposited in the archives of the French Government.

Article 31.

Disputes between the Parties relating to the interpretation or application of this Convention shall, if they cannot be settled by direct negotiation, be referred for decision to the Permanent Court of International Justice. In case either or both of the Parties to such a dispute should not be parties to the Protocol of Signature of the Permanent Court of International Justice, the dispute shall be referred, at the choice of the Parties, either to the Permanent Court of International Justice or to a court of arbitration.

Article 32.

The present Convention will not come into force until it has been ratified by twelve Powers, among whom shall be the following: Belgium, the United States of America, France, Great Britain, Italy, Japan and Russia.

The date of its coming into force shall be the..... day after the receipt by the French Government of the twelfth ratification. Thereafter, the present Convention will take effect in the case of each Party..... days after the receipt of its ratification or accession.

Article 33.

The present Convention may be denounced by any Party thereto after the expiration of ten years from the date when it came into force in respect of that Party. Denunciation shall be effected by notification in writing addressed to the French Government, which shall forthwith transmit copies of such notification to the other Parties, informing them of the date on which it was received.

A denunciation shall take effect two years after the date on which the notification thereof was received by the French Government, and shall operate only in respect of the notifying State.

Article 34.

The High Contracting Parties agree that, at the conclusion of a period of five years, the present Convention shall, in the light of the experience then gained, be subject to revision upon the request of a third of the said High Contracting Parties.

Appendix.

LICENCE TO EXPORT ARMS, MUNITIONS AND IMPLEMENTS OF WAR.

[Name and address of Exporter].

is hereby authorised to export the following arms munitions and implements of war.

[Here will follow a full description of the arms munitions and implements of war, their number, weight and other necessary data, including the heading under which the exported goods will appear in the export statistics of the exporting country].

To [Name of importing Government].

The above arms munitions and implements of war will be sent by

[Here state whether by sea, rail or air.]

by the proposed following route or routes.

[Here give port or station of embarkation and disembarkation, route and destination, including last port or station of consignment.]

[Name and address of purchasing agent of the importing Government].

[Signature of proper authority of Government of exporting country].

ANALYSIS OF THE DRAFT CONVENTION.

It should be pointed out that the work undertaken on this subject by the Temporary Mixed Commission was based on two articles of the Covenant, Article 23, which makes the following provision with regard to the control of the international trade in arms:

“Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:

.....
“(d) Will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest”;

and Article 8, the penultimate paragraph of which reads as follows:

“The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.”

The above articles taken together indicate both the object and the method of the work of the Commission on this question.

Its object has been twofold: in the first place, to control the trade in arms and munitions in the countries in which the control of this trade is necessary in the common interest; in the second place, by controlling the general international trade in arms to prevent as far as possible the evil effects which the Covenant attributed to the private manufacture of munitions and implements of war.

The Commission had before it three texts, *i.e.* the Convention of St. Germain (Document 1, page 29) and the draft Conventions of Admiral the Marquis de MAGAZ (Document 3, page 61) and M. JOUHAUX (Document 4, page 64). In virtue of the decision of the Assembly, it was directed to adopt a text which would be likely to obtain the approval of all States and especially of all great producing countries.

It therefore adopted as a basis for its work the Convention of Saint Germain, which was amended and completed, in order to facilitate the adherence of the United States to the future Convention and to develop and strengthen that part of the said Convention which dealt with the control of the general trade by incorporating in the new draft certain fundamental ideas contained in the drafts submitted by Admiral the Marquis de MAGAZ and M. JOUHAUX.

The text finally adopted by the Commission (pages 17 to 26) contains six chapters.

Chapter I, consisting of the first article of the draft, deals with the definition and enumeration of the arms, munitions and implements of war the international commerce of which is to be controlled. In this task the Temporary Mixed Commission had the advantage of the technical co-operation of the Permanent Advisory Commission, and the classification adopted by the Temporary Mixed Commission has for its basis that which the Permanent Advisory Commission had prepared at its May session in Paris. In this connection, the Temporary Mixed Commission endorses the following remarks, to be found in the report of the Permanent Advisory Commission on the subject:

“After considering the arms and munitions in relation to their intended or possible use for war, the Commission decided to form three distinct categories.

“The Commission decided that a first category should be set apart for arms and munitions exclusively designed for war.

“In view of the developments which have been effected in arms manufactured for commercial purposes, and particularly in sporting rifles, there is little difference between sporting and military weapons, and the former have acquired a military value which must be taken into consideration. The Commission accordingly considered it advisable to make a second category to include arms and ammunition which, without being designed exclusively for war, were nevertheless capable of being utilised to some extent for military purposes.

“Lastly, the arms which are not covered by the two previous categories, either because they are not specially designed for war or because they are not capable of being utilised for military purposes, have been put into a third category.

.....
“The Commission has thought it desirable to append a note to the list to the effect that it was considered unnecessary to include therein arms the use of which is prohibited by international law.”

The Temporary Mixed Commission thought it necessary to add to the arms and munitions enumerated in Category I of the classification established by the Permanent Advisory Commission certain implements of war, as well as certain component parts thereof.

Chapter II of the Convention includes all the stipulations relative to the export and transit of arms, munitions and implements of war. Starting from Article II, which establishes a general prohibition, this part of the Convention has for its object the building-up of a system of control subject to which all international movements of the material defined in Article I would have to take place. This system has for its basis the control of the export of material in Category I by means of a licence which the Government of the exporting country is to grant only in the case of direct delivery to a Government which it has recognised as such. The Convention, however, stipulates that under certain conditions component parts may be exported to private manufacturers of arms. The export licence must be as nearly as possible in the form contained in the Annex to the Convention (see page 25).

Arms and munitions in Category II may be exported without licence provided that they are not intended for warlike purposes. With this end in view, the Governments of the High Contracting Parties undertake to determine, from the size, destination and other circumstances of each consignment of Category II material, whether this material may be intended for war purposes, and in that case to submit it to the same rules which apply to Category I.

The international trade in material placed in Category III is free. The export of this material is, however, prohibited in general to certain maritime and territorial zones which are discussed hereafter.

The international control suggested in the Convention is based on publicity, and the organisation entrusted with it is an International Central Office to be set up by the Council of the League of Nations. This Office will receive from the Governments of importing and exporting countries quarterly returns of the licences mentioned above and will publish them.

Chapter III deals with the importation of material defined in Article I in certain maritime and territorial zones. The main purpose of this chapter is contained in Article 9, which stipulates that the import of all the material defined in Article I is to be prohibited in these zones.

The Temporary Mixed Commission adopted this principle and settled the text of the two paragraphs of Article 9, which are to be found in the draft (page 19). The Temporary Mixed Commission, however, was of the opinion that this question required further consideration by the Council.

As for the territories to be included in the prohibited zones, the Temporary Mixed Commission was of opinion, in view of the new circumstances which have arisen since the Convention of St. Germain was drawn up, that the question might with advantage be the object of special consideration by the Council.

Chapters IV and V deal with the land and sea supervision of the trade and the measures to be taken to carry out the preceding provisions in the prohibited zones. These chapters have been drafted on the basis of the corresponding chapters of the Convention of St. Germain, after technical modifications suggested by the Permanent Advisory Commission, and, in the case of the maritime supervision, by the Naval Sub-Commission of the Permanent Advisory Commission.

Finally, Chapter VI of the draft deals with general and protocol provisions.

* * *

Special mention must be made of the alterations to the text of the Convention of Saint Germain, made with a view to facilitate the adhesion of the United States to the Convention.

On this subject the Temporary Mixed Commission took into consideration the opinions put forward by the Government of the United States in the course of a correspondence exchanged between the Secretary of State and the Secretary-General of the League of Nations as well as of the declarations made by the representatives of the Government of the United States, Mr. GREW, Under-Secretary of State, late Minister at Berne, and Mr. Hugh GIBSON, present Minister at Berne, whose assistance to the Commission was greatly appreciated. The objections raised by the United States to the Convention of St. Germain may be divided into three heads:

- (1) The Convention of St. Germain does not permit trade in arms with countries which are not parties to the Convention, a provision which would preclude the United States from supplying arms to many American countries, which have not ratified;
- (2) The United States Government cannot subscribe in advance to international obligations which would be dependent on national legislation which the Government cannot guarantee that Congress will enact; and
- (3) The provisions of the Convention in relation to the League of Nations are so closely interwoven with the Convention that they make it impossible for the Government of the United States, which is not a Member of the League of Nations, to ratify the Convention.

The draft which has been prepared has eliminated the first objection. Export of arms is henceforth permissible, subject to the general conditions laid down in the Treaty, to any Government recognised as such by the Government of the exporting country (Article 3).

In this connection, the Temporary Mixed Commission had also to consider the advisability of allowing in certain cases the export of arms to belligerents who had not yet acquired a full Government status. This question is closely connected with the very delicate one of the neutrality of the Government of an exporting country in time of war. By the existing rules of international law, the neutrality of a State is not affected if a resident thereof, national or foreign, exports arms or munitions to a belligerent. As soon, however, as, owing to an international convention, an export licence becomes necessary, the question assumes a new complexion, since there occurs

a Government intervention in the transaction. The Commission is fully aware of the difficulty thus raised and thinks that it may be solved by means of a new article (Article 25) suspending the provisions of Articles 2 to 6 in the case of material exported or in transit "to or on behalf of any of the belligerents recognised as such by the exporting country and the countries of transit, provided such recognition has been previously communicated to the other High Contracting Parties".

The Temporary Mixed Commission duly appreciated the force of the second objection, on which Mr. GREW laid special emphasis during the discussions. It seemed impossible to find any solution which would meet all difficulties arising in each particular case. The Temporary Mixed Commission thinks, however, that the International Convention could be adapted to the requirements of national legislatures by giving to it a certain measure of elasticity by the insertion of a clause permitting partial or conditional adhesion. With this object, the following paragraph has been added to Article 26:

"Any Government may, on signing or adhering to the present Convention, declare that it accepts its provisions partially or conditionally, provided that the High Contracting Parties consent, and that it does not thereby affect the effectiveness of the supervision of the trade in arms, munitions and implements of war."

The Temporary Mixed Commission has made a special study of the question of the relations between the High Contracting Parties non-Members of the League of Nations and the League of Nations. This question is closely bound up with that of the constitution of the international organisation which is to secure the publication of licences and transactions relating to the trade in arms. The Temporary Mixed Commission endeavoured to avoid any solution which would be likely to constitute an obstacle to ratification by the United States. The text which was finally agreed upon lays down that:

"A Central International Office shall be established by the Council of the League for the purpose of collecting, preserving and publishing documents of all kinds delivered by the High Contracting Parties with regard to the trade in and the distribution of", etc.

The reasons for the choice of this text are as follows:

1. The formation of this organ, its nature and the authority under which it will be placed are not prejudged by the text, nor is the method which the Council may decide upon for its establishment.
 2. The Council can therefore decide whether the proposed international organ shall or shall not be placed under the ægis of the League of Nations. The Temporary Mixed Commission had to bear in mind, on the one hand, the objections of the United States to any control by the League of Nations and, on the other hand, the difficulty that any organisation of the League of Nations would encounter if it proposed a system of international control from which the League of Nations would be excluded. The Commission thought that this was a matter on which the Council alone could decide.
 3. The text differs from the Convention of St. Germain in that, while the Convention was forwarded to the United States, which had not then ratified it, as a *ne varietur* whole, this text would only be transmitted to the different States Members or non-Members as a basis for discussion at an international conference, where the present difficulties could be debated. In consequence, the objection to the rôle of the League of Nations, which proved an insurmountable obstacle to the ratification of a cut-and-dried convention by non-Member States would not justify the rejection of a text prepared to serve as a basis for discussion only.
 4. Finally, even were the Council to decide to place this organisation under the ægis of the League of Nations (for instance, as a Section of the Secretariat), it is quite possible to conceive solutions acceptable to Governments non-Members by applying the clause of partial or conditional adhesion mentioned above.
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Document 1.

CONVENTION FOR THE CONTROL OF THE TRADE IN ARMS AND AMMUNITION, AND PROTOCOL

Signed at Saint-Germain-en-Laye, September 10th, 1919.

THE UNITED STATES OF AMERICA, BELGIUM, BOLIVIA, THE BRITISH EMPIRE, CHINA, CUBA, ECUADOR, FRANCE, GREECE, GUATEMALA, HAITI, THE HEDJAZ, ITALY, JAPAN, NICARAGUA, PANAMA, PERU, POLAND, PORTUGAL, ROUMANIA, THE SERB-CROAT-SLOVENE STATE, SIAM and CZECHOSLOVAKIA;

Whereas the long war now ended, in which most nations have successively become involved, has led to the accumulation in various parts of the world of considerable quantities of arms and munitions of war, the dispersal of which would constitute a danger to peace and public order;

Whereas in certain parts of the world it is necessary to exercise special supervision over the trade in, and the possession of, arms and ammunition;

Whereas the existing treaties and conventions, and particularly the Brussels Act of July 2nd, 1890, regulating the traffic in arms and ammunition in certain regions, no longer meet present conditions, which require more elaborate provisions applicable to a wider area in Africa and the establishment of a corresponding régime in certain territories in Asia;

Whereas a special supervision of the maritime zone adjacent to certain countries is necessary to ensure the efficacy of the measures adopted by the various Governments both as regards the importation of arms and ammunition into those countries and the export of such arms and ammunition from their own territory;

And with the reservation that, after a period of seven years, the present Convention shall be subject to revision in the light of the experience gained, if the Council of the League of Nations, acting if need be by a majority, so recommends;

Have appointed as their Plenipotentiaries:

The President of the United States of America:

The Honourable Frank Lyon POLK, Under-Secretary of State;
The Honourable Henry WHITE, formerly Ambassador Extraordinary and Plenipotentiary of the United States at Rome and Paris;
General Tasker H. BLISS, Military Representative of the United States on the Supreme War Council;

His Majesty the King of the Belgians:

M. Paul HYMANS, Minister for Foreign Affairs, Minister of State;
M. Jules van den HEUVEL, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Belgians, Minister of State;
M. Emile VANDERVELDE, Minister of Justice, Minister of State;

The President of the Republic of Bolivia:

M. Ismael MONTES, Envoy Extraordinary and Minister Plenipotentiary of Bolivia at Paris;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India:

The Right Honourable Arthur James BALFOUR, O.M., M.P., His Secretary of State for Foreign Affairs;
The Right Honourable Andrew BONAR LAW, M.P., His Lord Privy Seal;
The Right Honourable Viscount MILNER, G.C.B., G.C.M.G., His Secretary of State for the Colonies;
The Right Honourable George Nicoll BARNES, M.P., Minister without Portfolio.

And for the Dominion of Canada:

The Honourable Sir Albert Edward KEMP, K.C.M.G., Minister of the Overseas Forces;

for the *Commonwealth of Australia*:

The Honourable George Foster PEARCE, Minister of Defence;

for the *Union of South Africa*:

The Right Honourable Viscount MILNER, G.C.B., G.C.M.G.;

for the *Dominion of New Zealand*:

The Honourable Sir Thomas MACKENZIE, K.C.M.G., High Commissioner for New Zealand in the United Kingdom;

for *India*:

The Right Honourable Baron SINHA, K.C., Under-Secretary of State for India;

The President of the Chinese Republic:

M. Lou TSENG-TSIANG, Minister for Foreign Affairs;

M. Chengting Thomas WANG, formerly Minister of Agriculture and Commerce;

The President of the Cuban Republic:

M. Antonio Sanchez DE BUSTAMANTE, Dean of the Faculty of Law in the University of Havana, President of the Cuban Society of International Law;

The President of the Republic of Ecuador:

M. DORN Y DE ALSUA, Envoy Extraordinary and Minister Plenipotentiary of Ecuador at Paris;

The President of the French Republic:

M. Georges CLEMENCEAU, President of the Council, Minister of War;

M. Stephen PICHON, Minister for Foreign Affairs;

M. Louis-Lucien KLOTZ, Minister of Finance;

M. André TARDIEU, Commissary-General for Franco-American Military Affairs;

M. Jules CAMBON, Ambassador of France;

His Majesty the King of the Hellenes:

M. Nicolas POLITIS, Minister for Foreign Affairs;

M. Athos ROMANOS, Envoy Extraordinary and Minister Plenipotentiary to the French Republic;

The President of the Republic of Guatemala:

M. Joaquin MENDEZ, formerly Minister of State for Public Works and Public Instruction, Envoy Extraordinary and Minister Plenipotentiary of Guatemala at Washington, Envoy Extraordinary and Minister Plenipotentiary on Special Mission at Paris;

The President of the Republic of Haiti:

M. Tertullien GUILBAUD, Envoy Extraordinary and Minister Plenipotentiary of Haiti to Ecuador;

His Majesty the King of the Hedjaz:

M. Rustem HAIDAR;

M. Abdul HADI AOUNI;

His Majesty the King of Italy:

The Honourable Tommaso TITTONI, Senator of the Kingdom, Minister for Foreign Affairs;

The Honourable Vittorio SCIALOJA, Senator of the Kingdom;

The Honourable Maggiorino FERRARIS, Senator of the Kingdom;

The Honourable Guglielmo MARCONI, Senator of the Kingdom;

The Honourable Silvio CRESPI, Deputy;

His Majesty the Emperor of Japan:

Viscount CHINDA, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at London;

M. K. MATSUI, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Paris;

M. H. IJUIN, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Rome;

The President of the Republic of Nicaragua:

M. Salvador CHAMORRO, President of the Chamber of Deputies;

The President of the Republic of Panama:

M. Antonio BURGOS, Envoy Extraordinary and Minister Plenipotentiary of Panama at Madrid;

The President of the Republic of Peru:

M. Carlos G. CANDAMO, Envoy Extraordinary and Minister Plenipotentiary of Peru at Madrid;

The President of the Polish Republic:

M. Ignace J. PADEREWSKI, President of the Council of Ministers, Minister for Foreign Affairs;
M. Roman DMOWSKI, President of the Polish National Committee;

The President of the Portuguese Republic:

Dr. Affonso DA COSTA, formerly President of the Council of Ministers;
Dr. Augusto Luiz Vieira SOARES, formerly Minister for Foreign Affairs;

His Majesty the King of Roumania:

M. Nicolas MISU, Envoy Extraordinary and Minister Plenipotentiary of Roumania at London;
Dr. Alexander VAIDA-VOEVOD, Minister without Portfolio;

His Majesty the King of the Serbs, the Croats, and the Slovenes:

M. N. P. PACHITCH, formerly President of the Council of Ministers;
M. Ante TRUMBIC, Minister for Foreign Affairs;
• M. Ivan ZOLGER, Doctor at Law;

His Majesty the King of Siam:

His Highness Prince CHAROON, Envoy Extraordinary and Minister Plenipotentiary of H.M. the King of Siam at Paris;
His Serene Highness Prince Traidos PRABANDHU, Under-Secretary of State for Foreign Affairs;

The President of the Czechoslovak Republic:

M. Charles KRAMAŘ, President of the Council of Ministers;
M. Eduard BENES, Minister for Foreign Affairs;

Who, having communicated their full powers found in good and due form,
Have agreed as follows:

CHAPTER I. — EXPORT OF ARMS AND AMMUNITION.

Article 1.

The High Contracting Parties undertake to prohibit the export of the following arms of war: artillery of all kinds, apparatus for the discharge of all kinds of projectiles explosive or gas-diffusing, flame-throwers, bombs, grenades, machine-guns and rifled small-bore breech-loading weapons of all kinds, as well as the exportation of the ammunition for use with such arms. The prohibition of exportation shall apply to all such arms and ammunition, whether complete or in parts.

Nevertheless, notwithstanding this prohibition, the High Contracting Parties reserve the right to grant, in respect of arms whose use is not prohibited by International Law, export licences to meet the requirements of their Governments or those of the Government of any of the High Contracting Parties, but for no other purpose.

In the case of firearms and ammunition adapted both to warlike and also to other purposes, the High Contracting Parties reserve to themselves the right to determine from the size, destination, and other circumstances of each shipment for what uses it is intended and to decide in each case whether the provisions of this Article are applicable to it.

Article 2.

The High Contracting Parties undertake to prohibit the export of firearms and ammunition, whether complete or in parts, other than arms and munitions of war, to the areas and zone specified in Article 6.

Nevertheless, notwithstanding this prohibition, the High Contracting Parties reserve the right to grant export licences on the understanding that such licences shall be issued only by their own authorities. Such authorities must satisfy themselves in advance that the arms or ammunition for which an export licence is requested are not intended for export to any destination, or for disposal in any way, contrary to the provisions of this Convention.

Article 3.

Shipments to be effected under contracts entered into before the coming into force of the present Convention shall be governed by its provisions.

Article 4.

The High Contracting Parties undertake to grant no export licences to any country which refuses to accept the tutelage under which it has been placed, or which, after having been placed under the tutelage of any Power, may endeavour to obtain from any other Power any of the arms or ammunition specified in Articles 1 and 2.

Article 5.

A Central International Office, placed under the control of the League of Nations, shall be established for the purpose of collecting and preserving documents of all kinds exchanged by the High Contracting Parties with regard to the trade in, and distribution of, the arms and ammunition specified in the present Convention.

Each of the High Contracting Parties shall publish an annual report showing the export licences which it may have granted, together with the quantities and destination of the arms and ammunition to which the export licences referred. A copy of this report shall be sent to the Central International Office and to the Secretary-General of the League of Nations.

Further, the High Contracting Parties agree to send to the Central International Office and to the Secretary-General of the League of Nations full statistical information as to the quantities and destination of all arms and ammunition exported without licence.

CHAPTER II. — IMPORT OF ARMS AND AMMUNITION. PROHIBITED AREAS AND ZONE OF MARITIME SUPERVISION.

Article 6.

The High Contracting Parties undertake, each as far as the territory under its jurisdiction is concerned, to prohibit the importation of the arms and ammunition specified in Articles 1 and 2 into the following territorial areas, and also to prevent their importation and transportation in the maritime zone defined below:

1. The whole of the Continent of Africa with the exception of Algeria, Libya and the Union of South Africa.

Within this area are included all islands situated within a hundred nautical miles of the coast, together with Prince's Island, St. Thomas Island and the Islands of Annobon and Socotra.

2. Transcaucasia, Persia, Gwadar, the Arabian Peninsula and such continental parts of Asia as were included in the Turkish Empire on August 4, 1914.

3. A maritime zone, including the Red Sea, the Gulf of Aden, the Persian Gulf and the Sea of Oman, and bounded by a line drawn from Cape Guardafui, following the latitude of that cape to its intersection with longitude 57° east of Greenwich, and proceeding thence direct to the eastern frontier of Persia in the Gulf of Oman.

Special licences for the import of arms or ammunition into the areas defined above may be issued. In the African area they shall be subject to the regulations specified in Articles 7 and 8 or to any local regulations of a stricter nature which may be in force. In the other areas specified in the present Article, these licences shall be subject to similar regulations put into effect by the Governments exercising authority there.

CHAPTER III. — SUPERVISION ON LAND.

Article 7.

Arms and ammunition imported under special licence into the prohibited areas shall be admitted only at ports designated for this purpose by the Authorities of the State, Colony, Protectorate or territory under mandate concerned.

Such arms and ammunition must be deposited by the importer at his own risk and expense in a public warehouse under the exclusive custody and permanent control of the Authority and of its agents, of whom one at least must be a civil official or a military officer. No arms or ammunition shall be deposited or withdrawn without the previous authorisation of the administration of the State, Colony, Protectorate or territory under mandate, unless the arms and ammunition to be deposited or withdrawn are intended for the forces of the Government of the defence of the national territory.

The withdrawal of arms or ammunition deposited in these warehouses shall be authorised only in the following cases:

1. For despatch to places designated by the Government where the inhabitants are allowed to possess arms, under the control and responsibility of the local Authorities, for the purpose of defence against robbers or rebels.

2. For despatch to places designated by the Government as warehouses and placed under the supervision and responsibility of the local Authorities.

3. For individuals who can show that they require them for their legitimate personal use.

Article 8.

In the prohibited areas specified in Article 6, trade in arms and ammunition shall be placed under the control of officials of the Government and shall be subject to the following regulations:

1. No person may keep a warehouse for arms or ammunition without a licence.

2. Any person licensed to keep a warehouse for arms or ammunition must reserve for that special purpose enclosed premises having only one entry, provided with two locks, one of which can be opened only by the officers of the Government.

The person in charge of a warehouse shall be responsible for all arms or ammunition deposited therein and must account for them on demand. For this purpose all deposits or withdrawals shall be entered in a special register, numbered and initialled. Each entry shall be supported by reference to the official documents authorising such deposits or withdrawals.

3. No transport of arms or ammunition shall take place without a special licence.

4. No withdrawal from a private warehouse shall take place except under licence issued by the local Authority on an application stating the purpose for which the arms or ammunition are required, and supported by a licence to carry arms or by a special permit for the purchase of ammunition. Every arm shall be registered and stamped; the Authority in charge of the control shall enter on the licence to carry arms the mark stamped on the weapon.

5. No one shall without authority transfer to another person either by gift or for any consideration any weapon or ammunition which he is licensed to possess.

Article 9.

In the prohibited areas and zone specified in Article 6 the manufacture and assembling of arms or ammunition shall be prohibited, except at arsenals established by the local Government or, in the case of countries placed under tutelage, at arsenals established by the local Government, under the control of the mandatory Power, for the defence of its territory or for the maintenance of public order.

No arms shall be repaired except at arsenals or establishments licensed by the local Government for this purpose. No such licence shall be granted without guarantees for the observance of the rules of the present Convention.

Article 10.

Within the prohibited areas specified in Article 6, a State which is compelled to utilise the territory of a contiguous State for the importation of arms or ammunition, whether complete or in parts, or of material or of articles intended for armament, shall be authorised on request to have them transported across the territory of such State.

It shall, however, when making any such request, furnish guarantees that the said articles are required for the needs of its own Government, and will at no time be sold, transferred or delivered for private use nor used in any way contrary to the interests of the High Contracting Parties.

Any violation of these conditions shall be formally established in the following manner:

(a) If the importing State is a sovereign independent Power, the proof of the violation shall be advanced by one or more of the Representatives accredited to it of contiguous States among the High Contracting Parties. After the Representatives of the other contiguous States have, if necessary, been informed, a joint enquiry into the facts by all these Representatives will be opened, and if need be, the importing State will be called upon to furnish explanations. If the gravity of the case should so require, and if the explanations of the importing State are considered unsatisfactory, the Representatives will jointly notify the importing State that all transit licences in its favour are suspended and that all future requests will be refused until it shall have furnished new and satisfactory guarantees.

The forms and conditions of the guarantees provided by the present Article shall be agreed upon previously by the Representatives of the contiguous States among the High Contracting Parties. These Representatives shall communicate to each other, as and when issued, the transit licences granted by the competent authorities.

(b) If the importing State has been placed under the mandatory system established by the League of Nations, the proof of the violation shall be furnished by one of the High Contracting Parties or on its own initiative by the Mandatory Power. The latter shall then notify or demand, as the case may be, the suspension and future refusal of all transit licences.

In cases where a violation has been duly proved, no further transit licence shall be granted to the offending State without the previous consent of the Council of the League of Nations.

If any proceedings on the part of the importing State or its disturbed condition should threaten the public order of one of the contiguous State signatories of the present Convention, the importation in transit of arms, ammunition, material and articles intended for armament shall be refused to the importing State by all the contiguous States until order has been restored.

CHAPTER IV. — MARITIME SUPERVISION.

Article 11.

Subject to any contrary provisions in existing special agreements, or in future agreements, provided that in all cases such agreements comply with the provisions of the present Convention, the sovereign State or Mandatory Power shall carry out all supervision and police measures within territorial waters in the prohibited areas and zone specified in Article 6.

Article 12.

Within the prohibited areas and maritime zone specified in Article 6, no native vessel of less than 500 tons burden shall be allowed to ship, discharge, or tranship arms or ammunition.

For this purpose, a vessel shall be considered as a native vessel if she is either owned by a native, or fitted out or commanded by a native, or if more than half of the crew are natives of the countries bordering on the Indian Ocean, the Red Sea, the Persian Gulf, or the Gulf of Oman.

This provision does not apply to lighters or barges, nor to vessels which, without going more than five miles from the shore, are engaged exclusively in the coasting trade between different ports of the same State, Colony, Protectorate, or territory under mandate, where warehouses are situated.

No cargoes of arms or ammunition shall be shipped on the vessels specified in the preceding paragraph without a special licence from the territorial authority, and all arms or ammunition so shipped shall be subject to the provisions of the present Convention.

This licence shall contain all details necessary to establish the nature and quantity of the items of the shipment, the vessel on which the shipment is to be loaded, the name of the ultimate

consignee, and the ports of loading and discharge. It shall also be specified thereon that the licence has been issued in conformity with the regulations of the present Convention.

The above regulations do not apply:

1. To arms or ammunition conveyed on behalf of the Government, provided that they are accompanied by a duly qualified official.
2. To arms or ammunition in the possession of persons provided with a licence to carry arms, provided such arms are for the personal use of the bearer and are accurately described on his licence.

Article 13.

To prevent all illicit conveyance of arms or ammunition within the zone of maritime supervision specified in Article 6 (3), native vessels of less than 500 tons burden not exclusively engaged in the coasting trade between different ports of the same State, Colony, Protectorate or territory under mandate, not going more than five miles from the shore, and proceeding to or from any point within the said zone, must carry a manifest of their cargo or similar document specifying the quantities and nature of the goods on board, their origin and destination. This document shall remain covered by the secrecy to which it is entitled by the law of the State to which the vessel belongs, and must not be examined during the proceedings for the verification of the flag unless the interested party consents thereto.

The provisions as to the above-mentioned documents shall not apply to vessels only partially decked, having a maximum crew of ten men, and exclusively employed in fishing within territorial waters.

Article 14.

Authority to fly the flag of one of the High Contracting Parties within the zone of maritime supervision specified in Article 6 (3) shall be granted only to such native vessels as satisfy all the three following conditions:

1. The owners must be nationals of the Power whose flag they claim to fly.
2. They must furnish proof that they possess real estate in the district of the authority to which their application is addressed, or must supply a solvent security as a guarantee for any fines to which they may become liable.
3. Such owners, as well as the captain of the vessel, must furnish proof that they enjoy a good reputation, and especially that they have never been convicted of illicit conveyance of the articles referred to in the present Convention.

The authorisation must be renewed every year. It shall contain the indications necessary to identify the vessel, the name, tonnage, type of rigging, principal dimensions, registered number, and signal letters. It shall bear the date on which it was granted and the status of the official who granted it.

The name of the native vessel and the amount of her tonnage shall be incised and painted in Latin characters on the stern, and the initial letters of the name of the port of registry, as well as the registration number in the series of the numbers of that port, shall be painted in black on the sails.

Article 15.

Native vessels to which, under the provisions of the last paragraph of Article 13, the regulations relating to the manifest of the cargo are not applicable, shall receive from the territorial or consular authorities, as the case may be, a special licence, renewable annually and revocable under the conditions provided for in Article 19.

This special licence shall show the name of the vessel, her description, nationality, port of registry, name of captain, name of owner and the waters in which she is allowed to sail.

Article 16.

The High Contracting Parties agree to apply the following rules in the maritime zone specified in Article 6 (3):

1. When a warship belonging to one of the High Contracting Parties encounters outside territorial waters a native vessel of less than 500 tons burden flying the flag of one of the High Contracting Parties, and the commander of the warship has good reason to believe that the native vessel is flying this flag without being entitled to do so, for the purpose of the illicit conveyance of arms or ammunition, he may proceed to verify the nationality of the vessel by examining the document authorising the flying of the flag, but no other papers.

2. With this object, a boat commanded by a commissioned officer in uniform may be sent to visit the suspended vessel after she has been hailed to give notice of such intention. The officer sent on board the vessel shall act with all possible consideration and moderation; before leaving the vessel the officer shall draw up a *procès-verbal* in the form and language in use in his own country. This *procès-verbal* shall state the facts of the case and shall be dated and signed by the officer.

Should there be on board the warship no commissioned officer other than the commanding officer, the above-prescribed operations may be carried out by the warrant, petty, or non-commissioned officer highest in rank.

The captain or master of the vessel visited, as well as the witnesses, shall be invited to sign the *procès-verbal*, and shall have the right to add to it any explanations which they may consider expedient.

3. If the authorisation to fly the flag cannot be produced, or if this document is not in proper order, the vessel shall be conducted to the nearest port in the zone where there is a competent authority of the Power whose flag has been flown and shall be handed over to such authority.

Should the nearest competent authority representing the Power whose flag the vessel has flown be at some port at such a distance from the point of arrest that the warship would have to leave her station or patrol to escort the captured vessel to that port, the foregoing regulation need not be carried out. In such a case, the vessel may be taken to the nearest port where there is a competent authority of one of the High Contracting Parties of nationality other than that of the warship, and steps shall at once be taken to notify the capture to the competent authority representing the Power concerned.

No proceedings shall be taken against the vessel or her crew until the arrival of the representative of the Power whose flag the vessel was flying or without instructions from him.

4. The procedure laid down in paragraph 3 may be followed if, after the verification of the flag in spite of the production of the manifest, the commander of the warship continues to suspect the native vessel of engaging in the illicit conveyance of arms or ammunition.

The High Contracting Parties concerned shall appoint in the zone territorial or consular authorities or special representatives competent to act in the foregoing cases, and shall notify their appointment to the Central Office and to the other Contracting Parties.

The suspected vessel may also be handed over to a warship of the nation whose flag she has flown, if the latter consents to take charge of her.

Article 17.

The High Contracting Parties agree to communicate to the Central Office specimen forms of the documents mentioned in Articles 12, 13, 14 and 15, as well as a detailed list of the licences granted in accordance with the provisions of this Chapter whenever such licences are granted.

Article 18.

The authority before whom the suspected vessel has been brought shall institute a full enquiry in accordance with the laws and rules of his country in the presence of an officer of the capturing warship.

If it is proved at this enquiry that the flag has been illegally flown, the detained vessel shall remain at the disposal of the captor, and those responsible shall be brought before the courts of his country.

If it should be established that the use of the flag by the detained vessel was correct, but that the vessel was engaged in the illicit conveyance of arms or ammunition, those responsible shall be brought before the courts of the State under whose flag the vessel sailed. The vessel herself and her cargo shall remain in charge of the authority directing the inquiry.

Article 19.

Any illicit conveyance or attempted conveyance legally established against the captain or owner of a vessel authorised to fly the flag of one of the Signatory Powers or holding the licence provided for in Article 15 shall entail the immediate withdrawal of the said authorisation or licence.

The High Contracting Parties will take the necessary measures to ensure that their territorial authorities or their consuls shall send to the Central Office certified copies of all authorisations to fly their flag as soon as such authorisations shall have been granted, as well as notice of withdrawal of any such authorisation. They also undertake to communicate to the said Office copies of the licences provided for under Article 15.

Article 20.

The commanding officer of a warship who may have detained a vessel flying a foreign flag shall in all cases make a report thereon to his Government, stating the grounds on which he acted.

An extract from this report, together with a copy of the *procès-verbal* drawn up by the officer, warrant officer, petty or non-commissioned officer sent on board the vessel detained shall be sent as soon as possible to the Central Office and at the same time to the Government whose flag the detained vessel was flying.

Article 21.

If the authority entrusted with the enquiry decides that the detention and diversion of the vessel or the measures imposed upon her were irregular, he shall fix the amount of the compensation due. If the capturing officer, or the authorities to whom he is subject, do not accept the decision or contest the amount of the compensation awarded, the dispute shall be submitted to a court of arbitration consisting of one arbitrator appointed by the Government whose flag the vessel was flying, one appointed by the Government of the capturing officer, and an umpire chosen by the two arbitrators thus appointed. The two arbitrators shall be chosen, as far as possible, from among the diplomatic, consular or judicial officers of the High Contracting Parties. These appointments must be made with the least possible delay, and natives in the pay of the High Contracting Parties shall in no case be appointed. Any compensation awarded shall be paid to the person concerned within six months at most from the date of the award.

The decision shall be communicated to the Central Office and to the Secretary-General of the League of Nations.

CHAPTER V. — GENERAL PROVISIONS.

Article 22.

The High Contracting Parties who exercise authority over territories within the prohibited areas and zone specified in Article 6 agree to take, so far as each may be concerned, the measures

required for the enforcement of the present Convention, and in particular for the prosecution and repression of offences against the provisions contained therein.

They shall communicate these measures to the Central Office and to the Secretary-General of the League of Nations, and shall inform them of the competent authorities referred to in the preceding Articles.

Article 23.

The High Contracting Parties will use their best endeavours to secure the accession to the present Convention of other States Members of the League of Nations.

This accession shall be notified through the diplomatic channel to the Government of the French Republic, and by it to all the signatory or adhering States. The accession will come into force from the date of such notification to the French Government.

Article 24.

The High Contracting Parties agree that if any dispute whatever should arise between them relating to the application of the present Convention which cannot be settled by negotiation, this dispute shall be submitted to an arbitral tribunal in conformity with the provisions of the Covenant of the League of Nations.

Article 25.

All the provisions of former general international Conventions, relating to the matters dealt with in the present Convention, shall be considered as abrogated in so far as they are binding between the Powers which are Parties to the present Convention.

Article 26.

The present Convention shall be ratified as soon as possible.

Each Power will address its ratification to the French Government, who will inform all the other signatory Powers.

The ratifications will remain deposited in the archives of the French Government.

The present Convention shall come into force for each Signatory Power from the date of the deposit of its ratification, and from that moment that Power will be bound in respect of other Powers which have already deposited their ratifications.

On the coming into force of the present Convention, the French Government will transmit a certified copy to the Powers which under the Treaties of Peace have undertaken to accept and observe it, and are in consequence placed in the same position as the Contracting Parties. The names of these Powers will be notified to the States which accede.

In faith whereof the above-named Plenipotentiaries have signed the present Convention.

Done at Paris¹, the tenth day of September, one thousand nine hundred and nineteen, in a single copy which will remain deposited in the archives of the Government of the French Republic, and of which authentic copies will be sent to each of the Signatory Powers.

(L.S.) Frank L. POLK.	(L.S.) M. Rustem HAIDAR.
(L.S.) Henry WHITE.	(L.S.) ABDUL HADI AOUNI.
(L.S.) Tasker H. BLISS.	(L.S.) Tom. TITTONI.
(L.S.) HYMANS.	(L.S.) Vittorio SCIALOJA.
(L.S.) J. VAN DEN HEUVEL.	(L.S.) Maggiorino FERRARIS.
(L.S.) E. VANDERVELDE.	(L.S.) Guglielmo MARCONI.
(L.S.) Ismael MONTES.	
(L.S.) Arthur James BALFOUR.	(L.S.) S. CHINDA.
(L.S.) MILNER.	(L.S.) K. MATSUI.
(L.S.) Geo. N. BARNES.	(L.S.) H. IJUIN.
(L.S.) A. E. KEMP.	(L.S.) Salvador CHAMORRO.
(L.S.) G. F. PEARCE.	(L.S.) Antonio BURGOS.
(L.S.) MILNER.	
(L.S.) Thomas MACKENZIE.	(L.S.) I. J. PADEREWSKI.
(L.S.) SINHA OF RAIPUR.	(L.S.) Roman DMOWSKI.
(L.S.) J. R. LOUTSENGTSIANG.	(L.S.) Affonso COSTA.
(L.S.) Chengting Thomas WANG.	(L.S.) Augusto SOARES.
(L.S.) Antonio S. de BUSTAMANTE.	(L.S.) N. MISU.
(L.S.) E. DORN Y DE ALSUA.	
(L.S.) G. CLEMENCEAU.	(L.S.) Alex. Vaida VOEVOD.
(L.S.) S. PICHON.	(L.S.)
(L.S.) L. L. KLOTZ.	(L.S.) Dr. Yvan ZOLGER.
(L.S.) André TARDIEU.	(L.S.) CHAROON.
(L.S.) Jules CAMBON.	(L.S.) Traidos PRABANDHU.
(L.S.) N. POLITIS.	(L.S.) D. Karel KRAMAR.
(L.S.) A. ROMANOS.	(L.S.) Dr. Eduard BENES.

¹ Some of the signatures were affixed in Paris and some at Saint-Germain-en-Laye.

PROTOCOL.

At the moment of signing the Convention of even date relating to the trade in arms and ammunition, the undersigned Plenipotentiaries declare in the name of their respective Governments that they would regard it as contrary to the intention of the High Contracting Parties and to the spirit of this Convention that, pending the coming into force of the Convention, a Contracting Party should adopt any measure which is contrary to its provisions.

Done at Saint-Germain-en-Laye¹, in a single copy, the tenth day of September, one thousand nine hundred and nineteen.

Frank L. POLK.
Henry WHITE.
Tasker H. BLISS.
HYMANS.
J. VAN DEN HEUVEL.
E. VANDERVELDE.
Ismael MONTES.
Arthur James BALFOUR.
MILNER.
Geo. N. BARNES.
A. E. KEMP.
G. F. PEARCE.
MILNER.
Thos. MACKENZIE.
SINHA OF RAIPUR.
J. R. LOUTSENGTSIANG.
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E. DORN Y DE ALSUA.
G. CLEMENCEAU.
S. PICHON.
L. L. KLOTZ.
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Jules CAMBON.
N. POLITIS.
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M. Rustem HAIDAR.
ABDUL HADI AOUNI.
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Vittorio SCIALOJA.
Maggiorino FERRARIS.
Guglielmo MARCONI.
S. CHINDA.
K. MATSUI.
H. IJUIN.
Salvador CHAMORRO.
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Augusto SOARES.
N. MISU.
Alex. Vaida VOEVOD.
Dr. Ivan ZOLGER.
CHAROON.
Traidos PRABANDHU.
D. Karel KRAMAR.
Dr. Eduard BENES.

¹ Some of the signatures were affixed in Paris and some at Saint-Germain-en-Laye.

Document 2.

TEMPORARY MIXED COMMISSION FOR THE REDUCTION OF ARMAMENTS.

EXTRACTS FROM THE MINUTES OF THE NINTH SESSION,
Geneva (February 4th-7th, 1924).

FIRST MEETING (PUBLIC)

held on Monday, February 4th, 1924, at 3 p.m.

I. Statement by the Representative of the United States of America.

Mr. GREW expressed his Government's appreciation of the invitation to participate in the meetings of the Temporary Mixed Commission, and his own full appreciation of the cordial reception extended to him, no less than of the courteous remarks of the Chairman. It was with keen satisfaction that he found himself at this meeting with a view to evincing the sympathetic interest of his Government in its labours and in the sincere hope that these labours might be crowned with full success. He believed that at the start he should explain clearly the capacity in which his Government had instructed him to take part therein.

The attitude of his Government towards the Convention of St. Germain was known to the Commission. It was set forth in the communication addressed by the Secretary of State of the United States to the Secretary-General of the League on September 12th last, a copy of which was before the Commission. He need not elaborate that communication: it spoke for itself. While his Government expressed cordial sympathy with any efforts suitably to restrict traffic in arms and munitions of war, there were certain features which rendered its acceptance by the United States impracticable.

It was therefore particularly agreeable to his Government to note the resolution of the Fourth Assembly requesting the Commission to draw up a draft convention or conventions in such form that they might be accepted by the Governments of all countries which produced arms or munitions of war. His Government was no less anxious than other Powers suitably to control the traffic in arms, as had been shown by the action of the Administration under existing legislation and by the policy which had actually been adopted in taking measures for the proper restraint of this traffic which lay within the authority of the Executive Departments of the Government.

He had therefore been instructed to attend the meetings of this Commission, in accordance with the invitation extended to his Government in December last, for the purpose of being fully advised as to any proposals that might be made, and particularly to receive information respecting any draft convention which might be considered by the Commission. While he had no authority to bind the Government of the United States, and while he was not here in the capacity of a technical expert, he would be happy to transmit promptly to his Government any recommendations that might be formulated by the Commission and to say that, in case any appropriate plan was devised, the question of securing the necessary legislation in the United States would have full and proper consideration.

THIRD MEETING

held on Tuesday, February 5th, 1924, at 10.30 a.m.

2. General Discussion on the Traffic in Arms and the Private Manufacture of Arms and Munitions.

The CHAIRMAN opened the general discussion on the double question of the traffic in arms and private manufacture of arms and munitions.

Viscount CECIL, while fully agreeing that a general discussion should take place on the two questions, hoped that it was well understood that they were quite distinct and would have to be dealt with in two separate conventions.

The CHAIRMAN said that this was so.

Colonel CARNEGIE desired to put forward certain observations in his private capacity and not as representing either a government or an employers' group. The two questions of the traffic in arms and the private manufacture of arms and munitions were very different in their nature and must be examined separately after the general discussion had taken place.

The Convention of St. Germain and the two schemes presented by certain members of the Temporary Mixed Commission concerned the traffic in arms, while M. Jouhaux had introduced into his scheme the question of the manufacture of arms and munitions. Evidently the two questions were connected. If, for example, the question of the manufacture were considered, a distinction would have to be made between two sides of it: the commercial side, in which a firm was engaged in seeking orders and endeavouring to obtain contracts; this was the side which concerned the question of traffic in arms; secondly, there was the other side: the technical side, concerning the actual manufacture.

The Commission proposed to find a remedy for the evils resulting from the traffic and from the manufacture. The question of control had already been fully discussed and had been made the object of a report to the Second Assembly. This report stated that the alleged evils connected with the traffic and with the manufacture had not been sufficiently proved. It was for this reason that Viscount Cecil had asked that an enquiry should be made into what were the evil consequences of the traffic and of the manufacture. Sir Hubert Llewellyn Smith had submitted to the Commission a draft scheme of control which admitted the principle of licences. This principle had been approved by the Temporary Mixed Commission.

The control of manufacture and the control of traffic possessed common characteristics, but there were distinctions which would have to be made.

The definition of the material to be submitted to control was not sufficiently clear in the Convention of St. Germain, and this was also true of the schemes presented by Admiral the Marquis de Magaz and M. Jouhaux. In the scheme which Colonel Carnegie had himself proposed it had been laid down that the arms and munitions in question consisted in material destined exclusively for war. Regarding the nature of licences, a distinction would have to be made according as to whether they concerned the traffic in arms and munitions or only the manufacture. In the first instance, the licences concerned sale or purchase; in the second instance — *i.e.* in case of manufacture — licences would have to cover models, inventions, rights of shareholders, rights of directors, etc., the details of which he reserved the right to refer to at a future meeting.

M. Jouhaux's scheme introduced a new element into the work of the Commission. This scheme provided for the prohibition of manufacture and put aside the principle of control. The Temporary Mixed Commission, however, had approved of the principle of control and not of the principle of prohibition. Whether prohibition was in reality an effective remedy was open to question. In certain countries, severe laws, amounting even to prohibition, had been enacted, but their efficacy was doubtful.

M. Jouhaux's scheme contained an interesting suggestion regarding the information which the Secretariat might be able to collect. Private manufacture of munitions and implements of war was, however, only a very small part of the industries of great industrial countries. Information would therefore have to be collected on the number of factories and on the value of the arms manufactured in the various countries.

M. JOUHAUX pointed out that the Workers' Group had submitted a collection of documents containing its point of view on the double question of the traffic and of the private manufacture of arms, as well as on the immediate steps to be taken. Colonel Carnegie did not believe in the efficacy of severe legislation, but if a sincere effort was to be made to reach the desired end there was only one means of procedure: to suppress the manufacture.

The Workers' Group had therefore put forward its point of view, but was ready to collaborate in amending and completing Colonel Carnegie's scheme.

It would be difficult, during the present year, to arrive at the drafting of a convention, but it was necessary to give due satisfaction to public opinion. The information regarding the manufacture of arms and munitions already collected should be brought to the notice of the general public. As, however, it was probable that the Press would not give the desired publicity to this information, a public discussion should be held at the next Assembly of the League of Nations.

The Workers' Group had submitted a draft Convention based on the principle that the control should be general — that was to say: that it should cover private manufacture and the State manufacture. If the control were not of a general nature, it would inevitably prove ineffective.

The scheme of the Workers' Group had been submitted merely as a basis of discussion, and the Workers' Group was ready to take into account the possibilities of the moment, but, unless the examination of those possibilities were dominated by a higher ideal, it would be without result.

Admiral the Marquis de MAGAZ said that, in presenting his scheme, he had kept to principles which had already been adopted and had endeavoured to retain the maximum amount of simplicity. He had submitted his scheme in his private capacity to serve as a basis for discussion.

Count HIROSAWA reminded the Commission that he had been nominated as a member of the Commission in his personal capacity and that his opinions did not therefore in any way bind his Government.

Before studying fully the three draft conventions submitted to the Commission, the effective collaboration of all States, including States not Members of the League, should, in his opinion, be secured. In this connection, the Commission should congratulate itself on the fact that the Government of the United States of America had appointed a representative to assist in the work of the Commission, because his presence was a happy augury for the success of its deliberations. He recalled the fact that Japan and some other countries were ready to ratify the Convention of St. Germain in case certain other Powers should ratify or adhere to the said convention. He also called the attention of the Commission to the fact that Mr. Hughes, Secretary of State of the United States, in his letter addressed to the Acting President of the Council, raised, among others, an objection to the provisions by which the High Contracting Parties would be prohibited from selling arms and munitions to States not parties to the convention, because the United States would then be obliged to forbid the despatch of arms and munitions to such Latin-American countries as had not signed or adhered to the convention. For these reasons, to secure the effective collaboration of all countries in this matter was, in his opinion, the indispensable condition under which the Commission might hope to succeed. In these circumstances, it seemed to him desirable not to undertake a minute investigation of the different proposals made by his colleagues, in order that, in the interval, some steps might be taken to secure the fuller collaboration of all States. Nevertheless, if the Commission should desire to make a technical investigation of the different schemes, he did not wish to raise any objection. He was rather inclined, however, to reserve his personal views until a later stage of the discussion.

With regard to the control of the private manufacture of and traffic in arms, he was against any proposal which might give to this control such an international character as would interfere with national sovereignty.

Viscount CECIL recalled the ideal which was inspiring and guiding the League of Nations in its struggle against the traffic in opium and dangerous drugs, against liquor traffic in mandated territories, and against the traffic in women and children. In these various fields, important results had been attained, but, unfortunately, this was not the case in the struggle against the traffic in arms and munitions — a traffic which had resulted in evils quite as great as, if not greater than, those which he had mentioned. The manufacture of and traffic in arms meant indeed the maintenance of armaments in the various countries and the sale of armaments to certain countries where troubles were being by these means fomented. If a remedy was to be found for these evils, a limitation of the traffic should be contemplated whether the manufacture of arms was of a private or of a State nature. Further, the regulation of private manufacture could also be contemplated.

It had been said that considerable capital was bound up in private manufacture. As a result, many persons possessed an interest in preserving a condition of affairs in which war interrupted peace. If it were true that a large part of the Press was in the hands of persons interested in the private manufacture of arms, it was easy to understand that people might contemplate the suppression of private manufacture, but that this suppression would encounter great difficulties. First, there was the political objection, to which no reply had, in his opinion, yet been made. If all private manufacture were forbidden, all the States would be obliged to manufacture such arms as they themselves needed. This would mean that certain States would be obliged to establish factories. If all States did not themselves manufacture the arms which they needed, little States would, as a result, be at the mercy of great States, which would be very dangerous.

The second difficulty was the following: a fatal blow would be dealt to important industries which played a great part in national economic life — for example, in Great Britain to the construction of warships.

Great progress would be made if a wedge were driven between the interests of those who were engaged in private manufacture and the Press.

If the Convention of St. Germain and the schemes of Admiral the Marquis de Magaz and M. Jouhaux were examined, they would be found to differ on several points, but, on the other hand, they were in agreement on certain points which he had endeavoured to summarise in the following draft resolution:

3. Draft Resolution presented by Viscount Cecil.

"1. It is desirable that the international traffic in arms should be controlled, and for that purpose a distinction should be established between weapons and munitions of war and other weapons.

"2. Weapons and munitions of war should only be sold to Governments or bodies recognised as belligerents.

"3. Whatever other steps may be taken for the control of the traffic in arms, full publicity should be secured for all international dealings.

"4. Special regulations should apply to certain territories restricting or prohibiting altogether all traffic in arms."

The observations which had been made showed that it was possible in the third paragraph to insist that publicity be given to the question of control of the traffic in arms. With regard to the second proposal contained in M. Jouhaux's scheme, it should be pointed out that it would be easier for the Secretariat to collect information if the collaboration of Governments were assured.

The divergencies which revealed themselves when the Convention of Saint Germain and the two schemes submitted to the Commission were compared principally concerned the question of deciding what authorities should exercise the control. The Convention of Saint Germain and M. Jouhaux's scheme proposed that the League of Nations should exercise the control, whereas that of Admiral the Marquis de Magaz provided for the establishment of an *ad hoc* organisation.

In his opinion, it would be difficult to create a new organisation of control. The League of Nations not only possessed the necessary technical branches at its disposal but, further, its authority was widening, as could be perceived in the work which it was doing in the struggle against opium and in the sphere of health.

If he had well understood M. Jouhaux's intentions, M. Jouhaux proposed in Article 5 of his scheme that the Council should be given the power to prevent the movement of arms from one country to another. Did M. Jouhaux propose that the Council should immediately be granted this power or only when a treaty of guarantee entered into force? In any case, despite the great respect which had always to be paid to M. Jouhaux's suggestions — for his collaboration in the Commission's work was of the greatest value — he did not think that the Council could at the moment assume such a responsibility. For one thing, by so doing, it would risk interfering in the sovereignty of States, quite apart from the fact that the convention to be drafted would have to be applicable in time of war, and in time of war the Council would have great difficulty in giving its decision with the necessary rapidity.

M. Jouhaux had probably not gone into details because he had in his scheme granted wide powers to the Council, but the Convention of St. Germain very rightly contained in Article 6 and the following articles detailed provisions of which the Commission should take account.

He proposed, therefore, that the Commission should hear the authors of the two schemes, and, when the general discussion had come to an end, it could entrust, at the next meeting to the small Committee which M. Fabry had proposed the task of drawing up a report for presentation at the next session.

M. FABRY noted that the discussion had shown that the two questions of manufacture and traffic were closely connected, although they would have to be made the object of two distinct conventions.

The Committee was faced with two schemes: the scheme proposed by M. Jouhaux, the object of which was to obtain the rapid prohibition of the private manufacture of arms and munitions; on examining the scheme, however, it could be maintained that it authorised manufacture while at the same moment it strangled it; according to the schemes of Admiral the Marquis de Magaz and of Colonel Carnegie, endeavour should be made to control manufacture by limiting the traffic.

The small Committee which had been proposed should not lose sight of the fact that all nations were not faced with the same problems, that some had a larger population than others, and that their means of production of armaments were not the same. If the same reasoning were applied to every nation, nations already in an unfavourable position would have the difficulties of their position increased. Account of this had been taken by all the authors of these schemes. Thus, for example, Article 18 of Colonel Carnegie's scheme atoned for all the preceding articles.

It did not seem at the moment that the Committee could take a decision regarding any one of the schemes submitted. He supported Viscount Cecil's proposal to submit the two questions in their entirety to a small committee, which should prepare a report for submission at the next session. In his opinion, the authors of the schemes should be members of the small committee as well as representatives of producing States, of non-producing States, of employers, and, if possible, a representative of the Government of the United States of America.

M. OUDEGEEST said that he was ready to accept the draft resolution proposed by Viscount Cecil, but that, if the Temporary Mixed Commission were to proceed logically, it should forbid the sale of arms and munitions to countries waging an aggressive war, since it had been admitted that an aggressive war constituted a crime.

He approved M. Jouhaux's scheme, because he considered that it was more useful to prevent the manufacture than to limit the traffic.

He asked Viscount Cecil what he meant by the expression "bodies recognised as belligerent".

Viscount CECIL replied that this expression was intended to cover the case of rebels and that he would explain it at the next meeting.

Admiral the Marquis de MAGAZ thanked Viscount Cecil and M. Fabry for the interest which they had shown in his scheme. He had only proposed that the control should be exercised by an *ad hoc* organisation because such an organisation was already in existence in Belgium, but he was quite willing to agree that the control should be exercised by the League of Nations. His scheme was drafted in less severe terms than the Convention of Saint Germain simply in order to facilitate the adhesion of all States.

FOURTH MEETING

held on Tuesday, February 5th, 1924, at 4 p.m.

4. Continuation of the General Discussion on the Manufacture of Arms and Munitions and the Traffic in Arms.

M. HODAC thought that it was very important to discuss and to decide whether the present proposals on the manufacture of arms and the traffic in arms would be carried out without any relation whatever to the draft Treaty of Mutual Assistance or whether they would be carried out as a consequence and result of that treaty.

This discussion had a particularly important bearing on the question of control. Various schemes were before the Commission from which it appeared that a double control was proposed: national and international.

If it was desired to carry out these proposals without relation to the Treaty of Mutual Assistance, it would be possible to reach agreement in regard to national control, since it was quite evident that every State was obliged to institute such control.

But it was also clear that this control could not go so far as was suggested in the scheme of Colonel Carnegie.

On the other hand, the difficulties inherent in the carrying out of an international control without the existence of a treaty of mutual assistance and disarmament between States must not be overlooked.

The relation between the Treaty of Mutual Assistance and the scheme submitted to the Commission existed equally as regards the private manufacture of arms. It did not follow, because arms and munitions were manufactured, that they would be used, but arms and munitions were manufactured because there existed a desire to make use of them. It was accordingly necessary to achieve a moral and political disarmament.

He did not think the Commission should discuss the question whether the manufacture of arms should be private or entrusted solely to the State. He referred to the reports presented by himself and by M. Jouhaux on this subject a year ago. He did not believe that a private industry had provoked wars or could provoke them. A war must be accepted by the nation as a whole before it could take place. The question of private or State manufacture was accordingly a purely national question. Further, if the State alone manufactured arms, the arming of the nations might be thereby encouraged.

He proposed to refer also to the Commission the text presented by Viscount Cecil in view of the fact that this text ought to be connected with the Treaty of Mutual Assistance. He confessed to have been somewhat sceptical as regards this Treaty, but, after the conclusion of regional agreements with a view to the maintenance of peace, his scepticism had disappeared, and he hoped the Treaty of Mutual Assistance would be applied as soon as possible.

Viscount CECIL reminded the Committee that at the end of the previous meeting M. Oudegeest had raised certain points in regard to his resolution. He had thought, for example, that it was necessary to annex to the resolution a text declaring that the nations guilty of a war of aggression should not have the right to purchase arms. He was not opposed to this proposal, but he thought that it would be more appropriately inserted in the Treaty of Mutual Assistance; where he would be happy to see it embodied. His draft resolution did no more than formulate points which were common to the three schemes presented by Admiral Magaz, Colonel Carnegie, M. Jouhaux and M. Oudegeest, and in regard to which agreement seemed already to have been reached. It would therefore be difficult to add an amendment to this resolution. He would ask M. Oudegeest to put in writing the proposal which he desired to add.

He had not mentioned in his text the question of the private manufacture of arms, owing to the fact that there was no allusion to this subject in the three schemes, and because he did not believe that the Commission was yet agreed on this point.

M. Oudegeest had asked at the previous meeting what was meant by bodies recognised as belligerents. He would point out, in answer to this, that, when a revolution broke out in a country, the other nations had sooner or later to decide whether the revolutionaries should enjoy the rights of belligerents. If the revolutionaries were merely disturbers of the public peace, they should be treated as such, but if they established their power on a sufficiently strong footing they should enjoy the right of belligerents. The case had arisen in the War of Secession, when certain States had recognised the party of the South as a belligerent.

M. LEBRUN explained that before the question had been discussed in the Commission he had perceived objections to which he desired to draw the attention of his colleagues.

There was a precise text in existence: namely, the Convention of Saint Germain. If all the Governments had adhered to this Convention, it would have become operative, and the Commission would not have been called upon to deal with the question which they were at that moment discussing. France and certain other countries had adhered unreservedly to this Convention. Members of the Commission, though they were not representatives of their respective countries, were not unaware of what was happening in those countries regarding the Convention.

He thought that the point of departure for the general discussion should have been a statement, by those who believed that there were weaknesses in this Convention, of the criticisms which they desired to make against it. The Commission would thus have been able to make an attempt to connect the proposals made before the Commission with the Convention of St. Germain in order to arrive at a final result.

M. JOUHAUX reminded the Commission that the draft resolution of the workers' group would render possible an immediate control of the manufacture of arms and the traffic in arms.

He would reply to the criticisms of his scheme which M. Fabry had made. M. Fabry had ascribed to him certain motives. The text proposed by the workers' group contemplated the suppression of the private manufacture of arms. It was different from the schemes of Admiral de Magaz and Colonel Carnegie, and aimed at fixing rules for the private manufacture of arms so strict that all dangers arising from such manufacture would disappear. The Workers' Group had already proposed an international conference. It believed that it would be sufficient for this conference to denounce the private manufacture of arms in order to condemn private manufacture before the public opinion of all countries. If the Commission wished to advance in the direction to which it was committed, it should not return to texts which had been considered inoperative but should endeavour to substitute other texts more likely to be put into execution. This was the reason which inspired the drafting of the scheme submitted by the Workers' Group. Viscount Cecil had said that Article 5, which insisted on the control of the arms traffic by the Council, was an infringement of national sovereignty. This was an objection which had several times been raised but which the Commission had already disregarded. M. Hodac had said that account must be taken of the draft Treaty of Mutual Assistance accepted by the Third Committee and forwarded to the Governments, but Article 5 of this Treaty existed for the very purpose they had in view. The Treaty of Mutual Assistance provided, in fact, that, after the various Governments had accepted the limits fixed for their armaments, they might not go beyond those limits without the consent of the Council.

He read the text of the article in question.

He would remind the Commission that when the draft Treaty of Mutual Assistance had been discussed the Commission had itself declared that aggressive war was a crime against which all nations were bound to take action. It had decided later that, if in the treaty particular clauses providing for regional agreements were accepted, this could only be done subject to the reservation that the Council might take cognisance of these agreements and decide whether their provisions were in harmony with the general Treaty of Mutual Assistance. This was an infringement of national sovereignty. Further, the Commission had provided for the control of the application of the treaty by entrusting it to the Council and linking it with the obligation under which the Council was placed by the Covenant to determine and to control the application of a general plan of disarmament. Without Article 5, the private manufacture of arms would escape the control of the Council. There was strict logic in the attitude of the Workers' Group, since its point of view was not subject to the variations of ordinary political life. Article 5 laid down that no effective decision could be taken by an organ of the League of Nations without the Council being entrusted with its control. Since the Council was to decide on the scheme of a mutual assistance and to control its application, it must be put in a position to control the private manufacture of arms and the traffic in arms. This perhaps was an infringement of national sovereignty, but, if this principle were not accepted, the very basis of the League of Nations would be undermined.

5. Statement by Prince Arfa-ed-Dowleh (Persia).

Prince ARFA-ED-DOWLEH said that, during the previous meeting, M. Fabry had drawn the attention of the Commission to States which were in a less favourable position as regards the manufacture of arms and munitions. Persia belonged to this category of State, and he would therefore venture to make certain observations in the general discussion. So far, all the speakers had discussed the control or the prohibition of the private manufacture of arms and munitions. It would also be useful to define the position of a country like Persia, which must provide itself with arms and munitions for its legitimate needs. Persia was a vast country with a surface of more than a million and a half square kilometres and was surrounded with warlike and turbulent tribes. It had for its neighbours countries which were very strong and which were not yet Members of the League of Nations. Merely in order to ensure security and to maintain order in the country, Persia was obliged to keep perpetually under arms a force of at least 80,000 men. For the moment Persia had no manufactory of arms and munitions and was obliged to procure her supplies from abroad. On September 29th, he had had the honour to inform the Council of the League of Nations of all the difficulties which Persia encountered in procuring arms and munitions for her legitimate needs. The Council had carefully considered his statement and had decided to invite the representative of Persia to sit on the Temporary Mixed Commission, and he hoped that, in elaborating a draft convention, the Commission would take his declaration into consideration and enable his country to accomplish the difficult task of ensuring its security and at the same time would give it an opportunity of fighting against the illicit traffic in arms and munitions which often took place among the neighbouring tribes.

6. Procedure.

The CHAIRMAN thought that the general discussion was now at an end. He asked the Commission to decide on the procedure to be taken in regard to the two questions on the traffic in arms and the private manufacture of arms.

M. Fabry had made certain observations on the composition of the Sub-Commission to which it was proposed to refer these questions. There were three Sub-Commissions. The first Sub-

Commission had always examined the question of the private manufacture of arms and the traffic in arms. It would not be advisable, therefore, to create a special committee in order to deal at present with this question, though representatives of other States might be added to the Sub-Commission.

M. FABRY said he was prepared to accept the proposal of the Chairman. He would have liked all the interests concerned to be represented in the Sub-Commission. Though the various delegates did not speak on behalf of their respective countries, they were familiar with the needs of their countries. It would be advisable for the States which manufactured arms — both great and small — and for States which did not manufacture arms to be represented on the Sub-Commission. He had proposed the appointment of a special committee because he thought that by this means it would be possible to obtain the participation of the delegate of the United States more easily than if the task were entrusted to one of the Sub-Commissions.

The CHAIRMAN thought that the composition of the first Sub-Commission gave every possible guarantee to M. Fabry. The manufacturing countries and the non-manufacturing countries were represented on that body. The Chairman proposed that M. Fabry should also be appointed a member of the Sub-Commission.

This proposal was adopted.

Viscount CECIL asked whether the Sub-Commission would sit immediately in order to undertake a preliminary discussion on the three schemes which had been presented and to make a report on this subject to the plenary Commission. He pointed out that the Commission had to draft a new treaty. He thought that the Sub-Commission would be too numerous to undertake this task. After having settled the general principles of this treaty, it would be necessary for the Sub-Commission to appoint a drafting committee, which would have to sit for a long time in order to frame a text and to hear the competent experts. If the Sub-Commission first considered the schemes and drafted a preliminary scheme, it might meet on the following day and present its preliminary draft scheme on Thursday or Friday.

M. BRANTING thought that Switzerland might also be reckoned among the non-manufacturing States and that its delegate might, therefore, sit on the First Sub-Commission.

M. VILLEGAS proposed that he should be transferred to the Second Sub-Commission in order that the representative of Switzerland might be transferred from the Second to the First Sub-Commission.

The CHAIRMAN said that all the questions dealt with during the general discussion would go before the First Sub-Commission, which would only be able to undertake preliminary work with a view to presenting a report to a meeting of the Commission on Thursday on the conclusions at which it might arrive. The Commission might then appoint a smaller committee.

Major HILLS, as a member of the First Sub-Commission, wondered what the programme of work would be. He hoped that the general discussion would not be resumed in the Sub-Commission, but that a preparation of a draft treaty would be undertaken. The Sub-Commission, on the other hand, could not hope to arrive at a complete draft treaty in less than several weeks.

M. OUDEGEEST wondered whether the question had been sufficiently prepared by the discussion which had taken place in the Commission. At the previous meeting, principles had been laid down to serve as a basis for the discussion. There were still questions to discuss in plenary session, however, before the Sub-Commission could usefully begin its work. He asked whether there might first be a reading of all the proposals which had been presented.

The CHAIRMAN said he thought that the Commission might accept the proposal which had just been made. The procedure would be virtually the same as that adopted for the Treaty of Mutual Assistance.

M. LEBRUN said he would like to have further details as to the way in which the Sub-Commission would work. The Sub-Commission would, in his opinion, be quite unable to achieve any useful results for submission to the plenary Commission within the next few days. He could not consent to act as Chairman of the Sub-Commission if it were required to get to work before the necessary documents had been assembled and before its members had been able to consider carefully the questions at issue. Personally, he was quite unable at that moment to give any final opinion on the schemes which had been submitted. Before doing so, it would be necessary for him to obtain expert advice in his own country. It would, however, be possible for the plenary Commission, by means of a general exchange of views, to indicate the general lines on which a solution of the various problems might be sought. He did not think that at this stage any vote should be taken in the plenary Commission, or that its members should take up any final or definite attitude on points of detail.

7. Proposals by Colonel Lowe.

Colonel LOWE presented the following proposals:

1. The Temporary Mixed Commission will set up a Committee of Enquiry to examine the various projects submitted.
2. An international conference will eventually be necessary before any Convention can usefully be drafted.
3. It is suggested that the Committee of Enquiry should be authorised to get into touch with the Permanent Advisory Commission, which might, in fact, be asked to nominate some members to collaborate with the Committee. In this way, it is considered that much time and labour would be saved, as the members of the Permanent Advisory

Commission would be able to put forward and explain to the Committee of Enquiry some of the more important Governmental objections to the various projects now before the Temporary Mixed Commission.

4. Further, it should be possible in this way to prepare the ground for an international conference and to draft a basis of discussion for such a conference, which would have good prospects of success.

5. By such a combination of views, it should not be impossible to arrive at a preliminary agreement as to basic principles which, while probably being acceptable to Governments, would also find favour with the Temporary Mixed Commission and particularly with those members of it who are the authors of the various projects now under examination.

The CHAIRMAN pointed out that these proposals were not in agreement with the views which had been expressed in the Commission on the previous day. It had been decided that there should be no immediate collaboration between the Temporary Mixed Commission and the Permanent Advisory Commission by means of a joint committee. Further, it appeared difficult to reconcile these proposals with the procedure suggested by M. Lebrun. There were, moreover, certain suggestions, such as the suggestion for an international conference, which appeared to go a good deal further than appeared to be for the moment necessary.

Viscount CECIL observed that there had been no decision on the part of the Commission which excluded direct collaboration with the Permanent Advisory Commission. It had merely been decided that a joint committee should not be appointed for a particular purpose. It was most desirable that the two commissions should keep in touch. The proposals of Colonel Lowe were admittedly difficult to reconcile with the procedure laid down by M. Lebrun.

He hoped that the proposals he had submitted to the Committee, together with those which had been presented by M. Jouhaux, would be discussed and that a decision would be taken in regard to them.

The CHAIRMAN said he had not intended to suggest that contact between the two commissions was excluded, but the proposal for the appointment of a joint committee had been definitely set aside on the previous day. It had, moreover, been decided that all the questions under consideration should be referred to the Sub-Commission, and this procedure could not be reconciled with the proposals presented by Colonel Lowe.

Colonel LOWE said he did not quite see how his proposals were in conflict with the procedure suggested by M. Lebrun. M. Lebrun had maintained that it was necessary for expert opinion to be taken on the schemes before the Commission. Would it not be well for the Sub-Commission to consult the experts who were close at hand?

He could not see any prospect of progress unless the views of the Governments and authorities outside could be taken at an early stage. He made his proposal merely with a view to facilitating the work of the Sub-Commission, and he would not insist upon it if it did not meet with the approval of the members of the Commission.

Colonel REQUIN thought it was possible to reconcile the proposals of Colonel Lowe with those of M. Lebrun. He recognised the need of co-operation between the two Commissions. The question arose as to the method of this collaboration and the stage at which it should be secured. Colonel Lowe had expressed the desire that there should be an immediate collaboration. He would point out, however, that the Permanent Advisory Commission, if it were to give useful advice, would need a definite text on which the Governments could be consulted. Let the Sub-Commission examine the draft schemes which were before the Commission, establish a single text and forward it, after its discussion, to the Permanent Advisory Commission for the views of that body.

The CHAIRMAN said that the Commission was in agreement with the spirit of Colonel Lowe's proposals. Details of these proposals, however, were not in harmony with the proposal to refer the questions at issue to the First Sub-Commission of the Temporary Mixed Commission. Colonel Lowe had suggested a special committee of enquiry.

Viscount CECIL asked when the discussion and vote would be taken on the proposals which he had himself submitted to the Commission and on the proposals of M. Jouhaux.

M. JOUHAUX said he had already asked that this resolution should be discussed and voted on in the plenary Commission, and that it should not be referred to the Sub-Commission. He assumed that the closure of the discussion would not imply that his resolution would be referred to the Sub-Commission.

M. FABRY said that the Sub-Commission would not present a report to the Temporary Mixed Commission until its next session. For the enlightenment of the Sub-Commission it was proposed that the plenary Commission should read the three schemes which had been presented and the proposals of Viscount Cecil, and that there should be an exchange of views without any vote. The minutes of the Commission would be forwarded to the Sub-Commission.

The resolutions of M. Jouhaux were in a different position, and it would be for the plenary Commission to discuss them if it thought fit.

Viscount CECIL said he hoped the Commission would take a vote on his resolutions. No one was opposed to them, and he thought it extremely desirable that the Sub-Commission should have some indication of the principles accepted by the Commission. If no decision were taken on these general principles, the only result of the work of the present session of the plenary Commission would be a reference of the question to a Sub-Commission.

Count BONIN-LONGARE asked Viscount Cecil not to insist on pressing his proposals to a vote. Viscount Cecil had concentrated the substance of several treaties into these proposals. They had a very wide scope and were sufficiently serious to require careful consideration. Personally, he would be extremely embarrassed if he were required to give an opinion on these proposals at that meeting. He was not opposed to them for the moment, but he had not as yet formed any definite views. He thought they might well be referred to the Sub-Commission for consideration.

He accepted the first of the resolutions presented by M. Jouhaux, and he was not for the moment opposed to the second.

The second resolution, however, appeared to contain within it the germ of an international control and should also, he thought, be referred to the Sub-Commission.

Viscount CECIL hoped that Count Bonin-Longare would reconsider his attitude. He would not press to-night for a vote on the proposals which he had presented. They could be taken up after the draft treaties had been considered on the following day. He would point out that his proposals contained nothing which was not already laid down in the Convention of Saint Germain, with the exception of the clause relating to belligerents, which he was prepared to withdraw. He thought it would be a distinct advantage to lay down the principles of action for the guidance of the Sub-Commission. This would assist the Sub-Commission in its work and create a better impression outside. He would ask Count Bonin-Longare whether he could not at a later meeting of the session assent to the proposals which he had submitted. He also thought that the proposals of the resolutions of M. Jouhaux should be put to the vote.

The CHAIRMAN said it would not be taken as indicating any lack of good-will if the Commission refused a vote on the proposals presented by Viscount Cecil. Some of these proposals might at once be accepted; others — for example, the second and third — in effect anticipated the draft treaty and needed very careful consideration. The third proposal assumed the existence of a control of arms. Such proposals were at the basis of the schemes which had to be examined and there would seem to be no reason why they should be treated differently from the material on which the Commission would hold its preliminary exchange of views.

He proposed, as Chairman, that these proposals should be sent to the Sub-Committee. If, however, the Commission wished to vote upon them at once, he would personally find it necessary to abstain. As to the resolutions of M. Jouhaux, the first might be accepted by the Commission, but the second was, in fact, an anticipation of the control to be set up by the treaty.

8. Decision to refer the Vote to the Next Meeting.

He proposed that this resolution should also be referred to the Sub-Commission and that only a general discussion upon it should be taken in the plenary Commission. He asked Viscount Cecil and M. Jouhaux whether they wished to press for an immediate vote.

Viscount CECIL said he was not asking the Commission to vote upon his proposals at that meeting. He would prefer to wait until the schemes before the Commission had been read. It might then be decided whether his proposals contained any contentious matter.

M. JOUHAUX did not insist on an immediate vote, but it was understood that the question whether a vote should be taken would be decided at a later meeting.

The CHAIRMAN said that, in these circumstances, the question whether a vote should be taken on these proposals was postponed to a later meeting. This decision applied equally to the proposals of Viscount Cecil and the resolutions of M. Jouhaux.

FIFTH MEETING

held on Wednesday, February 6th, 1924, at 10.30 a.m.

9. Statement by the Representative of the United States of America.

Mr. GREW desired to make clear the position of the United States with regard to certain points which had arisen at a previous discussion in order that there should be no doubt as to his position on the Sub-Committee which would shortly discuss the schemes before the Commission and in which he had been asked to participate.

The letter of December 14th, 1923, from the Acting-President of the Council to the Secretary of State of the United States, in which Resolution IV (a) of the last Assembly was quoted, had invited the United States to participate in the work of the Commission. The resolution of the Assembly had stated that the Temporary Mixed Commission was requested to draw up a draft convention or conventions to replace that of St. Germain for the control of the traffic in arms and that this convention should be in such a form that it could be accepted by the Governments of all countries which produced arms or munitions of war.

One of the points which the Temporary Mixed Commission had discussed and which would also be discussed by the Sub-Committee was the organisation of a central international office

of control, and he desired in this connection to explain the attitude of his Government and the reasons why it had found it impossible to ratify the Convention of Saint Germain. His Government, in a note to the Secretary-General of the League, dated September 12th, 1923, had stated:

“Finally, it may be observed that the provisions of the Convention [of Saint Germain] relating to the League of Nations are so intertwined with the whole Convention as to make it impracticable for this Government to ratify, in view of the fact that it is not a Member of the League of Nations.”

This was the view to which the United States Government still adhered, and full consideration would have to be given to it in the preparation of any plan to which it might be found desirable that the United States should adhere.

Concerning the desirability of combining in one draft Convention the two questions of the control of the traffic in arms and the control of the private manufacture of arms and munitions of war, Mr. Grew informed the Commission that his instructions did not authorise him to entertain any subject other than the traffic in arms. It was on this understanding that the United States accepted the invitation to send a representative to attend the meetings of the Commission.

The CHAIRMAN thanked Mr. Grew for his statement, due note of which would be taken by the Sub-Committee.

10. Procedure.

On the proposal of the PRESIDENT, *the Commission decided*: (1) to hold a preliminary examination of the draft schemes submitted by Admiral the Marquis de Magaz and by M. Jouhaux, M. Oudegeest and M. Thorberg; (2) to adopt the same procedure as that followed in the case of the Treaty of Mutual Assistance—that was to say to take no final vote on the terms of any of the schemes submitted; and (3) to begin with the examination of the scheme submitted by Admiral the Marquis de Magaz.

11. Discussion of the Draft of Admiral the Marquis de Magaz (Document 3, page 61). — Article 1.

“The present Convention shall apply to three categories of material, arms and munitions, namely:

“*Category 1.* — To war material, which term shall be understood, for the purposes of this Convention, to include all arms, munitions, chemical products and other objects appearing in the list annexed to the present Treaty. Modifications, in the form of additions to, omissions from or interpretations of this list, may be made at any time at the request of a High Contracting Party and shall become binding on all the High Contracting Parties as soon as they have been ratified by two-thirds of them.

“*Category 2.* — To sporting weapons and ammunition, which expression shall be understood, for the purposes of this Convention, to mean all arms, ammunition and similar material which do not appear in the annex referred to in the last paragraph and which are recognised as such by the national sporting associations recommended for this purpose by at least half the Governments of the High Contracting Parties.

“*Category 3.* — To other arms, including, in particular, pocket firearms employed for personal defence, etc.”

Viscount CECIL enquired why it had been necessary to divide material, arms and munitions into three categories, instead of into two as had been the case in former schemes which had adopted the general divisions of arms of war and sporting weapons. As regarded automatic pistols, to which Category 3 referred, it was surely the case that these weapons could be used for war purposes also and would therefore fall in addition under Category 1.

With regard to sporting weapons, the Commission should not raise unnecessary difficulties. There would be an outcry in the trade in these articles if too many restrictions were placed upon them. It was true that sporting weapons could be used in warfare, more particularly big-game rifles, but it was principally a question of the number of these weapons exported.

He concluded, therefore, that the provisions of Article 1 were too restrictive in regard to sporting weapons and hoped that they would be simplified.

M. JOUHAUX said that Article 1 was preceded by a preamble but that neither in the preamble nor in the article was any reference made to the League of Nations, nor did any stipulation appear binding Governments to submit to any form of control. Would that control be exercised apart from the League?

Further, it was impossible for the Commission itself to draw up a list of war material and arms, and it must therefore arrive at an exact definition of the terms “war material, arms and munitions”.

M. BRANTING agreed with Viscount Cecil's observations regarding sporting weapons.

M. LEBRUN said that the Permanent Advisory Commission had defined the term "material, arms and munitions" two years previously.

Colonel CARNEGIE noted that, in the scheme put forward by Admiral the Marquis de Magaz, all reference to ships of war, aeroplanes or tanks had been excluded. It might be said to apply therefore only to field ammunition and to sporting weapons. Was this the case?

He agreed with M. Lebrun that a definition of "material, arms and munitions" had been approved of by the Permanent Advisory Commission, which had defined them as materials exclusively used for war.

At the request of M. LEBRUN, the SECRETARY read the following definition adopted by the Permanent Advisory Commission:

12. Definition of Munitions and Implements of War adopted by the Permanent Advisory Commission.

"The expression 'munitions and implements of war' (*'munitions et matériel de guerre'*), as employed in paragraph 5 of Article 8 of the Covenant, means all weapons and products used exclusively for war purposes.

"Nevertheless, weapons and munitions adapted for both warlike and other purposes may, in certain cases, be classified as munitions and implements of war."

The CHAIRMAN said that this definition was of a very general nature. The Commission could adopt one of two systems: either a definition by enumeration, subject to periodical revision, or it could content itself with a general definition

M. JOUHAUX said that the definition given by the Permanent Advisory Commission was both general and special in character. The Temporary Mixed Commission could not use the general formula, because it was of too arbitrary a character and might be said to cover many classes of goods exported in peace-time, but which became in war-time capable of being used as munitions. The Temporary Mixed Commission must confine itself to defining peace-time armaments only.

M. LEBRUN agreed with M. Jouhaux that a general definition was impossible. He therefore proposed that the Permanent Advisory Commission should be asked to draw up a definite list of material, arms and munitions, bearing in mind that the list was only to contain arms of war and not ordinary material which could be used for war.

Major HILLS raised objections to this proposal. If the treaty was to be successful, it could only contain a definition in general terms. The list of articles constituting material, arms and munitions would have to be constantly revised, since war was a moving and not a stationary science. In his opinion, M. Jouhaux, in his objections to a general definition, was confusing articles which in war-time became contraband and did not therefore necessarily in peace-time fall under the category of material capable of being transformed into munitions of war. The Commission would have to confine itself to drafting a convention dealing with the export of munitions in time of peace, and for that purpose a definition in wide general terms was necessary, covering all articles used for war and for war only. In his opinion, the definition contained in the Treaty of St. Germain was wide enough, for it excluded everything that the Commission desired to exclude.

It was also necessary to define what sporting weapons it was necessary to exclude from the provisions of the Convention. This should not be difficult, for sporting weapons were not exported in any great quantity and could therefore be dealt with by a flexible system of licences.

He therefore proposed that the Convention should contain a general definition and special exceptions covering the case of sporting weapons and ammunition.

Licences for export could only be granted by the exporting Government and not by an international office of control, since the export of those commodities was purely a question concerning the natural commerce of each country.

Sir James BRUNYATE referred to the fourth part of Viscount Cecil's resolution, which covered the case of India, Persia and similar countries possessing wild and half-civilised tribes on their frontiers. To supply arms to these tribes was a very different question to supplying arms to an ordinary country. It was, indeed, difficult to prevent arms reaching such tribes, and a very strict control was necessary. Further, it was as important to control the export of ammunition to these tribes, since the arms without ammunition were of no value.

Colonel LOWE did not agree that the question of sporting weapons was of small importance. It was comparatively easy to regulate the export of bona-fide war material, such as bomb-throwers, field-guns, etc., but when it becomes necessary to control the supply of small arms it might be difficult to find an adequate definition which would distinguish between purely sporting weapons and small arms used in the field. This difficulty also applied to the ammunition for both kinds of arms.

13. Reply of Admiral the Marquis de Magaz to the Objections made to his Draft.

Admiral the Marquis de MAGAZ desired to reply to the objections which had been raised to his scheme:

(1) Neither the League of Nations nor the Treaty of Saint Germain had been mentioned, precisely because several States had found themselves unable to ratify that Treaty, and he had therefore thought it desirable to submit a scheme which would be acceptable to all States, including those which had been unable to accept the Treaty of Saint Germain or which were not Members of the League.

(2) In his opinion, the Treaty of Saint Germain did not deal adequately with sporting weapons. It was for this reason that he had inserted three categories in the first article. He was, however, ready to agree to the adoption of two only, though he felt bound to point out that both sporting weapons and pocket pistols could be used for war purposes. Provision, however, must be made for the case of persons resident in countries without an adequate police force, who must accordingly be allowed freedom to purchase weapons for personal defence.

(3) With regard to the definition of material, arms and munitions, he had desired to insert a general definition under the first category, but it was not easy to find one. The definition of the Permanent Advisory Commission was not sufficiently concrete, and he had therefore proposed that a complete list of all material, arms and munitions to be controlled should be added to the Convention as an annex and revised from time to time.

(4) With regard to the second category, he was quite ready to allow greater flexibility in the treatment of sporting weapons, but too much latitude in this respect facilitated evasion of control owing to the ease with which these weapons were transformed into weapons of war and the difficulty of adequately defining them. He would, therefore, prefer that the second category remained unchanged.

M. LEBRUN recalled the fact that, though the Treaty of Saint Germain had not been ratified by certain States, it was of the utmost importance for the Temporary Mixed Commission to know the reasons for which those States had not done so. The representative of the United States of America had just informed the Commission of some of the chief reasons which had prevented his Government from ratifying it. The Commission could, in his opinion, find a way to remove these difficulties without abandoning the Treaty of Saint Germain, which, on examination, would be found to contain nearly all the requirements desired.

Its first article, for instance, contained both a definition of war material and a list, perhaps incomplete, but capable of revision and completion, of such material.

Paragraph 3 of Article 1 (in the case of fire-arms and ammunition adapted both to warlike and *also to other purposes*) appeared to him to cover sporting weapons, and the Commission should not forget that the export of arms should be controlled primarily according to the destination of those arms. The Convention should aim not so much at defining sporting weapons but at controlling their destination when exported.

Viscount CECIL strongly supported M. Lebrun. The principle of Article 1 of the Treaty of St Germain was, in his opinion, entirely sound. It completely prohibited the export of all weapons of war but made provision for certain exceptions by means of licences which could be issued by the Governments of the High Contracting Parties when the consignment of weapons was for the use of another High Contracting Party, or when the Government of the exporting country was convinced that they were not to be used for purposes of war. It was important, in seeking to control the traffic in arms, not to create unnecessary opposition.

Many States had signified their agreement with the principles contained in the Treaty of Saint Germain; it would therefore be foolish to depart from them now that so much ground had already been gained. It appeared from Mr. Grew's statement that the principal objection of the United States was that, if it adhered to the Convention of Saint Germain, it would come under the control of the League of Nations, of which it was not a Member. This was a perfectly legitimate objection, but could, he thought, be met.

He therefore appealed to Admiral the Marquis de Magaz to follow for tactical reasons the principles of the Treaty of St. Germain as far as possible, since they had already been accepted by so many States.

Mr. GREW desired to make it clear that the objection of the United States mentioned by Viscount Cecil was not the only one which had prevented his Government from adhering to the Convention of St. Germain.

Admiral the Marquis de MAGAZ maintained that the difference between Article 1 of his treaty and Article 1 of the Treaty of St. Germain was not great. In his scheme, provision had been made for a detailed list of all material, arms and munitions to be added to the Convention as an annex. Further, his scheme was one of controlling, but not of prohibiting, traffic in arms.

14. Continuation of the Discussion of the Draft of Admiral the Marquis de Magaz. Article 2.

"A central international office shall be established for the purpose of collecting and preserving documents of all sorts exchanged by the High Contracting Parties with regard to the trade in and distribution of the arms and ammunition specified in the present Convention.

"Each of the High Contracting Parties shall publish an annual report showing the imports and exports of arms of all kinds which have taken place through its Customs offices, specifying the place of departure and destination and the quantities and nature of the material thus imported or exported. Each of the High Contracting Parties shall send this report in triplicate to the central international office."

Viscount CECIL said that Article 2 raised an important question whether the Temporary Mixed Commission should recommend the creation of an entirely new international office of control, or whether the League should be entrusted with the control of the treaty. He felt that it was against the principles of the League to remove control from its hands. This would be a retrograde step, since, by Article 24 of the Covenant, the League had united under its control many international bodies whose work had thereby greatly benefited. On the other hand, there was the difficulty that the United States quite naturally refused to accept the control of the League when it was itself not a Member. He himself had reached the conclusion that a central international office of control was not really necessary. He therefore begged to propose the following text, based on Article 5 of the Treaty of St. Germain:

15. Amendment by Viscount Cecil to Article 2.

"Each of the High Contracting Parties shall publish an annual report showing the export licences which it may have granted, together with the quantity and destination of the arms and ammunition to which the export licences refer. A copy of this report shall be sent by all the High Contracting Parties which are Members of the League of Nations to the Secretary-General of the League of Nations.

"Further, such of the High Contracting Parties as are Members of the League of Nations agree to send to the Secretary-General of the League of Nations full statistical information as to the quantities and destination of all arms and ammunition exported without licence, and those High Contracting Parties which are not Members of the League agree to publish such information."

If this suggestion were adopted, it would mean that those High Contracting Parties which were not Members of the League would be obliged to publish all information in their possession regarding the traffic in arms, whereas Members of the League, in addition to the obligation to publish, would also be required to forward that information to the Secretary-General for the general use of the League.

Count BONIN-LONGARE strongly supported Viscount Cecil's proposals, which had three advantages. It kept as closely as possible to the text and spirit of the Treaty of Saint Germain, it avoided the danger of placing Members of the League in a difficult position in regard to the League, and, finally, it gave complete satisfaction to the High Contracting Parties not Members of the League.

M. COBIAN pointed out that in the scheme of Admiral the Marquis de Magaz it was not definitely laid down that the international office of control should be kept separate from the League. It should be remembered that the Treaty of St. Germain mentioned the Brussels Office, which was itself a separate organisation from the League.

It seemed to him, however, that Viscount Cecil's proposal would meet with agreement, and, on behalf of Admiral the Marquis de Magaz and himself, he was prepared to accept it.

M. JOUHAUX was unable to understand the link between Viscount Cecil's proposal and the Treaty of St. Germain. As far as he could understand it, it was proposed to set up two different organs of control working side by side without a superior body to co-ordinate their activity. This procedure might possibly prove satisfactory to the United States of America but would not, in his opinion, fulfil the desires of the Assembly. He accordingly was compelled to make a reservation regarding its acceptance.

Viscount CECIL said that the object of his proposal was to secure the publication of all information regarding the traffic in arms. Publication was to be obligatory for all the signatories of the Convention. Those signatories Members of the League of Nations, however, would have the additional obligation of sending their information to the Secretary-General for the general use of the League in addition to publishing it. M. Jouhaux was right in thinking that States outside the League would not be subject to any control, but in the last instance the only real control was that exercised by public opinion, and that control was at once secured by the publication of the information.

M. OUDEGEEST enquired, if an international office of control were set up, what body would control that office. Would the League control it?

M. COBIAN replied that an international office of control whose function it was to control the application of the Convention could not by its very nature be subordinate to any higher control. Its good working would depend on the confidence shown in it by the various Governments of countries adhering to the Convention, and also by the attention which it paid to public opinion.

The CHAIRMAN pointed out that the problem before the Commission was to find means to obtain the adhesion to the Convention of States not Members of the League.

Admiral the Marquis de Magaz had proposed the creation of an international office of control, but, as Viscount Cecil had shown, the creation of such an office outside the control of the League would be contrary to the provisions of Article 24 of the Covenant. In his opinion, Viscount Cecil had rightly seized upon the principle of publicity which was at the root of the Convention of Saint Germain and had used it in order to secure all the control that was necessary. States not Members of the League would be under the obligation to publish their statistics of arms traffic, while Members of the League would in addition place such statistics at the disposal of the League.

M. JOUHAUX once more regretted that he was unable to agree to Viscount Cecil's proposal. While he fully realised that it was of great importance not to lose the collaboration of the United States of America, to secure it on such terms would do the League more harm than good. A campaign against the prestige of the League was being waged in certain quarters throughout the world. By adopting such a proposal, the Commission would, in his opinion, be assisting that campaign and taking grist to the mill of the League's opponents.

16. Article 3.

"The High Contracting Parties undertake not to permit the sale or export of material of the first category except to Governments recognised by at least half of the High Contracting Parties."

M. LEBRUN said that there was a great difference between Article 3 of the scheme of Admiral the Marquis de Magaz and the corresponding Article of the Treaty of Saint Germain. By the terms of the Treaty of Saint Germain, the High Contracting Parties could only sell arms to other High Contracting Parties, and if, as Admiral the Marquis de Magaz suggested, they could sell to other States not bound by the Convention, it would lose much of its force.

Viscount CECIL enquired what would be the position of countries which could not become high contracting parties to the Convention. Were they to be prevented from purchasing arms? Further, what would be the position of recognised belligerent countries? These were questions into which he would not enter but which would have to be carefully examined by the Sub-Commission.

Admiral the Marquis de MAGAZ thought that Article 5 of his scheme met M. Lebrun's point. It prohibited all imports of arms except for the use of the Government of the country.

The CHAIRMAN said he must make a reservation with regard to Article 3, because it changed the principles laid down by the Treaty of Saint Germain. A system common to all States which adhered to the Convention had been laid down by the Treaty of Saint Germain, but by the scheme before the Commission a High Contracting Party could sell arms to a State which had no obligations under the Convention and which might, therefore, sell those arms in its turn to another State, possibly entertaining hostile feelings for the High Contracting State which had in the first instance furnished the arms.

17. Article 4.

No remarks.

SIXTH MEETING

held on Wednesday, February 6th, 1924, at 5 p.m.

18. Continuation of the Discussion of the Draft presented by Admiral the Marquis de Magaz. — Article 5.

No observations.

19. Article 6.

"The High Contracting Parties undertake to prohibit the sale of material of the second category by any person not furnished with a licence issued by the proper authorities. The latter shall only issue such licences to persons who can show that they belong to sporting associations recognised by the competent authorities of the High Contracting Party concerned."

Major HILLS asked for an explanation of the meaning of the article. In his country there did not exist any sporting associations such as those provided for in the article. It seemed to him that it would be necessary to lay down that the manufacturers of rifles, whether they were members or not of rifle associations, should obtain a manufacturing licence.

M. DUPRIEZ supported the observations of Major Hills. He did not see how it would be possible to establish the system in question. The article would result in the carrying of sporting

weapons being prohibited. Sporting weapons were manufactured in Belgium in the valley of the Meuse by small artisans who sold their goods directly to the sportsmen themselves. It seemed to him that it would be impossible for the Belgian Government to apply Article 6.

M. BRANTING shared the opinion of the previous speakers. In Sweden, the country population required sporting weapons. They were not grouped in sporting associations and would be opposed to the adoption of legislation such as was contemplated in Article 6.

Count BONIN-LONGARE asked Admiral de Magaz to delete the second sentence of the article. Licences should be delivered in conformity with the internal legislation of each country. In Italy, for example, the proposal of Admiral de Magaz would result in depriving the small farmers and labourers of their sporting weapons and in making the carrying of these weapons a privilege of the leisured classes.

Admiral de MAGAZ said he was prepared to withdraw the second sentence of the article in deference to the observations which had been made by his colleagues.

20. Article 7.

"The High Contracting Parties undertake not to allow material of the second category to be exported except by persons holding a licence issued by the competent authorities of the exporting High Contracting Party. This licence must include an authorisation to import issued by the Government which exercises sovereignty over the territory of destination."

Viscount CECIL hoped that the Sub-Commission would examine the question whether the legislation contemplated in the draft treaty in regard to sporting weapons was desirable. He wondered whether it was necessary to go further than the Convention of Saint Germain in this respect.

Sir James BRUNYATE thought that a system of import as well as a system of export should be provided. The authority entrusted with the issue of import licences would be the Government of the importing country but certain small States adjacent to India were in treaty relations with India, though they were not in political relation with the European countries. It would, therefore, be necessary for certain countries to be designed as sponsors for the conclusion of agreements on this subject with these small States.

Article 7 of the Convention of St. Germain dealt to some extent with the question, since it provided for colonies and territories under mandate, but the territories to which he was alluding possibly did not come under the provisions of this article, and he would like to draw the special attention of the Sub-Commission to the matter.

21. Article 8.

No observations.

22. Article 9.

"The High Contracting Parties undertake to exercise strict supervision over the national and international traffic in arms of the third category and to take all necessary measures to prevent illicit stocks and traffic."

Viscount CECIL observed that Article 9, as well as Articles 7, 8 and 10, dealt in part with the question of national sale. He wondered whether the Commission, which was an international organisation, was competent to deal with this question, which did not seem to be a suitable subject for an international treaty. He thought that the Sub-Commission should examine this point.

23. Article 10.

"With the above object in view, the High Contracting Parties undertake:
"To provide for close co-operation among the respective national administrations and between these administrations and the international office referred to in Article 2;
"To institute a system of registration and licences which shall make it possible at any time to trace arms which are in the possession of individuals;
"To communicate to each other and to the international office referred to in Article 2 any information calculated to facilitate this control."

The CHAIRMAN observed that the international bureau contemplated in Article 2 was no longer available. The sentence relating to this article was, therefore, irrelevant.

24. Article 11.

No observations.

25. Article 12.

"The High Contracting Parties undertake to assist each other mutually in bringing to light any infractions of the rules of this Convention. They recognise in advance the jurisdiction of the Permanent Court of International Justice for any international investigation concerning negligence or connivance on the part of a government administration concerned with these matters. They further undertake to impose penalties of a uniform character on their nationals (individuals, associations or firms) who may be found guilty of violating the national laws passed in execution of the provisions of the present Convention. These penalties shall be codified by common agreement between the national administrations, and the code shall appear as an Annex to the present Convention."

Viscount CECIL repeated the observations which he had made on Articles 7 to 10.

Count BONIN-LONGARE supported these observations. The international machinery contemplated in this article was extremely complicated and aroused serious objections.

M. DUPRIEZ agreed with the previous speakers. He did not quite understand the sense of the last phrase. It was impossible to visit individuals and communities with the same penalty. It was, for example, impossible to imprison communities.

Admiral de MAGAZ explained that he had intended to lay down that in all countries the same penalty should be applied to the same classes of offenders. For communities, the penalty would not be imprisonment but a fine.

The CHAIRMAN observed that it would be very difficult to obtain an agreement for the unification of the penal legislation in the various countries. Moreover, it could scarcely be hoped that all countries would accept resort to the Permanent Court of International Justice.

Mr. GREW said that, as he was not precisely informed as to the attitude of his Government towards Article 12, he was constrained to reserve any definite expression of opinion on this subject. He merely desired also to invite the attention of the members of the Commission to the fact that certain States had not adhered to the Statute of the Permanent Court of International Justice.

Viscount CECIL said that, as regards the traffic in drugs, the League of Nations had only been able to recommend Governments to adopt certain uniform penalties for the suppression of the traffic. It was impossible to impose an international legislation on the various countries.

Admiral de MAGAZ agreed that Article 12 should be amended in the sense indicated by the previous speakers.

26. Article 13.

"The present Convention shall come into force when it has been ratified by four of the States mentioned in the Covenant of the League of Nations as permanent Members of the Council and by sixteen other States. The international office referred to in Article 2 shall be organised by the Belgian Government as soon as the Convention has been thus ratified."

Viscount CECIL observed that the second sentence should be deleted. As regards ratification, he wondered whether it would not be necessary to lay down that the treaty would come into force when the more important countries had ratified it. It had been impossible to put the Convention of St. Germain into force because a very important manufacturing country had been unable to ratify it.

The CHAIRMAN associated himself with the observations of Viscount Cecil.

27. Article 14.

"The duration of the present Convention shall be for fifteen years. It shall remain in force for all States which have not notified the international office of their intention to denounce it two years before the expiration of the above period unless, as a result of successive denunciations, the number of High Contracting Parties shall have been reduced to ten, including two of the nations entitled, under the Covenant, to be permanently represented on the Council."

The CHAIRMAN thought that the Sub-Commission should be recommended to study this article very carefully.

Viscount CECIL said that there was a defect in the treaty as a whole in that no special provisions were made for dealing with prohibited areas. He hoped that it would be possible to consider how the provisions of the Treaty of St. Germain relating to prohibited areas could be concerted in the draft scheme to be considered by the Temporary Mixed Commission.

He would like to express his gratitude for the admirable work which Admiral de Magaz had done and the trouble he had taken at a time when he was much occupied with important duties elsewhere.

Admiral de MAGAZ thanked the Commission for the welcome which had been accorded to his scheme. He would certainly be prepared to accept any additions that might be introduced to cover the question of the prohibited zones.

The CHAIRMAN said that the Commission had now finished the general discussion on the scheme of Admiral de Magaz. The observations which had been made were not binding upon the members of the Commission, which retained full liberty to form its opinions when the Sub-Commission should have reported the result of its preliminary work.

28. Discussion of the Draft Convention presented by M. Jouhaux (Document 4, page 64). —
Article 1.

"The High Contracting Parties undertake to subject to international control the traffic in arms and munitions of all kinds, whether complete or in parts and *whether manufactured by the State or by private industry*, and for this purpose they have laid down the following definitions:

"The term '*arms of war*' shall apply to artillery of all kinds, apparatus for the discharge of all kinds of projectiles, explosive or gas-diffusing, apparatus for the discharge of poisonous gas, flame-throwers, bombs, grenades, machine-guns and rifled small-bore breech-loading weapons of all kinds, and, further, all arms, munitions and similar objects which may subsequently be added to this list by a decision of the Permanent Advisory Commission of the League of Nations, adopted by a three-fourths majority.

"The term '*sporting arms*' shall apply to all arms not referred to in the previous paragraph.

"The control shall also be exercised over ammunition intended for the arms in the above categories."

M. DUPRIEZ asked for an explanation in regard to the list of munitions. Would pocket pistols and revolvers come within the definition of arms of war?

M. JOUBAUX pointed out that, if the definition which had been given by Admiral de Magaz was exact, pistols and revolvers would be regarded as weapons of defence and therefore as arms of war.

M. LEBRUN thought that the essential point in the scheme of M. Jouhaux was the express reference made to arms manufactured by the State and to arms manufactured by private industry. In Article 8 of the Covenant, the reference was to arms privately manufactured. He wondered whether the scheme of M. Jouhaux did not open up questions which were too difficult and too general and which lay beyond the scope of the problem under examination.

Viscount CECIL pointed out that the object of the scheme was to obtain control of the international traffic in arms, irrespective of their origin or manufacture. This control would be incomplete if arms manufactured by the State were excluded. No distinction was drawn in the Convention of St. Germain between arms manufactured by the State and arms manufactured by private firms. Arms of every description came within the scope of the treaty.

He would like to enquire at a later stage by what means it was proposed to deal with the internal sale of arms, also whether there was any advantage in the provision for extending the list of weapons, provided three-quarters of the States belonging to the League of Nations agreed to do so.

M. LEBRUN said he accepted the point of view of Viscount Cecil as regards arms which were manufactured by the State. The object of the Convention was to secure control.

Count BONIN-LONGARE said that the importance of the article lay in the fact that the traffic in arms and munitions was to be placed under international control. He did not for the moment oppose this suggestion, but its success depended on the method of its application and the degree to which it was applied. He would therefore reserve his decision in regard to the principle until the Sub-Commission had reported on the details of the scheme.

Colonel CARNEGIE enquired whether M. Jouhaux was not limiting the scope of his scheme by expressly referring to arms manufactured by the State. It would be taken for granted, if no express mention were made of any particular category, that all munitions were covered by the Convention.

M. JOUBAUX said he thought it was indispensable to provide for a continual revision of the list of arms of war, otherwise the Convention might easily be evaded. He recognised the force of the observations made by Colonel Carnegie. He had inserted a reference to arms manufactured by the State because the Temporary Mixed Commission seemed to be preoccupied solely by arms which were manufactured by private firms. He would accept any formula which would imply that the control would be general.

It was true that Article 1 laid down the principle of control, and it had been represented that the Convention of St. Germain was adequate, though it laid down no such principle. The Convention of St. Germain was not, however, a satisfactory instrument, and the introduction of the principle of control was necessary in order to complete it and effectively to restrict the arms

traffic. The Convention of St. Germain was an agreement made between a number of manufacturing States, in order that they might avoid damaging their mutual interests. It was not a Covenant for the control of the arms traffic as understood by the Workers' Group.

29. Article 2.

"The High Contracting Parties *undertake to abstain* and to prohibit all persons or groups of persons, whether individuals or firms, which manufacture or trade in arms in their respective territories from engaging in the sale of arms or munitions of war to any persons or groups of persons, whether individuals or firms, other than Governments purchasing through the agency of regularly accredited buyers. The powers of such agents must be recognised as being in good and due form by the Government of the High Contracting Party in which the vendor has his domicile. The said agents must give details of purchases which they are authorised to effect and must certify that the goods are bought on behalf of the Government in question.

"As regards purchases of sporting arms and ammunition, the buyer must be provided with an import licence issued by the Government of the country in which he resides specifying in detail the goods which he is authorised to import."

Major HILLS said that this article forbade the sale of arms except to Governments. Viscount Cecil, however, had already shown that there might be cases when the sale of arms to persons in rebellion was legitimate and justifiable. Was M. Jouhaux prepared to say that all rebellions were unjustified and that persons in rebellion should in all cases be prevented from obtaining arms? The Commission should consider this question carefully. All countries had at some time passed through revolutions. It was true that no country should be able to foster brigandage or disorder in another country, but there were cases in which civilised opinion would be in favour of rebellion.

M. JOUHAUX said he recognised that revolt against oppression was the most sacred of human rights. The scheme which he had presented must, however, recognise existing facts. The Governments were associated in the League of Nations and must remain responsible for the control of the traffic in arms. Further, there would always be certain Governments which refused to recognise the belligerents in question, who would thus be deprived of weapons.

Viscount CECIL did not think that M. Jouhaux had yet dealt with the question at issue. The Convention of M. Jouhaux contemplated the sale of arms in time of peace and also in time of war. No arms were to be sold to anyone except to a Government in any circumstances.

Under such a convention, no group of persons which was unable to manufacture arms would be able to obtain them. Was it possible to prohibit a country which had recognised certain persons in rebellion as recognised belligerents to sell arms to those belligerents? Such a provision might outrage popular sentiment and lead to a breakdown of the Convention. A State should be able to treat recognised belligerents as a Government in this respect. He was not sure how far the article went. It apparently prohibited the sale of arms except to Governments, even in the interior of a country. This was an impracticable suggestion.

The CHAIRMAN said that Article 2 was perhaps the most important of all. It definitely established a system which differed from that contained in the Convention of St. Germain. Was it advisable to accord a privileged position to countries which did not adhere to the Convention?

Countries which were not bound by the Convention could sell arms to any persons or groups and would thus be in a privileged position as compared with countries that adhered. He was not opposed to the further study of the question, but he reserved his opinion on the present article.

M. DUPRIEZ said he would like to make a reservation in regard to arms of defence. These arms should be regarded as arms for individual defence and therefore not as arms of war. It was impossible to justify the provision whereby the sale of pistols and revolvers was prohibited in the interior of a country. The control of this traffic was a matter of internal police.

He also pointed out that absolute prohibition of the international sale of these weapons might act as a protective measure, which would have the effect of encouraging their domestic manufacture.

M. JOUHAUX pointed out that, if arms were necessary for defence, it was only because there were arms in the possession of criminals. He was prepared to accept any amendments, especially in the interests of individual liberty. He would observe, in reply to Viscount Cecil, that there would have been less civil war in history if the principle of Government responsibility had been sooner established. It was necessary to choose between two evils, and his formula was necessarily imperfect.

M. LOHNER said that in Switzerland there were many rifle clubs the members of which possessed their own weapons. The schemes presented by Admiral de Magaz and M. Jouhaux would suppress free trade within the country in such weapons in favour of a State monopoly. He begged to draw attention to this inevitable consequence.

30. Article 3.

"The High Contracting Parties undertake to subject the export of arms and munitions of every description, *whether bought, sold or manufactured by the State or by private enterprise*, to a system of licences which shall conform to the following conditions:

"(1) The buyer must be provided with an export licence issued by the Government of the exporting country; a licence shall be required for each consignment, and no shipment of arms can be considered as a 'consignment' unless it is despatched to a single consignee and is entered in a single traffic document (waybill for shipments by land or air, freight-note for shipments by sea).

"(2) In the case of arms and munitions of war, the licence shall only be issued under the conditions laid down in Article 2 and shall specify the Government to which the goods are consigned and the documents accrediting the buyer — who must be the consignor — as the duly authorised agent of the said Government.

"(3) In the case of sporting arms or ammunition, no licence can be issued except on production of a declaration by the War Ministry of the exporting country certifying that the arms or munitions in question are not arms or munitions of war, according to the definition given in the present Convention.

"The High Contracting Parties further reserve their right to judge for themselves — having regard to the size of the consignment, the address to which they are consigned, and the other circumstances attending their despatch — as to the purpose for which the arms or munitions are intended, and to decide in each individual case whether or not a licence should be granted.

"(4) Export licences issued by the High Contracting Parties shall be drawn up in accordance with a uniform model to be prepared by the Permanent Advisory Commission of the League of Nations.

"(5) In addition to the particulars referred to above, the licences shall include:

- "(a) The name and address of the manufacturer or manufacturers;
- "(b) The name and address of the vendor or vendors;
- "(c) A detailed description of the arms and munitions, their number, weight, and any other data necessary for determining exactly to which category they belong;
- "(d) The purchasing country in the case of arms of war, and the country of residence of the buyer in the case of sporting arms;
- "(e) The last port or station of consignment;
- "(f) The route or method by which the goods were forwarded;
- "(g) The heading under which the arms composing the consignment should appear in the export statistics of the exporting country;
- "(h) Any further information which the exporting country may see fit to enter."

Colonel CARNEGIE enquired whether M. Jouhaux would consider the deletion of the words "whether bought, sold or manufactured by the State or by private enterprise".

He recommended this amendment for the same reasons that he had recommended the deletion of the reference to the State manufacture of arms in Article 1.

M. JOUHAUX said he was prepared to accept this suggestion.

31. Article 4.

No observations.

32. Article 5.

"The Secretariat shall communicate to the Council a copy of the licence forwarded to it by the despatching State and shall publish it forthwith in a special supplement to the *Official Journal* of the League of Nations.

"The Council, having been entrusted with the duty of formulating a programme for disarmament and of ensuring its execution, shall be entitled to supervise all movements of arms from the point of view of the obligations incurred by the purchasing State under the Covenant, the Treaties of Peace, or the general Treaty of Assistance.

"The movement of the arms in question shall not be finally effected until the Council has given its decision, it being, however, understood that the decision shall be taken within a maximum period of three months."

Major HILLS drew attention to the second paragraph. Under this paragraph, the Council would have the right to prohibit a State which had signed the Treaty of Mutual Assistance from buying a particular consignment of arms. Did M. Jouhaux think that a country which accepted a disarmament programme under the Treaty of Mutual Assistance would suffer the Council to govern the details of its expenditure on armaments? This was a grave interference with the management by a State of its forces and munitions which no country would be likely to tolerate. The acceptance of such an article could not fail to militate against the signature of the Treaty of Mutual Assistance.

Sir James BRUNYATE asked whether there was not a certain unreality in discussing this matter after the observations that had been made at the morning meeting. Viscount Cecil had that morning proposed a scheme of publicity under which States Members of the League would communicate certain facts to the Council, whereas non-Members of the League would merely publish these facts. This was a recognition that there were two categories of States and implied that control by the Council could not be generally exercised. This view had been accepted by the members of the Commission, who would presumably wish to reserve their opinion on the present article.

The CHAIRMAN associated himself with the observations of Major Hills.

M. JOUHAUX said it had not been possible for him to accept the proposal which had been made that morning by Viscount Cecil. That proposal sought to introduce a dual system. It involved a distinction between States which was wholly inadmissible under the Covenant. Objection was taken to control by the Council. He would point out, however, that control had already been introduced in respect of the regional agreements to be concluded under the Treaty of Mutual Assistance. These agreements must be approved by the Council. The principle of control was thus admitted, and it was only logical that the Council, which controlled the treaties which might be deemed dangerous to the general welfare, should also control the traffic in arms, whereby a group of States might be able to obtain weapons of war.

33. Articles 6, 7, 8 and 9.

No observations.

SEVENTH MEETING

held on Thursday, February 7th, 1924, at 11 a.m.

34. Resolutions proposed by M. Jouhaux.

The CHAIRMAN opened the discussion on the following resolutions:

“(1) The Temporary Mixed Commission instructs the Secretariat to collect and publish, before the next Assembly, all the information which can be obtained from official and public documents regarding the imports and exports of arms and ammunition in States Members of the League of Nations and in non-Member States.”

“(2) The Temporary Mixed Commission recommends the Council to invite the Governments of States Members of the League to inform the Secretariat of all shipments of arms and munitions which cross their land and sea frontiers, whether under official licence or as non-controlled traffic, with a view to such information being published in the form of an annual report for submission to the Assembly of the League of Nations.”

The Chairman thought that it would be more logical to submit both these resolutions to the Sub-Commission.

M. JOUHAUX pointed out that all the members of the Commission who had so far spoken had accepted in principle these two resolutions. A distinction, however, had been drawn between the first resolution, which, in his opinion, could be immediately adopted, and the second resolution, which raised a new principle and might, therefore, be submitted to the Sub-Commission.

M. BRANTING supported M. Jouhaux's proposal. In his opinion, the Commission could immediately adopt the first resolution, by the terms of which the Secretariat was simply instructed to obtain the information indispensable to the work of the Commission.

Viscount CECIL also approved M. Jouhaux's proposal.

The Marquis DE VITI DE MARCO was also of opinion that the first resolution could be immediately adopted, for it was the Secretariat's duty to collect the information in question.

With regard to the second resolution, by which Governments were requested to present a report, he desired to point out that this report would not in actual fact contain any additional information to that which would be obtained by the adoption of the first resolution.

The second resolution would, no doubt, prove of value when the Convention had been ratified, for the first article of the Convention would contain the points on which the reports of Governments should be based.

The Sub-Commission should, therefore, prepare two schemes: one of a general nature similar to that which had been already discussed by the Commission, and the other of a more limited type and concerned with the publication of information. This latter would prove more easy of acceptance, especially in the case of the United States of America.

The Commission adopted the first resolution and submitted the second to the Sub-Commission.

35. Draft Resolution of Viscount Cecil.

On the proposal of Viscount CECIL, the Commission submitted his draft resolution to the Sub-Commission. (See Minutes of Third Meeting, page 39.)

36. Procedure for drawing up a Draft Convention.

COUNT BONIN-LONGARE gave his general impressions on the three schemes which had been submitted to the Commission. Each of these schemes was worthy of its author, who could be described as having done good service to the League of Nations. It should, however, be recognised that many of the provisions contained in these schemes were at the moment difficult to apply. Account should be taken of new responsibilities which would fall upon Governments, although it should always be remembered that the Commission had the duty to take a step forward and be prominent in the launching of new ideas. He had only abstained from making any comments during the discussion in order not to delay the work of the Commission, and also because that work at the moment consisted in holding a preliminary examination of the schemes which would be re-submitted to the full Commission after they had been examined by a sub-commission. But it must be clearly understood that this in no way implied that he accepted the proposed measures. He regarded himself as entirely free to discuss them in their entirety when they came again before the Commission.

M. LEBRUN informed the Commission that at its meeting of that morning the Sub-Commission had decided to draw up a scheme which should take into account the Convention of St. Germain, the schemes presented by the members of the Commission, and the suggestions made during the course of the discussion. This new text would be submitted to the full Commission, which could pass it on to the Permanent Advisory Commission. (See Document 5, page 69.)

EIGHTH MEETING

held on Thursday, February 7th, 1924, at 4 p.m.

37. Declaration by the Representative of the United States of America.

Mr. GREW made the following declaration:

"In view of the decision of the First Sub-Commission, whose sessions I have been invited to attend, to meet at a later date in another place, permit me very respectfully to say that I must reserve the decision of my Government with regard to participation. Should my Government be in a position to participate, I have no doubt that I shall be authorised to inform the Commission in due course.

"In any case, whether we are able to participate or not, I have not failed to note the specific suggestions made in this Commission that those States which were unable to ratify the Convention of Saint-Germain should state their objections. In view of these suggestions, may I once more remind the honourable members that the objections of my Government were, at the request of the Council, conveyed to the Secretary-General by my Government in its note of September 12th last and that the text of that note has been circulated to the Commission. For the possible consideration of the Sub-Commission I may be permitted to point out, among other matters, that, in the opinion of my Government, according to the terms of that note, the Convention of Saint-Germain was not drawn in a way effectually to limit armaments; it imposed on the signatories no restriction on the supply of arms and munitions among themselves. So far as my Government is concerned, I am aware that there is particular objection to any provisions by which the High Contracting Parties would be prohibited from selling arms and ammunition to States not parties to the Convention. By such provisions the Government of the

United States would be required to prevent all shipment of military supplies to such countries in Latin America as had not signed or adhered to the Convention, however desirable it might be to permit such shipments. In connection with matters of administration, the fact that the United States is not a member of the League of Nations or of the Permanent Court of International Justice will, I hope, be given consideration by the Sub-Commission.

"My Government has already shown its cordial sympathy with any efforts suitable to restrict the traffic in arms and munitions of war. As evidence of its interest in the matter, it may be recalled that, by a joint resolution by the Congress of the United States, approved April 22nd, 1898, and amended March 12th, 1912, the following provision was made with respect to the regulation of the shipment of arms from the United States:

"That, whenever the President shall find that in any American country conditions of domestic violence exist which are promoted by the use of arms or munitions of war procured from the United States and shall make proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President shall prescribe, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or Congress."

"By a further resolution approved January 31st, 1922, this provision of law was extended so as to include any country in which the United States exercises extra-territorial jurisdiction. It is also the policy of the United States Government to restrict the sale of Government supplies of arms and ammunition.

"As a matter of fact, the Government of the United States is doing very little in supplying arms to other countries. In the Western Hemisphere, the matter is under strict control through the power vested in the President. So far as universal publicity is concerned, I personally believe that we should warmly welcome it. If steps are taken which in a substantial way will restrict the traffic in arms, with the purpose of effectually reducing the implements of war, I am aware that my Government will take under most careful consideration any such arrangement and that it will be ascertained as speedily as possible whether legislation which would be necessary to carry it into effect can be obtained from the Congress.

"It only remains for me, Mr. Chairman, to express to you and to the other honourable members of this Commission my full appreciation of the courtesies extended to me here."

Viscount CECIL thought that the declarations of Mr. Grew were of great interest and hoped that the Sub-Commission would recognise their importance. The United States exported relatively small quantities of arms and munitions. This, however, was not the essential point. The Convention would remain inoperative, and the rivalry in armaments would continue as long as there were countries not adhering to the Convention. In any case, the words of Mr. Grew were encouraging, and he would express the wish that the United States might, if possible, be represented by Mr. Grew himself in the Sub-Commission. If the scheme framed by the Sub-Commission was to be acceptable to the United States, it was necessary that this country should be represented by a responsible delegate who would be in a position to inform the Sub-Commission whether their recommendations were in the right direction.

The CHAIRMAN also thanked Mr. Grew for his important communication and associated himself with the wish expressed by Viscount Cecil.

38. Examination of the Draft Resolution presented by M. Lebrun.

The CHAIRMAN reminded the Commission of the proposal presented by M. Lebrun at the previous meeting:

"Considering that, for any organisation for the control of the traffic in arms, it is essential, in order to avoid giving rise in practice either to deliberate misinterpretation or to doubt, that a list of the articles to be controlled should be prepared,

"The Temporary Mixed Commission is of the opinion that the Permanent Advisory Commission should be requested to draw up, *for the express purpose of organising a control of the traffic in arms in time of peace*, a list corresponding to the present state of military knowledge: (1) of arms and munitions of war; (2) of arms and munitions for purposes of sport."

M. COBIAN asked whether M. Lebrun had any objection to substituting for the last sentence the following amendment: "of other kinds of arms and their ammunition".

This amendment would avoid any discussion on the definition of arms for purposes of sport.

Viscount CECIL suggested that the first paragraph of the proposals made by M. Lebrun should be omitted.

He further pointed out that some doubt had been expressed in the Commission as to whether a list enumerating the articles to be controlled or a description of these articles by categories was preferable.

He would also suggest that the words "in time of peace" should be omitted from the second paragraph of the proposal. He did not think it desirable that the scope of the resolution should be limited to time of peace.

The CHAIRMAN hoped that M. Lebrun would accept the suggestions of Viscount Cecil. He reminded the Commission of its decision to avoid at this stage the formal voting of resolutions on the questions referred to the Sub-Commission.

M. LEBRUN said he was prepared to accept the suggestions of Viscount Cecil. He also accepted the amendment of M. Cobian for the suppression of the words "*à feu*" in the second paragraph.

39. Resolution adopted by the Commission.

The proposal of M. Lebrun was adopted in the following terms:

"The Temporary Mixed Commission is of opinion that the Permanent Advisory Commission should be requested to draw up, *for the express purpose of organising a control of the traffic in arms*, a list corresponding to the present state of military knowledge: (1) of arms and munitions of war; (2) of other kinds of arms and their ammunition.

Major HILLS said that the proposed list would be of great value to the Sub-Commission, and enquired when the Permanent Advisory Commission would be likely to deal with the matter.

Colonel LOWE enquired whether the Permanent Advisory Commission was being invited to draw up a list confined to arms and ammunition or whether it was intended that the list should cover munitions of war generally.

Viscount CECIL and M. LEBRUN replied that a list was desired which would include munitions of all kinds.

Colonel REQUIN said that this question had already been discussed in the Permanent Advisory Commission, which did not feel that the list would be immediately necessary for the work of the Sub-Commission. The Permanent Advisory Commission did not propose in the ordinary course to meet until May, and he did not think that a special session was necessary to deal with this particular business.

The CHAIRMAN said that it was impossible to fix a date for the completion of the list. The Commission could only express the hope that it would be compiled as soon as possible.

Major HILLS said that, as the list would not be ready for some time, it was essential that there should be no misunderstanding as to the scope of the proposed convention. It must be clearly understood that the list would include all objects used for purposes of war.

The Commission agreed.

40. Reference of the Draft Conventions to the Sub-Commission.

The SECRETARY read the following resolution presented by Viscount Cecil:

"The Temporary Mixed Commission refers the Convention of St. Germain and the two draft conventions presented by Admiral de Magaz and M. Jouhaux to the First Sub-Commission for examination, and requests the Sub-Commission, having in view the discussions on the subject which have taken place at this session, to present a draft convention for the consideration of the Temporary Mixed Commission at its next session.

"It also refers to the same Sub-Commission the draft convention presented by Colonel Carnegie and requests the Sub-Commission to present a draft convention on this subject."

Viscount CECIL, referring to the first paragraph, said it was understood that the Commission would forward for examination to the Sub-Commission the draft resolution presented by himself. It would forward also the resolution of M. Jouhaux to the effect that the Council should invite the Governments Members of the League of Nations to inform the Secretariat of all the operations connected with the traffic in arms and munitions taking place over their frontiers.

M. HODAC, referring to the concluding words of the second resolution relating to the private manufacture of arms, thought that it would be preferable to ask the Sub-Commission at this stage merely for a report on the draft convention presented by Colonel Carnegie, leaving it open for the Commission to propose or not to propose a convention on the subject.

Viscount CECIL pointed out that the Commission was bound to ask the Sub-Commission to present a draft convention by the terms of the resolution of the Assembly. The Commission must have a text as a basis for its subsequent discussions.

The CHAIRMAN, referring to the resolution of the Assembly, reminded the Commission that it was recommended by the Assembly to prepare a draft convention in collaboration with the Economic Committee.

The resolution was adopted.

Document 3.

DRAFT CONVENTION FOR THE CONTROL OF THE INTERNATIONAL TRAFFIC IN ARMS, MUNITIONS AND IMPLEMENTS OF WAR

*Submitted by Admiral the Marquis de Magaz to the Temporary Mixed Commission
(January 21st, 1924).*

PREAMBLE.

The Council, acting in pursuance of a recommendation of the Assembly, has invited our Commission to prepare draft Conventions in such a form that they might be accepted by the Governments of all countries which produce arms and munitions of war. We have also been asked to make alternative proposals for a Convention or Conventions which might be adopted by some of the producing Powers, even if the others refused their co-operation.

In preparing the following draft, account has been taken of both the above recommendations. Care has been taken to avoid the insertion of any clause which might render it difficult for the Government of the United States to ratify the Convention, while at the same time the draft has been conceived in such a way that it could, if necessary, be ratified by all the producing countries, even if the United States should refuse to adhere to it.

1. *Classification of the Material under Consideration.*

As it is necessary to control the traffic in arms of a certain type, it becomes necessary to control the traffic in all other types of arms, if only to ensure that there shall be no evasion of the measures adopted. However, as the regulations will differ in different cases, it becomes necessary to classify the material. The investigations which have been conducted by the two Commissions of the League of Nations do not appear to lead to any definition of war material which would be precise and at the same time general in its character. In the draft which follows, the plan of definition by enumeration has therefore been adopted. The draft does not discuss the method which might be employed in drawing up this enumeration, for it seemed better to leave this minor point for consideration at a subsequent stage. It was thought desirable to include two other categories, to cover the cases of arms used respectively for sport and for personal defence, since the problems arising in this respect, for purposes of internal security, on the one hand, and of their use for war purposes, on the other hand, are evidently of a different nature.

2. *Central International Office.*

The article in the draft which refers to the Central International Office (Article 2) does not differ substantially from the corresponding article in the Convention of St. Germain, except that all reference to the League of Nations has been omitted in order to eliminate one of the objections raised by the United States. It is for the same reason that in Article 12 the organisation of the Central International Office is entrusted to the Belgian Government, which has been selected because the existence of the Bureau at Brussels gives it an historical interest in this question.

3. *Regime adopted for Material in the First Category.*

This regime is based on the principle of allowing no traffic to be conducted by the Governments. The United States had raised an objection to the corresponding provision which appeared in Article 1 of the Convention of St. Germain and which only allowed exports "to meet the requirements of their Governments or those of the Government of any of the High Contracting Parties" on the ground that "by such provisions the Government of the United States would be required to prevent shipments of military supplies to such Latin-American countries as have not signed or adhered to the Convention".¹ This objection has been met in the draft which follows, since, though it provides that the High Contracting Parties shall only allow traffic in material of the first category if it is conducted by the Governments, no distinction is made between "a Government of a High Contracting Party" and "a Government of a non-High Contracting Party".

However, in order to make the regime more effective and also to enable the Convention to be ratified by some of the producing States, even if other States fail to ratify, Article 5 has been

¹ Letter from the United States Government dated September 12th, 1923.

framed so as to prohibit the import of war material consigned to purchasers other than the Government. This places all the producing countries, whether adherents or otherwise, on the same footing in regard to all the territory in which the Convention is in force, and it leaves no advantages to producing countries which are not adherents except in regard to exports to non-adherent consuming States. In view, however, of the advantages which these countries would obtain by keeping direct Government control over all the importation of arms into their territories, it is more than probable that this advantage will tend to disappear.

4. *Regime adopted for Material in the Second and Third Categories.*

The main principle of this regime is to ensure efficiency in the control of material of the first category and in maintaining the internal security of the States concerned.

5. *General Provisions.*

The object of these provisions is to ensure uniformity of application of the Convention and effective ratification.

DRAFT CONVENTION FOR THE CONTROL OF THE INTERNATIONAL TRAFFIC
IN ARMS.

The High Contracting Parties, being desirous of establishing an international regime to control the traffic in arms, have agreed on the following provisions:

Article 1.

The present Convention shall apply to three categories of material, arms and munitions, namely:

Category 1. — To war material, which term shall be understood, for the purposes of this Convention, to include all arms, munitions, chemical products and other objects appearing in the list annexed to the present Treaty. Modifications, in the form of additions to, omissions from or interpretations of this list, may be made at any time at the request of a High Contracting Party and shall become binding on all the High Contracting Parties as soon as they have been ratified by two-thirds of them.

Category 2. — To sporting weapons and ammunition, which expression shall be understood, for the purposes of this Convention, to mean all arms, ammunition and similar material which do not appear in the annex referred to in the last paragraph and which are recognised as such by the national sporting associations recommended for the purpose by at least half the Governments of the High Contracting Parties.

Category 3. — To other arms, including, in particular, pocket fire-arms employed for personal defence, etc.

Article 2.

A Central International Office shall be established for the purpose of collecting and preserving documents of all sorts exchanged by the High Contracting Parties with regard to the trade in and distribution of the arms and ammunition specified in the present Convention.

Each of the High Contracting Parties shall publish an annual report showing the imports and exports of arms of all kinds which have taken place through its Customs offices, specifying the place of departure and destination and the quantities and nature of the material thus imported or exported. Each of the High Contracting Parties shall send this report in triplicate to the Central International Office.

FIRST CATEGORY.

Article 3.

The High Contracting Parties undertake not to permit the sale or export of material of the first category, except to Governments recognised by at least half of the High Contracting Parties.

Article 4.

Material of the first category shall be exported by virtue of a licence issued to the exporter by the exporting High Contracting Party. If the exporting High Contracting Party is not the State in whose territory the material has been manufactured, the export licence must contain all the data necessary in order to trade, for the purposes of this Convention, the movements of the material in question from the time of its leaving the factory until it was acquired by the exporter.

The export licence must contain a certificate from the diplomatic or consular representatives of the purchasing Government, granting the exporter official authorisation to proceed with the export on behalf of the said Government.

Article 5.

With a view to rendering more effective the supervision of the limitations placed on export and sale by Article 3, the High Contracting Parties undertake to prohibit the import of material

of the first category, with the exception of material acquired for the Government of the High Contracting Party concerned.

SECOND CATEGORY.

Article 6.

The High Contracting Parties undertake to prohibit the sale of material of the second category by any person not furnished with a licence issued by the proper authorities. The latter shall only issue such licences to persons who can show that they belong to sporting associations recognised by the competent authorities of the High Contracting Party concerned.

Article 7.

The High Contracting Parties undertake not to allow material of the second category to be exported except by persons holding a licence issued by the competent authorities of the exporting High Contracting Party. This licence must include an authorisation to import issued by the Government which exercises sovereignty over the territory of destination.

Article 8.

Each High Contracting Party shall draw up authentic copies of the export licences referred to in the two preceding articles with a view to the transmission of copies to the High Contracting Party which exercises sovereignty over the territory of destination and to all the Governments, whether of High Contracting Parties or not, through whose territory the material would have to pass in transit. These copies must be despatched in sufficient time to enable the Governments to supervise the transport of the material.

THIRD CATEGORY.

Article 9.

The High Contracting Parties undertake to exercise strict supervision over the national and international traffic in arms of the third category and to take all necessary measures to prevent illicit stocks and traffic.

Article 10.

With the above object in view, the High Contracting Parties undertake:

To provide for close co-operation among the respective national administrations and between these administrations and the international office referred to in Article 2;

To institute a system of registration and licences which shall make it possible at any time to trace arms which are in the possession of individuals;

To communicate to each other and to the international office referred to in Article 2 any information calculated to facilitate this control.

Article 11.

The High Contracting Parties undertake to apply to arms in the third category the regime laid down in Articles 7 and 8 of the present Convention in regard to arms of the second category.

GENERAL PROVISIONS.

Article 12.

The High Contracting Parties undertake to assist each other mutually in bringing to light any infractions of the rules of this Convention. They recognise in advance the jurisdiction of the Permanent Court of International Justice for any international investigations concerning negligence or connivance on the part of a Government administration concerned with these matters. They further undertake to impose penalties of a uniform character on their nationals (individuals, associations or firms) who may be found guilty of violating the national laws passed in execution of the provisions of the present Convention. These penalties shall be codified by common agreement between the national administrations, and the code shall appear as an annex to the present Convention.

Article 13.

The present Convention shall come into force when it has been ratified by four of the States mentioned in the Covenant of the League of Nations as permanent Members of the Council and by sixteen other States. The international office referred to in Article 2 shall be organised by the Belgian Government as soon as the Convention has been thus ratified.

Article 14.

The duration of the present Convention shall be for fifteen years. It shall remain in force for all States which have not notified the international office of their intention to denounce it two years before the expiration of the above period, unless, as a result of successive denunciations, the number of High Contracting Parties shall have been reduced to ten, including two of the nations entitled, under the Covenant, to be permanently represented on the Council.

Document 4.

DRAFT CONVENTION RELATIVE TO THE CONTROL OF THE INTERNATIONAL TRADE IN ARMS, MUNITIONS AND IMPLEMENTS OF WAR, TOGETHER WITH COVERING LETTER, EXPLANATORY MEMORANDUM AND MEMORANDUM CONTAINING A DRAFT RESOLUTION

Submitted by M. Jouhaux to the Temporary Mixed Commission (January 28th, 1924).

[*Translation.*]

LETTER FROM M. JOUHAUX.

Geneva, January 28th, 1924.

I have the honour to forward to you, on behalf of the Workers' Group, two documents which I request may be circulated as early as possible to the members of the Commission, so that they may be discussed at the session which is due to begin on February 4th next.

These documents are:

(1) Draft of a Convention for regulating the Control of the Traffic in Arms and Munitions. In conformity with the decision adopted by the last Assembly, the Workers' Group is submitting a draft Convention to the Temporary Mixed Commission. This Convention aims at establishing a complete system of Government licences, which would in turn be subject to a public international control. This international control should, in the view of the Workers' Group, be exercised by the Council of the League of Nations, which is entrusted by the Covenant with the duty of formulating a programme for the reduction of armaments and of seeing that it is carried into effect, in order to ensure the maintenance of the peace of the world.

(2) A draft resolution, which should render it possible, without waiting for the signature and ratification of the draft Convention by the Governments, to obtain the immediate publication of all the facts relating to the traffic in arms and munitions.

The intention of the Workers' Group is that the results of this publication should be submitted each year to the Assembly of the League of Nations, so that they may be freely discussed under circumstances affording every guarantee of publicity.

By the resolutions adopted by the last Assembly, the Temporary Mixed Commission was instructed to draw up, in co-operation with the Economic Committee, a draft Convention for the control of the private manufacture of arms and munitions, which might be subsequently discussed by the international Conference to be convened by the Council.

The scheme which the Council and the Assembly had in view was the draft which had been prepared by Sir Hubert Llewellyn Smith and which had been adopted in principle by the Temporary Mixed Commission.

The Commission has, however, before it a second draft treaty submitted by Colonel Carnegie, which further elaborates some of the principles in Sir Hubert Llewellyn Smith's project. The Commission will therefore have to decide on the final text which is to be transmitted to the Economic Committee.

The Workers' Group intends to propose the prohibition of the private manufacture of arms and munitions, as it considers that this is the only way of preventing the evil effects attendant on their manufacture.

The Workers' Group, however, desires to point out that Colonel Carnegie's scheme would not suffice to produce the results which its author has in view (*i.e.*, to prevent the evil effects attendant on the private manufacture of arms and munitions). Indeed, the Workers' Group considers it essential, for this purpose, to give the State which is responsible definite and effective control over the armaments firms, to ensure the fullest publicity for the manufacturing licences granted by the State, and to provide for the auditing of the accounts and the detailed financial statements of the producing firms.

Finally, it also appears essential that all the documents relating to this control and private manufacture should be forwarded to the Council of the League of Nations, which alone possesses complete information on the subject, and is therefore alone in a position to say whether the conditions accepted by the States which have signed the Covenant, the Treaties of Peace and eventually the Treaties of Assistance, have been observed.

(Signed) E. JOUHAUX.

I. CONTROL OF TRAFFIC IN ARMS.

Explanatory Memorandum.

The Fourth Assembly of the League of Nations, being desirous of reaching some international solution of the problem of the traffic in arms, voted a resolution to the effect that:

"The Temporary Mixed Commission should be requested to draw up the draft Convention or Conventions in such a form that they might be accepted by the Governments of all countries which produce arms or munitions of war.

"The Temporary Mixed Commission should, however, also make alternative proposals for a Convention or Conventions which might be adopted by some of the producing Powers if others refused their co-operation."

In this way the Fourth Assembly expressed its desire to obtain a partial solution of the problem if an international solution could not be reached. The Covenant, moreover, imposes such action as a moral obligation. Article 8 actually lays down that:

"The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented."

It is laid down, moreover, in paragraph 6, Article 8, that the Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military and naval programmes and the condition of such of their industries as are adaptable to warlike purposes.

Finally, Article 10 of the Treaty of Mutual Assistance lays down that each of the High Contracting Parties undertakes to furnish such information with regard to its armaments as the Council of the League may request.

If the object is to lessen the evil effects referred to and diminish that distrust between States which leads to war, the control of the private manufacture of arms and the international traffic in arms represents the least that can be attempted, and should be attempted without delay, in order to ensure the maintenance of world peace.

Increase of armaments, rivalry between manufacturers, distrust magnified by ignorance of the conditions of the traffic in arms and of their manufacture, all constitute a grave menace of war which must be dispelled.

Under the Treaties of Peace, private manufacture of arms is forbidden in Austria, Bulgaria, Hungary, etc., and is restricted in Germany. Moreover, the Treaties absolutely prohibit the importation of arms and munitions into these countries.

How in these circumstances can the other States any longer refuse to agree to the mere control of the private manufacture of and traffic in arms?

Large manufacturing interests must no longer be allowed to influence and deceive public opinion through the Press. To prevent them from creating an atmosphere of distrust, and to put an end to all their machinations, it is indispensable that the public should have precise information concerning the traffic in arms and their manufacture. Private interests must not be allowed to exert an influence which is detrimental to the cause of peace, and to the interests of all mankind. Increased expenditure on armaments must not be allowed to provide greater profits to manufacturers, and the latter must be prevented from undertaking campaigns, based on false reports, concerning the armaments of one country with a view to provoking an increase of armaments in other countries. Inflammatory statements, false alarms and panic-mongering, which have been permitted in the past because the private manufacture of arms has never been controlled, must be put an end to, without further delay, in the interests of the world's peace.

The regulation of the private manufacture of arms is therefore absolutely necessary. It must be carried out in conformity with the Covenant and the Treaty of Mutual Assistance, with a view to diminishing distrust between States, preparing the way for moral disarmament and furthering that general reduction of armaments which it is the duty of the League to obtain.

The following are the main points of the draft Convention for the control of the traffic in arms which accompanies this memorandum:

Under the terms of Article 1: The High Contracting Parties undertake to submit the traffic in arms and munitions to international control, whether such arms are intended for war or sport, provision being made for the classification of these arms by the Permanent Advisory Commission and the modification by it of such lists as may be drawn up. *Control applies without distinction to private manufacture and State manufacture, this being indispensable if control is to be effective.*

Under the terms of Article 2: The arms or munitions of war may only be sold, *either by States or by private individuals*, to Governments purchasing through the agency of regularly accredited buyers who are recognised by the Government of the country in which the seller has his domicile. *There is no reason why States which manufacture or trade in arms should not be subject to the same regulations as private industry and trade.*

In the case of sporting arms and ammunition, the buyer must obtain an import licence issued by the country in which he resides.

Under the terms of Article 3: The exportation of arms and munitions of war, *whether manufactured by the State or by private enterprise*, is to be subject: (a) to a licence which may only be

granted to a Government mentioned in the licence; and (b) to documents establishing the *bona fides* of the buyer, who must be, like the consignor, a duly accredited representative of the Government.

In the case of sporting arms, *whether manufactured by the State or by private enterprise*, an export licence is only to be issued on production of a declaration by the War Ministry of the exporting country certifying that the arms are really intended for sport and not for purposes of war.

In both cases these licences, drawn up by the Permanent Advisory Commission of the League of Nations, must also include all necessary information concerning the buyer, the seller, the nature of the goods, the station of consignment, the route by which the goods are to be forwarded, etc.

Under the terms of Article 4: The licence is to be made out in quadruplicate, one copy being sent by the despatching State to the Secretariat of the League of Nations, one month prior to the date on which the goods are expected to cross its frontier; the second copy is for the despatching State; the third is to accompany the goods; and the fourth is to be forwarded to the importing State, which undertakes, if it is one of the High Contracting Parties, to forward the copy in question to the Secretariat of the League of Nations within one month after the date on which the goods cross its frontier.

Under the terms of Article 5: The Secretariat is to publish in the *Official Journal* of the League of Nations all necessary information concerning these licences and the Council of the League of Nations is, further, to have the right to supervise the movements of arms in order that it may draw up a programme for disarmament and see that it is executed in practice.

Under the terms of Article 6: When weapons of war or sporting arms are unloaded, except in cases of *force majeure*, guarantees are to be afforded that the goods re-loaded correspond exactly to those mentioned in the export licences.

Articles 7, 8 and 9 prohibit the transit of arms and munitions; enjoin the refusal of export licences for arms of war to all persons who are not accredited by the Governments or to representatives of countries declared to be covenant-breakers; and finally, stipulate that the Secretariat of the League of Nations shall publish an annual report on the traffic in arms and munitions, to be submitted to the Assembly of the League of Nations for approval.

To sum up: the general lines of the scheme contained in the draft Convention attached hereto concerning the traffic in arms are in conformity with the Covenant of the League of Nations.

II. DRAFT CONVENTION FOR THE CONTROL OF TRAFFIC IN ARMS.

Submitted to the Temporary Mixed Commission by M. Jouhaux, M. Oudegeest and M. Thorberg.

Article 1.

The High Contracting Parties undertake to subject to international control the traffic in arms and munitions of all kinds, whether complete or in parts and *whether manufactured by the State or by private industry*, and for this purpose they have laid down the following definitions:

The term "*arms of war*" shall apply to artillery of all kinds;
Apparatus for the discharge of all kinds of projectiles, explosive or gas-diffusing;
Apparatus for the discharge of poisonous gas;
Flame-throwers, bombs, grenades;
Machine-guns and rifled small-bore breech-loading weapons of all kinds;

And, further, all arms, munitions and similar objects which may subsequently be added to this list by a decision of the Permanent Advisory Commission of the League of Nations, adopted by a three-fourths majority.

The term "*sporting arms*" shall apply to all arms not referred to in the previous paragraph.

The control shall also be exercised over ammunition intended for the arms in the above categories.

Article 2.

The High Contracting Parties *undertake to abstain*, and to prohibit all persons or groups of persons, whether individuals or firms, which manufacture or trade in arms in their respective territories, from engaging in the sale of arms or munitions of war to any persons or groups of persons, whether individuals or firms, other than Governments purchasing through the agency of regularly accredited buyers. The powers of such agents must be recognised as being in good and due form by the Government of the High Contracting Party in which the vendor has his domicile. The said agents must give details of purchases which they are authorised to effect and must certify that the goods are bought on behalf of the Government in question.

As regards purchases of sporting arms and ammunition, the buyer must be provided with an import licence issued by the Government of the country in which he resides specifying in detail the goods which he is authorised to import.

Article 3.

The High Contracting Parties undertake to subject the export of arms and munitions of every description, *whether bought, sold or manufactured by the State or by private enterprise*, to a system of licences which shall conform to the following conditions:

(1) The buyer must be provided with an export licence issued by the Government of the exporting country; a licence shall be required for each consignment and no shipment of arms can be considered as a "consignment" unless it is despatched to a single consignee and is entered in a single traffic document (waybill for shipments by land or air, freight-note for shipments by sea).

(2) In the case of arms and munitions of war, the licence shall only be issued under the conditions laid down in Article 2 and shall specify the Government to which the goods are consigned and the documents accrediting the buyer — who must be the consignor — as the duly authorised agent of the said Government.

(3) In the case of sporting arms or ammunition, no licence can be issued except on production of a declaration by the War Ministry of the exporting country certifying that the arms or munitions in question are not arms or munitions of war, according to the definition given in the present Convention.

The High Contracting Parties further reserve their right to judge for themselves — having regard to the size of the consignment, the address to which they are consigned, and the other circumstances attending their despatch — as to the purpose for which the arms or munitions are intended and to decide in each individual case whether or not a licence should be granted.

(4) Export licences issued by the High Contracting Parties shall be drawn up in accordance with a uniform model to be prepared by the Permanent Advisory Commission of the League of Nations.

(5) In addition to the particulars referred to above, the licences shall include:

- (a) The name and address of the manufacturer or manufacturers;
- (b) The name and address of the vendor or vendors;
- (c) A detailed description of the arms and munitions, their number, weight, and any other data necessary for determining exactly to which category they belong;
- (d) The purchasing country, in the case of arms of war, and the country of residence of the buyer, in the case of sporting arms;
- (e) The last port or station of consignment;
- (f) The route or method by which the goods were forwarded;
- (g) The heading under which the arms composing the consignment should appear in the export statistics of the exporting country;
- (h) Any further information which the exporting country may see fit to enter.

Article 4.

This licence shall be made out in quadruplicate, one copy being retained by the despatching State and a second being sent by that State to the Secretariat of the League of Nations one month prior to the date on which the goods are expected to cross the frontier; the third copy shall be delivered to the purchaser's agent and shall accompany the goods; the fourth copy shall be forwarded by the despatching State to the importing State; the latter, if one of the High Contracting Parties, shall undertake to forward it to the Secretariat of the League of Nations within one month after the date on which the goods were imported and to insert in it the heading under which the imported goods will appear in its own import statistics.

Article 5.

The Secretariat shall communicate to the Council a copy of the licence forwarded to it by the despatching State and shall publish it forthwith in a special Supplement to the *Official Journal* of the League of Nations.

The Council, having been entrusted with the duty of formulating a programme for disarmament and of ensuring its execution, shall be entitled to supervise all movements of the traffic in arms from the point of view of the obligations incurred by the purchasing State under the Covenant, the Treaties of Peace, or the general Treaty of Assistance.

The movement of the traffic in question shall not be finally effected until the Council has given its decision, it being, however, understood that the decision shall be taken within a maximum period of three months.

Article 6.

It shall be forbidden, in principle, to unload the goods specified in Article 1 of the present Convention in course of transportation; and the High Contracting Parties undertake to prohibit such unloading in their respective territories, irrespective of the country from which the goods have come or to which they are consigned, except when it can be proved that unloading was necessitated by *force majeure*.

Whenever goods are unloaded in course of transportation, no matter for what reason or for what period, the following procedure shall be observed:

The copy of the export licence, which, as laid down in the previous article, is in the possession of the purchaser's agent and accompanies the goods, shall be endorsed by the authorities of the transit State in which the goods are unloaded; these authorities must certify that the goods, when reloaded, correspond exactly with the detailed description given in the export licence. If the goods are unloaded within the territory of a transit State, the licence must be endorsed by the local authorities at the spot where the unloading takes place and also by the Customs authorities of the station or port through which the goods leave the territory of the said State.

Article 7.

The High Contracting Parties undertake to prohibit the transit of the arms and munitions specified in Article 1 through their respective territories, unless they are accompanied by a licence made out in the proper form, as laid down above.

Article 8.

The High Contracting Parties undertake to refuse licences for the export of arms of war:

- (a) To persons or groups of persons, whether individuals or firms, who are not accredited representatives of the Governments;
- (b) To representatives of covenant-breaking States, declared to be such by the Council of the League of Nations.

Article 9.

The Secretariat of the League of Nations shall publish an annual report on the traffic in arms and munitions, the licences issued by the different Governments and the statistics of the arms traffic.

This report shall be submitted to the Assembly of the League of Nations.

III. TRAFFIC IN ARMS AND AMMUNITION.

As the first attempt to solve the problem of the traffic in arms and ammunition — *i.e.*, the Convention of St. Germain — had not proved successful, the Fourth Assembly adopted the following resolution and thereby gave a new direction to its efforts in this matter:

"The Assembly recommends that the Temporary Mixed Commission should be invited to prepare a new Convention or Conventions to replace that of St. Germain for the control of the traffic in arms.

"The Temporary Mixed Commission should be requested to draw up the draft Convention or Conventions in such a form that they might be accepted by the Governments of all countries which produce arms or munitions of war.

"The Temporary Mixed Commission should, however, also make alternative proposals for a Convention or Conventions which might be adopted by some of the producing Powers even if others refused their co-operation.

"The Assembly recommends that the Council should invite the United States Government to appoint representatives to co-operate with the Temporary Mixed Commission in preparing the draft Convention or Conventions."

When the Workers' Group of the Temporary Mixed Commission was considering the advantages or disadvantages offered by the two procedures indicated in the above resolution, *i.e.*:

1. General Conventions between all the countries which produce arms or munitions of war; and
2. Conventions which might be adopted by some of the producing Powers,

it was struck by the greater facilities which might be gained for the study of this question if exact data were available regarding the quantities and destinations of arms and ammunition exported without licences.

In the opinion of the Workers' Group, these data would make it possible to form a true estimate of the extent and character of the traffic in war material between the different countries and would facilitate the discovery of an international solution of this problem.

The Workers' Group believes that such a preliminary survey would give the Commission a most valuable insight into the conditions under which either of the two methods contemplated in the Assembly's resolution might be applied in practice. I therefore propose that the Commission should adopt the following resolution:

"The Temporary Mixed Commission instructs the Secretariat to collect and publish, before the next Assembly, all the information which can be obtained from official and public documents regarding the imports and exports of arms and ammunition in States Members of the League of Nations and in non-Member States."

This survey, which the Secretariat could prepare at once on the basis of the official statistics published by the Governments, might later on be rendered more complete by making use of information received directly from the Governments themselves or from any other reliable source—such as the balance-sheets of manufacturing firms and statistics of external trade, etc., showing the quantities of arms and munitions imported or exported across the frontiers. The Temporary Mixed Commission might also suggest to the Council that, pending the adoption of an international Convention on this subject, the States Members of the League of Nations should undertake to communicate to the Secretariat all facts relating to the international traffic in arms and munitions coming within their jurisdiction, with a view to their publication by the Secretariat in its annual report to the Assembly.

The Commission might therefore adopt the following resolution:

"The Temporary Mixed Commission recommends the Council to invite the Governments of States Members of the League to inform the Secretariat of all shipments of arms and munitions which cross their land and sea frontiers, whether under official licence or as non-controlled traffic, with a view to such information being published in the form of an annual report for submission to the Assembly of the League of Nations."

Document 5.

TEMPORARY MIXED COMMISSION FOR THE REDUCTION OF ARMAMENTS.

FIRST SUB-COMMISSION.

EXTRACTS FROM THE MINUTES OF THE SEVENTH SESSION,
held at Geneva, February 7th, 1924, under the Chairmanship of M. LEBRUN.

1. Next Session of the Sub-Commission.

The CHAIRMAN proposed that the Sub-Commission should meet in Paris, at a subsequent date, in order to give each of the members time to obtain the views of competent authorities and also to make a personal study of the question.

After an exchange of views, *the Sub-Commission decided to meet at the League of Nations Office in Paris on March 24th.*

2. Appointment of the Rapporteurs.

The CHAIRMAN proposed the appointment of a Rapporteur to prepare a general report based on the discussions of the full Commission.

Viscount CECIL considered it necessary for the Sub-Commission to decide at once on the text to form the basis of the preparatory draft in order to give the Rapporteur a line on which to work.

The Sub-Commission decided to appoint M. Dupriez and Major Hills Rapporteurs.

3. Trade in Arms and Private Manufacture.

Colonel LOWE thought that the Sub-Commission ought to decide whether the two questions (Traffic in Arms and Private Manufacture) should be treated together.

Viscount CECIL said that there was no question of dealing at the moment with anything but Traffic. Mr. Grew had only been authorised to take part in the discussion on Traffic; it was accordingly important to keep the two questions quite separate. It would be advisable to ask Mr. Grew if he could take part in the meetings of the Sub-Commission.

The CHAIRMAN proposed that the procedure adopted for the preparation of a draft on the Traffic in Arms should also be followed in the question of Private Manufacture.

Viscount CECIL said that he saw difficulties in preparing a draft on Private Manufacture before a decision had been reached on Traffic.

M. JOUHAUX said that the decision of the Council on Private Manufacture had been taken before the decision to send the question of Traffic in Arms to the Commission. He was very anxious that this dilatory procedure should not result in the question being buried.

Viscount CECIL assured him that he had no intention whatever of burying the question, but that the matter of Private Manufacture was much the more difficult. Opinions on this subject differed far more widely than on Traffic in Arms. It was therefore advisable to move with caution

The Sub-Commission decided to adhere to the procedure suggested by the Chairman.

4. Instructions for the Rapporteurs.

Discussion was opened as to the instructions to be given to the Rapporteurs concerning the work on the control of Traffic in Arms.

M. JOUHAUX urged that the Rapporteurs should simply prepare a summary of the discussions and of the general principles involved and should not attempt a new draft.

The RAPPORTEURS thought that their work should not be so restricted and demanded the right to present a preliminary draft as a basis for discussion.

M. JOUHAUX asked that the procedure followed in the drafting of the draft Treaty of Mutual Assistance should be adhered to in this case, namely, that the Rapporteurs should simply compare the available texts and try to reconcile them, but should not put forward a new draft.

The CHAIRMAN said that, in order to obtain a quick result, there must be a text on which to base the discussions and that it would be a good thing if the Rapporteurs could produce one, but that the Sub-Commission could always decide to work on another text. The text produced by the Rapporteurs need not be given special preference.

Viscount CECIL explained the position of the Sub-Commission in regard to the question of Traffic. The Assembly had recommended the Convention of St. Germain. The United States had refused to adhere to it. They had been asked to give their objections, and had done so.

The Assembly now asked the Commission to submit a draft which would meet the objections of the United States; it was therefore obvious that the Convention of St. Germain should be the basis of discussion and that it was for the Commission to try to find amendments which would make the Convention acceptable to all Governments. The duty of the Rapporteurs would be, therefore, to recast the Convention in the light of the general discussions at the plenary Commission and on the basis of the texts presented to them.

M. DUPRIEZ, Rapporteur, entirely approved Viscount Cecil's observation. The Convention of St. Germain contained 26 articles, four-fifths of which had not been under discussion. The Convention of St. Germain merely laid down general principles and gave no details concerning traffic between Governments of sovereign States. It was on these details that the drafts presented offered solutions.

M. JOUHAUX said that the Commission had not instructed the Sub-Commission to use the Convention of St. Germain as its basis.

Viscount CECIL repeated that the duty expressly laid down on the Temporary Mixed Commission by the Assembly was to find a way of inducing the United States to sign the Convention; to embark on an entirely new text would be to throw away the substance for a shadow. Search for an ideal should not prevent the members of the Commission from being practical.

M. JOUHAUX said that he had no intention of obstructing by insisting on his draft, but, as the Convention of St. Germain was a dead letter, it seemed to him essential to produce a new text. Before agreeing to amend the Convention, he wished to be certain that the objections submitted by the United States would be the only objections they would have to meet.

Major HILLS, Rapporteur, said that he would have preferred to present a new draft, but that he agreed to amend the Convention of St. Germain. He wished, however, to have his hands free on the questions of amendments to be introduced, as circumstances had changed considerably since 1919. In drafting these amendments, it was very important to take account of all the points raised by the general discussion.

The CHAIRMAN entirely agreed with Major Hills. *It was the duty of the Rapporteurs to prepare a preliminary draft as a basis for discussion by the Sub-Commission; the draft should be founded on the principles of the Convention of St. Germain, as modified in the light of the general discussion; it should take full account of the drafts presented by Admiral the Marquis de Magaz and by M. Jouhaux. The draft presented by the Rapporteurs would not, however, be given any special preference.*

Document 6.

REPORT BY M. BENES AND RESOLUTIONS ADOPTED BY THE COUNCIL ON MARCH 11th, 1924, ON THE CONTROL OF THE TRAFFIC IN ARMS AND AMMUNITION.

The Temporary Mixed Commission held its ninth session at Geneva from February 4th to 8th, 1924, and, in accordance with the Council's instructions, considered the question of preparing a draft Convention to replace the Convention of St. Germain.

The Council will appreciate the importance of the fact that a representative of the United States took part in the work of the Commission in connection with this problem.

The preparation of a Convention which will satisfy all Governments is a task which calls for long and patient study on the part of the Commission. The Commission had before it two drafts intended to replace or supplement Chapter I of the Convention of St. Germain, which relates to the general traffic in arms and ammunition between the High Contracting Parties. I think my colleagues will join with me in expressing the hope that, as the result of its investigations, the Commission will be able to propose the establishment of a simple and effectual system of control.

The Council will also agree that the Commission was well advised to adopt the resolution referred to in the Secretary-General's memorandum (C.54.1924.IX), whereby the Assembly will be able this year to gain some idea of the international traffic in arms. This preliminary stage is essential before any attempt can be made to solve the problem of control.

I therefore propose that the Council approve this resolution, which reads as follows:

"The Council, at the suggestion of the Temporary Mixed Commission, requests the Secretariat to collect and publish, before the next Assembly, all the information which can be obtained from official and public documents regarding the imports and exports of arms and ammunition in States Members of the League of Nations and in non-Member States."

The Commission also adopted the following resolution:

"The Temporary Mixed Commission is of the opinion that the Permanent Advisory Commission should be requested to draw up, for the express purpose of organising a control of the traffic in arms, a list corresponding to the present state of military knowledge:

- "(1) Of arms and munitions of war;
- "(2) Of other kinds of arms and ammunition."

In the course of its work the Commission was confronted by the difficulties inherent in reaching a definition of arms and munitions of war; it decided to ask for the technical opinion of the Permanent Advisory Commission on this point, and adopted accordingly the second resolution quoted above.

I would therefore propose that the Council should, in compliance with the request of the Temporary Mixed Commission, adopt the following resolution:

"The Council, at the suggestion of the Temporary Mixed Commission, requests the Permanent Advisory Commission to draw up, for the express purpose of organising control of the traffic in arms, a list corresponding to the present state of military knowledge:

- "(1) Of arms and munitions of war;
 - "(2) Of other kinds of arms and ammunition."
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Document 7.

TEMPORARY MIXED COMMISSION FOR THE REDUCTION OF ARMAMENTS.

FIRST SUB-COMMISSION

EXTRACTS FROM THE MINUTES OF THE EIGHTH SESSION,

Held in Paris, March 24th to 28th, 1924.

FIRST MEETING.

Held on March 24th, 1924, at 11 a.m., M. LEBRUN in the Chair.

I. General Discussion of the Report and Draft Convention submitted to the Sub-Commission by the Rapporteurs.

The Sub-Commission decided to begin at once with the general discussion on the report drawn up by the Rapporteurs (see Document 8, page 103).

Major HILLS (Rapporteur) made a rapid survey of the principles which had guided the Rapporteurs in the course of their labours. They had taken as a basis the Convention of St. Germain, amplifying it so as to cover every category of arms and modifying it so as to be acceptable to all States and, at the same time, to embrace the majority of the proposals contained in the drafts of M. Jouhaux and the Marquis de Magaz.

The chief modifications were:

- (1) The draft is made more explicit as to the different categories of arms to be controlled;
- (2) The draft authorises the sale of arms to such Governments as are recognised by one-half of the High Contracting Parties;
- (3) The terms of Article 5 are strengthened;
- (4) Under Article 9, a Central International Office is established charged with the collection of statistics of the traffic in arms;
- (5) Under Article 28, questions of the interpretation and the application of the Convention are to be referred to the Permanent Court of International Justice;
- (6) Under Article 32, it is provided that the Convention shall not come into force until it has been ratified by at least six of the great producing Powers (including Germany and Russia).

He concluded by saying that it had been the object of the Rapporteurs, while respecting the sovereignty of States in the greatest possible measure, to put a stop to the evil effects arising out of the traffic in arms.

Prince ARFA-ED-DOWLEH pointed out that the Convention of St. Germain had not been duly ratified by Persia, and once more asked that Persia should not be included in the territories placed under an exceptional regime.

M. COBIAN raised the fundamental objection that the Sub-Commission had been charged with the duty of replacing the Convention of St. Germain and not of amending it.

Viscount CECIL asked of the Persian delegate that the matter should be regarded from a practical point of view. If all States in the same position as Persia raised similar objections, there could be no question of control. In regard to what M. Cobian had said, the point raised was only a question of phraseology and the Convention to be drawn up would, in effect, be a new draft. As regards the creation of a Central International Office, a great difficulty arose owing to the terms of Article 24 of the Covenant. He suggested that this proposal should be withdrawn, adding that States non-Members of the League of Nations could communicate their documents to some Government (a non-producing State, for instance) instead of to the League of Nations.

He added that the article of the Convention covering the case of States which had broken the terms of the Covenant was superfluous in view of the terms of Article 16 of the Covenant.

He made reservations as to the provision for supplies to Governments recognised by half of the High Contracting Parties, and observed, in conclusion, that the draft must allow Governments to grant, in war-time, licences to individuals to export arms to belligerent countries if this did not infringe rules of neutrality.

M. JANCOVICI remarked that, while the Rapporteurs had displayed great ingenuity, they had lost sight of the principal object, *i.e.*, to consolidate peace and diminish the likelihood of war. The draft established two distinct regimes: an exceptional regime, in which there is a severe control, and a common regime, where the control is illusory. In regard to the second and third categories of arms, there is complete freedom of traffic; for the first category, the control is limited to forbidding the arming of rebels in the territory of signatory States, while at the same time placing no restriction on the armament of the nations themselves.

The office provided for in Article 9 would be an organ for the collection of statistics which have no salutary value. Moreover, the League of Nations would remain entirely outside this Convention except for the registration of statistics. The draft remained, then, reduced to its title. The two other drafts, those of M. Jouhaux and Admiral de Magaz, conformed to the object inscribed in their title.

The Marquis DE VITI DE MARCO pointed out that the mandate of the Sub-Commission was not to make a new Convention but to render the Convention of St. Germain acceptable to all Governments.

As regards the point raised by the Persian delegate, the Sub-Commission had no authority to discuss Article 6. He thought that the United States would raise no objection to communicating their figures to the Central International Office, as this would involve merely a measure of control. Replying to Viscount Cecil, he observed that a State must always be responsible in war-time for its actions as regards the supply of arms, and proposed that the Convention should be limited to peace-time. He asked the representative of the United States to be good enough to clearly inform the Commission of the views of his Government.

M. JOUHAUX associated himself entirely with the reserves made by M. Cobian and M. Jancovici. He laid stress on the point that the Sub-Commission had as its mandate the replacement of the Convention of St. Germain. Moreover, he thought that one could give satisfaction to American public opinion and take into account the objections put forward by the United States Government and Mr. Grew. The United States Government had itself remarked that the Convention of St. Germain instituted no efficacious control over the traffic in arms. He himself found it extremely impolitic to go outside the limits established by the League of Nations. Speaking for himself, it seemed necessary to know whether it was desired to draw up an instrument of peace—in that case it was essential to stop manufacture—or whether it was desired to give purely formal satisfaction to public opinion. He did not insist that his draft should be discussed in preference to any other. He was ready to assist in any labour which had as its principles those which he had just mentioned. But he declined to take any measure of responsibility for a draft which would not entirely satisfy public opinion.

M. FABRY pointed out that there was a certain measure of confusion in regard to the object to be attained. The control in the traffic in arms was but a means to assisting in the reduction of armaments, the really essential instrument of which is the Treaty of Mutual Assistance. To forbid the traffic in arms would merely result in disarming non-producing States. Control, then, ought not to be a measure of prohibition but of supervision, whereby one might hope that the traffic in arms would be restrained as much as possible. The draft which had been submitted had the advantage of presenting in one text the Convention of St. Germain and the drafts put forward by Admiral de Magaz and M. Jouhaux. There were two ways of serving the League of Nations: the first by arming it with texts of an imperative character which exceeded its moral authority; and the second by making use of that moral authority to the greatest possible extent. The worst thing to do would be to ask the League of Nations to act against the Governments. He said, in conclusion, that it was wiser to endeavour to gain the confidence of Governments and not to present to them what they could not accept. He considered that this spirit permeated the draft under discussion.

SECOND MEETING.

Held on March 24th, 1924, at 3 p.m.

2. Continuation of the General Discussion of the Report and Draft Convention.

Mr. GREW (United States of America) expressed his pleasure in co-operating with the Commission under the same conditions as at the plenary session at Geneva, namely, to keep his Government informed and, as occasion might require, to acquaint the Commission with the views of the United States. He made it clear that he could not bind his Government. He recalled that the object desired by the Commission was already looked upon with favour by his Government, but pointed out certain difficulties, as, for example, the question of the Central Office of Control. On that subject he was not in a position to say how far his Government would be prepared to bind itself in subscribing to any provisions which would place the Office within the League of Nations. Although the United States unofficially furnished the League of Nations with statistics on many subjects, his Government could not put itself in any manner under the supervision or direction of the League.

The Government of the United States would welcome any draft Convention of a nature that would receive the approval of Congress; it would be idle, however, to submit to Congress proposals which might meet with fundamental objections.

As regards the draft under discussion, Mr. Grew said that his Government was favourably inclined, in principle, towards placing the control of the traffic in arms under Federal control and of giving adequate publicity to such control, as well as limiting the sale of arms to Governments and belligerents recognised by the United States. His Government must remain free to satisfy its own needs and also to sell arms to Governments and recognised belligerents in the Western hemisphere. As regards other continents, the United States would give proper consideration to any proposal as to limitation to which the other Governments declare themselves willing to submit.

Count HIROSAWA intimated that, not having been able to consult his Government, he could express merely personal opinions. In his view, the Convention of Saint-Germain was based on practical grounds and it was for the moment desirable to maintain the principles laid down in that Convention. M. Jouhaux's draft represented an ideal which was impossible of actual attainment.

As to the statement of the Persian representative, and as regards Turkey, which is recognised as a sovereign Power with its seat of Government in Turkey-in-Asia, he asked himself whether it would not be wiser to include these two countries amongst the Members of the League and the signatory Powers of the projected Convention and to subject them to the conditions of the Convention and the Treaty of Lausanne. As, however, this was a question of a public nature and of great delicacy, he remarked that it did not come within the competence of the Temporary Mixed Commission, but should, in view of its importance, be submitted to the Council of the League of Nations for decision. In regard to the question of ratification by Russia and Germany, it was necessary to distinguish between these two countries, since Germany had certain obligations under the Treaty of Versailles as regards the traffic in arms. He agreed with the Marquis de Viti as to the necessity for international laws being respected in so far as concerned the question of neutrality.

The CHAIRMAN pointed out that the question of the control of traffic in arms had been submitted to discussion in view of Article 23, paragraph (d), of the Covenant, which entrusted to the League the control in those countries where such control was necessary in the general interest. The Convention of Saint-Germain was chiefly concerned, as was shown in the Preamble, with the disposal of the enormous war stocks. It went, however, beyond that in the matter of control, and the present meeting was being held because the United States declined to ratify the Treaty of Saint-Germain. The meeting was therefore required to draw up something to replace that Convention. If they succeeded in this, with a minimum of modifications, their object would be attained, but he thought it possible to go even further, although the Council had decided that the Convention of Saint-Germain furnished a generally satisfactory system of control.

If the question of the reduction of armaments were settled, it would then be necessary to organise a strict control, but for the moment he saw no practical connection between the question of traffic in arms and that of the limitation of armaments.

M. DUPRIEZ (Rapporteur), supplementing what the Chairman had said, remarked that control in traffic would be an unjust and ineffective method of limiting armaments. It would only incite non-producing States to produce. The draft had lain under the reproach of having excluded the League of Nations, but the question at issue was to obtain the adherence of the United States. States Members of the League of Nations would come under the control of the League, which could, every year, discuss the manner in which those States had applied the Convention. The sole means of obtaining a control such as was desired by M. Jouhaux would be to submit the licences to the approval of the Council, a condition which the United States would never accept.

He thought, unlike M. Jouhaux, that non-producing States would be greatly influenced by publicity.

M. JOUHAUX considered it erroneous to regard his draft as embodying idealistic doctrines incapable of practical application. He observed, moreover, that the Temporary Mixed Commission was instituted primarily under Article 8 of the Covenant and that its rôle would be useless for the purpose of the application of Article 23 of the Covenant. He declined to take part in drawing up a draft the only object of which would be to ensure control by a group of great producing Powers over only such countries as it was to their interest to do so.

He had demonstrated, during the discussion of the Treaty of Mutual Assistance, that he was able to deal with practical considerations. He remarked that the Rapporteurs' draft made no mention of licences. As regarded the participation of the United States, he was persuaded that they were not asking the League of Nations to divest itself of its duties, and that the United States would find a means of collaborating with the organisations of the League, as they had done in regard to the Opium question.

M. LOHNER pointed out that neutral countries had a great interest in seeing that the question of disarmament was solved and that they were fully in sympathy with M. Jouhaux as regards the establishment of a rigid control, but that, on the other hand, they were obliged to resort to importation. He desired to insist on the programme of obtaining an initial agreement, though it might not be unanimous, and he thought it possible to obtain a positive result based on the Rapporteurs' draft.

M. DUPRIEZ (Rapporteur) added to what had been previously said that, if a control were established under the auspices of the Council, not only would the United States decline to sign, but nine-tenths of the other States producing—capital Powers included—would not give their adhesion to it.

Major HILLS (Rapporteur) thought that national control would be very valuable and that it would be necessary to obtain the approval of the Governments in order to ensure this.

The CHAIRMAN announced that the general discussion was closed. He proposed to pass to a discussion of the draft article by article.

The Sub-Commission adopted this proposal.

M. JOUHAUX and M. COBIAN mentioned the fact that they had at the first meeting presented reserves bearing generally on the draft.

3. Discussion, Article by Article, of the Draft Convention. — Article 1.

"This Convention applies to the following arms and munitions:

"*Category I.* Arms and munitions of war, as follows:

- "(a) Ships of war of all kinds, including submarines and submersibles;
- "(b) Airships, aeroplanes and seaplanes for use in war;
- "(c) Tanks and armoured cars;
- "(d) Artillery of all kinds;
- "(e) Apparatus for the discharge of all kinds of projectiles and the discharge of all kinds of bombs, torpedoes and depth-charges;
- "(f) Flame-throwers;
- "(g) Mines, whether for land or water;
- "(h) Torpedoes and depth-charges of all kinds;
- "(i) Bombs and grenades of all kinds;
- "(j) Machine-guns and rifled small-bore breech-loading weapons of all kinds;
- "(k) Pistols and revolvers of all kinds;
- "(l) Ammunition of all kinds for use with any of the above;
- "(m) Explosives and propellants of all kinds for use in war;
- "(n) Component parts of any of the above, including mountings.

"*Category II.* Fire-arms and ammunition for purposes of sport or personal defence.

"In order to prevent the export and import of fire-arms and ammunition intended for warlike purposes, though described and sold as articles of sport or personal defence, and in order at the same time not to hamper unduly the legitimate trade in fire-arms and ammunition intended to be used only for sport and personal defence, the High Contracting Parties hereby undertake that they will use their best endeavours to agree upon a uniform definition of :

- "(1) Military rifles, revolvers and pistols and the ammunition thereof;
- "(2) Rifles, revolvers and pistols capable of use for both military and other purposes and the ammunition thereof;
- "(3) Rifles, revolvers and pistols regarded as of no military value and the ammunition thereof."

General DE MARINIS proposed that the article should be referred to the Permanent Advisory Commission.

Count HIROSAWA asked why naval material had been inserted, as it never had been included in war stocks.

M. DUPRIEZ (Rapporteur) expressed the opinion that it was necessary to give some guidance to the Permanent Advisory Commission, and pointed out that it was logical and equitable to include naval material in the list.

Colonel CARNEGIE desired that the list should be a complete one and drew attention to the danger of any omissions. He proposed to add some formula as the following to the article: "*... and any other material that the Permanent Advisory Commission may add during the course of its periodical revisions and which the High Contracting Parties may approve.*"

M. JANCOVICI presented an amendment, which was read.

4. Amendment to Article 1 presented by M. Jancovici.

"For the purposes of the present Convention, arms of whatever origin or method of manufacture; shall be divided into three categories:

- "(1) Arms and munitions of war, as follows:
- "(2) Arms and ammunition capable of use both for military purposes, for purposes of sport and personal defence, as follows:
- "(3) Arms not included in the foregoing and regarded as of no military value.

"The definition of these three categories of arms and their enumeration may be modified or added to by the Permanent Advisory Commission."

5. Discussion of Viscount Cecil's Proposal to refer M. Jancovici's Amendment to the Permanent Advisory Commission.

Viscount CECIL suggested that this amendment should be referred to the Permanent Advisory Commission.

M. DUPRIEZ (Rapporteur) remarked that there was apparently but little difference between his own text and that of M. Jancovici. At the same time, he thought that the paragraph empowering the Permanent Advisory Commission (which is an organ of the League of Nations) to make revisions would be dangerous.

Colonel LOWE requested that the articles comprised in paragraphs (a), (b) and (c) should be excluded from Category I, Warships, because their transfer was always a matter of public

knowledge, and the other arms because it is impossible to distinguish them from similar engines of a commercial character.

M. COBIAN remarked that the plenary Commission would have to take a decision and it was thought necessary either to define the categories or to indicate their contents. Moreover, the High Contracting Parties would have to approve the list.

The CHAIRMAN proposed that Article I should be transmitted to the Permanent Advisory Commission, together with the Minutes of the day's discussions.

M. JANCOVICI insisted on the necessity for providing some organ entrusted with the work of periodical revision.

M. JOUHAUX pointed out that the division into three groups, as proposed by M. Jancovici, was logical and would allow the Permanent Advisory Commission to be more precise in the matter. For instance, it was necessary to discriminate very precisely between weapons of sport and other weapons, owing to the fact that sporting societies bore close resemblance to military organisations. He said that the objection raised by M. Dupriez to using the Permanent Advisory Commission as a revisory organ might equally be raised to making use of it for drawing up the list of arms and munitions.

General DE MARINIS proposed that a special Revisory Commission, on which all signatory States would be represented, should be convoked every two years, or on the demand of one of the Governments.

M. DUPRIEZ (Rapporteur) recalled that, under Article I of his draft, the High Contracting Parties themselves must agree to the definitions. The Powers would draw up the lists, which would be communicated, checked and, if possible, brought into line. The Permanent Advisory Commission would then, as M. Jancovici desired, act in an advisory, but not in an executive, capacity.

Viscount CECIL asked M. Jancovici to withdraw the last paragraph of his amendment and forecasted that a general arrangement of the whole Convention would be proposed at the conclusion of the discussion of the articles.

M. JANCOVICI agreed that the whole subject and the Minutes should be transmitted to the Permanent Advisory Commission, but wished to be certain that, during the discussion of the articles, all members should confine themselves to the same subjects.

Colonel LOWE insisted that the Temporary Mixed Commission should itself decide what must be placed in the uncontrolled and what in the controlled categories.

Viscount CECIL considered that this was the duty of the Permanent Advisory Commission. He agreed, however, that the Temporary Mixed Commission should express its opinion as to the categories. For instance, he was absolutely opposed to the suppression of paragraphs (a), (b) and (c) from Article I.

M. JOUHAUX observed that, for the purposes of discussion, it was necessary to have a text which was accepted, as, without this, it was quite impossible to make amendments.

Major HILLS (Rapporteur) considered the text of the draft to be clear and complete. It contained one class of arms purely for war purposes, another class purely for purposes of sport and a class of arms capable of use either for one purpose or the other. For arms of war, a licence; for arms of sport, freedom of traffic. Each State would decide whether the weapons in the mixed class under control were for war or sport, according to particular circumstances.

Colonel REQUIN (replacing M. Fabry) pointed out that the indications given in Article I would not bind the Permanent Advisory Commission, which had entire freedom under the resolution of the Council. Appended to the list requested, the Permanent Advisory Commission would furnish such necessary explanations as the Temporary Mixed Commission would understand.

General DE MARINIS asked Viscount Cecil whether, in inviting M. Jancovici to withdraw the question of revision by the Permanent Advisory Commission, it was to be understood that he made the same request as regards a committee of revision, which he himself had proposed.

Viscount CECIL replied in the affirmative.

Colonel LOWE insisted that the Temporary Mixed Commission should express its opinion as to the desirability of including certain material in one category or another. It might happen that the Permanent Advisory Commission would omit certain arms which the Temporary Mixed Commission wished to be retained in the list. He again asked that paragraphs (a), (b) and (c) of Article I should be omitted.

M. COBIAN considered that it was desirable to give the principles of the definitions and that it was necessary to decide on the question of a periodical revision.

The CHAIRMAN requested the Commission to express its opinion, yes or no, on Colonel Lowe's proposal.

M. DUPRIEZ (Rapporteur) and M. HODAC observed that, in voting "No", they did not wish to decide on paragraphs (a), (b) and (c) being maintained, but simply to reserve the freedom of action of the Permanent Advisory Commission.

Colonel LOWE then proposed that the article should be left blank and thus leave greater freedom to the Permanent Advisory Commission.

Major HILLS (Rapporteur) considered that, while not binding the Permanent Advisory Commission, it was necessary to give that Commission some indication as to what was asked of it.

The majority of the Commission decided against the proposal of Colonel Lowe as regards paragraphs (a), (b) and (c).

6. Continuation of the Discussion of M. Jancovici's Amendment.

M. JANCOVICI requested that his amendment should be put to the vote.

M. DUPRIEZ (Rapporteur) asked that the question should be postponed to a later meeting, because, on reflection, he saw serious objections to the amendment. For instance, the three categories in the Jancovici amendment, which were extremely precise in their terms, would prove very difficult of application. The draft of the Rapporteurs would be more likely to be accepted, as it left the classification of arms — presumed to be arms of war — to the decision of the Governments.

M. JANCOVICI said that his classification into three categories had been made by inter-Allied military organs, now composing the highest military jurisprudence.

The CHAIRMAN proposed to postpone the drafting of Article 1 until the end of the discussion. With each article it would become clear what regime should be applied to the different categories. It would then be easier to present the different categories in one combined article.

This proposal was unanimously adopted.

THIRD MEETING.

Held on March 25th, 1924, at 10.30 a. m.

7. Continuation of the Discussion of the Draft Convention. Article 2.

The SECRETARY read Article 2 of the Rapporteurs' draft:

"The High Contracting Parties undertake not to export themselves and to prohibit the export and import of arms and munitions of war in Category I, except on the conditions mentioned in Article 3. This prohibition of exportation shall apply to all such arms and ammunition, whether complete or in parts."

8. Amendment by M. Jancovici to Article 2.

M. JANCOVICI read an amendment as follows:

- "The High Contracting Parties undertake:
 - "1. Not to export arms and munitions of war in Category I and to prohibit the import and export thereof, except under the conditions provided in Article 3.
 - "2. Not to export arms and ammunition in Category II and to prohibit the import and export thereof, except under the conditions provided in Article 5.
- "The traffic in arms in Category III remains unrestricted."

Viscount CECIL saw no difference in meaning between the amendment and Articles 2 and 5 of the draft. Only a question of drafting was involved which would depend upon Article 1.

The Marquis DE VITI observed that the amendment did not take into account detachable parts.

M. DUPRIEZ (Rapporteur) asked to which Article 5 the amendment referred.

M. JANCOVICI replied that he was going beyond a formal modification and that he was referring to Article 5 as drafted by M. Jouhaux.

9. Amendment by M. Jouhaux to Article 5.

M. JOUHAUX read his amendment, as follows:

"Arms and munitions in Category II may be freely exported, provided only that the Government of the exporting country is convinced, after taking into consideration the quantity, the destination and the attendant circumstances of each consignment, that these arms are not intended for warlike use. In the contrary case, the consignment will be considered as coming under Category I and will be subjected to the terms of Article 3.

"In all cases consignments under Category II will be subjected to the same conditions as regards publicity as those of Category I."

M. Jouhaux observed that the key to the draft was contained in Article 3. It would therefore be better to discuss that article.

The CHAIRMAN proposed a general discussion of Articles 2, 3, 4 and 5 taken together. The drafting would follow as a result of that discussion.

M. JOUHAUX explained that the chief objection to the Rapporteurs' draft was the absence of control. He read an Article 3 as drafted by himself, intended to replace in the present draft the system of licences detailed in his original draft.

10. Amendment by M. Jouhaux to Article 3.

"With regard to arms and munitions of the first category, the use of which is not forbidden by the law of nations, the High Contracting Parties undertake not to authorise the export except under the following conditions:

"(1) The export will only be authorised if there is a direct sale to a constitutional or revolutionary Government recognised by at least three of the High Contracting Parties. This authorisation will be given by means of a licence of the uniform model which will be drawn up by the Council of the League of Nations.

"(2) The purchasing Government must act through a duly accredited representative, who shall produce his credentials.

"(3) Such representative must produce a written authority from his Government to purchase each consignment, which authority must state that the consignment is bought for the use of the purchasing Government and not for re-sale and will be delivered to them and to no one else.

"(4) The licence mentioned in paragraph 1 shall include the following particulars:

"(a) The name and address of the manufacturer or manufacturers;

"(b) The name and address of the vendor or vendors;

"(c) A detailed description of the arms and munitions, their number, weight, and any other data necessary for determining exactly to which category they belong;

"(d) The purchasing country, in the case of arms of war, and the country of residence of the buyer, in the case of sporting arms;

"(e) The last port or station of consignment;

"(f) The route or method by which the goods were forwarded;

"(g) The heading under which the arms composing the consignment should appear in the export statistics of the exporting country;

"(h) Any further information which the exporting country may see fit to enter.

"(5) A separate licence shall be required for each separate shipment which crosses the frontier of the exporting country, whether by land, water or air."

Viscount CECIL observed that up to the present he saw no difference of principle. It would be preferable to adopt the text of the Rapporteurs as regards the system of categories so as to clarify the discussion and accelerate it.

The CHAIRMAN supported the proposal of Viscount Cecil.

M. JOUHAUX considered that a difference of principle was involved. His own draft instituted an international control, the principle of which was that the terms of the licence were universal. It was also very important to know the names of both purchasers and manufacturers. Indeed, in Article 4 the proposed amendment required that the Council should know the precise figures showing the traffic and publish them.

The CHAIRMAN recalled that it had been decided to take the Rapporteurs' draft as a basis of discussion and that each member was free to propose amendments thereto. It was therefore necessary to return to a discussion of Article 2 as proposed.

The proposed procedure was unanimously adopted.

Viscount CECIL said that it was impossible to discuss the amendments proposed by M. Jancovici until the question of categories had been settled. If that question was postponed until the conclusion of the debates, it was equally necessary to postpone consideration of Article 2.

The CHAIRMAN proposed to revert to the question of categories and reconsider Article 1, together with M. Jancovici's amendment thereto.

11. Amendment by M. Jancovici to Article 1.

"For the purposes of the present Convention, arms of whatever origin or method of manufacture shall be divided into three categories:

"(1) Arms and munitions of war, as follows:

"(2) Arms and ammunition capable of use both for military purposes, for purposes of sport and personal defence, as follows:

"(3) Arms not included in the foregoing and regarded as of no military value.

"The definition of these three categories of arms and their enumeration may be modified or added to by the Permanent Advisory Commission."

M. HODAC said that no opinion could be given on the categories proposed in M. Jancovici's amendment unless the articles to be included therein were enumerated.

M. JANCOVICI answered that his classification was a matter of pure logic. He asked the Commission to decide whether it corresponded with facts and proposed to leave the task of drawing up the items to the Permanent Advisory Commission.

Viscount CECIL, while admitting that the three categories were logical, said that the whole question was one of method in arrangement and it was easier to adopt that of the Rapporteurs. Moreover, the Commission was aware in a general way of what would be placed in each of the categories.

Major HILLS (Rapporteur) added that the draft followed as closely as possible on the lines of the Convention of St. Germain, which had this advantage — that it had been assented to by a great number of countries.

Colonel LOWE thought that the classification made by M. Jancovici was preferable. In Great Britain, the terms of the Convention of St. Germain had been discarded and all articles of warlike use had been subjected to licences.

The CHAIRMAN put M. Jancovici's amendment to Article 1 to the vote:

For	6 votes;
Against	10 votes.

The text of the Rapporteurs was adopted.

The last sentence of M. Jancovici's amendment was reserved.

M. FABRY, acting as Chairman and replying to a remark of Count HIROSAWA, explained that the text adopted was for purposes of discussion, arising out of which it would become clear in what conditions it was necessary to refer it to the Permanent Advisory Commission.

12. Renewal of Discussion on Article 2.

The CHAIRMAN put Article 2 down for discussion and asked M. Jancovici if he still adhered to his amendment (page 78).

M. JANCOVICI replied in the affirmative.

The amendment was put to the vote and negatived by a majority.

M. FABRY wished the Rapporteurs to explain why they had introduced into Article 2 the prohibition of importation, since exportation alone was comprised in the Convention of Saint-Germain. Exportation is international in character, whereas importation is a national prerogative. Governments might be offended, and if the proposal is not considered essential it would be wiser to abandon it.

Major HILLS (Rapporteur) thought that a control on importation was necessary. Arms could be transhipped and sent anywhere. It was necessary to be certain that the country of destination was indeed that shown in the licence.

The Marquis DE VITI agreed with M. Fabry and remarked that merchandise was accompanied by a licence. He feared that the increase of hindrances would only push non-producing countries to manufacture.

Viscount CECIL thought it reasonable to require importing countries to insist that arms should be accompanied by a licence. The sovereignty of States would not thereby be encroached upon. States would merely undertake to observe the arrangements provided for as regards the entry of arms.

M. DUPRIEZ (Rapporteur) laid stress on the latter point. There was no question of an importation licence of delivery. It was only to stop the entry of contraband.

M. FABRY said that he could not make any sustained opposition, although he still thought that the control of exportation was sufficient. Control of importation would have the evil result of raising a discussion in the various countries.

M. URRUTIA on this point remarked that no South-American country had ratified the Convention of Saint-Germain and that there was less likelihood of the ratification of a Convention made more difficult by reason of provisions as to importation.

Viscount CECIL said that the draft made no limitations on importation and that it was sufficient that imports should have an export licence. If there were no control, all manner of diversions of trade were possible.

13. Proposal of M. Jancovici. — Article 2.

M. JANCOVICI proposed to suppress the words "and importation" in Article 2, and to add:

"The High Contracting Parties undertake not to import and not to permit the importation of arms exported contrary to the terms of the present Treaty."

M. COBIAN explained that if all States were signatory, the word "importation" could be suppressed, but if not, it would be necessary to control importation. A signatory State could import from a non-signatory State and that would destroy the draft.

M. FABRY remarked that this emphasised his own point of view and that it was indeed the right of importation which was in question.

M. HODAC said that the Commission must decide on the point. Did it wish to forbid a signatory State to buy from a non-signatory State? He supported the proposal of M. Fabry as to the suppression of the word "importation".

M. DUPRIEZ (Rapporteur) explained that he had inserted the word "importation" under the impression that everyone would sign. If important States did not sign, it was certain that control of importation would prevent ratification by many States.

The CHAIRMAN requested the Commission to vote as to the suppression of the word "importation".

For suppression	10 votes;
Against	6 votes.

The Chairman put to the vote the sentence proposed by M. Jancovici as an addition to Article 2:

"The High Contracting Parties undertake not to import and not to permit the importation of arms exported contrary to the terms of the present Treaty."

M. FABRY remarked that this sentence was opposed to the idea on which the Commission had just given an opinion. Moreover, to forbid importation made it necessary to contemplate sanctions. It was certain that a purchasing State would refuse to ratify it and would retain its liberty of action.

The Marquis DE VITI asked why it should be desired to forbid a non-producing State to purchase from a non-signatory State, and remarked that, if a great producing State did not sign it, the Convention would be a dead letter.

Viscount CECIL was of opinion that the proposed amendment was reasonable and would not compromise the Convention. It was certain that, if a producing State did not sign, the Convention was a dead letter, but it must be assumed that all the great producing States would sign, and if they did so, there could be no objection raised. Non-producing States would be able to buy where they liked under authorised conditions. The only States injured would be small producing States which were not prepared to accept the Convention and that would be all the better.

M. JANCOVICI proposed that his amendment should be voted on, at the same time thanking Viscount Cecil for his explanations.

For the amendment	7 votes;
Against	10 votes.

Article 2 was adopted, with the modification proposed by M. Fabry (suppression of the word "importation").

14. Discussion of Article 3.

"Nevertheless, notwithstanding this prohibition, the High Contracting Parties reserve the right to grant, in respect of arms and munitions of war whose use is not prohibited by international law, licences for the export of arms and munitions of war in Category I, but such licences are only to be granted on the following conditions:

"1. No licence is to be granted except for a direct sale to a Government recognised as such by at least half of the High Contracting Parties.

"2. The purchasing Government must act through a duly accredited representative, who shall produce his credentials.

"3. Such representative must produce a written authority from his Government to purchase each consignment, which authority must state that the consignment is bought for the use of the purchasing Government and not for re-sale and to no one else.

"4. Each licence must contain a full description of the arms and munitions of war to which it relates and the names of the exporting and purchasing Governments, ports of embarkation and disembarkation, means of transport, route and destination.

"5. A separate licence shall be required for each separate shipment which crosses the frontier of the exporting country, whether by land, water or air."

Colonel CARNEGIE proposed an amendment to Article 3, which would require the Governments of exporting countries to be informed of the fact before contracts were concluded.

The CHAIRMAN observed that it was very unlikely that a firm would accept a contract before it had the licence, and that, moreover, it was a question of internal administration for the countries themselves to deal with.

Colonel CARNEGIE withdrew his amendment.

General DE MARINIS asked that the Governments to which sales could be made should be defined. He proposed to adopt the working of the draft, suppressing the words at the end of paragraph 1 after the word "Government".

M. FABRY supported General de Marinis' proposal and said that it was a matter on which the assent of the United States might be hoped for.

Viscount CECIL asked Mr. Grew to be good enough to explain clearly the meaning of what he said the day before.

Mr. GREW declared that the United States wished to retain its freedom to sell to Governments or to belligerents recognised by them.

M. JOUHAUX said that he adhered to recognition by three of the High Contracting Parties in order to obviate any doubt and to organise a control which was actual and not merely one of words.

The CHAIRMAN said that they had three proposals — the draft, that of M. Jouhaux and that of M. Fabry and General de Marinis.

Major HILLS (Rapporteur) supported the Fabry-de Marinis draft as being likely to make the draft acceptable to the United States. He considered the use of the words "revolutionary Government" likely to lead to difficulties of interpretation, and he preferred "belligerent".

Viscount CECIL agreed to the Fabry-de Marinis amendment, but thought a legal opinion would be useful, and that "*de jure*" or "*de facto*" terms would be preferable to those of "constitutional" and "revolutionary" used by M. Jouhaux.

M. FABRY re-read the text of the Fabry-de Marinis amendment: "to a Government or to belligerents recognised as such by the exporting State".

M. JOUHAUX said that absolute freedom to sell to anybody would thus be given. Experience of what occurred in Russia lately showed that many bodies had been recognised as regular Governments which were regarded as rebels by the *de facto* Government. It was necessary to take this into account.

M. JANCOVICI asked if the drafting proposed would allow Russia, for instance, to supply rebel bands in Bessarabia.

M. FABRY said that the discussion bore on the wording. If a Government decided to furnish arms, it would always do so, even under the terms of M. Jouhaux's text. It was impossible to know which was the real Government. He said that he himself had not proposed the word "belligerent", and he thought the more they used explanatory words, the greater the facilities for getting round the Convention. He proposed to modify the paragraph as follows: "to a Government recognised as such by the Government of the exporting country".

General DE MARINIS said that this was precisely the text of his first amendment.

The CHAIRMAN put this amendment to the vote:

For	9 votes;
Against	7 votes.

FOURTH MEETING.

Held on March 25th, 1924, at 4 p.m..

15. Continuation of the Discussion of the Draft Convention. — Article 3, Paragraph 1.

M. COBIAN wished to replace the word "sale" by the word "transfer", and the word "purchase" by the word "acquire". He thought that this would cover all kinds of transactions.

M. DUPRIEZ (Rapporteur) explained that for the licences for private manufacture the word "sale" was sufficient. Should the Convention take cognisance of cases in which Governments presented the material? He thought not. It was, moreover, unlikely that States would make a gratuitous issue to individuals and as regards the trick which might be employed by individuals to make transfers under the guise that they were gratuitous, discovery would be an easy matter.

M. COBIAN observed that the paragraph only provided for a licence to sell. There was no provision for a Government granting a licence to cover a gift. He proposed to replace the word "sale" by "delivery".

The proposal was adopted.

16. Amendment by M. Jouhaux to Article 3.

M. JOUHAUX proposed the following amendment:

"The authorisation will take the form of a licence of a standardised form, as laid down by the Council."

M. DUPRIEZ (Rapporteur) pointed out that the proposed text laid down all the requirements of a licence. Why seek a standard form? States non-Members of the League might not wish to conform to such a form.

M. JOUHAUX did not think that this touched the sovereignty of States and that in any case one could not maintain the idea of a standard form without speaking of the League of Nations.

M. FABRY admitted that a standard form was advantageous from a statistical point of view.

Viscount CECIL saw many advantages in M. Jouhaux's amendment. He proposed that a standard form of licence should be annexed to the Convention and that Governments should be asked to conform to it as far as possible.

M. JOUHAUX accepted this proposal.

The text of paragraph 1 was adopted, with the Fabry-de Marinis amendment, the modifications proposed by M. Cobian and the following additional amendment by Viscount Cecil:

"This authorisation will be granted by means of a licence, the form of which will adhere as closely as possible to that annexed to this Convention."

17. Discussion of the Situation of Manufacturers with Factories in Different Countries.

M. FABRY asked the Rapporteurs to put forward a text providing for the case of manufacturers whose factories were in different countries and were working on the same article in different stages of completion and who would in consequence be obliged to obtain permits from the two Governments during all the stages of work on the articles in question.

18. Amendment by the Marquis de Viti de Marco to Article 3.

Marquis DE VITI asked that the Rapporteurs should also provide for trade barterings between two different manufacturing countries. He read the following amendment:

"Subject to an authorisation having been previously granted by their respective Governments, manufacturers may exchange the purchase of arms and munitions."

This amendment, as well as the point raised by M. Fabry, were referred to the Rapporteurs for examination.

19. Article 3. — Discussion of Paragraph 2.

Count HIROSAWA asked that the meaning of "accredited representative" should be made clear. Was he an official or could he act as agent of a firm interested in the traffic?

M. DUPRIEZ (Rapporteur) said that an accredited agent was a physical person, an individual duly authorised and whose other duties were unimportant.

Paragraph 2 was adopted.

20. Article 3. — Discussion of Paragraph 3.

Colonel LOWE asked that the destination of the consignment should appear in the written order handed to the representative. It would be an additional safeguard for the exporting Government.

The CHAIRMAN remarked that the agent acted in the name of his Government — the presumed buyer — and that, moreover, the Government undertook not to re-sell to third persons. The purchasing Government could not be required to say to what use it proposed to put the arms. It was, moreover, the representative who furnished the necessary particulars for the purposes of the licence.

M. FABRY added that it was difficult and often impossible to give the ports of destination for a contract which might last two or three years. The designation would not be given until the licence was actually drawn up.

If Colonel Lowe was speaking not of the port of destination but of the use to which the arms were to be put, that was a matter to be settled between the two States. An international Convention could not require that the intended uses of the arms should be given.

Colonel CARNEGIE observed that no firm would be likely to accept a contract unless it knew the port of destination.

Colonel Lowe withdrew his amendment.

Paragraph 3 was adopted, with formal modifications proposed by M. Cobian.

21. Article 3. — Discussion of Paragraph 4.

M. JOUHAUX proposed to continue the drafting of Article 3 as contemplated in his amendment.

M. FABRY asked that paragraph 4 should be accepted as it stood and that the modifications proposed by M. Jouhaux should be included in the standard licence to be annexed. He also proposed to insert the words "a description sufficient to identify" instead of "a full description of", and to add the word "probable" before the word "route".

Major HILLS (Rapporteur) saw many dangers of adding the word "probable", as it might countenance diversions of merchandise.

The Commission decided to entrust the Rapporteurs with the duty of taking M. Jouhaux's amendment into account in drawing up the form of licence.

M. DUPRIEZ (Rapporteur) proposed to add after the word "Government" the words "of exporting and purchasing countries".

M. FABRY objected, pointing out that the principle to be maintained was that the Governments which granted the licences should be held responsible.

Paragraph 4 was adopted.

Paragraph 5 was adopted without alteration.

22. Discussion of Viscount Cecil's Amendment to Article 3. — Source of Article 25 of Final Text.

An amendment to Article 3 proposed by Viscount Cecil was read:

"Insert after Article 3:

"It is hereby declared that nothing in this article shall affect the rule of international law permitting the sale of munitions of war by the subject of a non-belligerent State to the Government of a belligerent State without breach of the neutrality of the non-belligerent State, and the grant of a licence under this article for such a sale shall not be deemed to be a breach of neutrality."

M. JOUHAUX said that the amendment appeared to him to be in disagreement with the Treaty of Mutual Assistance and to the spirit of the Covenant.

Viscount CECIL explained that he desired to allow sale in war-time to belligerents without the violation of neutrality by the Governments which granted the licence. He agreed that the question should be submitted to counsel.

The Marquis DE VITI considered that there was no doubt that the fact of granting a licence, although it was permissible to refuse it, was a breach of neutrality. The solution would be to declare the Convention suspended in time of war.

M. JOUHAUX agreed to send the question to counsel, but was still forced to think that this amendment was contrary to the spirit both of the Treaty of Mutual Assistance and the Covenant of the League of Nations.

M. DUPRIEZ (Rapporteur) said that the fact of deeming the grant of a licence as a breach of neutrality would have wrongful consequences as regards non-producing countries engaged in war with a producing country. He could not agree with the view of M. Jouhaux, which would tend to the extinction of small Powers, even when fighting a just cause.

Count HIROSAWA pointed out that there were, in addition, two Conventions, that of The Hague of 1907, and that of London of 1909, which constituted absolute contraband for arms in Category I, and that those Conventions would be affected by the amendment. He supported the question being referred to counsel.

M. JOUHAUX insisted that the Temporary Mixed Commission should not work in a manner contrary to that which it had adopted up to the present and should not imperil the Treaty of Assistance.

M. JANCOVICI thought that the Cecil amendment went beyond the work of the Commission by granting a new right to neutrals.

M. HODAC observed that the function of the licence could be twofold. Until the entry into force of the Treaty of Mutual Assistance, the licence would have a merely technical character. The Cecil proposition left this technical character in the licence and he therefore agreed. It would only be after the Treaty of Assistance came into force that the situation would change and the licence would have a political character also.

Viscount CECIL considered that M. Hodac restricted the spirit of this Convention too much, as it was intended not only to stop contraband but also to assemble statistics in the hope of bringing a certain pressure to bear on Governments.

Great Britain already had a system of licences for the exportation of arms and he did not think that in time of war this system would be entirely stopped — rather the contrary. Replying to M. Jouhaux, he said that, pending the entry into force of the Treaty of Mutual Assistance, it was necessary to take steps to meet the existing situation. He had prepared a questionnaire for submission to counsel, which he read.

23. Questionnaire prepared by Viscount Cecil for Submission to Jurists.

“Would the grant of a licence for export of arms to a belligerent be a breach of neutrality by the granting Power ?

“If the answer to the above question is in the affirmative, would this result be best prevented:

“(i) By a declaration in the Convention that such a breach of neutrality was not to occur? or

“(ii) By a suspension of the operation of the Convention during war ?”

The Commission decided to refer Viscount Cecil's questionnaire to the Legal Section of the Secretariat for opinion.

24. Article 4.

“A copy of the licence must accompany any consignment throughout its journey. The High Contracting Parties undertake to take such steps as they reasonably can to supervise and prohibit the transit of the arms and munitions of war in Category I through their respective territories, unless they are accompanied by a licence made out in the proper form as laid down in Article 3.”

25. Amendment by M. Lebrun and M. Fabry to Article 4.

M. FABRY presented an amendment proposed by M. Lebrun and himself :

“Without prejudice to any engagements which they may have subscribed to under the terms of international agreements, the High Contracting Parties undertake to forbid the transit of arms and munitions under Category I which are not accompanied by an authorisation as laid down in Article 3.”

Viscount CECIL said that it was necessary to replace the word “matter” by the word “transit” and also asked for explanations as to the Transit Conventions.

Major HILLS (Rapporteur) thought it very difficult to apply this amendment in the following cases. For instance: it was impossible for the British authorities to visit vessels which came to England to coal. It was indeed impossible for the Customs to verify the contents of cases which were merely passing through Great Britain. It would be equally impossible for the United States to stop all vessels which passed through the Panama Canal. The High Contracting Parties could only interfere when contraband was presumed.

M. FABRY proposed to add to his amendment the terms of the Rapporteurs' text: “undertake to take such steps as they reasonably can to supervise and prohibit the transit of arms...”

M. COBIAN made it clear that the amendment only covered the case of Conventions in force at the time of ratification.

M. Fabry's amendment, modified as above, was adopted.

26. M. Jouhaux's Amendment to Article 4.

M. JOUHAUX read his amendment:

“This licence shall be made out in quadruplicate, one copy being retained by the despatching State and a second being sent by that State to the Secretariat of the League of Nations one month prior to the date on which the goods are expected to cross the frontier; the third copy shall be delivered to the purchaser's agent and shall accompany the goods; the fourth copy shall be forwarded by the despatching State to the importing State; the latter, if one of the High Contracting Parties, shall undertake to forward it to the Secretariat of the League of Nations within one month after the date on which the goods

were imported and to insert in it the heading under which the imported goods will appear in its own import statistics.

"The Secretariat shall communicate to the Council a copy of the licence forwarded to it by the despatching State and shall publish it forthwith in a special supplement to the *Official Journal* of the League of Nations."

Viscount CECIL considered this addition to Article 4 somewhat complicated and said that it would raise questions of internal administration which should be left to the High Contracting Parties.

M. HODAC proposed to include the conditions for licences with the standard form of licence to be inserted in the annex.

M. JOUHAUX asked the Commission to decide on the point, as the principle of control was contained in his amendment.

M. DUPRIEZ (Rapporteur) thought that the amendment would not be accepted by States non-Members. He thought the multiplicity of forms somewhat unnecessary.

M. JOUHAUX observed that the system was not more complicated than that proposed by the Rapporteurs, whereby three copies were required under Article 4 and another under Article 9. He insisted that no control would be efficacious unless a comparison could be made as regards the merchandise as it left and as it arrived. If it were necessary, in order to satisfy the United States, which he doubted, to make a modification as regards the League of Nations, he would propose the necessary amendment in Article 9.

M. COBIAN proposed to entrust to the Belgian Government the duty of publishing the licences of States non-Members and the same duty to the Secretariat of the League of Nations for States Members of the League.

M. JANCOVICI explained that a question of principle was contained in the Jouhaux amendment, which touched upon efficient control as regards licences and that there was also a question of procedure. As regards the question of procedure, the suggestion of M. Cobian might be accepted, but it was necessary that the Commission should decide on the question of principle.

The CHAIRMAN asked Mr. Grew if the necessity for furnishing documents to the League of Nations would be an obstacle to ratification.

The Marquis DE VITI in this connection recalled the fact that, so far as States non-Members were concerned, the Secretariat could and would have only one function, that of centralisation and not control.

Mr. GREW answered that it was impossible for him to forecast what interpretation would be placed on this clause by the Legal Department. It was true that the United States already sent statistics to the Secretariat, but if a Convention to be ratified contained a clause making reference to the League of Nations, it was impossible for him, and even for his Government, to say what would be the attitude of the Legal Department, or whether that Department would read therein a possible supervision, or control, by the League of Nations over the actions of his Government. He regretted that he could not be more explicit.

M. DUPRIEZ (Rapporteur) explained that the situation in the American Congress was that there were in Congress powerful and uncompromising opponents of the League of Nations. That Government did, it was true, readily and unofficially send information to the League of Nations, but on each occasion this was a free and spontaneous act. On the other hand, they were now asking the United States, under the authority of a Treaty, to send official documents to the League of Nations. It was certain that the opponents of the League in Congress would make use of that argument.

M. COBIAN said that the question of principle in M. Jouhaux's amendment gave rise to no objection. He recalled that, in order to adjust the difficulty explained by M. Dupriez, he had made a proposal respecting transmission to the Belgian Government.

Colonel REQUIN (replacing M. Fabry) explained that what was called a question of principle was the comparison of licences and that procedure consisted in knowing how and by whom this comparison would be made. It seemed that the four copies required would cause an administrative complication. The suggested procedure would end by creating two central regimes, one the Central International Office and the other the Secretariat. Indeed, at the Secretariat there would be a double system of control and of statistics, and it was better to aim at a more simple and consequently a more acceptable solution. He thought that there should be only one Office and that the difficulty caused by the four copies was not unsurmountable so far as the Governments were concerned.

M. COBIAN recalled that Admiral de Magaz had made provision for a Central International Office but that it was necessary to abandon the idea on account of the objections arising out of Article 24 of the Covenant. These objections would become apparent when Article 9 was dealt with.

M. JANCOVICI said that M. Cobian's amendment would provide an acceptable solution, but he proposed to postpone this question until later. As to the four licences, he thought that if the procedure could be simplified, without affecting the principle involved, M. Jouhaux would accept it.

Colonel REQUIN informed M. Cobian that certain jurists had said that Article 24 was not so rigid as it appeared. He remarked that the comparison only consisted in verifying the licence sent by the exporting State with that transmitted by the importing State. If the exporting

State did not furnish the League of Nations with a copy of the licence, where would any comparison come in ?

M. JOUHAUX said that the amendment of M. Cobian provided for the Belgian Government publishing the licence sent by the exporting State if a non-Member. The League of Nations would therefore always be in a position to make comparisons.

Viscount CECIL hoped that the Commission would not take a decision on the Central International Office because of this slight amendment. He said that it would be a great pity if an organ of the League of Nations were to draw up a Convention which took into no account the existence of the League. He did not wish to know what interpretation was placed on Article 24 by the jurists, but it was certain that, if the Commission acted as proposed, it would sin against the spirit of the article. He thought that, in order to solve the point as regards the League of Nations *vis-à-vis* American susceptibilities, a system similar to that employed for collecting the opium statistics could be adopted. He asked that this discussion should be adjourned to the meeting at which Article 9 would be considered. The question of the four copies appeared to him purely a technical point.

General DE MARINIS said that, despite the eloquent remarks made by Viscount Cecil from a standpoint with which he was in agreement, he still insisted that Article 24 should be respected. That article forbade any international office, and, indeed, any Commission for international questions, to act outside the ægis of the League of Nations. It could not be admitted that the Central International Office under discussion should function outside the ægis of the League. He did not think that to constitute this Office within the League could be an obstacle to ratification by the United States or, indeed, any other State. On the other hand, he could not agree with the proposal of M. Cobian that information coming from States Members should be centralised in the League of Nations and the others sent to some appointed Government. That gave inequality of treatment, which should not be allowed, as States non-Members would thus escape the control of the League of Nations if such control became really necessary.

M. DUPRIEZ (Rapporteur) said that no decision could be taken at the present time except as regards the question of comparison. For this it sufficed to amend Article 4 of the draft by an addition in some such terms as the following: "A copy of the licence will be sent to X... by the State which has granted it; another copy will be sent to X... by the importing State."

M. HODAC asked that it should be settled whether a complete copy of the licence should be sent to X... or only the figures showing the transaction. This was an important point for decision.

M. JOUHAUX saw a possible solution in the proposition of M. Dupriez, but he wished to have before him an exact text before voting on it. Moreover, he called the attention of the Commission to the conditions given in the last sentence of the first paragraph of his amendment: "and to insert in it the heading ...".

FIFTH MEETING.

Held on March 26th, 1924, at 10.30 a.m.

27. Continuation of the Discussion of the Draft Convention. — Article 4.

Discussion of Article 4 was resumed.

28. Amendment by M. Dupriez and M. Jouhaux to Article 4.

M. DUPRIEZ (Rapporteur) read an amendment proposed by M. Jouhaux and himself, as follows:

"A copy of the licence will be sent by the exporting State to X... before the goods are despatched to the frontier of the exporting country; another copy will be sent to X... by the importing State if one of the High Contracting Parties within a month following the receipt of the consignment" (adding the category under which the merchandise imported should figure in the importation statistics).

The amendment was adopted as an addition to Article 4.

M. HODAC said it must be thoroughly understood that the question of the standard form of licence was reserved.

29. Article 5.

"Fire-arms and ammunition in Category II may, if the exporting country so desires, be exported without licence, except to the prohibited areas and zone mentioned in Article 6. Provided, nevertheless, that, in the case of fire-arms and ammunition adapted both to warlike and also to other purposes, the High Contracting Parties reserve to themselves the right, and they hereby undertake, to determine from the size, destination and other circumstances of each shipment for what uses it is intended, and to decide in each case whether such shipment falls properly under Category II or whether it ought to be considered to belong to Category I, and in the latter case they undertake that it shall become subject to Articles 2 and 3 hereof."

Colonel REQUIN asked why the Rapporteurs had added "reserving the rights laid down in the text of the Convention of St. Germain".

M. DUPRIEZ (Rapporteur) said that the word "undertake" implied an obligation and not a right.

Viscount CECIL observed that there could not be an undertaking if a right was reserved.

The CHAIRMAN supported this observation.

The Commission decided to omit the words: "reserve to themselves the right and they" in Article 5.

30. Amendment by M. Jouhaux to Article 5.

M. JOUHAUX recalled the terms of his amendment to Article 5 (see Minutes of the Third Meeting).

Viscount CECIL pointed out that the difference between the text of the Rapporteurs and that of M. Jouhaux was that the former required exporting States to show proof of fraudulence, whereas the latter text assumed the fraudulence and required the State to give proof to the contrary. The draft of the Rapporteurs, adhering more closely to the Convention of St. Germain, seemed to him the better.

M. DUPRIEZ (Rapporteur) said that the last paragraph of M. Jouhaux's amendment would certainly be unacceptable to certain States and particularly to Belgium. There was in Belgium a small but very important arms industry. It would be impossible for the Belgian Government to furnish hundreds of thousands of licences, which were difficult to draw up by reason of the variety and multiplicity of consignments.

M. JOUHAUX admitted that the question was a delicate one. He observed, moreover, that this amendment referred to his classification and comprised arms having a dual character. It was not a question of toy weapons, but in particular, those which might be used to arm sporting societies capable of becoming military organisations.

He had been informed by General Nollet how difficult it was to draw a distinction between classes of arms. The Convention must not permit the arming of a considerable number of citizens under the guise of sport, as this might constitute a grave danger.

M. COBIAN thought the question worthy of reference to Governments, asking them to modify their legislation with a view to expropriating the industries referred to and creating a Government monopoly of the sale of arms. He suggested to again take up Articles 5, 6 and 7 of the draft of Admiral de Magaz.

The Marquis DE VITI was in favour of the second part of the Jouhaux amendment, which required that in all cases arms of the second category should appear in the statistics, but opposed to the first part, which imposed greater restrictions on the free exportation of arms of the second category. There was no contradiction between freedom of commerce and publicity. On the contrary, the article of the draft and Article 9 were contradictory.

Viscount CECIL said that one could have publicity without a complete system of licences.

M. DUPRIEZ (Rapporteur) added that the question of publicity was fixed by Article 9.

The CHAIRMAN put the Jouhaux amendment to the vote, paragraph by paragraph.

Paragraphs 1 and 2:

For . . . 4;
Against . 10.

Article 5 was put to the vote:

For . . . 11;
Against . 4.

Article 5 was adopted.

31. Article 6.

Article 6 was adopted without amendment.

32. Article 7.

"Shipments to be effected under contracts entered into before the coming into force of the present Convention shall be governed by its provisions."

Viscount CECIL thought it difficult to apply this article to consignments already completed.

Major HILLS (Rapporteur) pointed out that the article referred to contracts completed and not to consignments.

Article 7 was adopted.

33. Article 8.

"The High Contracting Parties undertake to grant no export licences covering either Category I or Category II to any country which refuses to accept the tutelage under which it has been placed or which, after having been placed under the tutelage of any Power, may endeavour to obtain from any other Power any of the arms or munitions of war in Category I or of the fire-arms or ammunition in Category II."

M. JOUHAUX asked for information as to the meaning of the article.

Viscount CECIL explained that his object was to forbid the supply to countries declining to accept the tutelage of the mandatories. The question did not perhaps apply at the present moment.

M. HODAC said that a clause which forbade a mandated country to procure sporting weapons from a country other than the mandatory country seemed to him to go too far.

The CHAIRMAN explained that "from any other Power" meant "other than the intermediary" and not other than the "mandatory country".

M. JANCOVICI was doubtful as to the juridical value of the expression "which refuses to accept the tutelage".

M. JOUHAUX observed that up to the present no importance had been attached to the question of categories and that it now seemed that Category II was important proportionately to its destination.

Viscount CECIL said that the importation of sporting weapons destined for an uncivilised country had an importance greater than if they were destined for a civilised country.

He proposed to suppress the phrase "which refuses to accept the tutelage under which it has been placed, or".

Article 8, with the omission proposed by Viscount Cecil and the addition "for despatch" proposed by the CHAIRMAN, was put to the vote.

For II;
Against 3.

Article 8 was adopted.

34. Article 9.

"A Central International Office shall be established for the purpose of collecting and preserving documents of all kinds exchanged by the High Contracting Parties with regard to the trade in and distribution of the arms and ammunition in Category I and Category II specified in the present Convention, as well as the texts of all laws, orders and regulations made in the carrying out of the present Convention.

"Each of the High Contracting Parties shall publish an annual report showing the export licences which it may have granted in respect of arms and munitions in Category I or Category II, together with the quantities and destination of the arms and munitions to which the export licences refer. A copy of this report shall be sent to the Central International Office.

"Further, the High Contracting Parties agree to send to the Central International Office full statistical information as to the quantities and destination of all fire-arms and ammunition in Category II exported without licence during the year, and those of the High Contracting Parties which are Members of the League of Nations agree to send all the above-mentioned documents, reports and information to the Secretary-General of the League of Nations. Movements of armaments made by a Power within its own area and for the use of its own military forces will not be included in this report."

M. HODAC made a new suggestion: to institute an international Committee of representatives of eight States — four producing countries, four purchasing countries. This Committee would be autonomous. The United States would have the right to send one representative. The other representatives would be nominated by the Council. States Members of the League would send their documents to this Committee via the Secretariat, the others direct. The seat of the Committee would be at Geneva if possible.

General DE MARINIS could not agree with M. Hodac for the reason already given the previous day. He read Article 24 of the Covenant. This Committee would add to the international bureaux

and would disregard Article 24. He did not think that, by entrusting the publication of statistics to the Secretariat, ratification by the United States would be prevented. He was therefore in complete agreement with the Jouhaux amendment.

35. Amendment by M. Jouhaux to Article 9.

"Paragraph 1, line 1: For 'A Central International Office shall be established for the purpose of' read 'The Secretariat of the League of Nations will be charged with the duty of'.

"In the text of the remainder of the article replace '... Central International Office' by 'Secretariat of the League of Nations'.

"In paragraph 3 delete the words: '...and those of the High Contracting Parties which are Members of the League of Nations agree to send all the above-mentioned documents, reports and information to the Secretary-General of the League of Nations'.

"Insert new paragraph between paragraphs 3 and 4, as follows:

"Such of the High Contracting Parties as are not Members of the League of Nations may merely publish the above-mentioned documents and transmit them to the Government of Belgium."

M. DUPRIEZ (Rapporteur) explained that this Central International Office had existed since the Brussels Convention. Moreover, the United States would not agree to be bound by Articles 17 to 19 and 21 of the Convention of St. Germain, articles which are, however, indispensable to the execution of obligations under the exceptional regime laid down in Article 6. He recalled that the objection to Article 24 of the Covenant was not as strong as it appeared, in view of the legal opinion and precedents already existing. In the case of the Opium Convention and the Convention of St. Germain for the traffic in spirituous liquors, the latter had instituted an Office at Brussels outside the ægis of the League of Nations. In a similar manner, the Office entrusted with the traffic in arms at Brussels since 1890 could be maintained with its archives and its experienced officials.

Viscount CECIL said that the opium organisation operated under the direction of the League of Nations and that, as regards spirituous liquors, it was possible that the authors of the Convention did not take into consideration the spirit of Article 24 of the Covenant. But it was really impossible for an organ of the League to leave the League out of the question. That would be considered by many Members of the Assembly a scandal and an insult. The principle of all our activities must tend to centralise in the League of Nations international life of every description. As regards the article cited by M. Dupriez, he saw no obstacle to its ratification by the United States. However, he put forward another suggestion, namely, to introduce into the Convention another article similar to Article 17 of the Treaty of Mutual Assistance, whereby adherence was permitted under reserves which the High Contracting Parties approved of. That would be the best way for the Commission to obviate the difficulty and would prevent opponents of the Convention using the smallest details as an argument for refusing the Convention *en bloc*. The text might be as follows:

"Every State may, with the consent of the other High Contracting Parties, notify its partial adhesion, subject to the provisions of the Convention."

General DE MARINIS did not understand why there was any doubt with regard to Article 24. The literal sense, apart from any legal interpretation, forbade not only any new office but required that all existing offices should come within the control of the League. That would not be the case with the Brussels Office. For the Convention on Spirituous Liquors, the High Contracting Parties gave a mandate to the Council to organise an Office. He did not think that the article read by M. Dupriez would stop States which did not desire to be affiliated to the League of Nations from ratifying the Convention. If a State did not wish to adhere, it would always find reasons for not doing so. He agreed to the proposal of Viscount Cecil. He said that the Secretariat possessed a section entrusted with all statistics concerning armaments, and that it would be diminishing the prestige of the League to decrease its functions.

M. JANCOVICI insisted that it was the very dignity of the League for which the members of the Commission were mandatory in the task before them. The Commission must obviously make all possible sacrifices in order to obtain as many adhesions as possible, but not to the extent of putting the League of Nations without the pale of this Convention. Finally, the Commission must not make a precedent which would have the political significance that an international agreement was only possible if the League of Nations did not concern itself in the matter.

M. DUPRIEZ (Rapporteur) said that the mission confided to the Commission was very limited. They had to make a Convention acceptable to all Powers. He placed himself solely on this standpoint and he recalled that the Council had itself admitted the existence of a central hydrographic office made autonomous in order to secure the adherence of the United States.

Viscount CECIL said that this office was not a Government organ but a private commission.

M. DUPRIEZ (Rapporteur) contested this point, saying that the expenses were paid for by the signatory Governments. He added that, in a letter of January 1922, the Council asked the Belgian Government to continue to direct the Spirituous Liquors Office, and asked the same thing as regards the Central International Office for the application of the Convention of St. Germain.

Viscount CECIL said that the terms of the letter were a repetition of the Convention and that the organisation was indeed under the auspices of the League, to which it sent its report.

General DE MARINIS added that it was a temporary office, placed under the authority of the Council, which had transferred the mandate, and that the letter cited reinforced his arguments.

M. DUPRIEZ (Rapporteur) said that the office was not under the authority of the Council, since the Belgian Government paid the expenses.

M. JOUHAUX said that it was impossible to accept the organisation of an Office at Brussels without coming into contact with paragraph (d) of Article 23 of the Covenant, the more so as the Opium Convention had been established under the application of paragraph (c) of the same article. Nor was he able to accept the suggestion of M. Hodac on account of Article 24. He saw equal objections to Viscount Cecil's proposal. It was necessary to be certain that the reserves made by the signatories did not touch on matters of principle and an efficient control. It seemed to him that it was possible to adopt the same regime for arms as for opium.

Count HIROSAWA strongly supported the argument of M. Jouhaux, which was based on Article 23 of the Covenant.

M. HODAC remarked that the Covenant only bound signatories to the Covenant. But, admitting that the spirit of his suggestion was to retain the most important rôle for the League of Nations and that Viscount Cecil's new proposal, if accepted, permitted of the transaction before ratification, he was ready to agree to the words: "The Council of the League of Nations will create a control office".

The Marquis DE VITI thought that the Secretariat of the League was, *vis-à-vis* States non-Members, merely a technical organ. The only question arose over the word "authority", which was contained in Articles 23 and 24 of the Covenant. The introduction of a State like Belgium to serve as a letter-box for States non-Members did not alter the principle. Belgium must in any case transmit the correspondence to the Secretariat. He proposed to add to Article 9 a clause to the effect that the character of the Secretariat was purely technical *vis-à-vis* States non-Members.

The CHAIRMAN earnestly requested the Commission to keep on practical grounds, so as to make the Convention acceptable to all producing countries. The question contemplated in the second paragraph of the Assembly's resolution, with reference to draft conventions acceptable to some nations only, was a mere Utopia. Article 5 of the Convention of St. Germain had been one of the obstacles to its ratification. If they made a control which was still more strict by causing the Secretariat to be an international office itself, the Commission would only find itself with the same work to do two years hence. He was ready to accept the solution proposed by M. Hodac, but M. Jouhaux's text would certainly lead to a refusal. He did not think that it would create a dangerous precedent. The principal object was to effect the control of the traffic by means of a compromise, which might only be provisional and might disappear in course of time. He proposed to leave to the Council the task of establishing the body of control.

Viscount CECIL agreed to refer the question to the Council, but insisted upon the insertion of a paragraph giving some measure of elasticity and permitting the High Contracting Parties to express their objections. He accepted the proposal made by M. Jouhaux to add a paragraph to limit reserves, so as not to weaken the efficiency of measures of control.

M. JANCOVICI said that M. Lebrun had recalled that the question was, in effect, one of expediency. Members of the Commission were not Government representatives, but, by the very fact that they were technicians who had a mandate, they must not go beyond the juridical principles laid down in the Covenant. Article 23 required the Members of the League of Nations to place, as far as it concerned them, the question of the traffic in arms under the League of Nations. Members of the League of Nations cannot, therefore, sign with non-Members a Convention which is contrary to Article 23.

The CHAIRMAN said that the Commission had received an amendment from M. Jouhaux, the additional clause presented by Viscount Cecil, and an amendment presented by M. Lebrun and M. Hodac.

SIXTH MEETING.

Held on March 26th, 1924, at 4 p.m.

36. Continuation of the Discussion of the Draft Convention. — Article 9.

The CHAIRMAN read his proposed amendment to Article 9.

"The Council of the League of Nations will arrange with the States non-Members of the League of Nations for the establishment of a Central International Office, which will be charged with the duty of

37. Amendment by the Chairman to Article 9.

"Delete paragraph 3 and substitute the following paragraph:

"The Central International Office shall publish an annual report showing the traffic in arms and munitions in Category I, and that of the arms in Category II which the exporting Governments consider should be placed under the same regulations as the arms in Category I."

Viscount CECIL had certain doubts as to this amendment, which enacted that the Council would negotiate with the United States. It would be preferable to say: "The Council will be charged with organising".

The CHAIRMAN remarked that the correspondence exchanged between the President of the Council and the United States Government is already a commencement of negotiations. The proposition was not therefore a new one.

M. DUPRIEZ (Rapporteur) thought that the producing States of Europe would not adhere unless they were convinced that the United States would accept the Convention. The League of Nations must then of necessity initiate negotiations with States non-Members.

Viscount CECIL did not agree with this view. A clause might specify that the Convention would come into force after a certain number of States had signed it. It would be useless to hold up the signatures until negotiations with the United States had been concluded.

The CHAIRMAN added that the history of the first Convention would repeat itself. A certain number of States would agree, others would refuse. That would be communicated. There was no need to await the conclusion of negotiations.

Viscount CECIL said that, if the Council was instructed to negotiate, the United States Government would be embarrassed, for it must admit the fact of negotiating with the Council of the League. The position would be simpler if a clause was inserted in the Convention which allowed the United States to make such reserves as it deemed necessary.

M. JANCOVICI said that the Commission had drawn up a draft the text of which was effective in itself. He did not understand the juridical value of the additional clause. It was therein asked that States should ratify a proposal wherein the Council must come to an agreement with States non-Members. If there be no agreement, the juridical value of the text is doubtful.

The CHAIRMAN replied that it was not to be assumed *a priori* that the Council would be powerless to effect this agreement.

M. FABRY suggested that alternative texts of this article should be proposed to the Council for decision, especially as the responsibility for this political question lay with the Council.

General DE MARINIS thought there was a misunderstanding. He referred to the text of the resolution of the Fourth Assembly, which recommended them to answer the question of convoking an International Conference for the purpose of framing the proposed Convention. The Commission had merely to submit a draft to the Council. It was then quite natural that the Commission should begin by safeguarding the prestige of the League, leaving to the International Conference the task of deciding otherwise if it deemed it advisable. He therefore supported the Jouhaux amendment and the additional clause proposed by Viscount Cecil.

The CHAIRMAN recalled the answer he had given that morning. The United States had formally objected to Article 5 and the amendment proposed was still more rigid. It was therefore certain to be refused by the United States.

General DE MARINIS said that the Jouhaux amendment was completed and corrected by Viscount Cecil's paragraph.

38. Amendment by Viscount Cecil to Article 9.

Viscount CECIL said that the whole Commission was anxious both to preserve the prestige of the League of Nations and to satisfy the United States. It was good policy to leave the care of settling that question to the Council of the League of Nations and to give it full freedom in that respect. He proposed to replace the first lines of Article 9 by "a central international organ will be established by the Council of the League of Nations for the purpose".

M. COBIAN agreed with General de Marinis. The Convention of St. Germain had been sent, completely drawn up, to Governments which were unable to change a word of it. The draft which the Commission had drawn up was merely a basis for discussion by an international conference.

It was therefore not necessary to be unusually cautious in the framing of the draft, as the objections of Governments would be brought out elsewhere.

The CHAIRMAN remarked that the effects were otherwise. The Convention was sent to the United States, which had declined it. The League of Nations wrote to ascertain their objections. They had received two replies. The Commission was therefore not assembled for the purpose of making any sort of text, but a text which would meet those objections. In voting on the Jouhaux amendment, they were sure to proceed contrary to the manner laid down in the Treaty.

M. COBIAN observed that the amendment did not reproduce Article 5, but suggested in the last sentence the intervention of the Belgian Government.

M. JANCOVICI said that he had not yet received a reply to the following question: How could the Commission go outside the provisions of the Covenant (Articles 23 and 24)? The amendment proposed by the Chairman maintained the very principle which M. Fabry contested.

M. FABRY said that he agreed with the Cecil amendment if drafted in less rigid terms, as it would then be more advantageous. The Jouhaux amendment seemed to him too precise and had the fault of creating two offices.

M. JOUHAUX said that the object of his amendment was to remain within the ægis of the League and that he was acting on precedents established in the Opium question.

M. FABRY said that the Cecil amendment merely indicated the Secretariat of the League of Nations as the organ, and that the Council could nominate another organ and even establish an independent organ.

M. JOUHAUX was of this opinion and supported the Cecil amendment, as he supposed that the Council would never act against the interest of the League of Nations.

M. COBIAN recalled his general reservation on the subject.

The Cecil amendment was put to the vote and adopted by the Commission.

Paragraph 1, with the Cecil amendment, was adopted.

Paragraph 2 was adopted, the word "office" being replaced by the word "organ".

39. Article 9. — Discussion of Paragraph 3.

M. FABRY recalled the amendment proposed by M. Lebrun. He thought that it was not necessary to force the Governments to furnish information on toy weapons; moreover, the article would then be in agreement with Article 30, which called for a report on Category I only.

Major HILLS (Rapporteur) pointed out that there were two differences between the amendment and the Rapporteurs' draft: (1) the last sentence of the paragraph in the draft required States to send statistics of Category II— in that, the Rapporteurs had followed the Convention of Saint-Germain; (2) the draft required an annual report not only of Category I but of all arms requiring licences and also as to the general position of the traffic in arms.

M. JOUHAUX observed that, in consequence of Viscount Cecil's amendment, his own would need modification.

M. FABRY said that he was struck by the observations of Major Hills, but he insisted on the uselessness of asking for information relative to the free traffic in arms which were not dangerous. He was astonished to see such a clause kept in the Convention of Saint-Germain. On the other hand, Article 30 required a report from the Secretariat merely containing the information received by the organ. It appeared more logical that a central international organ which was better informed should make a report, which would then be complete.

M. DUPRIEZ (Rapporteur) proposed that paragraph 3 should be completely suppressed, on account of the objections of principle explained by M. Fabry and also from the fact that the Government statistics would have no value as regards this proportion of the traffic. The Belgian Government had already intimated, *à propos* the Convention of Saint-Germain, that it was impossible to furnish particulars on this subject.

Major HILLS (Rapporteur) did not insist on the retention of paragraph 3. As regards the annual report, he continued to think that it should be in the form of a publication by the League of Nations, which was established to collate and publish documents. The central international organ would transmit to the Secretariat the appropriate particulars.

M. JANCOVICI regretted to see that the value of the Convention was still further weakened by the suppression of paragraph 3. The internal regulations of the different Governments might stipulate that manufacturers should furnish information as to the arms in Category II.

M. FABRY said that one could not control what was uncontrollable and that it was not necessary to burden Governments with matters which were difficult of application. It was enough that everything which was of danger should be submitted to publicity. He thought it a mistake to establish a central international organ which would be merely a letter-box and would therefore

acquire no jurisdiction. The attention of the Council might be drawn to this point. He agreed to the suppression of paragraph 3.

Viscount CECIL agreed with M. Fabry as to the first point. As to the second point, he thought that, when finally analysed, the report should be drafted by the Secretariat, which was experienced and competent. The exterior organ would have to work in collaboration with the Secretariat.

The Marquis DE VITI was satisfied that the Rapporteurs had abandoned paragraph 3. A choice had to be made between great freedom of traffic and precision on statistics. He was for such freedom. Moreover, certain Governments might furnish statistics on arms in Category II if they thought it useful to submit them to control.

M. COBIAN said that, after the vote on Article 5, he thought it essential to retain paragraph 3, which left publicity as the sole method of control. Once again he said he was opposed to submitting to the Council what was the duty of the Commission.

The CHAIRMAN put the suppression of paragraph 3 to the vote:

For	11 votes;
Against	4 votes.

The suppression of this paragraph was therefore adopted.

M. JOUHAUX abandoned his proposed amendment for insertion between paragraphs 3 and 4.

40. Article 9. — Discussion of Paragraph 4.

M. FABRY proposed to substitute the words "in the interior of territories placed under its sovereignty or under its authority" for the words "in the interior of its own territory". This would in no way change the amendment laid down in Article 10. It was merely not to restrict the effect of the article to the metropolitan territory. This drafting would equally cover countries under mandates in which the mandatories have to maintain armed forces.

The amendment was put to the vote:

For	11 votes;
Against	2 votes.

Paragraph 4 as amended was adopted.

41. Article 10.

"The High Contracting Parties undertake, each as far as the territory under its jurisdiction is concerned, to prohibit the importation of arms and munitions of war in Category I and of fire-arms and ammunition in Category II into the following territorial areas, and also to prevent their exportation to, importation and transportation in the maritime zone defined below:

- "1. The whole of the Continent of Africa, with the exception of Algeria, Libya, Spanish ports of North Africa, the Union of South Africa and Rhodesia. Within this area are included all islands situated within a hundred nautical miles of the coast, together with Prince's Islands, St. Thomas Island and the Islands of Annobom and Socotra.
- "2. Transcaucasia, Persia, Gwadar, the Arabian Peninsula and such continental parts of Asia as were included in the Turkish Empire on August 4th, 1924.
- "3. A maritime zone, including the Red Sea, the Gulf of Aden, the Persian Gulf and the Sea of Oman, and bounded by a line drawn from Cape Guardafui, following the latitude of that cape to its intersection with longitude 57° east of Greenwich, and proceeding thence direct to the eastern frontier of Persia in the Gulf of Oman.

"Special licences for the import of arms and ammunition in Category I or Category II into the areas defined above may be issued. In the African areas they shall be subject to the regulations specified in Articles 11 and 12 or to any local regulations of a stricter nature which may be in force. In the other areas specified in the present article, these licences shall be subject to similar regulations put into effect by the Governments exercising authority there."

42. Declaration by the Representative of Persia.

Prince ARFA-ED-DOWLEH made the following declaration: "During the general discussion I had the honour to explain verbally and in writing the point of view of my Government as to

Article 10 of the draft of the new Convention. As the discussion of Article 10 has commenced, I should like to add a few words.

"The League of Nations is, I apprehend, founded on principles of justice and equality. It is called upon to settle difficulties which arise amongst its Members. What would one say in Persia and the East if they refused to ancient Persia, independent from the earliest times, what they had granted to the ports of northern Africa, which were under the control of Spain, and to Rhodesia, lately become a self-governing colony ?

"Persia is a constitutional country. She has a Parliament and a disciplined regular army. She has a time-honoured civilisation. From the moment that the memorandum of the Secretary-General said to us: 'The Temporary Mixed Commission may decide that it is advisable to maintain a similar system and define certain areas in which the traffic in arms should be placed under a special regime', it should be borne in mind that the territories defined in this way have very different legal status. For instance, among the territories defined in Article 6 of the Convention of St. Germain are the entire territory of sovereign States, such as Persia, Liberia, Abyssinia, etc.

"From the moment that the September 1923 resolutions of the Assembly said to us:

'The Assembly recommends that the Temporary Mixed Commission should be invited to prepare a new Convention or Conventions to replace that of St. Germain for the control of the traffic in arms.

"The Temporary Mixed Commission should be requested to draw up the draft Convention or Conventions in such a form that they might be accepted by the Governments of all countries which produce arms or munitions of war.

"The Temporary Mixed Commission should, however, also make alternative proposals for a Convention or Conventions which might be adopted by some of the producing Powers, even if others refused their co-operation.'

I ask, in the presence of this power, what there is to stop the Sub-Commission from modifying Article 10 of the draft in Persia's favour, in a similar way to that which has been done for the northern ports of Africa belonging to Spain and for Rhodesia ?

From recent information, the Persian Government has asked its Parliament for the necessary credits for a manufactory of arms at Teheran. If Persia does adhere to this new Convention, what law will stop it from giving arms to its neighbours, as is the case with countries which have not adhered to the St. Germain Convention ?

If you tell me that the Sub-Commission has not the right to make this modification, or that it is not competent in the present case, I would answer that the Sub-Commission can do us this justice by the very authority and the same right with which it has assented for other countries.

"The Convention of St. Germain committed a grave fault *vis-à-vis* Persia. Show me a law, even amongst the nomads, which, under the pretext of security for certain countries, deprives an independent country like Persia of the sacred right of sovereignty without the cognisance of its Government, without the consent of its people, without ratification by its Parliament, and places its ports and territories under the control of a country which produces arms and munitions. No, gentlemen, you will not commit this injustice. I have great confidence in your sense of justice.

"I earnestly request the Sub-Commission to accord satisfaction to the just demand of Persia and to show to the entire world that you treat all Members of the League of Nations in the same equitable manner. In conclusion, I thank the honourable representative of Japan in the name of my Government for the support which he has given to the just cause of Persia, and I hope, gentlemen, that you will give me cause to thank you on behalf of the Persian Government for a just decision. In view of its importance to us, whose sacred right of sovereignty is at stake, I request the Chairman to be good enough to take note of my declaration and to request the Secretariat to insert it *in extenso* in the Minutes of the meeting."

M. DUPRIEZ (Rapporteur) said that, from the point of view of international law, there was no necessity to reply to the argument of Prince Arfa-ed-Dowleh. It was impossible for a certain number of Powers to assemble other Powers and to enforce obligations on a State non-party to the Treaty. Article 10 of the Pact and the principle motive of the Pact, based on equality of States, supported this contention. He did not think the Sub-Commission could modify Article 6 of the Convention of St. Germain. That was a question of policy between States. He observed that it was not necessary to exaggerate national susceptibility. The great European Powers had consented, as regards certain of their territories, to a special regime in view of the impossibility of exercising police control of immense frontiers. The question is a matter for transmission to the Council, with an observation that such a regime cannot be imposed on sovereign States.

Viscount CECIL was in agreement with the conclusions of M. Dupriez but not with his argument. He did not see in it that the spirit of the Pact was being encroached upon. No one thought of infringing the independence and honour of Persia, which is a Member of the League of Nations. It was not necessary to be so susceptible on subtle points of international law, but to seek practical means to attain the desired object. The great European States had consented to submit to this special regime. It was a matter for the experts to say if, for geographical reasons, this regime should be applied to such-and-such a region. On the other hand, he pointed out to M. Dupriez that Ethiopia, which is a Member of the League of Nations, had consented — although a sovereign State — to submit to special engagements. He suggested that the Convention of St. Germain should not be put on one side and that the question of Persia, Spanish ports and Rhodesia should be referred to the Council.

Prince ARFA-ED-DOWLEH said that Persia could not be assimilated to a country not fully policed, as she possessed for the last three years 75,000 regular and disciplined men. All frontiers

and ports were guarded. Great Britain, which, in order to stop all contraband of arms amongst the Afghans and Beluchs, had occupied Persian ports, had just withdrawn her garrisons, which had been relieved by Persian troops. Referring to the explanations of Viscount Cecil, he said that the inclusion of Persia in the areas laid down in the Convention of St. Germain was the result of a Treaty entered into between Great Britain and Persia, which Treaty had never been ratified by the Persian Parliament. The fact was that Persia is bordered by Russia, Turkey and the territories of Afghanistan and Beluchistan. There was no necessity to fear that Russia and Turkey would receive arms from Persia. If Persia adhered to the Convention, she would permit no sale to the Afghans or Beluchs. On the other hand, Persia was herself thinking of manufacturing arms, in view of the high price of imported arms. If, then, she did not adhere to the Convention, she would be free to sell arms to her neighbours. It was thus to the general interests to seek the adhesion of Persia.

M. COBIAN was against sub-paragraph 2 of paragraph 1 of Article 10 and made a formal reserve on the subject.

M. DUPRIEZ (Rapporteur), answering Viscount Cecil, said that States had admitted a special regime by being parties to the Convention, and the mistake was to endeavour to impose it on States non-parties. The only possible thing to do would be to admit a special regime by means of negotiations.

M. JOUHAUX differentiated between the two questions: one of fact, as regards a particular political situation of Persia, which the Commission was not in a position to adjudicate, and one of right, as explained by M. Dupriez.

The Commission was not able to insert a text which was contradictory to international law. The solution would be to insert principles of right in the place of Article 10 and to leave it either to the Council or the International Conference to apply those principles to the existing political situation. He proposed an amendment to Article 10.

43. Amendment by M. Jouhaux to Article 10.

"The suppression of all paragraphs except paragraph 1, and the replacement of all that part of the article by a paragraph in the report as follows:

" 'The Commission is of opinion that, in view of new circumstances which have arisen since the Convention of St. Germain was prepared, the territories to be comprised in the prohibited areas must be made the subject of special study by a committee of experts, on which all interested parties would be represented.' "

Viscount CECIL asked M. Jouhaux to be good enough to withdraw his amendment. It was preferable that the question should be sent to the Council with freedom to settle the means. Moreover, it would be lengthy and complicated to convoke representatives of all interested States.

M. JOUHAUX said that it had been decided to send the matter to the Council.

The CHAIRMAN said the Sub-Commission had listened to the declaration of the Persian delegate and the observations which had been made with great force and much emphasis.

Prince ARFA-ED-DOWLEH asked that note should be taken of his declaration and it should be inserted in the Minutes.

The Commission unanimously decided to approve this request.

The CHAIRMAN informed M. Jouhaux that the Council would find in the report all the necessary particulars as regards Article 10, and that the matter would not be stifled. The modifications to be made to Article 10 were of a political nature. The Commission would send them to the Council and the reserve of M. Cobian would appear in the Minutes.

M. JANCOVICI asked that it should be made clear that Article 10 of the draft is retained, with a declaration explaining the reasons of the discussion.

The CHAIRMAN explained that Article 10 would reappear as the original text of Article 6 of the Convention of St. Germain, and that the Commission would ask the Council to modify that text as it seemed desirable.

M. URRUTIA thought that it was desirable that the opinion of everyone should be expressed for the information of the Council. He considered the declaration of Prince Arfa-ed-Dowleh extremely reasonable. He thought that there should be a special treaty amongst interested States as to the maintenance of zones under a special regime.

M. JOUHAUX modified his amendment, replacing the last two lines from "every special" by "a further study by the Council".

Count HIROSAWA said that all mention of North African ports should be suppressed from Article 10.

The CHAIRMAN proposed that Article 10, as it appeared in the old text of Article 6 of the Convention of St. Germain, should be referred to the Council, together with the draft resolution of M. Jouhaux, which would explain the reasons for so doing.

The proposal was adopted.

The CHAIRMAN observed to Prince Arfa-ed-Dowleh that Persia should be represented at the Council when the question was discussed.

44. Articles 11 to 25.

(Articles 7 to 21 of the Convention of St. Germain unchanged.)

Major HILLS (Rapporteur) said that in these articles there were certain technical arrangements to be reviewed, and he suggested that revision should be made by the Permanent Advisory Commission, where interested States could be represented.

Viscount CECIL said that it was necessary to ask the Council to transmit it to the Permanent Advisory Commission and not to transmit it direct.

M. JANCOVICI asked that Articles 7 to 21 of the Convention of St. Germain should be read.

Colonel LOWE recalled that the draft must be sent to the Permanent Advisory Commission, which would then have to examine all the articles of the Convention without exception.

Viscount CECIL proposed that, if any member desired specially to discuss a point in the articles, the Commission should commence a discussion on the particular point only, and that it would be merely a loss of time to read through all the technical articles.

The CHAIRMAN proposed to accept the procedure suggested by Viscount Cecil.

This was agreed.

SEVENTH MEETING.

Held on March 27th, 1924, at 10.30 a.m.

45. Continuation of the Discussion of the Draft Convention.

The CHAIRMAN recalled that at the preceding meeting it had been settled that they should only discuss points in the original Articles 7 to 21 of the Convention of St. Germain on which explanations were required.

M. JOUHAUX thought it was impossible to pass over certain articles *en bloc* without seriously examining them. It seemed to him that one would find innumerable contradictions to the principle accepted up to that moment. He particularly referred to Article 7, paragraphs marked (1) and (3), the first and fifth paragraphs of Article 10 and paragraphs marked (1) and (2) in Article 12. It appeared to him to be impossible merely to insert those articles without examining them.

Viscount CECIL did not think that the portions quoted were contrary to the general principles of the Convention. They were merely matters of technical arrangement, the object of which was to permit of their application in certain countries.

The Commission was not competent to discuss the matter, but the Permanent Advisory Commission might propose alterations and the Temporary Mixed Commission could express an opinion at a plenary meeting. The only provision that he considered it necessary to retain was the penultimate paragraph of Article 10, which referred to the League of Nations. He proposed that they should not study Articles 7 to 21 of the Convention of St. Germain until the Permanent Advisory Commission had considered them.

M. JOUHAUX agreed on condition that the Permanent Advisory Commission attached an explanatory report.

The CHAIRMAN pointed out that the members of the Permanent Advisory Commission who were present could doubtless say what would be the nature of the examination required.

Viscount Cecil's proposal was adopted.

46. Article 26.

- “The High Contracting Parties which exercise authority over territories within the prohibited areas and zone specified in Article 10 agree to take, so far as each may be concerned, the measures required for the enforcement of the present Convention, and in particular for the prosecution and repression of offences against the provisions contained therein. They shall communicate these measures to the Central International Office and shall inform it of the competent authorities referred to in the preceding articles. Such of them as are Members of the League of Nations shall at the same time transmit this information to the Secretary-General of the League.”

M. DUPRIEZ (Rapporteur) said that the last sentence should be suppressed in conformity with a decision already taken.

Viscount CECIL thought it better to leave the sentence.

M. FABRY thought that the Council would modify it if necessary.

Article 26 was adopted.

47. Article 27.

“The High Contracting Parties will use their best endeavours to secure the accession to the present Convention of other States, whether Members of the League of Nations or not. This accession shall be notified through the diplomatic channel to the Government of the French Republic, and by it to all the signatory or adhering States. The accession will come into force from the date of such notification to the French Government.”

Viscount CECIL proposed the following addition:

“Any State may, with the consent of the other High Contracting Parties, make partial or conditional adhesion to the provisions of this Treaty, providing that such partial conditions or acceptations do not weaken the effectiveness of the control of the traffic in arms.”

M. URRUTIA said that this condition raised a question of law making it dependent upon the adherence of the other High Contracting Parties.

Viscount CECIL saw no difficulties in that point. The High Contracting Parties must be in a position to decide whether the reserves were acceptable, and could not bind themselves if those reserves entirely modified the general application of the principles which were admitted.

M. URRUTIA admitted that, from the point of view of international law, Viscount Cecil was right, but in practice it was necessary to make preliminary negotiations which would ensure unanimity by the High Contracting Parties.

Article 27 was adopted, with the addition proposed by Viscount Cecil.

48. Article 28.

“The High Contracting Parties agree that if any dispute whatever should arise between them relating to the application or interpretation of the present Convention which cannot be settled by negotiation, this dispute shall be submitted to the International Court of Justice.”

Major HILLS (Rapporteur) explained that this article differed from Article 24 of the Convention of St. Germain in the fact that it equally provided for the interpretation and for the application of the Convention and replaced the arbitral tribunal by the Permanent Court of Justice.

M. JANCOVICI said that this article raised a question of law. As a result of the text which laid down the jurisdiction of the Court, and the report to the Council of May 12th, 1922, the Court was not available for States non-Members of the League unless they had deposited with the Registrar a declaration that they accepted the jurisdiction of the Court. He did not, therefore, know whether in these conditions the United States could be persuaded to accept Article 28.

Viscount CECIL proposed to maintain the text. He did not think that the difficulty raised was unsurmountable, because it was not known whether the United States would refuse the arbitration

of the Court. On the other hand, there would be negotiations between the Council and States non-Members which could very well cover the point.

M. FABRY thought it necessary to mention the Court in order to avoid any formal reserve on this subject by the United States which would be unacceptable to the other Powers, assuming that it touched on essential questions of control. He proposed to replace the last part of the article by the words "arbitration tribunal which may be the Court...." or by "to the Court or alternatively to a court of arbitration". He himself preferred the first of these two alternatives.

Viscount CECIL preferred the second sentence. The first had the fault of suggesting that the Court should be assimilated to an arbitral tribunal, which was contrary to the interpretation of the Covenant.

M. COBIAN once more recalled that the text was not of great importance, as all those observations could be presented to the International Conference. For these reasons, he did not oppose the proposal of M. Fabry.

M. JANCOVICI proposed that the opinion of the Legal Section should be asked on this article.

Viscount CECIL thought that the article presented rather a question of principle than a technical matter.

M. LOHNER remarked that in all dissensions between Members, the jurisdiction of the Court should be compulsory.

The CHAIRMAN said that the attention of the Legal Section would be specially called to that article.

The article was adopted, with the amendment proposed by M. Fabry (second phrase).

49. Article 29.

"All the provisions of former general international Conventions relating to the matters dealt with in the present Convention shall be considered as abrogated in so far as they are binding between the Powers which are Parties to the present Convention."

M. FABRY said this article no longer accorded with Article 4. Originally, it only bore reference to the Brussels Convention. He proposed, by analogy with the clause voted by the Commission on the subject of the Treaty of Mutual Assistance, that an amendment should be made to the end of this article.

50. Amendment by M. Fabry to Article 29.

"This present Convention shall in no way affect the rights and obligations which may arise out of the provisions either of the Covenant of the League of Nations or of the Treaties of Peace signed in 1919 and 1920 at Versailles, Neuilly, St. Germain and Trianon and the provisions of Agreements registered with the League of Nations and published by the League up to the date of the coming into force of the present Convention, so far as the Powers which are signatories of or benefit by the said Treaties or Agreements are concerned."

He said that it was difficult to adjust this article at the meeting in session, and asked that it should be sent to the Legal Section for drafting.

Viscount CECIL agreed to this proposal, especially as the article abrogated Conventions which the amendments confirm.

M. DUPRIEZ (Rapporteur) explained that Article 25 of the Convention of St. Germain referred obviously and solely to the Act of Brussels, and did not foreshadow the abrogation of Conventions on the traffic in arms in Africa. It was necessary to avoid drawing any conclusion from Article 29 that new Conventions had been abrogated.

The CHAIRMAN proposed to refer Article 29, the additional article proposed by M. Fabry and Article 4 to the Legal Section.

51. Draft Resolution by M. Jancovici.

M. JANCOVICI proposed the following draft resolution:

"The Sub-Commission instructs the Secretariat to make a juridical study of the text which it has prepared, subsequent to its examination by the Permanent Advisory Commission, with a view to making a report on the subject at the next meeting of the Temporary Mixed Commission.

"This study shall include the following points:

"Drafting;

"Points specially referred, during the discussions, to the Legal Section of the Secretariat."

M. URRUTIA desired to propose a new draft of Viscount Cecil's addition to Article 27. He pointed out, first of all, that the French and English texts were not identical; besides, this text gave the impression that adhesions would be submitted to preliminary consent of all the High Contracting Parties to any reserves which might be made. It therefore seemed to him that the idea of Viscount Cecil was that adhesion must be accepted by the interested parties in order to have any legal value. Further, the supplementary conditions as to the efficiency of supervision seemed to him to be useless.

Viscount CECIL admitted the correctness of M. Urrutia's arguments. He anticipated the following procedure. The text adopted by the Conference would be sent to the Governments for adhesion. The Government would send its adhesion under reserves. If the reserves were accepted by the other High Contracting Parties, the adhesion was acquired, otherwise, no. He thought it, however, useful to maintain the last sentence, so as to serve as a guide to the Governments. He supported reference to the Legal Section.

The resolution of M. Jancovici was adopted.

Article 29 was sent to the Legal Section for drafting, as well as the third paragraph of Article 27.

52. Article 30.

"The Secretariat of the League of Nations shall publish an annual report on the traffic in arms and munitions of war in Category I, the licences issued by the different Governments and the situation of the arms traffic.

"This report shall be submitted to the Assembly of the League of Nations."

Major HILLS (Rapporteur) saw no further reasons for retaining it, as the report will be made by the Central International Organ and it was useless to have two reports.

Viscount CECIL observed that the report required by the Secretariat was more complete. It referred to licences and the general situation as to the traffic.

M. JOUHAUX further observed that the Assembly would have no knowledge of licences and that it was necessary to enlighten it by means of a general report.

Marquis DE VITI said that the draft which required publicity as to the arms in Categories I and II was subsequently limited to Category I, and to arms of Category II assimilated to Category I, so that there need not be more than Category I. As the Secretariat would draw up statistics on Category II, he saw no reason why it should not publish them. He proposed to suppress the words "of Category I".

M. FABRY was ready to agree with the proposal of the Marquis de Viti. He thought that the report must be made by the Central International Organ, which also possessed complete documents and freedom of action. That would not free the Secretariat from making a report, but it could not submit to the Assembly a report in which the conduct of a State non-Member was considered. There would then be two reports: a general report by the Central Organ and an official report by the Secretariat as to States Members. Concretely, he proposed to adopt the following formula as preamble to Article 30: "The Council of the League of Nations will draw up an annual report..." The Council, which had already to decide on the Central International Organ, would complete the hiatus.

Viscount CECIL, replying to the Marquis de Viti de Marco, said he agreed that the arms in Category II subjected to a licence should be included in the report; that had already been decided under Article 5. To avoid any misunderstanding, it would be better to repeat this.

Answering M. Fabry, he proposed that Article 30 should remain as it was, as Article 3 of the Covenant laid down that the Assembly must concern itself with all matters affecting the peace of the world, on the demand of a Member or on its own initiative. He did not object to the proposal of M. Fabry, but it seemed to him necessary that the Commission should take some measure of responsibility.

General DE MARINIS agreed with Viscount Cecil. He did not think that the drafting of the report by the Secretariat could impede ratification by non-Member States. Such States certainly had no objection to the Assembly discussing the report. *A fortiori*, they would not be against the drafting of the report by the Secretariat.

The Marquis DE VITI DE MARCO desired that the Commission should not give the impression that it feared to admit its connection with the League. He added that the report must not be drawn up as a political but as a statistical document, embracing all the documents which the Assembly and the Commission had no time to read.

M. FABRY protested that there should be any idea that he was ashamed of the League. He emphasised the fact that the Secretariat belonged to the Council and the Commission could not admit otherwise. Answering Viscount Cecil, he said that, above all, it was necessary not to assume responsibilities which did not belong to the Commission. The Commission had properly avoided

this as regards Article 9 and should do the same as regards the activities of the Central International Organ. He added that the report was not merely a statistical compilation but an interpretation, which the Secretariat-General, despite its competence, would find it difficult to draw up.

M. JOUHAUX said that the Secretariat could not pass on troublesome duties, as the Council is responsible for the work of the Secretariat.

M. FABRY said that this argument strengthened his proposal and that Article 30 should name the Council as responsible and not the Secretariat, which had no responsibility.

Viscount CECIL was impressed by M. Fabry's argument, adding that he was not sufficiently informed as to the functions of the Secretariat and its relations to the Council.

M. FABRY said that his amendment agreed with Article 9, the last paragraph of which had been deleted.

Article 30, amended as proposed by M. Fabry and the Marquis de Viti, was adopted.

53. Article 31.

Article 31 was adopted without alteration.

54. Article 32.

"The present Convention shall come into force when ratified by twelve Powers, among which shall be all of the following: (Here will follow the names of the six Powers who are principal manufacturers of munitions, including the United States of America)".

Major HILLS (Rapporteur) found it difficult to insert the names of States. He thought that ratification by the great producing Powers was necessary and proposed to include France, Italy, the United States, Germany, Russia and Great Britain.

M. FABRY said that, in view of the Treaty of Versailles, Germany could not be a producing Power. She could neither import nor export arms and munitions. It seemed that there were producing States which, though not cited, were as important as Russia. He therefore proposed Japan, Czechoslovakia, Italy, Belgium, Great Britain and France.

Viscount CECIL asked if the provisions of the Treaty of Peace as regards Germany were permanent or provisional as regards traffic in arms ?

M. FABRY said that they were permanent.

M. JOUHAUX said that this was true as regards arms of war only and that much difficulty had been involved by the exportation of sporting weapons from Germany to Africa.

Colonel LOWE explained that a portion of Asia Minor was included in the prohibited areas. It was therefore essential that Turkey should ratify. He proposed the United States, Belgium, France, Great Britain, Italy, Japan, Russia and Turkey.

Viscount CECIL said that Turkey was not a producing Power and that in the present state of affairs it was improbable that she would ratify the Convention. This would postpone the entry into force of the Convention *sine die*.

Colonel LOWE continued by saying that, as the Convention allowed the Turkish Government to import from Europe into Turkey, it would be impossible, if Turkey did not ratify, to forbid the transfer of arms to Turkey-in-Asia.

M. JANCOVICI said that it was very important for all her neighbouring countries that Russia should ratify.

Count HIROSAWA thought it was impossible to obtain the acceptance of Turkey to placing Anatolia in the area under a special regime.

Viscount CECIL proposed to accept the list drawn up by Colonel Lowe, omitting Turkey.

M. JANCOVICI asked that the engagements of Germany as regards importation and exportation of arms should be verified.

The CHAIRMAN read Articles 126 and 170 of the Treaty of Versailles.

M. DUPRIEZ (Rapporteur) explained that Article 126 referred to the exportation of arms for two purposes in the regions of Africa. The Convention of St. Germain did not exist at the time of the Treaty, and Article 126 could not therefore include the special regime already existing by reason of the Act of Brussels.

The list of States proposed by Colonel Lowe, with the exception of Turkey, was adopted.

M. JOUHAUX formally protested against Germany being excluded from the list, as the Commission would thereby not fulfil its functions, which were to make a Convention based solely on the rights of nations. On this subject he made a formal reserve.

Article 32 was adopted.

55. Article 33.

"The present Convention shall remain in force for ten years. Thereafter it can be denounced by any High Contracting Party by giving two years' notice to the Government of the French Republic, which inform all the other signatory Powers."

M. FABRY proposed an amendment. He added that it was necessary to admit the principle of revision. The Convention of St. Germain provided for seven years; he preferred five years.

56. Amendment by M. Fabry to Article 33.

- "The High Contracting Parties agree that, on the expiration of a period of ten years, the present Convention will be subject to revision, bearing in mind the acquired experience, at the request of among them."

Article 33, with the addition by M. Fabry, was adopted.

57. Preamble.

"(Here will follow the names of the High Contracting Parties signing the new Convention.)

"Whereas the Convention of St. Germain was signed by the High Contracting Parties therein mentioned;

"Whereas certain of them were not able to ratify such Convention;

"And whereas, for this and for other reasons, it is desirable to amend such Convention:

"Have appointed as their Plenipotentiaries:

"(Here will follow the names of the Plenipotentiaries of the new High Contracting Parties.)"

The amendment to the Preamble by Colonel Lowe was read:

"Whereas it is necessary to exercise a general supervision over the trade in arms and ammunition, with the object of securing the fullest possible publicity in regard to such trade, thereby drawing attention to the danger of the accumulation, in peace-time, of stocks of munitions;

"Whereas it is necessary to institute a uniform procedure for the supervision over the trade in fire-arms and ammunition which are capable of both warlike and other uses;

"Whereas the existing Treaties and Conventions, and particularly the Brussels Act of July 2nd, 1890, regulating the traffic in arms and ammunition in certain regions, no longer meet present conditions, which require more elaborate provisions applicable to a wider area in Africa and the establishment of a corresponding regime in certain territories in Asia;

"Whereas a special supervision of the maritime zone adjacent to certain countries is necessary to ensure the efficacy of the measures adopted by the various Governments, both as regards the importation of arms and ammunition into those countries and the export of such arms and ammunition from their own territory."

The CHAIRMAN proposed to refer this amendment to the Legal Section for examination.

The reference as proposed was agreed to.

EIGHTH MEETING.

Held on March 28th, 1924, at 10.30 a.m.

58. Continuation and End of the Discussion of the Draft Convention.

The CHAIRMAN proposed that the Sub-Commission should consider those points which had been held over during the previous discussions, particularly the question of the reference of the enumeration in Article 1 to the Permanent Advisory Commission.

Count HIROSAWA said that he had made a reservation following on an amendment proposed by Colonel Lowe. He intended to repeat his reservation in the plenary meeting of the Temporary Mixed Commission.

M. JANCOVICI thought that it had been agreed that it should be explained to the Permanent Advisory Commission that the text which had been adopted as a basis for discussion, namely, that of the Rapporteurs, had only been taken for general convenience and was not absolutely binding.

The CHAIRMAN said that on the contrary the Sub-Commission, after having first adopted that view, had reconsidered its decision, had resumed the discussion of Article 1 and had taken a formal vote to decide between that article and the amendment proposed by M. Jancovici. It was therefore only necessary to refer Article 1 to the Permanent Advisory Commission as it stood, to serve as a general formula into which the Permanent Advisory Commission would insert the enumeration of arms.

M. JANCOVICI said that, if that was so, he would make an absolute reservation on the draft as a whole and he would like his reservation to be mentioned in the Minutes.

Colonel LOWE said that the system of categories for Article 1 had been adopted and the enumeration of arms referred to the Permanent Advisory Commission, but that it was possible that the Permanent Advisory Commission might propose a different classification. He therefore asked that the article should be referred to the Permanent Advisory Commission without the categories being mentioned.

The CHAIRMAN thought that it was not possible to go back on the previous decision. He read the Minutes of the Third Meeting, which left no doubt on this subject. He also pointed out that the Temporary Mixed Commission would still be entitled to reconsider the question.

He reminded the Sub-Commission that it had held over the question of periodical revision of the enumeration of arms and that an amendment proposed by M. Jancovici had entrusted such revision to the Permanent Advisory Commission.

Major HILLS (Rapporteur) suggested that the question should be left as it stood. A general revision clause had been inserted and seemed to him to be sufficient.

M. JANCOVICI agreed with Major Hills.

M. FABRY asked that the Rapporteurs should submit the model for licences for which they had been asked to the plenary Commission, and that they should also lay before that Commission any suggestions they might have on the question he had raised with regard to firms owning factories in several countries and Marquis de Viti's point as to firms of different nationalities carrying on exchanges.

The Rapporteurs accepted the duties proposed.

The CHAIRMAN asked the Sub-Commission whether it desired to approve the draft report at that meeting.

M. URRUTIA suggested that the Sub-Commission should meet in the morning of the day of the first meeting of the Temporary Mixed Commission and should then approve the draft report.

M. FABRY agreed with this proposal, which also enabled all members to send in any suggestions to the Rapporteurs before the next meeting.

Viscount CECIL proposed that the draft report, the draft Convention and the Minutes of the Sub-Commission should be sent immediately to the Permanent Advisory Commission.

The proposals of M. Urrutia and Viscount Cecil were adopted.

Document 8.

REPORT SUBMITTED BY MAJOR J. W. HILLS AND M. L. DUPRIEZ TO THE FIRST SUB-COMMISSION OF THE TEMPORARY MIXED COMMISSION AT ITS MARCH 1924 SESSION.

The first question which arises is upon what text the new Convention should be based.

It would seem that preference should unhesitatingly be given to the text of the Convention of St. Germain. In the first place, it should be observed that, of the twenty-five articles which that Convention contains, twenty have given rise to no objection or criticism and may be retained almost unchanged.

Further, if a practical result is to be obtained and if the adhesion of the Powers concerned is to be secured as soon as possible, the framework and, as far as possible, the system and terminology of the Convention of St. Germain must be preserved. In that case, those Powers which had already decided to ratify that Convention will be able to see and understand at a glance the additions, omissions and alterations made by the new Convention in the texts which they had already accepted and they will be able to adhere with much less delay than if they were confronted with a new organisation and with a text conceived on different lines. Moreover, those Powers which have hesitated to ratify the Convention of St. Germain will be able to decide readily and without difficulty whether, in the new drafts submitted to them, sufficient regard is paid to their objections and their scruples.

The Convention of St. Germain must, however, be amended and amplified.

It must be amended in order to secure the adhesion of the United States, which is in every way desirable. With this object, the right to export arms of war must no longer be limited to arms exported to the Governments of the Powers signatory to the future Convention. Moreover, all provisions must be omitted which might result in placing the United States in any sense under the supervision of the League of Nations or of a body subsidiary to the League.

The Convention of St. Germain must also be amplified, for while it organised, through a number of highly detailed provisions, a perfected system of control for the traffic in arms and munitions in certain parts of Africa and Asia, it merely laid down some fundamental principles as regards the same traffic in other parts of the world. The new Convention must, therefore, include provisions which will ensure and guarantee, by means of definite measures, that these fundamental principles will be observed and respected.

Before surveying the proposed additions and amendments to the Convention of St. Germain, however, it may be well to explain clearly the fundamental principles which guided the framers of the Convention of St. Germain and those which have been followed by Admiral the Marquis de Magaz and M. Jouhaux, the authors of the two new drafts submitted to the Sub-Commission.

The Convention of St. Germain regulates — by means of two different regimes — a general regime, which applies in principle to the international traffic in arms and munitions to all countries, and a much stricter special regime, which applies to almost the whole of Africa and to certain Asiatic regions. For the moment, we will leave on one side this special regime, which has undoubtedly, though only by implication, been accepted by all the Powers concerned, has given rise to no criticism at the meetings of the Temporary Mixed Commission, and was not dealt with by the authors of the two new drafts. We will, therefore, for the present, confine our attention entirely to the general regime.

For the purposes of this general regime, the Convention of St. Germain distinguishes three categories of arms to which very different regulations are applicable:

First Category. — Arms of war, of which a detailed and specific list is given, though this list does not include all arms "adapted to warlike purposes". The traffic in these weapons is subject to two regulations:

- (1) Absolute prohibition of international traffic, subject to the right of each Contracting Party to grant export licences to meet the requirements of the Government of another High Contracting Party;
- (2) Obligation to publish the full number of export licences granted to meet the requirements of any Government.

Second Category. — Fire-arms which are included in the above-mentioned list, but which are adapted both to warlike and also to other purposes. Here, again, the Convention of St. Germain lays down two rules:

- (1) It recognises the right of each High Contracting Party to determine independently, according to the circumstances indicated, whether exportation is required for a purpose other than that of war, and, if so, to authorise such exportation;
- (2) It imposes the obligation to give publicity to all such export authorisations.

Third Category. — All arms and munitions not included in the above-mentioned list, even if they are adapted solely to army purposes. This category covers all unrifled and other than breech-loading fire-arms and all side-arms, including bayonets. No mention is made of this third category in the Convention of St. Germain, which imposes no regulations upon it, requires no publicity and leaves the international traffic entirely free and uncontrolled.

In the draft submitted by Admiral the Marquis de Magaz, three categories of arms are also distinguished — arms of war, sporting arms and arms employed for personal defence.

It will be seen that the distinction is entirely different from that drawn in the Convention of St. Germain; it is also less definite, and the author realises that it cannot be applied unless a list of all arms falling within each category is annexed to the Convention.

Category I. — It appears from the wording of Article 1 that this list would be much more extensive than that given in the Convention of St. Germain. It should include all side-arms, together with chemical products and war material. The draft submitted by Admiral the Marquis de Magaz seems to be more stringent than the Convention of St. Germain, inasmuch as it extends the export prohibition to arms, products and material which have not hitherto been affected. But it is not correct to say that Admiral the Marquis de Magaz proposes to apply a stricter regime to this extended first category. The new measures which he has embodied in his draft are rather executive measures, intended to ensure that full effect will be given to the principle of prohibiting the international traffic in arms and munitions of war. Article 3, however, is expressed in such general terms that it would seem to aim at binding Governments to prohibit the sale of weapons of war to private individuals, even in their own countries. This is a new principle, wholly foreign to the Convention of St. Germain, which deals exclusively with the regulation of the international traffic.

Category II. — Sporting arms. In this connection the draft submitted by Admiral the Marquis de Magaz goes considerably beyond the Convention of St. Germain, and attempts to secure objects which the authors of that Convention did not so much as consider.

- (1) As regards the international traffic, the provisions of the draft are not confined to requiring and arranging for publicity; they restrict to a large degree the right of producing States to authorise export. Two licences — one from the exporting country and another (previous) from the importing country — are required for the export of sporting arms.
- (2) The draft even regulates the home trade in arms in each country; for example, Governments must undertake to prohibit the sale even of a single sporting gun to any person who has not previously obtained a personal licence.

Category III. — Arms employed for personal defence. According to the draft, arms of this class are subject to the same stringent regime as sporting arms in regard both to the international trade and to sales on the home market. The draft further imposes on Governments a number of detailed obligations, namely:

- (a) To exercise strict supervision over the home and international trade;
- (b) To guard against the accumulation of stocks and against clandestine traffic;
- (c) To consent to a close international co-operation with the above objects;
- (d) To organise a complete licensing and registration system whereby all arms sold may be traced.

This strict regulation of the home as well as the international trade in arms used for sport and for defence is open to very serious objections in principle:

- (1) It departs from the idea by which the authors of the Covenant (Article 23) were guided — the same idea upon which the Convention of St. Germain is founded, and which inspired the decisions of the Third and Fourth Assemblies of the League of Nations. It must be remembered that the only question submitted to the Temporary Mixed Commission by those Assemblies was the question of the international traffic in arms and munitions. Whereas its scope should be limited to organising the control of the international traffic with a view to the prevention of war and of secret arming, the draft is directed towards an entirely different end — that of imposing upon Governments certain regulations governing the home trade in arms of every kind.
- (2) The draft introduces a system of regulations designed to increase personal safety within each country and to prevent murder and personal injury. Here it clearly encroaches upon the province of the local police and infringes national sovereignty.
- (3) With its complicated formalities of export and import licences, the draft practically kills the international trade in sporting arms and weapons of defence; this will have the disastrous result of increasing the clandestine traffic.
- (4) There is every reason to fear that the Convention will not be ratified by any State which has a considerable armament industry. The United States certainly will not ratify it.

Like Admiral the Marquis de Magaz, M. Jouhaux does not deal in his draft with the special regime organised in great detail for certain regions of Africa and Asia by the Convention of St. Germain, but only considers the general regime, which he proposes to make even more rigorous and restrictive in several respects:

- (1) Arms employed for personal defence are included among weapons of war, no distinction whatever being drawn. The result is that the draft absolutely prohibits so much as the sale of a pocket revolver, even in the manufacturing country, unless it is sold to a Government;
- (2) The export of arms of war — and perhaps also the export of sporting arms (the terms of the article are purely general) — is no longer wholly dependent upon the will of the exporting and importing States. All exports are to be subject to the consent of the Council of the League of Nations;
- (3) The formalities required for the export of sporting arms are largely increased, and the delays involved are so long as to render export practically impossible;
- (4) As regards the home trade in the manufacturing country, the draft prohibits only the sale of arms of war to private persons; consequently, each Government retains the right to regulate as it thinks fit the sale of sporting arms. In this respect, but in no other, it is less stringent than the draft submitted by Admiral the Marquis de Magaz. It must, further, be remembered that M. Jouhaux's draft classifies revolvers and pocket pistols of every kind as arms of war.

It is clear that M. Jouhaux's draft gives rise to the same objections in principle as that submitted by Admiral the Marquis de Magaz. Furthermore, there is no doubt that it would evoke insurmountable opposition on the part of the United States to an even greater extent than did the Convention of St. Germain. It does not follow that Convention in merely assigning to the League of Nations the exercise of a general supervision over the international traffic in arms and munitions; on the contrary, it entrusts the Council of the League of Nations with the direct control of the traffic by making all sales of arms of war to foreign Governments contingent upon the Council's consent (Art. 5).

It seems perfectly certain, therefore, that the new proposals submitted by Admiral the Marquis de Magaz and M. Jouhaux, open as they are to grave and fundamental objections, will inevitably meet with strong opposition on the part of countries which manufacture arms and munitions.

Here we have an additional reason for taking the text of the Convention of St. Germain as the basis of the new Convention.

There remains the question of what principles should be followed in drawing up the amendments and additions to the Convention of St. Germain.

If any useful and practical work is to be done, it must be confined within the framework of that Convention and must be inspired by the ideas which guided its authors, who certainly did not approach the question of the traffic in arms in a wider and more liberal spirit than did the authors of the Covenant of the League of Nations. It must be remembered that, according to Article 23, the League is merely entrusted by its Members with "the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest".

Any attempt to attain new and wider aims in the new Convention would be courting defeat. It would therefore be better to retain the ideas and objects of the Convention of St. Germain, and to serve the cause of international peace by regulating the international trade in arms adapted to warlike purposes with a view to the prevention of secret arming.

Most important of all, there must be no thought of imposing on Governments regulations which they would regard as coming within the province of their internal police authorities. They would invariably regard such an attempt as an infringement of their sovereignty, and they would never consent to place their police work under the tutelage or even the supervision of any international bureau. Each Government must therefore be left to provide for the safety of its own subjects, and the scope of the future Convention must be restricted to arms capable of being used in war.

In regard to arms of war, *i. e.*, arms which are normally used for purposes of war, the Convention of St. Germain laid down the absolute principle that they must not be exported except to Governments. This rule has given rise to no objection or criticism and should be maintained in the new Convention; it will undoubtedly be accepted by all the Powers.

As regards arms adapted both to warlike and to other purposes, it should be sufficient to secure wide publicity, each Government retaining (as already provided by the Convention of St. Germain) the right to determine, according to circumstances, whether export is required for a purpose other than that of war.

Lastly, arms, including fire-arms, which are not capable of being used in war, would be better omitted from the provisions of the future Convention.

These principles are not intended to apply to the African and Asiatic regions, for which the Convention of St. Germain established a regime of strict control over the trade in all fire-arms without exception; the regime should be preserved unchanged.

We will now consider the articles, more particularly those which do not appear in the Convention of St. Germain and those which we propose to amend.

Article 1.

This is a new article; it is devoted entirely to an enumeration of weapons of war and to a definition of "sporting arms" and "arms employed for personal defence".

It seems quite impossible to draw a clear and precise distinction, by means of a definition, between arms of war and sporting arms, arms employed for personal defence, etc. The draft submitted to the Sub-Commission opens with an attempt to enumerate all arms of war; clearly it can only be intended as a rough outline to provide a basis for discussion and to secure the settlement of a few questions of principle, it being left to the experts to determine subsequently how those principles shall be applied. The proposed list is more detailed and also more complete than that of the St. Germain Convention; it includes, for example, weapons and material used in naval and air warfare.

After enumerating in the first category all the weapons to which the provisions of the Convention will apply, this article defines a second category, including sporting arms and arms employed for personal defence. But as the distinction between guns, revolvers and pistols employed for war purposes, and guns, revolvers and pistols used for sport or personal defence, involves a very complex technical problem, the article necessarily leaves it to the Governments of the High Contracting Parties to negotiate an agreement laying down uniform regulations for determining in practice what fire-arms are really weapons of war, what fire-arms have no military utility and what fire-arms can be adapted both to warlike and to other purposes.

Article 2.

This article replaces the first paragraph of Article 1 of the St. Germain Convention, but three changes are made:

- (1) The list of arms of war is omitted;
- (2) To avoid all possibility of misunderstanding, the Powers undertake to abstain from exporting arms on their own account, except under the conditions laid down in Article 3;
- (3) The Powers undertake to prohibit not only the export but also the importation of arms; no signatory State can be allowed to retain the right to permit the introduction into its territory of arms intended for the use of irregular forces liable to provoke international incidents.

Article 3.

This article replaces the second paragraph of Article 1 of the St. Germain Convention; but it differs from it in one important point and amplifies it by regulating in detail the system of licences.

The St. Germain Convention only allowed arms to be exported for the requirements of the Governments of the High Contracting Parties. This was one of the principal reasons for the refusal of the United States to ratify it. The draft text adopts the solution recommended by Admiral the Marquis de Magaz. The export of arms will only be permitted to meet the needs of Governments recognised by a majority of the High Contracting Parties. This solution will, no doubt, be criticised as empirical and arbitrary. On the other hand, it would surely be dangerous to allow a Power to authorise exportation for the benefit of a Government recognised by no other Power.

The article further lays down a number of strict conditions for the issue of licences with a view to completely preventing the export of arms not intended for Governments. These conditions are largely based on the drafts submitted by Admiral the Marquis de Magaz and M. Jouhaux, but in certain respects they are even more stringent and definite.

Article 4.

This article, which is entirely new, regulates the transit of arms of war and recognises it as the right and the duty of the country through which arms are conveyed to stop the passage of arms exported in contravention of the rules laid down in Article 3. Hence the article requires that each consignment should be accompanied by a copy of the licence. Moreover, each of the High Contracting Parties undertakes to take all measures reasonably possible to supervise the transit of arms of war and to stop all consignments not accompanied by a licence made out in the proper form.

Article 5.

This article expressly states at the outset that each Power may authorise the export without licence of sporting arms and arms employed for personal defence, except to the prohibited areas in Africa and Asia. This provision was not included in the St. Germain Convention, but it was clearly implied.

The remainder of the article, which refers to arms which can be adapted to warlike and other purposes, is similar to the third paragraph of the St. Germain Convention, but it is slightly strengthened in two respects. In the first place, the new text not only allows but obliges the High Contracting Parties, in the case of each consignment, to determine from the circumstances indicated whether the arms intended for exportation should be classed as sporting arms or as arms of war. In the latter alternative, moreover, the article reaffirms the obligation assumed by each of the High Contracting Parties to prohibit exportation, except in the conditions laid down in Articles 2 and 3.

Article 6.

This article lays down the principle of a special and much more severe regime to be applied to certain areas in Africa and Asia; it is a reproduction of Article 2 of the St. Germain Convention, with a slight change of wording.

Article 7.

This article is a literal reproduction of Article 3 of the St. Germain Convention.

Article 8.

This article is a reproduction of Article 4 of the St. Germain Convention, with some changes of wording.

Article 9.

This article corresponds to Article 5 of the St. Germain Convention, the text of which is reproduced with certain modifications, some of a purely formal nature and others of greater importance.

In the first place, the Central International Office can no longer be placed under the authority of the League of Nations if it is desired to obtain the adhesion of the United States.

Secondly, the new text provides that, in addition to all correspondence between the High Contracting Parties in regard to the traffic in and movement of arms and munitions, all laws, decrees and regulations promulgated in each country with a view to ensuring the application of the Convention must be communicated to this Office. These legislative measures, indeed, furnish the best indication of the spirit in which the High Contracting Parties interpret the Convention and of the thoroughness with which they apply it.

Furthermore, a new clause renders it obligatory for those High Contracting Parties which belong to the League of Nations to send all documents, statistics and official instruments to the Secretary-General as well as to the Central International Office.

Lastly, in order to avoid all possibility of misunderstanding, the article is careful to state that the Powers are not required to mention in their annual reports the quantities of arms transported in their own territory for the requirements of their own troops.

In the discussions which took place at Geneva last February, another system was suggested to arrange for the publication of the measures taken by the different Powers in execution of the Convention. In the first place, it was proposed that all the High Contracting Parties should undertake to publish separately their own statistics and annual reports on the export of arms; in the second place, that the High Contracting Parties belonging to the League of Nations should undertake to send all these documents to the Secretariat of the League of Nations.

It was not thought sufficient to publish separately in each country all the requisite official instruments, documents, statistics, etc.; referring to the traffic in arms. The High Contracting Parties themselves would probably have some difficulty in obtaining all these publications and might only receive them after a long delay. It would be better to entrust all these documents and information in a single central organisation to which each of the High Contracting Parties would immediately transmit its own reports, statistics, etc., and from which it could easily and quickly obtain any information it desired in regard to the application of the Convention throughout the world. Moreover, the application of several of the articles of the St. Germain Convention which must be retained in the new Convention would become impossible without such a Central International Office. This would be the case for Articles 16, 17, 19, 20 and 21 of the St. Germain Convention, which in the present draft have become Articles 20, 21, 23, 24 and 25.

Article 10.

This is Article 6 of the St. Germain Convention, with slight amendments. Apart from various changes of wording, the new text excludes from the areas placed under special regime the ports in North Africa under the control of Spain, and also Rhodesia, which has become a self-governing colony.

Articles 11 to 25.

These are Articles 7 to 21 of the St. Germain Convention, organising the control of the traffic in fire-arms in the prohibited areas in Africa and Asia; they can be inserted without change in the new Convention. There is, however, a paragraph in the former Article 10 which will have to be omitted from the new Article 14 in order to preclude the possibility of opposition on the part of the United States. This paragraph reads as follows:

“In cases where a violation has been duly proved, no further transit licence shall be granted to the offending State without the previous consent of the Council of the League of Nations.”

The other penalties provided against offending States are quite adequate and this one can be dispensed with.

Article 26.

This article is a reproduction of the former Article 22 with the changes rendered necessary by the new system of double publicity provided for in Article 9.

Article 27.

This is Article 23 of the St. Germain Convention, with an amendment allowing non-Members as well as Members of the League of Nations to adhere.

Article 28.

The proposed new text departs in two respects from Article 24 of the St. Germain Convention. It provides for the event of disputes arising between the High Contracting Parties not only in regard to the application of the present Convention but also in regard to its interpretation; and, secondly, such disputes will not be submitted to an arbitral tribunal in conformity with the provisions of the Covenant of the League of Nations but will be referred to the Permanent Court of International Justice.

Article 29.

This article is an exact reproduction of Article 25 of the St. Germain Convention.

Article 30.

This is an entirely new clause, taken from M. Jouhaux's draft. The League of Nations is to receive each year full and accurate information in regard to the international traffic in arms, and will thus have an opportunity of discussing the problems which may arise and such reforms and improvements as experience may suggest.

Article 31.

This article is an exact reproduction of the first two paragraphs of Article 26 of the St. Germain Convention.

Article 32.

This is a new article, substituted for the third paragraph of the former Article 26. The Powers which are disposed to adhere to the Convention must be given an assurance that they will not be bound by their own ratifications until the Convention has been ratified by a sufficient number of States, and in particular by the six States which are foremost in the production of arms.

Article 33.

It has been thought advisable to provide the signatory Powers with an opportunity of denouncing the Convention at the end of a certain period. This is the purpose of this last article.

In the text of the above draft submitted to the Sub-Commission and drawn up on the basis of the St. Germain Convention, nearly all the new suggestions made by Admiral the Marquis de Magaz and M. Jouhaux have been embodied with varying degrees of amendment, in so far as they concerned the international traffic in arms, and did not raise fundamental objections which would involve their rejection by the principal States producing arms and munitions. There is, however, one of M. Jouhaux's proposals which does not figure in the draft, but which deserves serious discussion; it is to the effect that "the High Contracting Parties undertake to refuse licences for the export of weapons of war to representatives of covenant-breaking States declared to be such by the Council of the League of Nations". There is clearly no possibility of this formula being accepted by the United States. Nevertheless, the idea on which it is based appears to be a sound one and the suggestion is of no little importance. When a Power openly provokes war by refusing to submit a dispute to arbitration which it has accepted in an existing treaty, or by refusing to carry out an arbitral award pronounced in due form, or by violating its international obligations in regard to the limitation of armaments, the principles underlying the present Convention clearly require all the other Powers to stop all consignments of arms and munitions to the aggressive Government.

The risk of being unable to obtain any military supplies from outside would perhaps be sufficient to damp the warlike ardour of many countries.

But the problem is a new one, and it is delicate and complex. It seems difficult to find an authority on which to confer the power of deciding when a State deserves to be placed under such an interdict. It would therefore be for each Government to pronounce in its own case as to whether the Convention obliged it to refuse licences for the export of arms to any particular State. Consequently, cases in which such licences should be refused would have to be defined in such clear and precise terms that almost invariably the question would settle itself and all the States producing arms would take the same view. Before any text is drafted, the Sub-Commission will have to hold a discussion to enable the various aspects of the problem to be considered and definite conclusions to be reached.

Document 9.

DRAFT CONVENTION PRESENTED BY M. DUPRIEZ AND MAJOR HILLS TO THE FIRST SUB-COMMISSION OF THE TEMPORARY MIXED COMMISSION AT ITS MARCH 1924 SESSION.

[Here will follow the names of the High Contracting Parties signing the new Convention.]

Whereas the Convention of St. Germain was signed by the High Contracting Parties therein mentioned;

Whereas certain of them were not able to ratify such Convention;

And whereas, for this and for other reasons, it is desirable to amend such Convention:

Have appointed as their Plenipotentiaries:

[Here will follow the names of the Plenipotentiaries of the new High Contracting Parties.]

Article I.

This Convention applies to the following arms and munitions:

Category I. Arms and Munitions of War, as follows:

- (a) Ships of war of all kinds, including submarines and submersibles.
- (b) Airships, aeroplanes and seaplanes for use in war.
- (c) Tanks and armoured cars.
- (d) Artillery of all kinds.
- (e) Apparatus for the discharge of all kinds of projectiles, and for the discharge of all kinds of bombs, torpedoes and depth charges.
- (f) Flame-throwers.
- (g) Mines, whether for land or water.
- (h) Torpedoes and depth charges of all kinds.
- (i) Bombs and grenades of all kinds.
- (j) Machine-guns and rifled smallbore breech-loading weapons of all kinds.
- (k) Pistols and revolvers of all kinds.
- (l) Ammunition of all kinds for use with any of the above.
- (m) Explosives and propellants of all kinds for use in war.
- (n) Component parts of any of the above, including mountings.

Category II. Fire-arms and ammunition for purposes of Sport or Personal Defence.

In order to prevent the export and import of fire-arms and ammunition intended for warlike purposes, though described and sold as articles of sport or personal defence, and in order at the same time not to hamper unduly the legitimate trade in fire-arms and ammunition intended to be used only for sport and personal defence, the High Contracting Parties hereby undertake that they will use their best endeavours to agree upon a uniform definition of:

- (a) Military rifles, revolvers and pistols and the ammunition thereof;
- (b) Rifles, revolvers and pistols capable of use for both military and other purposes and the ammunition thereof;
- (c) Rifles, revolvers and pistols regarded as of no military value and the ammunition thereof.

Notes.

This article is new, as the old definition in Article 1 is incomplete. It is also, of course, tentative, awaiting the Report of the Permanent Advisory Commission. It is inserted in order to complete the draft Convention.

Article 2.

The High Contracting Parties undertake not to export themselves and to prohibit the export and import of arms and munitions of war in Category I except on the conditions mentioned in Article 3. This prohibition of exportation shall apply to all such arms and ammunition, whether complete or in parts.

Article 3.

Nevertheless, notwithstanding this prohibition, the High Contracting Parties reserve the right to grant, in respect of arms and munitions of war whose use is not prohibited by international law, licences for the export of arms and munitions of war in Category I, but such licences are only to be granted on the following conditions:

1. No licence is to be granted except for a direct sale to a Government recognised as such by at least half of the High Contracting Parties.
2. The purchasing Government must act through a duly accredited representative, who shall produce his credentials.
3. Such representative must produce a written authority from his Government to purchase each consignment, which authority must state that the consignment is bought for the use of the purchasing Government and not for re-sale and will be delivered to them and to no one else.
4. Each licence must contain a full description of the arms and munitions of war to which it relates and the names of the exporting and purchasing Governments, ports of embarkation and disembarkation, means of transport, route and destination.
5. A separate licence shall be required for each separate shipment which crosses the frontier of the exporting country, whether by land, water or air.

Article 4.

A copy of the licence must accompany any consignment throughout its journey. The High Contracting Parties undertake to take such steps as they reasonably can to supervise and prohibit the transit of the arms and munitions of war in Category I through their respective territories, unless they are accompanied by a licence made out in the proper form, as laid down in Article 3.

Article 5.

Fire-arms and ammunition in Category II may, if the exporting country so desires, be exported without licence, except to the prohibited areas and zone mentioned in Article 6. Provided, nevertheless, that, in the case of fire-arms and ammunition adapted both to warlike and also to other purposes, the High Contracting Parties reserve to themselves the right, and they hereby undertake, to determine from the size, destination and other circumstances of each shipment for what uses it is intended, and to decide in each case whether such shipment falls properly under Category II or whether it ought to be considered to belong to Category I, and in the latter case they undertake that it shall become subject to Articles 2 and 3 hereof.

Article 6.

The High Contracting Parties undertake in addition to prohibit the export both of arms and munitions of war in Category I and also of fire-arms and ammunition in Category II, whether complete or in parts, to the areas and zone specified in Article 10. Nevertheless, notwithstanding this prohibition, the High Contracting Parties reserve the right to grant export licences on the understanding that such licences shall be issued only by the authorities of the exporting countries. Such authorities must satisfy themselves in advance that the arms or ammunition for which an export licence is requested are not intended for export to any destination, or for disposal in any way contrary to the provisions of this Convention.

Notes.

Part of first paragraph of Article 1 amended, with the old definition (now contained in Article 1) omitted.

Second paragraph of Article 1 amended.

New article.

New, but implied in the existing Convention.

Paragraph 3 of Article 1, slightly strengthened.

Article 2 amended.

Article 7.

Shipments to be effected under contracts entered into before the coming into force of the present Convention shall be governed by its provisions.

Article 8.

The High Contracting Parties undertake to grant no export licences covering either Category I or Category II to any country which refuses to accept the tutelage under which it has been placed or which, after having been placed under the tutelage of any Power, may endeavour to obtain from any other Power any of the arms or munitions of war in Category I or of the fire-arms or ammunition in Category II.

Article 9.

A Central International Office shall be established for the purpose of collecting and preserving documents of all kinds exchanged by the High Contracting Parties with regard to the trade in and distribution of the arms and ammunition in Category I and Category II specified in the present Convention, as well as the texts of all laws, orders and regulations made in the carrying-out of the present Convention.

Each of the High Contracting Parties shall publish an annual report showing the export licences which it may have granted in respect of arms and munitions in Category I or Category II, together with the quantities and destination of the arms and munitions to which the export licences refer. A copy of this report shall be sent to the Central International Office.

Further, the High Contracting Parties agree to send to the Central International Office full statistical information as to the quantities and destination of all fire-arms and ammunition in Category II exported without licence during the year, and those of the High Contracting Parties which are Members of the League of Nations agree to send all the above-mentioned documents, reports and information to the Secretary-General of the League of Nations.

Movements of armaments made by a Power within its own area and for the use of its own military forces will not be included in this report.

Article 10.

The High Contracting Parties undertake, each as far as the territory under its jurisdiction is concerned, to prohibit the importation of arms and munitions of war in Category I and of fire-arms and ammunition in Category II into the following territorial areas, and also to prevent their exportation to, importation and transportation in the maritime zone defined below:

1. The whole of the continent of Africa, with the exception of Algeria, Libya, Spanish ports of North Africa, the Union of South Africa and Rhodesia. Within this area are included all islands situated within a hundred nautical miles of the coast, together with Prince's Island, St. Thomas Island and the Islands of Annobon and Socotra.

2. Transcaucasia, Persia, Gwadar, the Arabian Peninsula and such continental parts of Asia as were included in the Turkish Empire on August 4th, 1914.

3. A maritime zone, including the Red Sea, the Gulf of Aden, the Persian Gulf and the Sea of Oman, and bounded by a line drawn from Cape Guardafui, following the latitude of that cape to its intersection with longitude 57° east of Greenwich, and proceeding thence direct to the eastern frontier of Persia in the Gulf of Oman.

Special licences for the import of arms or ammunition in Category I or Category II into the areas defined above may be issued. In the African area they shall be subject to the regulations specified in Articles 11 and 12 or to any local regulations of a stricter nature which may be in force.

Notes.

Article 3 unaltered.

Article 4 with only textual alterations.

Article 5 amended.

Article 6 amended.

In the other areas specified in the present article, these licences shall be subject to similar regulations put into effect by the Governments exercising authority there.

[Here will follow Articles 7 to 21 of the Convention of St. Germain unaltered, except that they will be renumbered 11 to 25, and also any articles therein referred to will be renumbered to conform to this present Convention, and that the *last paragraph but one of Article 10* is to be omitted: that is the paragraph "In cases where a violation... League of Nations".]

Article 26.

The High Contracting Parties which exercise authority over territories within the prohibited areas and zone specified in Article 10 agree to take, so far as each may be concerned, the measures required for the enforcement of the present Convention, and, in particular, for the prosecution and repression of offences against the provisions contained therein.

They shall communicate these measures to the Central International Office and shall inform it of the competent authorities referred to in the preceding articles. Such of them as are Members of the League of Nations shall at the same time transmit this information to the Secretary-General of the League.

Article 27.

The High Contracting Parties will use their best endeavours to secure the accession to the present Convention of other States whether Members of the League of Nations or not.

This accession shall be notified through the diplomatic channel to the Government of the French Republic, and by it to all the signatory or adhering States. The accession will come into force from the date of such notification to the French Government.

Article 28.

The High Contracting Parties agree that if any dispute whatever should arise between them relating to the application or interpretation of the present Convention which cannot be settled by negotiation, this dispute shall be submitted to the International Court of Justice.

Article 29.

All the provisions of former general international conventions relating to the matters dealt with in the present Convention shall be considered as abrogated in so far as they are binding between the Powers which are Parties to the present Convention.

Article 30.

The Secretariat of the League of Nations shall publish an annual report on the traffic in arms and munitions of war in Category I, the licences issued by the different Governments and the situation of the arms traffic.

This report shall be submitted to the Assembly of the League of Nations.

Article 31.

The present Convention shall be ratified as soon as possible. Each Power will address its ratification to the French Government, which will inform all the other signatory Powers.

Article 32.

The present Convention shall come into force when ratified by twelve Powers, among which shall be all of the following:

[Here will follow the names of the six Powers which are principal manufacturers of munitions, including the United States of America.]

Article 33.

The present Convention shall remain in force for ten years. Thereafter it can be denounced by any High Contracting Party by giving two years' notice to the Government of the French Republic, which will inform all the other signatory Powers.

Notes.

Article 22 altered to bring it in line with new Article 9.

Article 23 amended to allow of admission of States not Members of the League of Nations. The remainder of Article 23 unamended.

Article 24 amended to provide for: (i) interpretation; (ii) reference to the International Court.

Article 25 unaltered.

New article.

Article 26 unaltered.

New article.

Query: Germany and Russia.

New article.

Document 10.

PERMANENT ADVISORY COMMISSION FOR MILITARY, NAVAL AND AIR QUESTIONS.

EXTRACTS FROM THE MINUTES OF THE FOURTEENTH SESSION,

Paris, May 12th - 20th, 1924.

THIRD MEETING.

Held on May 14th, 1924, at 10 a.m.

1. Classification of Arms by Categories.

The CHAIRMAN proposed that the British memorandum (Document 13, page 137) should be taken as basis for the discussion.

Paragraphs 1 to 4 of this memorandum were read. A discussion ensued on the question of dividing the arms into different categories.

Admiral AUBREY SMITH (British Empire) explained that the classification in the memorandum had been made with a view to replying to the Council's question and had not been drawn up for the purpose of any particular convention.

Colonel REQUIN (France) pointed out that, as all control must be exercised over three kinds of arms — arms of war, arms for military and other purposes, and all other arms intended for the prohibited zones — it would be simpler to put each kind of arms into a separate category.

The Commission decided to divide the arms into three categories:

Category I. — Arms and munitions of war, divided as follows:

- (a) Military rifles, military revolvers and pistols, component parts thereof and ammunition;
- (b) Other weapons and munitions of war, component parts thereof and ammunition.

Category II. — Arms capable of use for both military and other purposes, component parts thereof and ammunition.

Category III. — Other kinds of arms and munitions.

Colonel LOWE (British Empire) asked that it should be made clear in the report to the Council that the Commission was drawing up a list of arms and munitions and not a list of war material.

This was agreed to.

2. Discussion of the List drawn up by the British Delegation.

The Commission proceeded to consider the list drawn up by the British delegation in Document 14, page 138.

On the proposal of General DUMESNIL (France), the Commission decided to insert the following sentence at the beginning of the list of arms in Category I:

"All arms and ammunition which are or shall be comprised in the equipment of the armies of the various States, including: 1. Military rifles," etc.

A discussion ensued as to the possibility of substituting a general formula of definition for enumerative lists, in which there was always the risk of omission.

Colonel LOWE (British Empire) pointed out that, in the first place, a general formula would be impracticable in the case of the arms in the third category, which it was necessary to enumerate, and, moreover, that the Council resolution demanded an enumeration.

It had therefore prepared a list which it regarded as more or less complete.

The CHAIRMAN asked the members of the Commission to go through this list carefully before the following meeting with a view to remedying any omissions which might have been made. He proposed that the Commission should examine this list at the outset of the next meeting.

This proposal was adopted.

FOURTH MEETING.

Held on May 15th, 1924, at 10 a.m.

3. Continuation of the Discussion of the List of Arms to be included in Category I.

General DUMESNIL (France) had several criticisms to make in regard to paragraphs 2, 3 and 4 of the British memorandum. It could not be affirmed that a military rifle in use previous to 1875 had no military value *at all* (for example, the French rifle of the 1874 model had been employed in the late war), nor could it be laid down that all new arms of a calibre between 6.5 mm. and 8.2 mm. should be considered *a priori* as military weapons, since military weapons had many other characteristics.

They should therefore confine themselves to stating that the term "arms and munitions exclusively designed for military purposes" meant those which were comprised, or might in the future be comprised, in the equipment of the different armies. As the latter were known or would be known, this definition was sufficient for the requirements of the Convention on the Traffic in Arms, and all possible ambiguity would be removed if they added, as the French delegation proposed, an enumeration of the different kinds of arms (such as cannon, rifles, machine-guns, etc.), without going so far as to draw up a complete *list* of all the different types of arms (rifles, cannon, etc.) of each kind used in the armies.

The CHAIRMAN explained that, although he agreed as to the difficulty of drawing up comprehensive lists, at the same time he thought that some lists were necessary, for three reasons:

- (1) They were definitely asked to draw them up;
- (2) That lists of some sort were essential in a convention for control of arms traffic;
- (3) That the lists were necessary for the administration of any convention, and it was necessary to provide the personnel which would have to apply the conventions on the control of arms with the means of distinguishing between the arms of the different categories.

Colonel REQUIN (France) was the less inclined to question the necessity of an enumeration inasmuch as the Council resolution was due to the initiative of the French members of the Temporary Commission. All that was necessary was to agree on the character and scope of this enumeration. It would have to be sufficiently clear and sufficiently complete to enable the Convention in which it would be embodied to be applied, but it was not indispensable for the Commission to do at once the work which would have to be done later by each Government before the Convention could be put into force. As regards arms exclusively designed for military purposes, this first category would be sufficiently defined if it were stipulated that it must include all arms at present comprised or to be comprised in the future in the equipment of the various armies. As regards the other categories, they would have to go into greater detail. But the service weapons employed in the armies were known. Each State could draw up a list of them for the purpose of applying the Convention on the Control of the Traffic in Arms when the time came.

In principle, the French delegation had no objection to the compilation of similar lists by the League of Nations. It only wished to point out that there was no more need to compile such a list in the case of rifles than in the case of other military weapons, and that, if it were compiled, it would have to be complete and accurate. The list of military rifles submitted by the British delegation was, however, incomplete and inaccurate as regards the French equipment. The musket had been left out, and the 1892 carbine was described as a magazine weapon, whereas in reality it was charger-loading. That showed that statistical work of this kind was rather a task for the secretariat of their Commission than for the Commission itself. Furthermore, these lists were not indispensable for drawing up a Convention on the Control of the Traffic in Arms. The French delegation therefore considered that the matter need not be gone into further for the moment. To sum up, a perfectly adequate and explicit enumeration of arms could be made without adding lists which it was materially impossible to compile during the session and which there was no necessity to compile immediately.

General de MARINIS (Italy) declared himself in agreement with the French delegation as to the impossibility of the Commission drawing up a complete enumerative list of service weapons.

Colonel LOWE (British Empire) feared that the French plan of placing only the service weapons used in the armies in Category I presented serious dangers. The result would be that a weapon which had just been discarded as a service model by a Government would be regarded as no longer belonging to Category I, although in practice it could only be used for purposes of war.

Colonel NYGREN (Sweden) declared himself in agreement with the French delegation in regard to the compilation of lists. The Swedish delegation recognised, however, the force of the British objection, and it proposed that weapons which were no longer employed in the various armies but remained capable of being utilised for military purposes, and no other, should be placed in a special category.

The BRITISH, FRENCH and ITALIAN DELEGATIONS declared themselves ready to accept the Swedish delegation's suggestion.

The meeting adjourned to allow a new text to be drawn up for Category I.

•When the meeting was resumed, the FRENCH DELEGATION proposed a new text.

4. Text adopted for Category I.

After discussing the different articles enumerated in paragraph (a) of Category I, the Commission adopted the following text:

"Category I. — Arms and Munitions exclusively designed for War — Assembled or Component Parts:

"(a) All arms and ammunition which are or shall be comprised in the equipment of the armies of the different States, including:

"Pistols, revolvers — automatic or self-loading — and developments of the same, designed for single-handed use or fired from the shoulder, of a calibre greater than 6.5 mm. and length of barrel greater than 10 cm.;

"Rifles, muskets, carbines;

"Machine-guns, interrupter gears, mountings for machine-guns;

"Aerial gun sights;

"Infantry apparatus for the discharge of projectiles;

"Flame-throwers;

"Cannon — long or short, bomb-throwers and mortars of all kinds and their carriages, mountings, recuperators, accessories for mounting and sighting apparatus;

"Torpedo tubes;

"Apparatus for the discharge of all kinds of projectiles, bombs, torpedoes and depth charges;

"Grenades, bombs, mines — land or sea, torpedoes, depth charges;

"Projectiles of all kinds, ammunition and appliances for the above arms and apparatus;

"Bayonets, swords and lances.

"(b) All arms and ammunition which, after having been employed in the services of the different States, are no longer part of their equipment but remain capable of being utilised for military purposes to the exclusion of any other utilisation."

On the proposal of the ITALIAN DELEGATION, supported by the SWEDISH DELEGATION, explosives and gunpowder were deleted from Category I in view of the practical impossibility of distinguishing those used only for war purposes.

The FRENCH DELEGATION considered that there was no need to insert in any of the categories in the list arms such as were employed in offensive chemical warfare, the use of which was already prohibited by international law.

On an observation made by the SWEDISH DELEGATION, General DUMESNIL (France) viewed the term "*pièces détachées*" as meaning "*pièces usinées, prêtes à être montées*", and cannot be understood as simply "*pièces dégrossies ou demi-usinées*".

The Commission accepted this view, and, on the proposal of the BRITISH DELEGATION, decided that a statement should be made showing distinctly that all three categories referred only to arms and munitions the use of which was allowed by international law.

General DE MARINIS (Italy) asked if it would not be better to add the word "*usinées*" to the words "*pièces détachées*" in order to avoid misunderstanding.

After some discussion, the Commission decided to leave the text in its present form, because, by the words "*pièces détachées*" one could only understand the "*manufactured parts ready to be assembled*".

FIFTH MEETING.

Held on May 16th, 1924, at 10 a.m.

5. Proposal by the Chairman.

The CHAIRMAN asked whether there were any observations in regard to the list in Category I. He pointed out that aerial sighting apparatus ought to be inserted in the list. He proposed that this list should be adopted subject to any additions which the Naval Sub-Commission might propose and subject to possible modifications in form.

This proposal was adopted.

6. Discussion of the List of Arms to be included in Category II.

The list for Category II proposed by the French delegation was read:

"Arms and Munitions, Assembled or Component Parts, capable of Use both for Military and Other Purposes.

- "(a) All fire-arms that will fire cartridges that can be fired from fire-arms in Category I.
- "(b) All other rifled fire-arms of a calibre of 6 mm. or above, and ammunition for such fire-arms.
- "(c) Gunpowder and explosives".

Colonel LOWE (British Empire) feared that this list went too far. He thought that a rifle of a calibre greater than 8.2 mm., which could only be used for sporting purposes, should not be included in the list.

He therefore wished to propose a maximum calibre.

In reply to General DUMESNIL's (France) remark that the category ought to include arms having a calibre greater than 8.2 mm., Colonel LOWE (British Empire) said that there were no weapons of this kind besides rifles used for other than military purposes. Still, if there was any doubt on the matter, the term "rifles" might be substituted for "arms" in the heading of the paragraph.

Colonel REQUIN (France) said he did not see the advantage of fixing a maximum calibre; such a maximum might have had some point if it had been considered necessary to define military weapons by including them between a maximum and a minimum calibre. But in the case of the arms in Category II, which were merely capable of being used for military purposes, it was sufficient to fix a minimum calibre above which it was clear that a rifled fire-arm might be utilised for war, and it was inexpedient to fix a maximum calibre which would be very difficult to determine.

Colonel LOWE (British Empire), after carefully studying both drafts, preferred that of the British memorandum. As the latter included in Category II all weapons which were not purely military and all those which it was not absolutely impossible to use for military purposes, it would render the application of the Convention easier.

General DUMESNIL (France) pointed out that in that case it would be logical to draw up Category III first.

Commander RUSPOLI (Italy) proposed that all arms the use of which was prohibited by international law should be placed in Category I and that Categories I, II and III in the French text should become Categories II, III and IV respectively. This procedure would have the advantage of clearly defining the prohibited arms for which no licence could be issued. His proposal did not in reality constitute an addition, in view of the decision taken on this point at the previous meeting.

The BRITISH DELEGATION had no objection to make to Commander Ruspoli's proposal.

General DUMESNIL (France) asked whether, in this new Category I, it was proposed to make an enumeration of the prohibited arms; he thought that such a suggestion would be most inopportune.

General DE MARINIS (Italy) explained that, as, on the previous day, the Commission had agreed to mention the prohibited arms in the report, he proposed that this mention should be inserted in the list to be annexed to the Convention. In this way it would be unnecessary to refer to the report for the Commission's opinion on this point.

7. Statement by the French Delegation.

General DUMESNIL (France) stated that the French delegation maintained its objection to creating a new category for the prohibited arms, and proposed the insertion of the following statement in the report:

“In view of the fact that the St. Germain Convention and the Temporary Mixed Commission’s new draft state that the control of the traffic in arms refers only to arms the use of which is not prohibited by international law, the Permanent Advisory Commission entrusted with the task of drawing up an enumeration ‘for the express purpose of organising the said control’ has not dealt with arms prohibited by international law.”

Colonel NYGREN (Sweden) pointed out that their main purpose was to find a basis for the control. It was obvious that a Government could not issue an export licence for prohibited arms, but experience had shown that in time of war international law was not always respected. They therefore had no objection to General de Marinis’ proposal being adopted.

General KLECANDA (Czechoslovakia) considered that all the delegations were in agreement in principle and that four categories could therefore be established, as Commander Ruspoli proposed, followed by a statement that the category of prohibited arms could not be dealt with.

8. Proposal by General de Marinis.

General DE MARINIS (Italy) proposed that the following note should be inserted in the list of arms after the three categories:

“The above three categories do not include arms the use of which is prohibited by international law, since it is clearly understood that all traffic in these arms must be prohibited and that no licence can be issued for such traffic.”

This proposal was adopted.

The CHAIRMAN asked the Commission whether it agreed to draw up Category III before Category II, as proposed by the French delegation.

This was agreed to.

After an interchange of remarks between the BRITISH and FRENCH DELEGATIONS, the CHAIRMAN said that the text proposed was that in the table drawn up by the British delegation, omitting items 4 and 5 (Document 14, page 138).

General DE MARINIS (Italy) pointed out that for the purposes of control it would be difficult to give an exact definition of terms such as “rim-fire cartridges”.

Colonel NYGREN (Sweden) asked for further information in regard to paragraphs 3 and 7 concerning pistols.

General DUMESNIL (France) pointed out that all these observations showed the drawback of lists claiming to be comprehensive which one could never be sure were complete. The list in Category III would have to be complete, however, as Category II would be defined by excluding the arms comprised in Category III.

Colonel LOWE (British Empire) pointed out that the difficulty would be the same whether Category III were drawn up by means of formulas or by means of detailed enumeration.

Colonel REQUIN (France) replied that, whatever solution they adopted for Category III, it would be impossible to insert in Category II a paragraph defining the arms in that category by the exclusion of the arms in Category III. It was not possible to define arms which could be used for war — *i. e.*, for a very definite purpose — in terms of arms which could be used for the most miscellaneous purposes. If they happened to forget to insert an absolutely inoffensive weapon in Category III it would *ipso facto* be included in Category II, which was absurd. Accordingly, he strongly urged that Category II should not be defined by the exclusion of Category III.

Colonel LOWE (British Empire) said that the British delegation could not agree in this respect. They had originally been asked for two lists: one of military weapons and one of other arms. In the process of drawing up those lists, an intermediate category had had to be formed. In applying the control, they could not rely on the Customs officials exercising their personal judgment in regard to the arms in Category II. It was therefore necessary for them to know exactly what was included in the different categories. He added that it ought not to be impossible for a technical commission to draw up a list for Category III, and he called on the other delegations to suggest any additions they might think necessary in the English text.

Colonel REQUIN (France) said that the French delegation agreed with the British delegation on the principle but not on the method to be followed. It persisted in thinking that it would be easier to enumerate the arms in Categories I and II in relation to the military purposes for which they were designed or to which they could be converted than to enumerate those in Category III which were used for a large variety of purposes and of which it was impossible to draw up a complete list. He pointed out, moreover, that the French text was extremely clear and would be easy for a Customs official to apply in regard to Category II.

The CHAIRMAN proposed that Category III should be left on one side for the moment and that the Commission should confine its attention to Category II and draft it without any mention of Category III. The delegations could bring to the next meeting any additions they wished to insert in the list proposed by the British delegation for Category III.

This proposal was adopted.

9. Discussion of the Text of the French Delegation for Category II.

The Commission proceeded to discuss the French delegation's text for Category II.

Colonel LOWE (British Empire) pointed out that arms belonging to Category I could be excluded from paragraph (a).

Commander MONTAGUT (Spain) pointed out that paragraph (b) already covered categories (a) and (b). He proposed that paragraph (a) should be deleted.

Colonel NYGREN (Sweden) objected that, for an arm to be considered as a military weapon, it must fulfil the following conditions: it should be capable of firing military ammunition or it should be manufactured on a sufficiently large scale to arm military units. The Spanish proposal would result in placing in the category of arms capable of being used for military purposes modern firearms for which there existed no stocks of ammunition.

Colonel LOWE (British Empire) pointed out, in connection with paragraph (b), that no limits of calibre could be fixed for military equipment and that weapons of an official pattern could have a calibre lower than 6 mm.

General DUMESNIL (France) agreed with Colonel Lowe that Category II should comprise two distinct classes: (1) arms capable of firing the ammunition of arms in Category I; (2) arms which are capable of being converted into military weapons.

Colonel LOWE (British Empire) added that in that case all arms of a calibre smaller than 6 mm. would also have to be included in Category III.

General DUMESNIL (France) pointed out that this had been done in the text proposed by the French delegation.

General DE MARINIS (Italy) remarked that in Category II it was unnecessary to put in ammunition for the arms in paragraph (a). If it was military ammunition, it was already included in Category I; if not, it ought not to be included in Category II.

Colonel LOWE (British Empire) observed that the result would be to enable Governments to export munitions of war on the pretext that they were not for military use.

10. Provisional Text for Category II.

After an exchange of observations, the Commission adopted the following provisional text for Category II:

“Category II. — Arms and Munitions capable of Use for Military and Other Purposes — Assembled or in Component Parts.

“(a) Fire-arms, designed or adapted for non-military purposes, capable of firing the same ammunition as the arms in Category I;

“(b) All other rifled fire-arms of a calibre of 6 mm. or above not figuring in Category I;

“(c) Ammunition for the arms enumerated above;

“(d) Gunpowder and explosives.”

SIXTH MEETING.

Held on May 17th, 1924, at 10 a.m.

11. Discussion of the List of Arms to be included in Category III.

Colonel LOWE (British Empire) said that he had not understood from the debate of the previous meeting that Category II had been adopted with the text given in the Minutes. He noted that it was defined by the exclusion of the arms in Category I. Consequently, he saw no reason why it should not be limited in the other direction by the exclusion of the arms in Category III.

General DUMESNIL (France) replied that this point had been the crux of the whole debate at the previous meeting and that the French delegation maintained its view.

General DE MARINIS (Italy) emphasised this point and said he thought the whole Commission had agreed on the impossibility of making Category III complete. As an addition to the arguments put forward at the previous meeting, he quoted the case of arms in museums, all of which would have to be included in this category. He further reminded the Commission that any omission would automatically have to be placed in Category II.

Colonel LOWE (British Empire) said that he was not sure that the Commission had considered it impossible to make Category III complete either by means of an enumeration or by defining it in general terms. He thought it could be made complete by one of these two methods, and in that case there was no reason why it should not be referred to in the definition of Category II.

12. Text proposed by Colonel Nygren.

Colonel NYGREN (Sweden) was convinced of the impossibility of compiling a complete list for Category III, and he held that the proposed draft for Category II was as satisfactory as possible. In order to conciliate the two points of view, he proposed that Category III should be drafted as follows:

"All arms not included in Categories I and II, such as . . .", followed by an enumeration.

13. Text proposed by General Klecanda.

General KLECANDA (Czechoslovakia) submitted the following text:

"Category III. — Arms and Ammunition of Negligible Value for Military Purposes.

"This category includes all arms and ammunition not enumerated above and designed for other than military purposes when they are of such a nature that in the conditions of modern warfare they cannot be employed to put a man out of action."

The BRITISH, FRENCH and ITALIAN DELEGATIONS expressed their approval of Colonel Nygren's text.

14. Amendments by the Naval Sub-Commission.

The CHAIRMAN proposed that the additions to the categories submitted by the Naval Sub-Commission should be adopted as they stood. He drew attention to a point of general interest: the words "*armed forces*" should be substituted for "*armies*" in Category I, Section (a), line 2.

The amendments proposed by the Naval Sub-Commission were adopted.

15. Text submitted by Colonel Nygren for the Heading and Preamble to the List of Category III.

The Commission proceeded to discuss Category III and adopted for the heading and preamble to the list the following text submitted by Colonel NYGREN (Sweden):

"Category III. — Other Arms and Ammunition regarded as of no Military Value."

"All the arms not included in Categories I and II, such as"

The CHAIRMAN thought the Committee had agreed to insert the list given in the British memorandum.

At the request of the FRENCH DELEGATION, the BRITISH DELEGATION agreed to delete item 2 of this list: "Rifles and shot-guns".

Admiral DE SOUZA E SILVA (Brazil) said that he would refrain from proposing additions since he understood that a distinction would be made between arms the importation of which would be prohibited or controlled in the regions referred to in Article 6 and between those imported into the States not referred to in this article, such as the South American countries. There was a wide distinction to be made in the use to which out-of-date arms and arms of certain types could be put in the South American countries and in the regions referred to in Article 6. Certain arms which could easily be used for military purposes in Africa and in certain Asiatic countries could only be employed for peaceful and orderly purposes in South America, or for personal protection by the settlers and the inhabitants of the interior. He illustrated his views by a reference to the British delegation's memorandum, which proposed that two conventions on the traffic in arms should be drawn up: one for the regions referred to in Article 6 and the other of a more general nature for all countries. He was in full agreement with this suggestion.

Colonel van CROMBRUGGE (Belgium) proposed to add to item 7 in the British list:

"Of a calibre 6.5 mm. or below and length of barrel smaller than 10 cm.", so as not to prohibit the various small revolvers used for personal defence, the calibre of which was usually between 6 and 6.5 mm.

This proposal was adopted.

On the proposal of General DE MARINIS (Italy), the Commission added to the list arms with two barrels, one smooth-bore and the other rifled; and, on Colonel LOWE's (British Empire) proposal, rifled arms of a calibre smaller than 6 mm. fired from the shoulder.

The CHAIRMAN proposed that the list for Category III thus established should be adopted provisionally.

This proposal was adopted.

16. Appointment of a Drafting Committee.

The CHAIRMAN asked the Commission to appoint a Drafting Committee to draw up a report to accompany the list submitted to the Council. This report might follow the main lines on page I of the British memorandum (Document 13, page 137).

17. French Proposal for the Definition of Implements of War.

Colonel REQUIN (France) wished to make a proposal before the Commission decided on this point. The Commission had decided to state either in the enumeration or in the report that the enumeration only concerned arms and ammunition and not war material. It would also be necessary to add, either after the enumeration or in the report, a note in regard to weapons of war, such as warships, tanks and aeroplanes, which carried a special armament.

It must be made clear to the Temporary Mixed Commission that the question had been considered and that the Permanent Advisory Commission, being unable to class such weapons with military arms, had solved the difficulty by including their armaments in Category I, to the title of which might, for greater clearness, be added the words "whatever the method of use of the said arms".

The French delegation proposed that the following statement should be inserted in the report:

"Although it is true that certain weapons of war, such as warships, tanks and aeroplanes, carry an armament, the Commission has not thought it possible to place them in Category I, comprising 'military arms', on account of the technical difficulties which such a classification would involve. The Commission feels confident, however, that it has found a practical solution to this difficulty by including in Category I all arms (without distinction as to their method of use) in the absence of which the above weapons would not in reality be weapons of war."

General DE MARINIS (Italy) said that the Italian delegation entirely concurred in the French proposal. He nevertheless suggested a change in the last line of the statement, which he proposed to replace by the following: "The weapons would be deprived of all value for military purposes". His reason was that an unarmed warship, while having no military value, would still be a weapon of war.

Colonel REQUIN (France) agreed with this wording.

The CHAIRMAN asked if the Commission agreed to amend the heading of Category I as suggested by the French delegation and to insert this delegation's statement in the report.

This was agreed to.

SEVENTH MEETING.

Held on May 19th, 1924, at 10 a.m.

18. Modifications in Categories II and III.

The CHAIRMAN proposed that Category III should be checked (Document 15, Appendix I, page 143).

General DUMESNIL (France) said that the words "6 mm. or less" should be replaced by the words "less than 6 mm." Again, in Category II, paragraph 2, the words "firing from the shoulder" should be inserted after the word "firearms".

These proposals were adopted.

19. **Draft Report.**

The draft report was adopted, subject to a few slight changes of wording in the English text.

20. **Discussion of the British Amendments.**

The Commission proceeded to discuss the amendments by the British delegation (Document 15, Appendix III, page 144).

General BENITEZ (Spain) asked whether the British delegation maintained its draft memorandum (Document 15, Appendix IV, page 147).

The CHAIRMAN replied that this draft was maintained but that he thought it would be better to discuss the provisional draft of the Convention first (Document 12, page 133).

General DUMESNIL (France) expressed the opinion that the Permanent Advisory Commission should only give its advice on the technical points of this provisional draft and not on the political or legal points.

The French delegation expressed no opinion on the British amendments but considered that it was not for the Permanent Advisory Commission to propose other than technical amendments to the Temporary Mixed Commission.

General DE MARINIS (Italy) said he had carefully examined the British amendments, and he paid a tribute to the thorough and comprehensive work of the British delegation. He had no doubt that the Temporary Mixed Commission would take these amendments into consideration if Colonel Lowe laid them before it. Considered as a whole, the amendments could be divided under three heads :

(1) The licences and the obligations of the High Contracting Parties in connection with the Central International Office; this question was essentially of a political character; the question of the type of licence to be used and of the method of checking them was an economic one;

(2) The question of the prohibited areas was of an exclusively political nature, so much so that the Temporary Mixed Commission, although comprising a number of political members, had decided to refer the question to the Council;

(3) The question of the number and specification of the Governments whose adhesion was considered indispensable before the Convention could be put into force was also purely political.

The Italian delegation proposed that the Permanent Advisory Commission should read through the draft, stopping to consider the technical points.

The CHAIRMAN proposed that the Commission should follow the same procedure as that employed in the case of the Treaty of Mutual Assistance and read the Convention paragraph by paragraph, picking out the technical points and paying no attention to the others.

This proposal was adopted.

Admiral DE SOUZA E SILVA (Brazil) said that the question was not so simple. The Permanent Advisory Commission had been entrusted with the task of settling the technical conditions of applying a convention. The British delegation had recognised that general rules could not be laid down and that any attempt at drawing up a convention which did not allow for individual cases would have little prospect of being accepted by all the States. It was easy enough to agree on broad principles, but the difficulty was to agree on their application, which raised all kinds of technical problems. In the problems presented by the control of the traffic, and particularly in the question of licences, the technical and political aspects were closely allied. Thus, Articles 11 to 22, which the Commission had pronounced technical and which the Naval Sub-Commission had examined, certainly had a political aspect.

The CHAIRMAN replied that the question of distinguishing between the technical aspect and the political aspect was a problem with which the Permanent Advisory Commission was always being faced and which it had hitherto always solved, and he was confident that it would be solved again in this instance. He proposed that the British amendments should be read, together with any which might be submitted by other delegations, as each article was read.

21. **Preamble.**

General BENITEZ (Spain) considered that the existing text ought in general to be changed as little as possible, since there was an official representative of the United States of America both on the Temporary Mixed Commission and on the First Sub-Commission. The existing text was probably that most likely to be accepted by the United States.

The BRITISH DELEGATION proposed that the preamble should not be discussed, as it had already been referred to the Legal Section.

This proposal was adopted.

22. Article 1.

The CHAIRMAN proposed that, instead of discussing Article 1, the Commission should suggest the insertion in this and other similar conventions of the lists it had drawn up.

This proposal was adopted.

23. Article 2.

Admiral DE SOUZA E SILVA (Brazil) considered that, although Article 2 was of a political character, it might involve a reservation similar to that proposed by the Naval Sub-Commission in regard to Article 13.

Colonel REQUIN (France) replied that in Article 27 the Convention provided for the partial or conditional adherence of States, to allow them to make any reservations their special situation might require.

Colonel LOWE (British Empire) said that the question of the use to which the lists proposed by the Permanent Advisory Commission should be put was a technical problem principally concerning the Governments and general staffs. He pointed out, moreover, that the British delegation's amendment to Article 2 did not in any way affect the general sense of the article.

General DE MARINIS (Italy) said that, as the Permanent Advisory Commission was proposing three categories of arms, the text of the Convention should naturally be brought into line with this classification. On the other hand, he did not think that the Permanent Advisory Commission need give an opinion on the regime to be applied to the different categories. It was also for the Temporary Mixed Commission to make the necessary adjustments in the text.

General DUMESNIL (France) added that the remarks of General de Marinis were the more justified inasmuch as the Permanent Advisory Commission had not been asked to decide on the method of classification but only to make proposals. Moreover, the text submitted was only a provisional draft prepared by a Sub-Commission.

Colonel NYGREN (Sweden) said that, after proposing a method of classification, it would be as well to draw attention to the alterations which would have to be made in the text in the event of this classification being adopted.

Admiral Aubrey SMITH (British Empire) said that it was on these lines that the British delegation had been anxious to facilitate the work of the Temporary Mixed Commission.

General DUMESNIL (France) considered that the titles of the different categories were sufficiently explicit to enable the Temporary Mixed Commission itself to do the work of making the necessary alterations in the text. Moreover, members of the Permanent Advisory Commission who were also members of the Temporary Mixed Commission could bring the matter to the attention of the latter if it turned out to be necessary.

Colonel LOWE (British Empire) agreed with Colonel Nygren on the necessity of drawing attention to the changes which would be involved by the new method of classification, but he considered that this was not the only technical point to be examined.

24. Proposal by General de Marinis.

General DE MARINIS (Italy) considered that it was useless to modify the text to bring it into line with a classification which would perhaps not be adopted by the Temporary Mixed Commission. He submitted to the Commission a resolution drawing the attention of the Temporary Mixed Commission to the fact that the text would have to be revised to bring it into line with the new classification should the Temporary Mixed Commission adopt the latter. The text of this resolution would be distributed to the members of the Commission.

Colonel van CROMBRUGGE (Belgium) proposed that the Commission should proceed immediately to the discussion of Article 11 of the draft Convention.

Colonel LOWE (British Empire) said that this could not be done until the Commission had decided whether it was going to consider the regime to be applied to the different categories.

Colonel REQUIN (France) recalled the fact that, in the course of the discussions of the First Sub-Commission of the Temporary Mixed Commission, the Chairman had made it clear that the Permanent Advisory Commission would be free to propose the classification which it considered best and that the Temporary Mixed Commission would then be free to make what use it liked of this proposal. If the Commission drew the attention of the Temporary Mixed Commission to the points which it would be necessary to modify, it would be anticipating the decision of the Temporary Mixed Commission on the proposed classification.

General KLECANDA (Czechoslovakia) supported General de Marinis' proposal and asked that it should be put to the vote.

This resolution was adopted, as follows:

"The Permanent Advisory Commission, having divided the arms and ammunition specified in Article 1 into three categories, draws the attention of the Temporary Mixed Commission to the fact that, if the three proposed categories are adopted, it will be necessary to revise the articles in the draft which refer to the arms and ammunition comprised in the three categories in order to bring them into line with the new classification."

Admiral Aubrey SMITH (British Empire) proposed that a reference to General de Marinis' proposal should be entered opposite all the articles of the Convention which might have to be altered.

This proposal was adopted.

This reference will be entered opposite Articles 2 and 3 of the draft Convention

25. • **Statement by Admiral de Souza e Silva on Article 8 of the Covenant.**

Admiral DE SOUZA E SILVA (Brazil) desired the Commission to decide on the following point. Article 8 of the Covenant lays down that the requirements of Governments which are unable to manufacture the munitions and war material necessary to their security must be taken into account. Now, the Convention which the Commission was considering rendered the trade in these arms and materials subject to the control of a foreign Government. As a technical organisation, the Permanent Advisory Commission might be called upon to decide whether "the requirements necessary for the security of non-producing States" constituted a technical question within its competence or whether it was a political question.

Colonel LOWE (British Empire) did not consider that Article 8 of the Covenant need come into the question. The draft Convention did not aim at restricting the armaments of States nor at hampering the trade in arms needed by Governments. It only required the publicity of transactions between Governments.

Admiral DE SOUZA E SILVA (Brazil) replied that in practice the Convention obliged a Government which needed arms to obtain the permission of another Government before procuring them.

No stipulation existed to the effect that such a request could not be refused. Moreover, it was irksome, even in time of peace, for a Government to be obliged to inform a foreign representative of its requirements in material and of the itinerary and port of destination of the consignments of arms, and in time of war it became impossible.

Commander RUSPOLI (Italy) reminded the Commission that the Italian member of the Temporary Mixed Commission had proposed that the application of the Convention should be suspended in time of war as far as the trade with belligerents was concerned. Indeed, if a Government granted a licence to a private individual exporting arms to a belligerent Government, this would constitute a breach of neutrality.

Colonel LOWE (British Empire) replied that this question had been referred to the Legal Section, and, moreover, he believed that it had been stated by legal experts that the action of granting licences would not constitute a breach of neutrality.

The CHAIRMAN asked the Commission to confine itself strictly to the discussion of the Convention. In his opinion, the only point with which the Commission was concerned was the question whether any categories other than Category I should be rendered subject to licences.

Admiral DE SOUZA E SILVA (Brazil) asked the Commission to decide whether the question of the accumulation of stocks of arms and ammunition during peace-time was technical or not. This question was of great importance in view of the different situations which it created for producing and non-producing States.

EIGHTH MEETING.

Held on May 19th, 1924.

26. **Continuation of the Discussion of the Draft Convention. — Article 3.**

The CHAIRMAN proposed that the Commission should continue the examination of the Convention. He believed that the Commission had agreed to include only Category I in Article 3.

General DE MARINIS (Italy) said that it would be sufficient to note this article for revision.

The CHAIRMAN said that the British delegation was of the opinion that the Permanent Advisory Commission ought to pronounce on which categories should be included in this article.

General BENITEZ (Spain) wished to be quite clear that the British delegation referred to Category I of the new classification.

The Commission decided to recommend that Article 3 should apply solely to the arms in Category I.

27. Article 4.

Did not raise any technical points.

28. Article 5.

The BRITISH DELEGATION considered that the Permanent Advisory Commission ought to pronounce on the categories to which the provisions of this article referred so far as licences were concerned.

General DE MARINIS (Italy) did not think that this was a question for the Permanent Advisory Commission.

General DUMESNIL (France) agreed with General de Marinis that the Permanent Advisory Commission's task was only to define Category II, which comprised doubtful arms. The question of the regime which should be applied to them did not come within the Commission's competence.

Colonel REQUIN (France) added that, moreover, the Permanent Advisory Commission was not entitled to give an opinion on this point since, according to the spirit of the Convention, the various Governments could reserve the right of deciding in each case what regime should be applied to these arms.

Colonel LOWE (British Empire) reminded the Commission that the whole draft Convention had been referred to the Permanent Advisory Commission for consideration. The latter was therefore entitled to discuss any point it liked in the draft.

The British delegation drew the attention of the Commission to the fact that it was necessary to make provision that arms carried by officers and soldiers on journeys through various countries should be exempt from export licences. This was one of the reasons which led to part of the proposed amendments to Article 5.

The British delegation also remarked that the Temporary Mixed Commission, in its draft, proposed that arms in the doubtful category should not require export licences. The British delegation considered that export licences should be required for these arms, and urged that this was a question of principle on which it was within the competence of the Commission to express an opinion.

The Commission decided that Article 5 raised no technical points.

This article was noted for revision.

29. Article 6 was also noted for revision.

30. Article 7 called for no remarks.

31. Article 8 was noted for revision.

32. Article 9.

Colonel LOWE (British Empire) drew the Commission's attention to the last paragraph of this article and to the amendment proposed by the British delegation on this point (Document 15, Appendix III, page 144).

General DE MARINIS (Italy) pointed out that this amendment raised a serious political question. The mandatory Powers had certain obligations towards the League of Nations. It was not for the Permanent Advisory Commission to decide that the Governments could not render subject to control the armaments of the armed forces maintained in the mandated territories. General de Marinis emphasised this point as showing that each time the Permanent Advisory Commission overstepped the bounds of its task it encountered serious difficulties.

Colonel LOWE (British Empire) replied that traffic in the interior, even of mandated territories, constituted a purely technical question. The general staffs would not consent to have these movements rendered subject to control, and no Power would be willing to submit the question of the armament of its own forces to the Mandates Commission.

General BENITEZ (Spain) pointed out that the purpose of the Convention was to control the traffic in arms, and that the term "traffic" did not refer to the despatch of arms by a Government to its own armed forces.

On the proposal of the BRITISH DELEGATION, the Commission decided that the question was a technical one, and it adopted the British amendment.

33. **Article 10.**

The first paragraph of Article 10 was noted for revision.
The conclusion of the article was declared to be of a purely political nature.

34. **Article 11 (Article 7 of the St. Germain Convention).**

The BRITISH DELEGATION submitted an amendment to paragraph 1 of this article. In Africa there were territories which had no ports. It was therefore necessary to provide for all points of entry.

As the Commission had hitherto made no mention of importation licences, it appeared necessary to refer only to export licences in this paragraph. A wider definition should also be adopted of the authorities designating ports and places of entry.

General DUMESNIL (France) agreed on the first two points but considered that on the third point no alteration should be made in a text which had been drawn up by legal experts.

•*The Commission adopted the following text for paragraph 1 of Article 11:*

“Arms and ammunition exported under licence into the prohibited areas shall be admitted only at ports or other places of entry designated for this purpose by the authorities of the State, Colony, Protectorate or territory under mandate concerned.”

Admiral Aubrey SMITH (British Empire) proposed that the end of the article after paragraph 1 should be deleted. He considered that this article would be impossible to apply in certain territories.

Admiral JEHENNE (France) said that this article was applied by the French Government, and he desired its retention.

General BENITEZ (Spain) agreed with the French delegation.

The Commission decided to insert the following text in the report:

“The British delegation is of the opinion that the remainder of Article 7 is not possible of application in certain territories to which the article applies.

“The French and Spanish delegations were of the contrary opinion.

“The other delegations refrained from expressing an opinion.”

35. **Article 12 (Article 8 of the Convention of St. Germain).**

The Commission decided to insert, in connection with this article, the same formula as had been inserted in connection with Article 11, and for the same reasons.

36. **Article 13 (Article 9 of the Convention of St. Germain).**

37. **Article 14 (Article 10 of the Convention of St. Germain).**

These articles did not give rise to any observations.

38. **Articles 15 to 25 (Articles 11 to 21 of the Convention of St. Germain).**

The CHAIRMAN informed the Commission that the text of these articles drawn up by the Naval Sub-Commission would be circulated at the meeting to be held the following day and that the plenary Commission could discuss any points which the members might wish to raise or which might be specially referred to by the Naval Sub-Commission itself.

39. **Articles 26, 27, 28, 29, 30, 31, 32 and 33 did not give rise to any observations.**

Admiral DE SOUZA E SILVA (Brazil) pointed out, however, that Article 32 did not mention any South American country. He would not insist on submitting an amendment, as the article in question was clearly of a political nature.

He requested that the report should make it quite clear that the fact that the Permanent Advisory Commission had not offered any observations in connection with certain articles should not be taken to mean that it approved these articles.

General DE MARINIS (Italy) replied that it would be sufficient to state that the articles in question did not contain any technical points.

Admiral Aubrey SMITH (British Empire) stated that the British delegation would make reservations concerning certain articles which, contrary to the opinion of the Commission, it held to be technical.

Admiral DE SOUZA E SILVA (Brazil) said that he would make a similar reservation and that the votes which he had given in respect of the technical side of the questions did not bind his Government in regard to the political aspect of these questions.

NINTH MEETING.

Held on May 20th, 1924, at 11 a.m.

40. Articles 11 to 26.

The Commission adopted the amendments to these articles proposed by the Naval Sub-Commission.

41. Draft Declaration proposed by the French Delegation for the Definition of Implements of War.

"The Committee of the Temporary Mixed Commission which met at Prague expressed the opinion that the list of arms and munitions of war to be drawn up by the Permanent Advisory Commission with a view to the control of the traffic in arms should be the same as the list of 'munitions and implements of war' the private manufacture of which was referred to in Article 8 of the Covenant.

"The Permanent Advisory Commission regrets that it cannot comply with this request to the letter, but it believes that it has complied with the spirit. The Permanent Advisory Commission recalls that, in a report submitted to the Council on May 17th, 1922, it *defined* war material as 'material exclusively designed for war', and drew attention to the technical difficulties which made it impossible to draw up a complete *enumeration*. As the same difficulties stand in the way of drawing up a list for the requirements of the national control of the private manufacture of war material or for any other purpose, the Permanent Advisory Commission, rather than give an incomplete and controversial list of war material, has preferred to draw up a list, which it believes to be complete, of all arms which are or shall be constructed for the purposes of land, sea or aerial warfare, whatever their mode of employment, by armies, warships, tanks, aeroplanes, etc. The Permanent Advisory Commission has therefore included in Category I all arms and munitions which might be utilised either by weapons of war such as warships or tanks or by weapons not necessarily designed for war, such as aeroplanes."

The ITALIAN DELEGATION said it was in entire agreement with the French delegation.

The declaration was adopted.

The CHAIRMAN said that, as it was impossible to give an exact translation of "*matériels de guerre*", the English text would use the expression "weapons of war" in inverted commas.

42. Discussion of the British Memorandum.

The CHAIRMAN proposed that the Commission should proceed to the discussion of the British memorandum suggesting that two separate conventions should be drawn up for the control of the traffic in arms (Document 15, Appendix IV, page 147).

General DUMESNIL (France) said that, without pronouncing on the merits of the document, he considered that the Permanent Advisory Commission could only state that the question was purely political and outside its competence.

General DE MARINIS (Italy) said he agreed with the French delegation.

Admiral Aubrey SMITH (British Empire) said that the British delegation's views were as follows: a draft convention had been sent to the Permanent Advisory Commission for consideration. After studying this document, the British delegation had come to the conclusion that it would not be possible to put a general convention into force for a considerable time, and that, pending its ratification, some means should be devised of provisionally regulating the control of the traffic in uncivilised countries. A special convention on this point would undoubtedly be a step in the right direction. The British delegation admitted that the question was more or less political in character, but it considered that the Permanent Advisory Commission was entitled to inform the Council of its opinion that two conventions should be drawn up. This would have the advantage of showing public opinion that the Permanent Advisory Commission — a technical organisation composed of officers — was anxious to secure a tangible result. The British delegation considered, moreover, that in this way it would be easier to reach a final solution rapidly.

General BENITEZ (Spain) said that the Spanish delegation admired the motives which had inspired the British delegation. He agreed that it would be easier to draw up a convention of limited scope. He saw no objection, but he pointed out that this method would render it necessary to obtain two ratifications one after the other.

Admiral DE SOUZA E SILVA (Brazil) said that, as the Permanent Advisory Commission's function was to give its opinion on technical questions, and as this Convention had a technical aspect, especially as regards the formation of stocks of arms and ammunition, he considered that the British memorandum greatly facilitated the solution of the problem and was within the competence of the Permanent Advisory Commission. He was therefore glad to renew his support of the British memorandum.

Colonel NYGREN (Sweden) said he agreed that the Permanent Advisory Commission should consider matters from a technical standpoint, but he thought this principle should not be carried too far. The Temporary Mixed Commission wanted the Permanent Advisory Commission's advice on a convention. If the Permanent Advisory Commission thought that, from the technical point of view, it would be better to have two conventions, it could say so.

The Swedish delegation was therefore in agreement with the British delegation.

General BENITEZ (Spain) suggested that the British proposal should be transmitted to the Council in the form of a recommendation.

Colonel REQUIN (France) explained the French delegation's point of view. Whatever the advantages of the British proposal, and whatever the merits of the arguments adduced in its favour, this memorandum would lead to a change in an existing political *status quo*. The St. Germain Convention had been signed and was even partially applied by certain countries in virtue of a semi-official agreement.

It was difficult for the Permanent Advisory Commission to take the initiative of proposing that this *status quo* should be modified. Each of its members could, of course, transmit the proposal to his Government or to his Government's representative on the Council. Moreover, the various delegations could not give their Government's views on this memorandum, with which they were not acquainted.

Colonel LOWE (British Empire) pointed out that the Permanent Advisory Commission had already drawn the Council's special attention to questions of a political nature in connection with the Treaty of Mutual Assistance. He was quite ready to accept the Spanish delegation's proposal.

He added that the members of the Permanent Advisory Commission could give their opinions in their personal capacity.

General DE MARINIS (Italy) said that the Italian delegation could not make any pronouncement without instructions from its Government, but he did not wish to abstain from voting, as this might be interpreted as expressing disapproval.

He pointed out that when the members of the Permanent Advisory Commission gave their opinion in their personal capacities they ceased to be delegates and no longer constituted the Permanent Advisory Commission.

General DUMESNIL (France) proposed that the Spanish delegation's suggestion should be accepted and the following text adopted:

"The Permanent Advisory Commission, having noted the British proposal, considers that it is of an essentially political nature, and transmits it to the Council of the League of Nations for consideration."

This proposal was adopted.

43. Adoption of the Draft Report.

The CHAIRMAN informed the Commission that a draft report had been prepared and suggested that it would be quicker to read it immediately and decide on its main outlines in order to enable the Secretariat to draw up an amended text for the next meeting.

The draft report was read and approved in its main outlines.

TENTH MEETING.

Held on May 20th, 1924.

44. Adoption of the Report to the Council.

The Report to the Council was read.

Colonel LOWE (British Empire) pointed out that the Commission had not stated that the preamble raised no technical point but had refrained from examining it because it had been referred to the Legal Section for drafting.

Subject to this amendment, the Report and Annexes I and II were adopted.

The CHAIRMAN proposed that the Commission should not examine the amendments and reservations made by the British delegation nor the reservations made by the Brazilian delegation.

This proposal was adopted.

Document 11.

REPORT SUBMITTED BY THE FIRST SUB-COMMISSION TO THE TEMPORARY MIXED COMMISSION ON THE DRAFT CONVEN- TION DRAWN UP BY THE SAID SUB-COMMISSION, MARCH 27th, 1924.

At its last meeting, the Temporary Mixed Commission adopted the following resolution:

"The Temporary Mixed Commission refers the Convention of St. Germain and the two draft Conventions presented by Admiral de Magaz and M. Jouhaux to the First Sub-Commission for examination and requests the Sub-Commission, having in view the discussions on the subject which have taken place at this session, to present a draft convention for the consideration of the Temporary Mixed Commission at its next session."

The Commission dealt with this question under the authority of a resolution of the Fourth Assembly which explicitly stated:

"IV (a). The Assembly recommends that the Temporary Mixed Commission should be invited to prepare a new Convention or Conventions to replace that of St. Germain for the control of the traffic in arms.

"The Temporary Mixed Commission should be requested to draw up the draft convention or conventions in such a form that they might be accepted by the Governments of all countries which produce arms or munitions of war.

"The Temporary Mixed Commission should, however, also make alternative proposals for a convention or conventions which might be adopted by some of the producing Powers, even if others refused their co-operation.

"The Assembly recommends that the Council should invite the United States Government to appoint representatives to co-operate with the Temporary Mixed Commission in preparing the draft convention or conventions.

"IV (b). The Assembly recommends that, when the Council has received the report of the Temporary Mixed Commission concerning the arms traffic and private manufacture of arms, it should consider the question of summoning an international conference to draw up conventions on this subject."

It should be pointed out that the work on this subject undertaken by the Temporary Mixed Commission was based on two articles of the Covenant: Article 23, which makes the following provision with regard to the control of the international traffic in arms:

"Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:

"(d) Will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest",

and Article 8, the penultimate paragraph of which reads as follows:

"The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety."

The above articles taken together indicate both the object and the method of the work of the Sub-Commission on this question.

Its object has been twofold: in the first place, to control "the trade in arms and ammunition in the countries in which the control of this traffic is necessary in the common interest"; in the

second place, by controlling the general international traffic in arms to prevent as far as possible the "evil effects" of the private manufacture of munitions and war material.

The method of work was based on the three texts which deal with the traffic in arms: *i.e.* the Convention of St. Germain and the draft conventions which Admiral the Marquis de Magaz and M. Jouhaux had forwarded to the plenary Commission.

In conformity with the decision of the Assembly, the Commission, in preparing a new draft convention, found it necessary to eliminate as far as possible the difficulties which had already appeared and to adopt a text which would be likely to obtain the approval of all States and especially of all great producing countries.

An examination of the three texts presented to the Temporary Mixed Commission clearly shows that two of these texts were based solely on considerations which underlie the penultimate paragraph of Article 8 of the Covenant. These were the drafts presented by Admiral the Marquis de Magaz and M. Jouhaux; whereas the Convention of Saint-Germain, while specially referring to the application of Article 23(*d*) of the Covenant, contains in the first part of the Convention provisions which go beyond that article and deal with the application of the penultimate paragraph of Article 8 of the Covenant.

It will therefore be understood that, in the text which served as a basis for the work of the Sub-Commission, the Rapporteurs used the Convention of Saint-Germain as a point of departure. In order to arrive at their text, the Rapporteurs amended and completed that Convention, employing the two principles that it was necessary, first, to try to obtain the adherence of the United States to the future Convention, and, secondly, to develop and strengthen that part of the Convention of Saint-Germain which dealt with the control of the general traffic by incorporating in the new draft certain fundamental ideas contained in the drafts submitted by Admiral the Marquis de Magaz and M. Jouhaux.

As the Convention of Saint-Germain is familiar to the plenary Commission, it is only necessary to bring to its notice the points on which the new text differs from that of the Convention. Three series of questions need consideration:

- (a) Those which refer to the establishment of a system of licences for the general traffic;
- (b) Legal difficulties which the Commission encountered;
- (c) Modifications inserted in the text for the purpose of obtaining universal ratification.

(a) EXPLANATION OF THE SYSTEM OF LICENCES AS CONTAINED IN THE SUB-COMMISSION'S DRAFT.

The Sub-Commission considered it essential that its draft should be based on a division into two categories of the arms over which control was to be exercised: Category I, arms and munitions of war; Category II, fire-arms and munitions intended for sport and personal defence.

The object of this classification was to put the arms of the two categories under a different regime of control.

The Commission did not feel that it was at present in a position to decide what arms were to be placed in either category, in view of the fact that the Council had, at the request of the Plenary Commission, instructed the Permanent Advisory Commission to draw up a list of arms used for war and arms which should be placed in other categories.

The draft (Article 2) lays down as a principle that the export of arms and munitions of war in Category I should be forbidden.

As an exception to this principle, arms of this category may, should the exporting State grant a permit, be exported when they are intended for supply direct to a Government. The Government which receives them may only purchase through a duly accredited agent supplied with a written order stating the details of the transaction.

The details of the permit are to be recorded on a licence drawn up in accordance with a model which is annexed to the Convention. A draft of this model is to be prepared by the Rapporteurs for submission to the Temporary Mixed Commission at its next meeting, and in drawing it up the Rapporteurs are to take into account paragraph 5 of Article 3 of M. Jouhaux's draft. This separate licence for each shipment is to contain various details laid down in paragraph 4 of Article 3 of the draft.

Subject to the conditions laid down in Article 4, a copy of the licence shall be sent by the exporting State to the international body entrusted with the control as provided for in Article 9. Another copy shall be sent to the same body of the importing State should that State be a party to the Convention.

The signatory States are not bound in principle to forbid the export of the arms and munitions in Category II.

Nevertheless, in the case of fire-arms which may be used both for war and for other purposes, the State concerned must subject the export of such fire-arms to the regulations applicable to arms of Category I, should that State satisfy itself that the arms in question should in the particular case be regarded as coming under this last category. (Article 5.)

The Contracting States are to forbid the export of arms in Category I and Category II when they are consigned to the territories mentioned in Article 10. Nevertheless, if they have satisfied themselves that the destination and the purpose for which the arms are intended are not contrary to the Convention, such States may under such circumstances grant export permits. (Article 6.)

The Council of the League of Nations is to establish a central organisation for collecting and placing in its archives all documents and legal texts concerning the traffic in, and movement of,

arms and munitions in Category I and Category II. Each of the Contracting States shall publish an annual report on the points referred to in paragraph 2 of Article 9, and a copy of this report shall be forwarded to the central organisation.

The Council of the League of Nations shall publish an annual report on the traffic in arms and the permits in respect of it issued by the Governments. This report shall be submitted to the Assembly. (Article 23.)

(b) LEGAL DIFFICULTIES.

The Sub-Committee, during its discussions, has found that the preparation of the draft Convention gives rise to legal questions. On the proposal of M. Jancovici, the Sub-Commission adopted the following proposal:

“The Sub-Commission instructs the Secretariat to make a juridical study of the text which it has prepared, subsequent to its examination by the Permanent Advisory Commission, with a view to maintain a report on the subject at the next meeting of the Temporary Mixed Commission.

“This study shall include the following points:

“(1) Drafting;

“(2) Points specially referred, during the discussions, to the Legal Section of the Secretariat.”

The points on which legal difficulties arise are briefly referred to below. Whenever the Commission has decided to refer a case to the Legal Section of the Secretariat, mention is made of the fact.

I. *Preamble of the Convention.*

Amendment submitted by Colonel Lowe to the Preamble of the text used as a basis for discussion :

To be added :

“Whereas it is necessary to exercise a general supervision over the trade in arms and ammunition with the object of securing the fullest possible publicity in regard to such trade, thereby drawing attention to the danger of the accumulation, in peace-time, of stocks of munitions;

“Whereas it is necessary to institute a uniform procedure for the supervision over the trade in fire-arms and ammunition which are capable of both warlike and other uses ;

“Whereas the existing treaties and conventions, and particularly the Brussels Act of July 2nd, 1890, regulating the traffic in arms and ammunition in certain regions, no longer meet present conditions, which require more elaborate provisions applicable to a wider area in Africa and the establishment of a corresponding regime in certain territories in Asia;

“Whereas a special supervision of the maritime zone adjacent to certain countries is necessary to ensure the efficacy of the measures adopted by the various Governments, both as regards the importation of arms and ammunition from their own territory.”

This point was sent for examination to the Legal Section of the Secretariat.

2. *Article 3.*

The question of the neutral status of a State granting export licences to its nationals for the supply of arms to belligerent States was raised in an amendment submitted by Viscount Cecil¹ by which the High Contracting Parties reserve the right to grant such licences without violating their neutral status.

The legal difficulties raised in this amendment have been referred to the Legal Section of the Secretariat, and the question as to whether Viscount Cecil's amendment should be added or not has been held over pending the Legal Section's report on this matter.

The questions on which the Legal Section has to give an opinion have been drafted as follows:

“(1) Would the grant of a licence for export of arms to a belligerent be a breach of neutrality by the granting Power ?

“(2) If the answer to the first question is in the affirmative, would this result be best prevented: }

“(i) By a declaration in the Convention that such a breach of neutrality was not to occur; or

“(ii) By a suspension of the operation of the Convention during war ?”

¹ It is expressly stated that nothing in this article shall be regarded as affecting the principle of international law which allows a national of a non-belligerent State to sell munitions of war to a Government of a belligerent State without breach of neutrality in respect of the non-belligerent State, and that the grant of a licence for such a sale as provided for in this article shall not be regarded as a breach of neutrality.

3. *Article 10.*

Article 10 led to a protest from the representative of Persia, who had been invited by the Council to attend the discussions of the Sub-Commission for the very purpose of submitting the objections of his country on this point. The Persian representative was of opinion that the inclusion of his country within the areas defined in Article 6 of the Convention of Saint-Germain, which has become Article 10 of the new text, constituted an infringement of the principle of sovereignty of the States Members of the League of Nations and an infringement of Article 10 of the Covenant, by which the Members of the League undertake mutually to respect their political independence.

A similar question was raised by M. Cobian with regard to certain islands belonging to Spain which were also mentioned in this article.

The Sub-Commission was of opinion that the question raised in this article, particularly in view of the changes in international conditions since the drawing-up of Article 6 of the Saint-Germain Convention, seemed as a whole to require fresh consideration. The Sub-Commission suggested that the Plenary Commission should draw the attention of the Council to the necessity of such consideration.

4. *Article 27.*

This article introduces into the Convention the principle of partial or conditional adhesion. In the Sub-Commission, legal objections have been raised to this principle. Not only has the legal possibility of partial adhesion been disputed but further doubts have been expressed as to the possibility of putting on record the acceptance of conditions or limitations to the adhesion of certain parties by all the remaining contracting parties. Another difficulty arises from the absence of an authority competent to estimate to what extent the object of the Convention might be affected by a partial or conditional adhesion.

5. *Article 28.*

This article lays down that any dispute between Contracting Parties concerning application and the interpretation of the Convention shall be submitted to the Permanent Court of International Justice or to an arbitral court.

Since Article 35 of the Statute of the Court of Justice subjects access to the Court by States non-members of the League of Nations to a procedure consisting of the deposit of a declaration previously accepting its jurisdiction, this article raises certain difficulties from the point of view of ratification by non-member States.

The Sub-Commission has decided to refer this question to the Legal Section of the Secretariat for examination.

6. *Article 29.*

The drafting of this article is also referred to the Legal Section of the Secretariat.

The idea is that, in the wording which is to be prepared, the provision of Article 4, as adopted by the Commission, should be harmonised with the provisions of Article 29 and with the following draft submitted by M. Lebrun and M. Fabry:

“This present Convention shall in no way affect the rights and obligations which may arise out of the provisions either of the Covenant of the League of Nations or of the Treaties of Peace signed in 1919 and 1920 at Versailles, Neuilly, Saint-Germain and Trianon and the provisions of Agreements registered with the League of Nations and published by the League up to the date of the coming into force of the present Convention, so far as the Powers which are signatories of or benefit by the said Treaties or Agreements are concerned.”

On the one hand, Article 4 is without prejudice to the international convention dealing with this subject, and especially the Barcelona Conventions on transit.

On the other hand, there is a danger that Article 29, which foreshadows in general terms the abrogation of international treaties dealing with traffic in arms, may be interpreted as weakening to a similar extent the conventions which Article 4 is intended to safeguard.

In the third place the additional article proposed by M. Lebrun and M. Fabry (under which other treaties, including those registered by the League of Nations, are not affected) might give rise to the assumption that the Treaty of St. Germain for the traffic in arms — which has been registered at the Secretariat — is to be maintained, whereas the object of the work of the Sub-Commission is to abrogate that treaty.

(c) MODIFICATIONS FOR THE PURPOSE OF OBTAINING UNIVERSAL RATIFICATION.

As regards modifications to obtain the adherence of the United States, the Sub-Commission has taken into account the opinions expressed by that Government in the correspondence exchanged between the Secretary of State and the Secretary-General of the League of Nations, as well as the statements made to it on various occasions by Mr. Grew, United States Minister at Berne, nominated Under-Secretary of State, whose help has been of the greatest assistance to the Sub-Commission.

The objections raised by the United States to the Convention of Saint-Germain may be divided into three heads:

(1) The Convention of St. Germain does not permit trade in arms with countries which are not parties to the Convention — a provision which would preclude the United States from supplying arms to many American countries which have not ratified;

(2) The United States Government cannot subscribe in advance to international obligations which would be dependent on national legislation which the Government cannot guarantee that Congress will enact; and

(3) The provisions of the Convention in relation to the League of Nations are so closely interwoven with the Convention that they make it impossible for the Government of the United States, which is not a Member of the League of Nations, to ratify the Convention.

The draft which has been prepared has eliminated the first objection. Export of arms is henceforth permissible, subject to the general conditions laid down in the Treaty to any Government recognised as such by the Government of the exporting country (Article 3).

The Commission duly appreciated the force of the second objection, on which Mr. Grew laid special emphasis during the discussions. It seemed impossible to find any solution which meets absolutely all difficulties arising in each particular case. The Commission thinks, however, that the international convention could be made adaptable to the requirements of national legislatures by giving to it a certain measure of elasticity — for example, by the insertion of a clause permitting partial or conditional adhesion. In this spirit, the following paragraph has been added to Article 27:

“Any State may, with the consent of the other High Contracting Parties, notify its partial or conditional adherence to the provisions of the Treaty provided that such conditions or partial adherences do not affect the effectiveness of the supervision of the traffic in arms.”

The Sub-Commission has made a special study of the question of the relations between the High Contracting Parties non-members of the League of Nations and the League of Nations. This question is closely bound up with that of the international organ which is to ensure control of the traffic by means of a comparison of licences and the publication of traffic movements. It is, therefore, although apparently a matter of pure form, the keynote of the draft. The Sub-Commission has endeavoured to place on one side any solution which would be likely to constitute an obstacle to its ratification by the United States. The text which was finally agreed upon lays down that:

“A central international body shall be established by the Council of the League of Nations for the purpose of collecting and preserving documents of all kinds exchanged by the High Contracting Parties with regard to the trade in and distribution of, etc.”

The reasons for the choice of this text are as follows:

(1) The formation of this organ, its nature and the authority under which it will be placed are not prejudged by the text, nor is the method which the Council may decide upon for its establishment.

(2) The Council can therefore decide whether the proposed international organ shall or shall not be placed under the ægis of the League of Nations. The Sub-Commission had to bear in mind, on the one hand, the objections of the United States to any control by the League of Nations, and, on the other hand, the difficulty that any organisation of the League of Nations would encounter if the Sub-Commission proposed a system of international control from which the League of Nations would be excluded. The Sub-Commission thought that this was a matter on which the Council alone could decide.

(3) The text differs from the Convention of St. Germain in that, while the Convention was forwarded to the United States, which had not then ratified it, as a *ne varietur* whole, this text would only be transmitted to the different States Members or non-members as a basis for discussion at an international conference, where the present difficulties could be debated. In consequence, the objection to the role of the League of Nations which proved an insurmountable obstacle to the ratification of a Convention by non-member States would not justify the rejection of the new text as a basis for discussion.

(4) Finally, even were the Council to decide to place this organisation under the ægis of the League of Nations (for instance, as a Section of the Secretariat), it is quite possible to conceive solutions acceptable to Governments non-members by applying the clause of partial or conditional adhesions mentioned above.

Document 12.

DRAFT CONVENTION PRESENTED BY THE FIRST SUB-COMMISSION TO THE TEMPORARY MIXED COMMISSION, MARCH 27th, 1924.

Preamble.

[*Note:* The drafting of this preamble is expressly referred to the Legal Section of the Secretariat.]

[*Here will follow the names of the High Contracting Parties signing the new Convention.*]

Whereas the Convention of St. Germain was signed by the High Contracting Parties therein mentioned;

Whereas certain of them were not able to ratify such Convention;

Whereas, for this and for other reasons, it is desirable to amend such Convention;

Whereas it is necessary to exercise a general supervision over the trade in arms and ammunition with the object of securing the fullest possible publicity in regard to such trade, thereby drawing attention to the danger of the accumulation, in peace-time, of stocks of munitions;

Whereas it is necessary to institute a uniform procedure for the supervision over the trade in fire-arms and ammunition which are capable of both warlike and other uses;

Whereas the existing treaties and conventions, and particularly the Brussels Act of July 2nd, 1890, regulating the traffic in arms and ammunition in certain regions no longer meet present conditions, which require more elaborate provisions applicable to a wider area in Africa and the establishment of a corresponding regime in certain territories in Asia;

Whereas a special supervision of the maritime zone adjacent to certain countries is necessary to ensure the efficacy of the measures adopted by the various Governments both as regards the importance of arms and ammunition into these countries and the export of such arms and ammunition from their own territory:

Have appointed as their Plenipotentiaries:

[*Here will follow the names of the Plenipotentiaries of the new High Contracting Parties.*]

Who, having communicated their full powers, found in good and due form,
Have agreed as follows:

Article 1.

This Convention applies to the following arms and munitions:

Category I. — Arms and Munitions of War, as follows:

- (a) Ships of war of all kinds, including submarines and submersibles.
- (b) Airships, aeroplanes and seaplanes for use in war.
- (c) Tanks and armoured cars.
- (d) Artillery of all kinds.
- (e) Apparatus for the discharge of all kinds of projectiles, and for the discharge of all kinds of bombs, torpedoes and depth charges.
- (f) Flame-throwers.
- (g) Mines, whether for land or water.
- (h) Torpedoes and depth charges of all kinds.
- (i) Bombs and grenades of all kinds.
- (j) Machine-guns and rifled small-bore breech-loading weapons of all kinds.
- (k) Pistols and revolvers of all kinds.
- (l) Ammunition of all kinds for use with any of the above.
- (m) Explosives and propellants of all kinds for use in war.
- (n) Component parts of any of the above, including mountings.

Category II. — Fire-arms and Ammunition for Purposes of Sport or Personal Defence.

In order to prevent the export and import of fire-arms and ammunition intended for warlike purposes, though described and sold as articles of sport or personal defence, and in order at the same time not to hamper unduly the legitimate trade in fire-arms and ammunition intended to be used only for sport and personal defence, the High Contracting Parties hereby undertake that they will use their best endeavours to agree upon a uniform definition of:

1. Military rifles, revolvers and pistols and the ammunition thereof.
2. Rifles, revolvers and pistols capable of use for both military and other purposes and the ammunition thereof.
3. Rifles, revolvers and pistols regarded as of no military value and the ammunition thereof.

Article 2.

The High Contracting Parties undertake not to export themselves and to prohibit the export of arms and munitions of war in Category I except on the conditions mentioned in Article 3. This prohibition of exportation shall apply to all such arms and ammunition, whether complete or in parts.

Article 3.

Nevertheless, notwithstanding this prohibition, the High Contracting Parties reserve the right to grant, in respect of arms and munitions of war whose use is not prohibited by international law, licences for the export of arms and munitions of war in Category I, but such licences are only to be granted on the following conditions:

1. No licence is to be granted except for a direct supply to a Government recognised as such by the Government of the exporting territory.
The form in which this licence shall be given shall, so far as practicable, resemble that given as an annex to the present Convention.
2. The Government acquiring the consignments must act through a duly accredited representative, who shall produce his credentials.
3. Such representative must produce a written authority from his Government for the acquisition of each consignment, which authority must state that the consignment is acquired for the use of that Government and not for transfer and will be delivered to them and to no one else.
4. Each licence must contain a full description of the arms and munitions of war to which it relates, and the names of the exporting and acquiring Governments, ports of embarkation and disembarkation, means of transport, route and destination.
5. A separate licence shall be required for each separate shipment which crosses the frontier of the exporting country, whether by land, water or air.

Article 4.

Without prejudice to any obligations to which they may have subscribed under international conventions dealing with transit, the High Contracting Parties undertake to take such steps as they reasonably can to supervise and prohibit the transit of the arms and munitions of war in Category I which are not accompanied by a licence made out in the proper form, as laid down in Article 3.

A copy of the licence shall be sent by the exporting State to the central international body referred to in Article 9 of the present Convention before the goods pass the frontier of the exporting country; a second copy shall be sent to the same international body by the importing country, if one of the High Contracting Parties, within a month of the receipt of the consignment, mention being made of the heading under which the imported goods will appear in its import statistics.

Article 5.

Fire-arms and ammunition in Category II may, if the exporting country so desires, be exported without licence except to the prohibited areas and zone mentioned in Article 10. Provided, nevertheless, that, in the case of fire-arms and ammunition adapted both to warlike and also to other purposes, the High Contracting Parties hereby undertake to determine from the size, destination and other circumstances of each shipment for what uses it is intended and to decide in each case whether such shipment falls properly under Category II or whether it ought to be considered to belong to Category I, and in the latter case they undertake that it shall become subject to Articles 2 and 3 hereof.

Article 6.

The High Contracting Parties undertake in addition to prohibit the export both of arms and munitions of war in Category I and also of fire-arms and ammunition in Category II, whether complete or in parts, to the areas and zones specified in Article 10. Nevertheless, notwithstanding this prohibition, the High Contracting Parties reserve the right to grant export licences on the

understanding that such licences shall be issued only by the authorities of the exporting countries. Such authorities must satisfy themselves in advance that the arms or ammunition for which an export licence is requested are not intended for export to any destination or for disposal in any way contrary to the provisions of this Convention.

Article 7.

Shipments to be effected under contracts entered into before the coming into force of the present Convention shall be governed by its provisions.

Article 8.

The High Contracting Parties undertake to grant no export licences covering either Category I or Category II for delivery to any country which, after having been placed under the tutelage of any Power, may endeavour to obtain from any other Power any of the arms or munitions of war in Category I or of the fire-arms or ammunition in Category II.

Article 9.

A central international body shall be established by the Council of the League of Nations for the purpose of collecting and preserving documents of all kinds exchanged by the High Contracting Parties with regard to the trade in and distribution of the arms and ammunition in Category I and Category II specified in the present Convention, as well as the texts of all laws, orders and regulations made for the carrying-out of the present Convention.

Each of the High Contracting Parties shall publish an annual report showing the export licences which it may have granted in respect of arms and munitions in Category I or Category II, together with the quantities and destination of the arms and munitions to which the export licences refer. A copy of this report shall be sent to the Central International Body.

Movements of arms and munitions made by a Power within territories placed under its sovereignty or authority, and for the use of its own military forces, will not be included in this report.

Article 10.

The High Contracting Parties undertake, each as far as the territory under its jurisdiction is concerned, to prohibit the importation of arms and munitions of war in Category I and of fire-arms and ammunition in Category II into the following territorial areas, and also to prevent their exportation to, importation and transportation in the maritime zone defined below:

Note: The Commission is of opinion, in view of the new circumstances which have arisen since the Convention of St. Germain was drawn up, that the territories to be included in the restricted areas should form the subject of a fresh examination by the Council of the League of Nations.

Special licences for the import of arms and ammunition in Category I or Category II into the areas defined above may be issued. In the African area they shall be subject to the regulations specified in Articles 11 and 12 or to any local regulations of a stricter nature which may be in force. In the other areas specified in the present article, these licences shall be subject to similar regulations put into effect by the Governments exercising authority there.

Articles 11-25.

(Identical with Articles 7-21 of the Convention of St. Germain.)

Note: These articles are referred to the Permanent Advisory Commission for technical examination.

Article 26.

The High Contracting Parties which exercise authority over territories within the prohibited areas and zone specified in Article 10 agree to take, so far as each may be concerned, the measures required for the enforcement of the present Convention, and, in particular, for the prosecution and repression of offences against the provisions contained therein.

They shall communicate these measures to the Central International Body and shall inform it of the competent authorities referred to in the preceding articles. Such of them as are Members of the League of Nations shall at the same time transmit this information to the Secretary-General of the League.

Article 27.

The High Contracting Parties will use their best endeavours to secure the accession to the present Convention of other States, whether Members of the League of Nations or not.

This accession shall be notified through the diplomatic channel to the Government of the French Republic, and, by it, to all the signatory or adhering States. The accession will come into force from the date of such notification to the French Government.

Any State may, with the consent of the High Contracting Parties, notify its partial or conditional adherence to the provisions of the present Convention, provided that such conditions or partial adherence do not affect the effectiveness of the supervision of trade in arms and ammunition.

Note: The drafting of this last paragraph is specially referred to the Legal Section.

Article 28.

The High Contracting Parties agree that, if any dispute whatever should arise between them relating to the application or interpretation of the present Convention which cannot be settled by negotiation, this dispute shall be submitted to the International Court of Justice or, alternatively, to a court of arbitration.

Article 29.

All the provisions of former general international conventions relating to the matters dealt with in the present Convention shall be considered as abrogated in so far as they are binding between the Powers which are parties to the present Convention.

The present Convention shall in no way affect the rights and obligations which may arise out of the provisions either of the Covenant of the League of Nations or of the Treaties of Peace signed in 1919 and 1920 at Versailles, Neuilly, St. Germain and Trianon and the provisions of Agreements registered with the League of Nations and published by the League up to the date of the coming into force of the present Convention, so far as the Powers which are signatories of or benefit by the said Treaties or Agreements are concerned.

Note: The drafting of this article is specially referred to the Legal Section.

Article 30.

The Council of the League of Nations shall cause to be published an annual report on the trade in arms and munitions of war, the licences issued by the different Governments and the situation of the trade in arms.

This report shall be submitted to the Assembly of the League of Nations.

Article 31.

The present Convention shall be ratified as soon as possible.

Each Power will address its ratification to the French Government, which will inform all the other signatory Powers.

Article 32.

The present Convention shall come into force when ratified by twelve Powers, among which shall be all of the following: Belgium, United States of America, France, Great Britain, Italy, Japan and Russia.

Article 33.

The present Convention shall remain in force for ten years. Thereafter it can be denounced by any High Contracting Party by giving two years' notice to the Government of the French Republic, which will inform all the other signatory Powers.

The High Contracting Parties agree that, at the conclusion of a period of five years, the present Convention shall, in the light of experience then gained, be subject to revision upon the request of of the said High Contracting Parties.

Document 13.

MEMORANDUM BY THE BRITISH DELEGATION, DATED MAY 12th, 1924, REGARDING THE CLASSIFICATION OF ARMS ASKED FOR BY THE COUNCIL ON MARCH 11th, 1924.

1. The Commission is requested to draw up, for the express purpose of organising control of the traffic in arms, a list, corresponding to the present state of military knowledge:

- (1) Of arms and munitions of war;
- (2) Of other kinds of arms and munitions.

2. Military fire-arms and military ammunition are those primarily designed for use against men, but the development of the sporting rifle has in modern times closely followed that of military arms, with the result that there is often little or no distinction between the two classes.

3. In drawing up any such lists, it is therefore essential to draw a distinction between those fire-arms which are intended and constructed for purely military purposes and those which are capable of use for both military and other purposes.

4. It is also convenient to class separately arms and munitions of war other than rifled small-bore breech-loading weapons. Other kinds of arms and munitions—that is, non-military—must obviously be considered apart.

5. We come, therefore, to two main categories, which it is necessary to subdivide, for the purposes of a Convention for the Control of the Traffic in Arms.

The categories proposed are:

Category I.

(a) Military rifles, military revolvers and pistols, component parts thereof, and ammunition.

(b) Rifles capable of use for both military and other purposes, component parts thereof and ammunition for same.

(c) Other weapons and munitions of war, component parts thereof and ammunition.

(See List of Arms and Munitions to be included in Category I, Document 14, page 138.)

Note. In any convention for the control of the traffic in arms, the following procedure is recommended:

(a) In the case of application for licence to export arms capable of use for both military and other purposes, the consignor and/or consignee shall be required to satisfy the authorities of the countries of import and/or export that the transaction is of a non-military character, and shall be required to prove that the authorities of the country of import are prepared to admit the proposed consignment.

(b) Rifle ammunition between calibres 6.5 mm. and 8.2 mm., both inclusive, will require *bona-fide* proof, as for Category I(b), that it is for other than military purposes. In the absence of such proof, it shall come under Category I(a).

(c) Pistol and revolver ammunition of calibre greater than 6.5 mm. will come under Category I(a).

Category II.

(a) Rifles, revolvers and pistols for non-military purposes, firing ammunition regarded as of no military value, component parts thereof and ammunition.

(b) Smooth-bore shot-guns, component parts thereof and ammunition; humane cattle-killers.

(See List of Arms and Munitions to be included in Category II, Document 14, page 138.)

Note. The subdivisions (a) and (b) are made in case it is desired to exercise a control by licence over the export of some of the weapons considered as of no military value. In such a case, it is recommended that those under (a) should require a licence, but that those under (b) should not require a licence for export to any territory other than a prohibited area.

Document 14.

SCHEDULE OF ARMS AND MUNITIONS DRAWN UP BY THE BRITISH DELEGATION, MAY 12th, 1924.

CATEGORY I.

(a) *Military Small Arms.*

1. Pistols, revolvers—automatic or self-loading—and developments of the same designed for single-handed use, of a calibre greater than 6.5 mm. and length of barrel greater than 10 cm.
2. Fire-arms fitted or adapted to take a bayonet or bomb-throwing apparatus.
3. Breech-loading rifles of whatever calibre of a pattern which is, or has been since January 1st, 1875, an official pattern of any State. A schedule of military rifles is attached (Annex). Any rifle of a pattern earlier than 1875 is of no military value.

The general rule regarding any new patterns will be that any rifle or other weapon of calibre between 6.5 mm. and 8.2 mm., both inclusive, will be considered *prima facie* to be a military weapon.

4. Automatic rifles designed to fire central-fire cartridges.
5. Ammunition for the above, including incendiary and tracer ammunition.

(b) *Arms capable of Use for both Military and Other Purposes.*

1. Fire-arms designed for non-military purposes that will fire cartridges that can be fired from those in Class I.
2. All other fire-arms not included in Class I or in Category III.
3. Ammunition for the above.

(c) *Other Weapons and Munitions of War.*

- Bombs, bombing apparatus, bomb sights and component parts thereof.
Cannon and other ordnance gun-sights and component parts thereof.
Carriages and mountings for cannon and other ordnance and component parts thereof.
Cartridges and charges of all kinds for cannon and other ordnance and component parts thereof.
Depth charges and component parts thereof.
Military explosives.
Flame-throwers and component parts thereof.
Fuses (other than safety fuses) and component parts thereof.
Grenades and component parts thereof.
Machine-guns, interrupter gears, mountings for machine-guns and component parts thereof.
Mines, land or sea, and component parts thereof.
Projectiles of all kinds and component parts thereof.
Apparatus for the discharge of all kinds of projectiles and for the discharge of all kinds of bombs, poison gas, poison-gas containers, torpedoes and depth charges.
Torpedoes and component parts thereof.
Torpedo-tubes and other apparatus for discharging torpedoes.
All kinds of swords other than fancy swords and daggers.
All kinds of bayonets.
All appliances and apparatus for offensive chemical warfare.

CATEGORY II.

Weapons designed for Non-Military Purposes firing Ammunition regarded as of no Military Value.

- (a) 1. Muzzle-loading fire-arms.
2. Rifles and shot-guns.
3. Single-shot or single-barrelled pistols.

4. Rifles older than those in Category I, Class (a). 3 (Annex).
 5. Rifled weapons with a "break-down" action, *i.e.* where the rifle is "broken" to load the cartridge, as distinguished from a "take-down" action, such as the Winchester, where the rifle or gun is taken apart for facility of transport.
 6. Fire-arms firing rim-fire ammunition.
 7. Revolvers and automatic pistols not included in Category I.
 8. Ammunition for the above not included in Category I.
- (b) 1. Smooth-bore shot-guns.
2. Humane cattle-killers of all sorts.

Annex.

CATEGORY I, (a). 3.

Arm	Type of Action	Calibre		Date of Introduction	Official Pattern of
		Inches	Mm.		
Rifle.					
Albini-Brændlin, single-loader	Block.	0.433	11	1867	Belgium.
Beaumont, single-loader	Bolt.	0.433	11	1871	Holland.
Beaumont-Vitali, magazine	Bolt.	0.433	11	1871	Holland.
Berdan, single-loader	Bolt.	0.42	10.66	1871	Bulgaria. Russia.
Gras, single-loader	Bolt.	0.433	11	1878	France. Greece.
Guedes, single-loader	Bolt.	0.315	8	1885	Portugal.
Janmann, magazine	Bolt.	0.40	10.16	1887	Norway.
Krag-Jorgensen, magazine	Bolt.	0.315	8	1889	Denmark.
Krag-Jorgensen, magazine	Bolt.	0.30	7.62	1898	U. S. America.
Krag-Jorgensen, magazine	Bolt.	0.256	6.5	1897	Norway.
Kropatschek, magazine	Bolt.	0.433	11	1878	France.
Kropatschek, magazine	Bolt.	0.315	8	1886	Portugal.
Lebel, magazine	Bolt.	0.315	8	1886	France.
Lee-Metford, magazine	Bolt.	0.303	7.696	1888	Great Britain. Canada.
Lee-Enfield, magazine	Bolt.	0.303	7.696	1895	Great Britain Canada.
Lee-Enfield, magazine, charger-loading	Bolt.	0.303	7.696	1907	Great Britain.
Lee-Enfield, magazine, short	Bolt.	0.303	7.696	1902	Great Britain.
Lee, magazine	Bolt.	—	—	1897	U. S. America.
Lee, magazine, straight-pull	Bolt.	0.30	7.62	1898	U. S. America.
Mannlicher-Carcano	Bolt.	0.256	6.5	1891	Italy.
Mannlicher, magazine	Bolt.	0.433	11	1886	Austria.
Mannlicher, magazine	Bolt.	0.315	8	1895	Austria. Bulgaria. Greece.
Mannlicher, magazine, straight-pull.	Bolt.	0.315	8	1895	Austria.
Mannlicher, magazine	Bolt.	0.256	6.5	1893	Holland. Rumania.
Mauser-Brændlin, magazine	Block.	0.301	7.645	1889	Belgium.
Mauser-Koka	—	—	—	About 1882	Servia.
Mauser, single-loader	Bolt.	0.433	11	1871	Germany.
Mauser, magazine, commission	Bolt.	0.433	11	1884	Germany.
Mauser, magazine	Bolt.	0.311	7.9	1888	Germany.
Mauser, magazine	Bolt.	0.311	7.9	1898	Germany.
Mauser, magazine	Bolt.	0.276	7	1896	Spain. Mexico.
Mauser, magazine	Bolt.	0.374	9.5	1887	Turkey.
Mauser, magazine	Bolt.	0.301	7.65	1890	Turkey.
Mauser-Milanovic, single-loader	Bolt.	0.40	10.16	1881	Servia.
Mauser-Verguiero, magazine	Bolt.	0.256	6.5	1904	Portugal.
Murata	—	—	—	Prior to 1893	Japan.
Martini-Henry	Block.	0.45	11.43	1869	Great Britain. Egypt.
Martini-Metford	Block.	0.303	7.696	1898	Great Britain. Egypt.

Arm	Type of Action	Calibre		Date of Introduction	Official Pattern of
		Inches	Mm.		
Rifle (contd.).					
Martini-Enfield	Block.	0.303	7.696	1895	Great Britain. Egypt.
Nagant, 3-line, magazine . .	Bolt.	0.30	7.62	1894	Russia.
Pattern 1914, magazine . .	Bolt.	0.303	7.696	1916	Great Britain.
Peabody-Martini, single-loader	Block.	0.45	11.43	1874	Roumania. Servia. Turkey.
Remington, single-loader . .	Block.	0.433	11	1867	China. Denmark. Egypt. Norway. Spain. Sweden.
Ross, magazine	Bolt.	0.30	7.62	1907	Canada.
Ross, magazine	Bolt.	0.303	7.696	1910	Canada.
Schmidt-Rubin, magazine, short	Bolt.	0.295	7.5	1900	Switzerland.
Springfield, single-loader . .	Block.	0.45	11.43	1886	U. S. America.
Springfield, magazine, short.	Bolt.	0.30	7.62	1903	U. S. America.
Springfield, magazine, short.	Bolt.	0.30	7.62	1907	U. S. America.
Vetterli, single-loader . . .	Bolt.	0.4095	10.4	1871	Italy.
Vetterli, magazine	Bolt.	0.4095	10.4	1869	Switzerland.
Vetterli-Vitali, magazine . .	Bolt.	0.4095	10.4	1871	Italy.
Werndl, single-loader . . .	Block.	0.433	11	1868	Austria.
Year '30 pattern, magazine .	Bolt.	0.256	6.5	1900	Japan.
Year '38 pattern, magazine .	Bolt.	0.256	6.5	1907	Japan.
Carbine.					
Krag-Jorgensen, magazine .	Bolt.	0.315	8	1889	Denmark.
Krag-Jorgensen, magazine .	Bolt.	0.256	6.5	1897	Norway.
Lebel, magazine	Bolt.	0.315	8	1892	France.
Lee-Enfield, magazine . . .	Bolt.	0.303	7.696	1896	Great Britain.
Lee-Metford, magazine . . .	Bolt.	0.303	7.696	1894	Great Britain.
Mannlicher, magazine, straight-pull	Bolt.	0.315	8	1895	Austria.
Martini-Henry	Block.	0.45	11.43	1878	Great Britain. Egypt.
Martini-Metford	Block.	0.303	7.696	1891	Great Britain. Egypt.
Martini-Enfield	Block.	0.303	7.696	1899	Great Britain. Egypt.
Mausser, magazine	Bolt.	0.311	7.9	1898	Germany.
Mausser, magazine	Bolt.	0.301	7.65	1890	Turkey.
Murata	—	—	—	Prior to 1893	Japan.

NOTE.—The above schedule is as complete as possible from records held. Where the date of introduction is shown as prior to 1875, the arm in question was still the pattern of some State at that period.

Document 15.

REPORT PRESENTED TO THE COUNCIL AT ITS JUNE 1924 SESSION BY THE PERMANENT ADVISORY COMMISSION ON THE WORK OF ITS FOURTEENTH SESSION, HELD AT PARIS, MAY 1924.

At its ninth session, the Temporary Mixed Commission adopted the following resolution:

"The Temporary Mixed Commission is of the opinion that the Permanent Advisory Commission should be requested to draw up, for the express purpose of organising a control of the traffic in arms, a list corresponding to the present state of military knowledge:

- "(1) Of arms and munitions of war;
- "(2) Of other kinds of arms and their ammunition."

At a meeting held on March 11th, 1924, the Council endorsed the above resolution of the Temporary Mixed Commission.

At its ninth session, the Temporary Mixed Commission decided that its First Sub-Commission should prepare a draft convention on the traffic in arms and that the draft should be sent for examination to the Permanent Advisory Commission.

At its eighth session, held in Paris, March 24th-28th, 1924, the First Sub-Commission further decided that the draft report sent by it to the Plenary Commission, and the Minutes of its proceedings, should be sent, together with the preliminary draft Convention drawn up by it, for examination by the Permanent Advisory Commission.

Finally, the Committee which met at Prague to examine the question of the control of private manufacture drew the attention of the Permanent Advisory Commission to the possibility of drawing up a list of munitions and war material, having the double object of controlling the traffic as well as of taking steps as regards private manufacture.

The Permanent Advisory Commission has therefore examined the three following questions:

- (1) A list corresponding to the present state of military knowledge: of (a) arms and munitions of war; and (b) all other kinds of arms and their ammunition;
- (2) The draft Convention on the Control of the International Traffic in Arms, prepared by the First Sub-Commission of the Temporary Mixed Commission. (This draft has been studied from a technical point of view.)
- (3) The definition of implements of war with reference to national control of private manufacture of these implements of war.

* * *

I. The Permanent Advisory Commission wishes first of all to point out that the list which has been drawn up only includes arms and munitions proper and does not apply to war material in general.

After considering the arms and munitions in relation to their intended or possible use for war, the Commission decided to form three distinct categories.

The Commission decided that a first category should be set apart for arms and munitions exclusively designed for war.

In view of the developments which have been effected in arms manufactured for commercial purposes, and particularly in sporting-rifles, there is little difference between sporting and military weapons, and the former have acquired a military value which must be taken into consideration. The Commission accordingly considered it advisable to make a second category to include arms and ammunition which, without being designed exclusively for war, were nevertheless capable of being utilised to some extent for military purposes.

Lastly, the arms which are not covered by the two previous categories, either because they are not specially designed for war or because they are not capable of being utilised for military purposes, have been put into a third category.

The classification of arms and munitions proposed by the Commission will be found in an appendix to the present report (Appendix I).

The Commission believes that this classification and the enumeration included therein can be applied to any convention for the control of the traffic in arms.

The Commission has thought it desirable to append a note to the list, to the effect that it was considered unnecessary to include therein arms the use of which is prohibited by international law.

* * *

II. The view of the Permanent Advisory Commission is that the amendments which can be suggested to the draft Convention framed by the First Sub-Commission of the Temporary Mixed Commission fall into three different classes:

- (1) Amendments consequent on the classification of arms in three categories adopted by the Permanent Advisory Commission;
- (2) Other amendments of a technical character;
- (3) Amendments of a non-technical character.

With regard to the first class of amendments, the Commission unanimously adopted the following resolution:

“The Permanent Advisory Commission, having divided the arms and ammunition specified in Article 1 of the draft Convention into three categories, draws the attention of the Temporary Mixed Commission to the fact that, if the three proposed categories are adopted, it will be necessary to revise the articles in the draft which refer to the arms and ammunition comprised in the three categories in order to bring them into line with the new classification.”

The Commission therefore abstained from discussing the new amendments consequent on the adoption of the new classification of arms and munitions; it suggests that the Temporary Mixed Commission should reconsider its draft in the light of this new classification. A special note to that effect has been appended to the articles concerned.

The Commission has not discussed the third class of amendments, as it does not believe them to be within its competence. It has, therefore, limited its examination of the draft to those amendments which fall within the second class of the three mentioned above, and it has embodied the result of its deliberations in the appendix attached (Appendix II).

The Commission, after examining the British proposal (Appendix IV), considering it to be of an essentially political character, transmits it for the consideration of the Council.

The British delegation, while adhering to the opinion expressed by the Commission on those articles which were examined by the Commission as being technical, considers that the draft Convention contains other articles which have a technical aspect which cannot be neglected. It therefore desires to forward for consideration more detailed amendments, which will be found annexed (Appendix III).

The British delegation desires to emphasise the importance of the proposal contained in Appendix IV, suggesting the drawing up of two conventions, to deal, on the one hand, with the world trade in arms and, on the other hand, the trade in prohibited areas. If it is found that this proposal is unacceptable, the British delegation suggests that the two subjects might be dealt with in separate parts of the same Convention.

The Brazilian delegation presented reservations as regards Articles 2 and 3 of the draft Convention (see Appendix V).

* * *

III. The Committee of the Temporary Mixed Commission which met at Prague expressed the opinion that the list of arms and munitions of war to be drawn up by the Permanent Advisory Commission, with a view to the control of the traffic in arms, should be the same as the list of “munitions and implements of war”, the private manufacture of which is referred to in Article 8 of the Covenant.

The Permanent Advisory Commission regrets that it cannot comply with this request to the letter, but it believes that it has complied with the spirit. The Permanent Advisory Commission recalls that, in a report submitted to the Council on May 17th, 1922, it defined war material as “material exclusively designed for war” and drew attention to the technical difficulties which made it impossible to draw up a complete enumeration. As the same difficulties stand in the way of drawing up a list for the requirements of the national control of the private manufacture of war material or for any other purpose, the Permanent Advisory Commission, rather than give an incomplete and controversial list of war material, has preferred to draw up a list, which it believes to be complete, of all arms which are or shall be constructed for the purpose of land, sea or aerial warfare, whatever their mode of employment by armies, warships, tanks, aeroplanes, etc. The Permanent Advisory Commission has therefore included in Category I all arms and munitions which might be utilised either by weapons of war, such as warships or tanks, or by weapons not necessarily designed for war, such as aeroplanes.

Appendix I.

LIST OF ARMS AND MUNITIONS PREPARED BY THE
PERMANENT ADVISORY COMMISSION.

CATEGORY I.

Arms and Munitions, Assembled or Component Parts, exclusively designed for Land, Sea or Aerial War, whatever their Mode of Employment.

(a) All arms and ammunition which are or shall be comprised in the equipment of the armed forces of the different States, including:

Pistols and revolvers, automatic or self-loading, and developments of the same, designed for single-handed use or fired from the shoulder, of a calibre greater than 6.5 mm. and length of barrel greater than 10 cm.;
Rifles, muskets, carbines;
Machine-guns, interrupter gears, mountings for machine-guns;
Aerial gun-sights;
Infantry apparatus for the discharge of projectiles;
Flame-throwers;
Cannon, long or short, bomb-throwers and mortars of all kinds and their carriages, mountings, recuperators, accessories for mounting and sighting apparatus;
Apparatus for the discharge of all kinds of projectiles, bombs, torpedoes, depth charges, etc.;
Grenades, bombs, land mines, submarine mines, fixed or floating, torpedoes, depth charges;
Projectiles of all kinds;
Ammunition and appliances for the above arms and apparatus;
Bayonets, swords and lances.

(b) All arms and ammunition which, after having been employed in the services of the different States, are no longer part of their equipment but remain capable of being utilised for military purposes to the exclusion of any other utilisation.

CATEGORY II.

Arms and Munitions, Assembled or Component Parts, capable of Use both for Military and other Purposes.

- (1) Fire-arms, designed or adapted for non-military purposes, that will fire cartridges that can be fired from fire-arms in Category I.
- (2) All other rifled fire-arms, firing from the shoulder, of a calibre of 6 mm. or above, not included in Category I.
- (3) Ammunition for the arms enumerated above.
- (4) Gunpowder and explosives.

CATEGORY III.

Other Arms and Ammunition regarded as having no Military Value.

All the arms and ammunition, other than those defined in Categories I and II, such as:

Rifled weapons of a calibre of less than 6 mm., designed for firing from the shoulder;
Revolvers and automatic pistols of a calibre of 6.5 mm. or less and length of barrel of 10 cm. or less;
Smooth-bore shot-guns;
Double-barrelled shot-guns, of which one barrel is rifled, the other smooth-bore;
Single-shot pistols;
Fire-arms firing rimfire ammunition;
Muzzle-loading fire-arms;
Life-saving rockets;
Guns for whaling or other fisheries;
Signal and saluting guns;
Humane cattle-killers of all sorts;
Ammunition for the above.

Note. — The above three categories do not include arms the use of which is prohibited by international law, since it is clearly understood that all traffic in these arms must be prohibited and that no licence can be issued for such traffic.

Appendix II.

OBSERVATIONS BY THE PERMANENT ADVISORY COMMISSION ON THE DRAFT CONVENTION.

Preamble. — The Commission did not study the preamble, the drafting of which is referred to the Legal Section.

Article 1. — The Permanent Advisory Commission proposes to replace the existing text beginning at the words "following arms and munitions" by the classification given in Appendix I.

Article 2. — The Permanent Advisory Commission points out that the text of this article should be brought into line with the new classification proposed for Article 1 if it is adopted.

(*Note:* The articles to which the same observation applies have the indication: "To be revised".)

Article 3. — To be revised.

The Permanent Advisory Commission is of the opinion that this article should only be applied to the arms included in Category I of the new classification.

Article 4. — No remarks were made by the Commission.

(*Note:* The articles to which the same observation applies have the indication: "No remarks".)

Article 5. — To be revised.

Article 6. — To be revised.

Article 7. — No remarks.

Article 8. — To be revised.

Article 9. — To be revised.

The Permanent Advisory Commission proposes that the last paragraph should be deleted and that the following new article should be inserted in the Convention:

"The provisions of the present Convention shall not apply to the conveyance of arms and ammunition by a Power in the interior of the territories under its sovereignty or authority for the use of its own military forces."

Article 10. — No remarks.

Article 11. — The Commission proposes to replace the first paragraph by the following paragraph:

"Arms and ammunition exported under licence into the prohibited areas shall be admitted only at ports, or other places of entry, designated for this purpose by the authorities of the State, Colony, Protectorate or territory under mandate concerned."

The British delegation is of the opinion that the remainder of this article, after the first paragraph, is not possible of application in certain territories to which the article applies.

The French and Spanish delegations are of the contrary opinion.

The other delegations refrain from expressing an opinion.

Article 12. — The British delegation is of the opinion that this article is not possible of application in certain territories to which the article applies.

The French and Spanish delegations are of the contrary opinion.

The other delegations refrain from expressing an opinion.

Article 13. — No remarks.

Article 14. — No remarks.

Articles 15-26. — The changes proposed in these articles will be found in the Annex to Document 15 (page 149), drawn up by the Naval Sub-Commission and approved by the plenary Commission.

Articles 27-33. — No remarks.

Appendix III.

AMENDMENTS PROPOSED BY THE BRITISH DELEGATION TO THE DRAFT CONVENTION.

Preamble. — Delete the words "danger of the". For "wider area" read "modified area".

PART I.

Article 1. — Substitute Appendix I.

Article 2. — For "Article 3" read "Articles 3 and 5". Delete last sentence: "This prohibition . . . in parts".

Article 3.

1. Delete paragraph: "The form . . . present Convention".
2. Delete "who shall produce his credentials".
3. After "produce" add "to the licensing authorities". For "his Government" read "the Government which he represents".
4. For "exporting and acquiring Governments" read "the exporter and the acquiring Government".
5. For "shipment" read "consignment".
6. Add new paragraph:

"The exporting country shall send to the central international body referred to in Article 9 of the present Convention a weekly return of all export licences issued. This return shall be made out in the form shown in Form I of the present Convention. [Form I, page 147.]

"The importing country, on receipt of any consignment, whether exported under licence or not, shall forward to the central international body a return made out in the form shown in Form II of the present Convention. [Form II, page 147.]"

Article 4. — Delete and substitute:

"Without prejudice to any obligations to which they may have subscribed under international conventions dealing with transit, the High Contracting Parties reserve to themselves the right to detain any consignment of arms and munitions in transit through their territory if the transaction is not in order."

Article 5. — Delete and substitute:

"(A) Provided that nothing in this article is to be interpreted as overriding any rules or regulations adopted by one of the High Contracting Parties in respect of the importation or possession of arms by the individual within the limits of its own territories:

"The export to any destination whatever of fire-arms and ammunition in Categories I and II carried by, or exported to, an individual for his personal defence or for use by him for sporting purposes may be allowed subject to licence which may be issued under the conditions only:

"that (i) such licence must contain a full description of the fire-arms and ammunition to which it relates, the name of the person carrying the fire-arms and ammunition or to whom they are to be exported, the ports or places of embarkation and disembarkation; and

"that (ii) a separate licence shall be required for each separate consignment which crosses the frontier of the exporting country, whether by land, water or air.

"(B) Subject to the provisions of paragraph (A) above, the export to any destination of fire-arms and ammunition in Categories I and II intended for non-military purposes may be allowed subject to licence issued under the following conditions:

"that (i) such licence must contain a full description of the fire-arms and ammunition to which it relates, the names of the consignor and consignee, the ports or places of embarkation and of disembarkation, the means of transport and ultimate destination;

"that (ii) as in A (ii);

"that (iii) the exporting country shall send to the central international body referred to in Article 9 of the present Convention a weekly return of all export licences issued under this head (B). This return should be made out in the form shown in Form I to the present Convention [Form I, page 147], as suitably modified.

"If the fire-arms and ammunition in question are to be exported to a prohibited area or zone, the conditions prescribed in Article 10, paragraph 3, must be complied with, in addition to those prescribed above.

"(C) In the above cases (A) and (B), the authorities of the country of export shall satisfy themselves that the arms and munitions in question are intended exclusively for non-military purposes and not for disposal in any way contrary to the provisions of this Convention.

"(D) Arms and ammunition under Category III may be exported without licence to any territory except those specified in Article 10."

Article 6. — Delete (but see Article 10).

Article 7. — No change.

Article 8. — No change.

Article 9. — Paragraph 1. For "ammunition" read "munitions".

Paragraph 2. Delete, and substitute:

"Each of the High Contracting Parties shall publish an annual report showing the quantities and country of destination of the arms and munitions exported under licence. A copy of this report shall be sent to the central international body."

Paragraph 3. Delete.

Add new Article 7 (A).

"The provisions of this Convention do not apply to movements of arms and munitions made by a Power within or between territories placed under its sovereignty or authority, and for the use of its military forces, including individuals of such forces in possession of military weapons supplied by the State or possessed by them in pursuance of their calling."

Add new Article 9 (A):

"It is understood that this Convention must not be interpreted as regulating in any way rights and obligations *inter se* of territories forming part or placed under the direction of the same sovereign State, whether or not these territories are individual Members of the League of Nations."

PART II.

Article 10. — Delete, and substitute:

"1. The High Contracting Parties undertake to prohibit the export without licence of the arms and munitions in Categories I, II and III, whether complete or in parts, to the territorial areas and maritime zone defined in Article 10 (A).

"2. They likewise undertake, each so far as the territory under its jurisdiction is concerned, to prohibit the import and transportation without licence of the same arms and munitions in Categories I, II and III in the territorial areas and maritime zone defined in Article 10 (A).

"3. The High Contracting Parties agree only to grant licences in accordance with the following rules:

"(a) In the case of those parts of the prohibition areas which are under the jurisdiction or tutelage of one of the High Contracting Parties, the authorities of the exporting country shall, before granting an export licence, satisfy themselves that the arms and munitions for which such licence is requested are intended for a proper purpose and not for disposal in any way contrary to the *objects* of this Convention, and that the authorities of the country under whose tutelage the importing country stands are prepared to admit their entry.

"(b) In the case of those parts of the prohibition areas which are not under the jurisdiction or tutelage of one of the High Contracting Parties, the authorities of the exporting country shall, before granting an export licence, satisfy themselves that the arms and munitions for which such licence is requested are intended for a proper purpose and not for disposal in any way contrary to the objects of this Convention or any other international engagement that may exist, and, further, that the quantity supplied is not greater than that necessary for the maintenance of public order or the defence of the territory against aggression.

"4. Licences for the export of arms and munitions under Category I will be granted only under the conditions specified in Articles 2 and 3.

"5. The issue of licences to import arms and munitions shall be subject to such regulations as the authorities of the importing country may from time to time prescribe.

"6. Consignments of arms and munitions in transit shall be subject to the provisions of Article 4.

"7. Nothing in this article shall affect the conditions under which licences may be issued under Article 5."

Article 7 (Convention of St. Germain). — Delete, and substitute:

"Arms and munitions exported under licence into the prohibited areas shall be admitted only at ports, or other places of entry, designated for this purpose by the authorities of the territory concerned."

Article 8 (Convention of St. Germain). — Delete.

Articles 9 and 10 (Convention of St. Germain). — No change.

Articles 11-21 (Convention of St. Germain). — See Annex (page 149).

Article 26. — No change.

PART III.

Article 27. — Delete third paragraph.

Article 28. — No change.

Article 29. — No change.

Article 30. — Delete first paragraph and substitute:

"The Council of the League of Nations shall cause to be published an annual report on the operations of the present Convention."

Second paragraph unchanged.

Article 31. — No change.

Article 32. — Delete "Russia".

Article 33. — No change.

Form I.

ARMS TRAFFIC CONVENTION.

COUNTRY: RETURN OF EXPORT LICENCES ISSUED FOR THE PERIOD FROM..... TO

Registered No. and Date of Licence	Description of Goods	Acquiring Country or Government	Port of Embarkation	Port of Disembarkation	Final Destination	Route	Remarks

Department:

Signature:

Date:

Form II.

ARMS TRAFFIC CONVENTION.

COUNTRY: RETURN OF IMPORTS FOR THE PERIOD FROM TO

Registered No. and Date of Export Licence (if any)	Country of Export	Description of Goods	Port of Embarkation	Port of Disembarkation	Final Destination	Route	Remarks

Department:

Signature:

Date:

Appendix IV.

BRITISH PROPOSAL THAT TWO SEPARATE CONVENTIONS FOR THE CONTROL OF THE TRADE IN ARMS SHOULD BE DRAWN UP INSTEAD OF ONE OF A GENERAL NATURE.

The British delegation proposes that a recommendation should be made to the Council that, instead of a single arms traffic convention of a general nature being prepared, two separate conventions should be drawn up: one dealing with the general or world-wide traffic in arms, and the other, of more limited scope, dealing with the supply of arms to certain territories such as are dealt with in Article 6 of the St. Germain Convention. In support of this proposal, the British delegation put forward the following remarks:

“(1) International traffic in arms has been the subject of two conventions in the past:

“(a) *The Brussels Act of 1890.* — This act dealt with the supply of arms to African natives, though it concerned itself principally with questions of slave traffic, and the question of the traffic in arms was, in effect, a subsidiary portion of the Act.

“(b) *The St. Germain Convention.* — This dealt with arms traffic on a general scale and included provisions for the extension and the amendment of the Brussels Act as regards the traffic in arms in Africa and parts of Asia.

“(2) The preamble of the St. Germain Convention recognised that an extension of the Brussels Act was desirable, but, unfortunately, that extension has never been made generally operative owing to the non-ratification of the St. Germain Convention by the Powers principally concerned.

“(3) However, the matter of the control of the arms traffic in certain parts of the world was considered by certain Powers of such importance that, at a conference of the Council of Ambassadors held in Paris in July 1920, it was agreed that Article 6 of the St. Germain Convention would be carried out as regards the prohibited areas. This agreement was reached between the French, Italian, Japanese and British representatives.

“(4) The present position is unsatisfactory in that a limited number only of States are parties to a rather informal agreement to carry out a few provisions of an unratified convention.

“(5) It is considered now by the British delegation that, as the question of the revision of the St. Germain Convention has arisen, opportunity should be taken to remedy this unsatisfactory state of affairs so as, with as little delay as possible, to put the control of arms traffic in Africa and parts of Asia on a more widely recognised and satisfactory basis.

“(6) In view of the probability of a delay occurring in obtaining general ratification of an Arms Traffic Convention, such as the present revised draft of the Treaty of St. Germain, it is a matter for consideration whether it will not be simpler and more expeditious to obtain general agreement to a convention dealing only with those parts of the world specified in the Brussels Act, with necessary modifications, than to a world-wide convention. Though the British delegation has no doubt that the world-wide Convention will eventually be ratified through the efforts of the League, it feels that this will entail much discussion and considerable delay. On the other hand, since a large number of States ratified the Brussels Convention, it may be assumed that they would be similarly prepared to ratify a new convention which in effect would only be an extension of that part of the Brussels Convention dealing with arms traffic.

“(7) To sum up, the present position is:

“(a) It is still the moral duty of all civilised States to control strictly the supply of arms and munitions to native races in Africa and certain parts of Asia, which duty can only be efficiently performed by agreement between the principal Powers.

“(b) This agreement at present does not exist, for the provisions of the Brussels Act are abrogated as between certain Powers and are no longer generally effective.

“(c) Whereas difficulty has been experienced in the past in obtaining general agreement to an arms traffic convention, the same difficulty has not been experienced in the case of a smaller convention dealing with native races in Africa and parts of Asia.

“(8) In the hope therefore of producing as early as possible a really efficient instrument with which to enable nations to fulfil their moral duty in connection with arms traffic in the prohibited areas of the St. Germain Convention, amended to meet present-day conditions, the British delegation suggests to recommend to the Council that two conventions should be prepared.”

Appendix V.

RESERVE MADE BY THE BRAZILIAN DELEGATE.

The Commission having decided not to discuss portions of the draft having, in its opinion, a purely political character and to restrict its opinions to purely technical matters, the Brazilian delegate has based his adhesion solely on the latter consideration. He makes reserves on all undiscussed portions of the draft which were deemed to be political, although the latter-mentioned articles have, in his opinion, a technical character, since they affect the supplying of the arms and ammunition to non-manufacturing States which are necessary for their security and defence.

These reserves refer especially to Article 2 (which establishes the categories of arms and munitions and forbids free exportation) and to Article 3 (which requires a system of licences for exports made on behalf of a Government).

The Brazilian delegate considers that the acquisition and transport of arms and munitions imported for a Government on the demand of its military and naval staffs is, for the importing State, a technical matter. He would have proposed to modify Article 3 by removing any restrictive character as regards these exports and any appearance of control exercised by a foreign Government on the acquisition of arms and munition found necessary for the needs and security and the defence of a non-producing State, and generally to suppress any measure of inequality compared with a producing State, as regards ability and right to provide for their military and naval needs.

Such amendments would have conformed to the last paragraph of Article 8 of the Covenant.

In accepting the proposed classification of the three categories of arms and munitions, the Brazilian delegate does not agree that the provisions which govern the prohibition of exportation, to be imposed as regards Category II, should or can be of general application, and he considers that such provision must take account of regional conditions, military, economic and political.

ANNEX.

PROPOSALS OF THE NAVAL SUB-COMMISSION OF THE PERMANENT ADVISORY
COMMISSION FOR THE DRAFTING OF ARTICLES 15 TO 26 OF
THE DRAFT CONVENTION.

(Note: Numbers appearing in brackets in the texts of the various articles refer to the explanatory notes placed alongside the text.)

Article of the Convention.

*Observations of the Naval Sub-
Commission on Alterations
proposed in the Text.*

Article 15.

Subject to any contrary provisions in existing special agreements or in future agreements, provided that in all cases such agreements otherwise [1] comply with the provisions of the present Convention, the Sovereign State or Mandatory Power, or other recognised authorities [2] shall carry out the supervision and police measures within territorial waters in the prohibited areas and zone specified in Article 6.

¹ Inserted to make text clearer.

² Inserted at request of British delegation to provide for the case of certain native authorities with a view to its being considered when the final drafting is undertaken.

Article 16.

(1) Within the prohibited areas and maritime zone defined in Article 6, no native vessel of less than 500 tons (*net tonnage*) [3] shall be allowed to ship, discharge or tranship arms or ammunition.

³ Words inserted to render text clearer.

(2) For this purpose a vessel shall be presumed to be a native vessel: *if she presents the appearance of a native build or rig, and shall be considered as a native vessel* [4] if she is either owned by a native, or fitted out or commanded by a native, or if more than half of the crew are natives of the countries included in the prohibited areas specified in Article 6.

⁴ Words inserted to conform the text to meet practical requirements. The attention of the Legal Section is specially drawn to the drafting of this paragraph.

(3) This provision does not apply to lighters or barges, nor to vessels which [5] are engaged exclusively in the coasting trade between different ports of the same State, colony, protectorate or territory under mandate [6] where warehouses are situated.

⁵ The words omitted "without going more than five miles from the shore" were not applicable to the normal usage of coasting vessels.

⁶ The suppression of the final words "where warehouses are situated" is requested by the British delegation (see Article 7).

(4) No cargoes of arms or ammunition shall be shipped on the vessels specified in the preceding paragraph without a special licence from the territorial authority, and all arms or

Article of the Convention.

Observations of the Naval Sub-Commission on Alterations proposed in the Text.

ammunitions so shipped shall be subject to the provisions of the present Convention.

(5) This licence shall contain all details necessary to establish the nature and quantity of the items of the shipment, the vessel on which the shipment is to be loaded, the name of the ultimate consignee and the ports of loading and discharge. It shall also be specified thereon that the licence has been issued in conformity with the regulations of the present convention.

(6) *The provisions of this article [7] do not apply:*

- (a) to arms or ammunition conveyed on behalf of a Government, either *under that Government's authorisation* [8] or accompanied by a duly qualified official;
- (b) to arms or ammunition in the possession of persons provided with a licence to carry arms, provided such arms are for the personal use of the bearer and are accurately described on his licence.

Article 17.

To prevent all illicit conveyance of arms or ammunition within the *prohibited areas and maritime zone* defined [9] in Article 6, native vessels of less than 500 tons *net tonnage* [10],

(a) not exclusively engaged in the coasting trade between different ports of the same State, colony, protectorate or territory under mandate [11] or (b) *not engaged in carrying on behalf of a Government as permitted by Article 12, paragraph 6 (a)* (see observation [12], and proceeding to or from any point within the said *areas and* [13] *zone*, must carry a manifest of their cargo or similar document specifying the quantities and nature of the goods on board, their origin and destination.

This document shall remain covered by the secrecy to which it is entitled by the law of the State to which the vessel belongs and must not be examined during the proceedings for the verification of the flag unless the interested party consents thereto [14]. The provisions as to the above-mentioned document shall not apply to vessels only partially decked having a maximum crew of ten men and exclusively employed in fishing within territorial waters.

Article 18.

Authority to fly the flag of one of the High Contracting Parties within the *prohibited areas and maritime zone* defined in

⁷ Words inserted to make the text more precise.

⁸ To except cases of arms being despatched to a Government without that Government's authorisation.

⁹ Words added in order to extend obligation to whole of prohibited areas and maritime zone specified in Article 6*.

¹⁰ See Note 3.

¹¹ As to words omitted, see Note 5.

¹² Addition necessary to agree with proposed addition to Article 16, paragraph 6 (a), if the latter is agreed to.

¹³ See Note 9.

¹⁴ The British delegation proposed the omission of this paragraph. This is, however, considered to be a modification requiring political approval, but the Naval Sub-Commission is of opinion that, as technical officers, they should point out that the retention of this clause hampers unduly an officer in the execution of his duty of detecting the illicit trade in arms and ammunition and makes his work very difficult, if not impossible.

* During the meeting of the Naval Sub-Commission on May 19th, the following reservations were made:
Admiral JEROME (France) read the following declaration:

"The following written reserve confirms the verbal reserve on a matter of principle which I made at the commencement of the first meeting of the Naval Sub-Commission.

"While raising no objection from a technical point of view to the modification of the text of Article 13 of the Convention of St. Germain, so as to permit of the stipulations of this article and, in consequence, those of the following articles being extended to the maritime zones specified in Article 6 of the said Convention instead of limiting them to the zone defined in paragraph 3 of the said Article 6, I am of opinion that this modification is of a purely political nature and that in consequence I am not personally qualified nor authorised to propose the adoption or to frame obligations of a political nature. I request that this declaration should be attached to the report of the Naval Sub-Commission."

The representatives of Spain, Japan, Sweden and Czechoslovakia associated themselves in general with the reserve made by the French delegation.

Admiral DE SOUZA E SILVA (Brazil) made the following declaration:

"I join with the French delegation in the reserves which it has made in placing a distinction between the practical and the technical side of the questions which have been discussed. While adhering to the decision of the Naval Sub-Commission not to discuss and not to alter articles of a political character, I have only given my opinion from a technical point of view, and I reserve the opinion of my Government as regards the political side of the questions submitted for our opinion."

Article of the Convention.

Article 6 shall not be granted to native vessels of under 500 tons net tonnage as defined in Article 12, unless ^[15] they satisfy all the three following conditions:

- (1) The owners must be nationals of the Power whose flag they claim to fly or a company duly registered under the laws of that Power ^[16];
- (2) They must furnish proof that they possess real estate in the district of the authority to which their application is addressed or must supply a solvent security as a guarantee for any fines to which they may become liable;
- (3) Such owners, as well as the captain of the vessel, must furnish proof that they enjoy a good reputation, and especially that they have never been convicted of illicit conveyance of the articles referred to in the present Convention.

The authorisation must be renewed every year. It shall contain the indications necessary to identify the vessel, the name, tonnage, type of rigging, principal dimensions, registered number and signal letters. It shall bear the date on which it was granted and the status of the official who granted it.

The initial letters of the port of registration of the native vessel followed by the vessel's registration number in the serial port numbers must be incised and painted in white on black ground on both quarters of each vessel.

The same marks may be painted in black on the sails.

The net tonnage of the native vessel shall also, if practicable, be incised and painted in a conspicuous position inside the hull ¹⁷.

Article 19.

Native vessels to which, under the provisions of the last paragraph of Article 13, the regulations relating to the manifest of the cargo are not applicable shall receive from the territorial or consular authorities, as the case may be, a special licence, renewable annually and revocable under the conditions provided for in Article 19.

This special licence shall show the name of the vessel, her description, nationality, port of registry, name of captain, name of owner and the waters in which she is allowed to sail ¹⁸.

Article 20.

The High Contracting Parties agree to apply the following rules in the maritime zone specified in Article 6:

(1) *When a warship belonging to one of the High Contracting Parties encounters outside territorial waters a supposed native vessel of less than 500 tons burden (net tonnage):*

- (a) *flying the flag of one of the High Contracting Parties;*
- (b) *flying the flag of a recognised nation;*
- (c) *flying no flag;*

and the commander of the warship has good reason to believe that the supposed native vessel:

- (d) *is flying a flag without being entitled to do so;*
- (e) *is not lawfully entitled to fly the flag of any recognised nation;*

Observations of the Naval Sub-Commission on Alterations proposed in the Text.

¹⁵ To restrict the supervision to native vessels of under 500 tons.

¹⁶ To permit of vessels being owned by companies as well as individuals.

¹⁷ The amendments made in these paragraphs are in order to meet practical requirements for the purpose of more clearly distinguishing and identifying craft at sea.

¹⁸ The Naval Sub-Commission proposes that this article of the Convention should be omitted. It considers the provisions of the article very difficult, if not impossible, to carry out in practice.

(Note: Should it be decided to retain this article, its insertion after Article 17 is suggested.)

Article of the Convention.

(1) is illicitly conveying arms or ammunition ¹⁹:

he may proceed, subject to the conditions indicated in the paragraphs below, to verify the nationality of the vessel by examining the document authorising the flying of the flag, if this document exists, but no other papers, unless the interested party consents thereto.

(2) With this object, a boat commanded by a commissioned officer in uniform may be sent to visit the suspected vessel after she has been hailed to give notice of such intention. The officer sent on board the vessel shall act with all possible consideration and moderation; before leaving the vessel the officer shall draw up a *procès-verbal* in the form and language in use in his own country. This *procès-verbal* shall state the facts of the case and shall be dated and signed by the officer.

Should there be on board the warship no commissioned officer, other than the commanding officer, the above-prescribed operations may be carried out by the warrant, petty, or non-commissioned officer at the discretion of the commanding officer.

The captain or master of the vessel visited, as well as the witnesses, shall be invited to sign the *procès-verbal*, and shall have the right to add to it any explanations which they may consider expedient.

(3) In the cases referred to in paragraphs 1 (a) and 1 (b) of this article, unless the right to fly the flag can be established, the vessel shall be conducted to the nearest port in the zone where there is a competent authority of the Power whose flag has been flown and shall be handed over to such authority.

Should the nearest competent authority representing the Power whose flag the vessel has flown be at some port at such a distance from the point of arrest that the warship would have to leave her station or patrol to escort the detained vessel to that port, the foregoing regulation need not be carried out. In such a case, the vessel may be taken to the nearest port where there is a competent authority of one of the High Contracting Parties of nationality other than that of the warship, and handed over to such authority, and steps shall at once be taken to notify the detention to the competent authority representing the Power concerned.

No proceedings shall be taken against the vessel or her crew until the arrival of the representative of the Power whose flag the vessel was flying or without authority from him.

The suspected vessel may also be handed over to a warship of the nation whose flag she has flown if the latter consents to take charge of her.

(4) The procedure laid down in paragraph 3 may be followed if, after the verification of the flag and in spite of the manifest being in order, the commander of the warship continues to suspect the native vessel of engaging in the illicit conveyance of arms or ammunition.

(5) In the cases referred to in paragraph 1 (c) of this article, if it is ascertained, as a result of the visit made on board the native vessel, that, whereas it flew no flag, it was also not entitled to fly the flag of a recognised State, the native vessel, if carrying arms and ammunition, shall be conducted to the nearest point in the zone where there is a competent authority or the Power to which the warship which effected the capture belonged, and shall be handed over to such authority.

The illicit cargo of arms and ammunition shall be destroyed and the vessel and all cargo carried in addition to the arms and

Observations of the Naval Sub-Commission on Alterations proposed in the Text.

¹⁹ The Naval Sub-Commission has considered it indispensable to propose additions to the present text of Article 16 of the St. Germain Convention, in order that the commanding officers of war-vessels who are employed in carrying out the provisions of this Convention shall have a certain latitude and thus be able to decide what action to take in the innumerable cases which may arise and which in practice invariably differ in some slight degree from one another.

Article of the Convention.

ammunition shall be seized by such authority and disposed of according to its own laws ²⁰.

Article 21.

The authority before whom the suspected vessel has been brought shall institute a full enquiry in accordance with the laws of his country in the presence of an officer of the detaining warship.

If, however, owing to the duties upon which the warship is engaged, it is not practicable for an officer of this warship to attend this enquiry, an affidavit sworn by the commanding officer of the warship shall be accepted by the authority holding the enquiry in place of the verbal evidence of an officer of the warship.

If it is proved at this enquiry that the flag has been illegally flown but that the vessel is entitled to fly the flag of a recognised State, she shall, if that State is one of the High Contracting Parties, be handed over to the nearest authority of that State and in all other cases shall be disposed of by agreement between the State responsible for her detention and the State whose flag she is entitled to fly, and, pending such agreement, shall remain in the custody of the authorities of the nationality of the detaining warship ²¹.

If it should be established that the use of the flag by the detained vessel was correct, but that the vessel was engaged in the illicit conveyance of arms and ammunition, those responsible shall be brought before the courts of the State under whose flag the vessel sailed.

The illicit arms and ammunition shall be destroyed and the vessel herself and her cargo, other than the said arms and ammunition, shall remain in charge of the authority directing the enquiry ²².

Article 22.

The High Contracting Parties agree to communicate to the Central International Office specimen forms of the documents mentioned in Articles 12, 13, 14, 15, as well as a detailed list of the licences granted in accordance with the provisions of this chapter whenever such licences are granted.

Article 23.

Any illicit conveyance or attempted conveyance legally established against the captain or owner of a vessel authorised to fly the flag of one of the signatory Powers, or holding the licence provided for in Article 16, shall entail the immediate withdrawal of the said authorisation or licence.

The High Contracting Parties will take the necessary measures to ensure that their territorial authorities or their consuls shall send to the Central International Office certified copies of all authorisations *granted under this Convention* ²³ to fly their flag as soon as such authorisation shall have been

Observations of the Naval Sub-Commission on Alterations proposed in the Text.

²⁰ The far greater practical difficulties involved in detecting and stopping illicit traffic in arms at sea as compared with those on land has led the Naval Sub-Commission to recommend that such illicit cargoes should be destroyed if detected at sea. It is felt that a definite and irreducible penalty as suggested will act as a practical deterrent of great value to those who might otherwise be encouraged to carry on this illicit traffic.

(*Note:* This article takes the place of Article 17 of the St. Germain Convention, which now becomes Article 22.)

²¹ This is fuller than the corresponding paragraph in the St. Germain Convention and is designed to cover the case of a vessel illegally flying a flag though having the right to fly some other flag.

²² See Note ²⁰.

(*Note:* This article reproduces Article 17 of the St. Germain Convention.)

²³ To restrict the obligations of this article to cases arising under this Convention.

Article of the Convention.

granted, as well as notice of withdrawal of any such authorisation. They also undertake to communicate to the said Office copies of the licences provided for under Article 16.

Article 24.

The commanding officer of a warship who may have detained a vessel flying a foreign flag shall in all cases make a report thereon to his Government, stating the grounds on which he acted.

An extract from this report, together with a copy of the *procès-verbal* drawn up by the officer, warrant officer, petty or non-commissioned officer sent on board the vessel detained, shall be sent as soon as possible to the Central Office and at the same time to the Government whose flag the detained vessel was flying.

Article 25.

If the authority entrusted with the enquiry decides that the detention and diversion of the vessel or the measures imposed upon her were irregular, he shall fix the amount of the compensation due. If the capturing officer or the authorities to whom he is subject do not accept the decision or contest the amount of the compensation awarded, the dispute shall be submitted to a court of arbitration consisting of one arbitrator appointed by the Government whose flag the vessel was flying, one appointed by the Government of the capturing officer, and an umpire chosen by the two arbitrators thus appointed. The two arbitrators shall be chosen, as far as possible, from among the diplomatic, consular or judicial officers of the High Contracting Parties. These appointments must be made with the least possible delay, and natives in the pay of the High Contracting Parties shall in no case be appointed. Any compensation awarded shall be paid to the person concerned within six months at most from the date of the award.

The decision shall be communicated to the Central Office and to the Secretary-General of the League of Nations.

Article 26.

The High Contracting Parties who exercise authority over territories within the prohibited areas and zones specified in Article 6 agree to take, so far as each may be concerned, the measures required for the enforcement of the present Convention, and in particular for the prosecution and repression of offences against the provisions contained therein, *and to appoint the necessary territorial and consular officers or special representatives competent for this purpose*²⁴.

They shall communicate these measures to the Central Office and to the Secretary-General of the League of Nations, and shall inform them of the competent authorities referred to in the preceding article.

Observations of the Naval Sub-Commission on Alterations proposed in the Text.

(Note: No change from that of St. Germain Convention.)

(Note: No change from that of St. Germain Convention.)

²⁴ Transferred from Article 16 (4) of the St. Germain Convention.

Document 16.

REPORT BY M. BRANTING ON THE TRADE IN ARMS AND CONTROL OF THE PRIVATE MANUFACTURE OF ARMS AND MUNITIONS

Approved by the Council, June 14th, 1924.

The PRESIDENT (M. Branting) read the following report;

During its fourteenth session held at Paris on May 12th-20th, 1924, the Permanent Advisory Commission examined certain questions relating to Resolutions IVa and IVb adopted by the fourth Assembly.

I propose that the Council should consider these questions in turn.

I. — At its meeting on March 11th, 1924, the Council adopted the following resolution:

"The Council, at the suggestion of the Temporary Mixed Commission, requests the Permanent Advisory Commission to draw up, for the express purpose of organising control of the traffic in arms, a list corresponding to the present state of military knowledge:

"(1) Of arms and ammunition of war;

"(2) Of other kinds of arms and ammunition."

The Permanent Advisory Commission has now drawn up this list, which appears in the report to the Council (Document 15, Appendix I, page 143).

The Council will, I am sure, share my appreciation of the very careful and painstaking work accomplished by the Permanent Advisory Commission and will desire to express its conviction that the results obtained will prove of the utmost value in subsequent investigations regarding the control of the traffic in arms and munitions. I propose that the Council should forward the list drawn up by the Permanent Advisory Commission to the Temporary Mixed Commission which had asked for it, and which has been instructed to prepare a new draft convention or conventions on the traffic in arms, as recommended by Resolution IVa of the Assembly.

II. — The Temporary Mixed Commission directed its First Sub-Commission to draw up a draft Convention on the control of the traffic in arms, and communicated the draft to the Permanent Advisory Commission for consideration, drawing special attention to a number of technical points.

The Permanent Advisory Commission has examined this draft and has embodied its remarks thereon in a report to the Council (Document 15, Appendix II, page 144).

The Council will, no doubt, decide to transmit the result of the work of the Permanent Advisory Commission to the Temporary Mixed Commission.

III. — At the instance of the Committee appointed by the Temporary Mixed Commission to study the control of the private manufacture of arms, the Permanent Advisory Commission considered the question of the definition of implements of war, in connection with the list referred to in the Council's resolution. The Permanent Advisory Commission's observations on this subject are embodied in its report (Document 15, Appendix I, page 143).

The Council will, no doubt, decide to refer this question back to the Temporary Mixed Commission.

IV. — The British delegation to the Permanent Advisory Commission submitted a proposal urging the desirability of preparing two separate conventions for the control of the traffic in arms, one dealing with traffic in general and the other with traffic in the prohibited areas referred to in Article 6 of the Convention of St. Germain.

The Permanent Advisory Commission took the view that this proposal was of an essentially political nature, and accordingly transmitted it to the Council of the League. In my opinion, the study of this question comes within the scope of the duties assigned to the Temporary Mixed Commission by the terms of Resolution IVa of the fourth Assembly, in which the Temporary Mixed Commission is invited to prepare a new convention or conventions to replace that of St. Germain.

I therefore propose that the Council should refer the British delegation's proposal to the Temporary Mixed Commission (Document 15, Appendix IV, page 147).

M. de SOUZA DANTAS suggested that the Temporary Mixed Commission might be asked to examine the reservations made by Vice-Admiral de Souza e Silva, the delegate of Brazil, in regard to the control which a Government might exercise over the acquisition of arms by the Government of another country which did not manufacture arms and munitions. It was evident that a State which did not manufacture arms could never be placed under the control of another State which did manufacture them.

The PRESIDENT said that the observations of the delegate of Brazil would be inserted in the Minutes and communicated to the Temporary Mixed Commission.

The report submitted by the President was adopted.

Document 17.

NOTE BY THE LEGAL SECTION OF THE SECRETARIAT ON THE DRAFT CONVENTION CONCERNING THE TRADE IN ARMS AND MUNITIONS DRAWN UP BY THE FIRST SUB-COMMISSION OF THE TEMPORARY MIXED COMMISSION (JUNE 16th, 1924).

The task entrusted to the Legal Section of the Secretariat by the First Sub-Commission of the Temporary Mixed Commission is connected with the draft Convention (Document 12) on the Trade in Arms which was drawn up by that Sub-Commission during its session in Paris in March 1924.

The Sub-Commission had requested that the Legal Section should examine the drafting of the Convention as a whole and also the substance of certain provisions which had been specially referred to it.

The provisions in question are as follows:

- (1) The Preamble to the Convention;
- (2) Article 3;
- (3) Article 27;
- (4) Article 28;
- (5) Article 29.

In the notes which follow, the Legal Section has taken the different parts of the Convention in question in the order in which they stand, as it felt that the task entrusted to it would be most satisfactorily accomplished in this way.

At its fourteenth session, the Permanent Advisory Commission proposed (Document 15) certain modifications in the text drawn up by the First Sub-Commission. As it was this text on which the Legal Section had been asked to report, the latter thought best to confine its efforts, speaking generally, to examining and considering the wording of the First Sub-Commission's draft. The Legal Section, nevertheless, has taken into account the proposal of the Permanent Advisory Commission so far as, in matters of detail, they are compatible with the substance of the text submitted for its consideration. For the same reasons, the Legal Section had not gone into the technical provisions drawn up by the Permanent Advisory Commission (Articles 1 and 11 to 25), in pursuance of the request which had been made to that body by the Temporary Mixed Commission. There are, in addition, certain special points which were referred to the Legal Section by the Permanent Advisory Commission. As the consideration of these points was asked for by a different authority, it will be dealt with in a separate report (Document 18).

The Legal Section draws attention to the desirability of establishing a completely uniform terminology in the use of the expressions "arms", "munitions", "ammunition", and so on, in the French text as well as in the English, in all the articles of the Convention.

The Preamble to the Convention¹.

The Legal Section ventures to submit the following observations:

(a) It would perhaps be better to combine the two paragraphs of the Preamble in order to emphasise the connection existing between the ideas which they respectively express.

(b) Some drafting alterations appear to be called for in the fourth paragraph.

This paragraph is based on the English text which was proposed by Colonel Lowe, and which reads as follows:

"Whereas it is necessary to exercise a general supervision over the trade in arms and ammunition, *with the object of securing the fullest possible publicity in regard to such trade*, thereby drawing attention to the danger of the accumulation, in peace-time, of stocks of munitions."

¹ It is perhaps desirable, and will make for greater clearness, to divide the draft Convention into chapters each bearing a title, as was done in the Convention of German. These titles might be decided on when the text has been given its final form. If this course is followed, Articles 26 to 35 might be grouped under the title "General Measures."

The idea embodied in this paragraph might perhaps be most correctly expressed (in the French text) by the following words:

“Considérant qu’il est nécessaire d’exercer une surveillance générale sur le commerce des armes et des munitions, *afin d’établir relativement à ce commerce une publicité aussi complète que possible* et d’attirer ainsi l’attention sur le danger de l’accumulation en temps de paix de stocks d’armes et de munitions.”

The following text, submitted to the Legal Section, appeared to express the intention of the English words less clearly:

“Considérant qu’il est nécessaire d’exercer une surveillance générale sur le commerce des armes et des munitions, *dans le but d’assurer à ce commerce la plus large publicité possible* et d’attirer ainsi l’attention sur le danger de l’accumulation en temps de paix des stocks de munitions.”

If the proposed modification is adopted, the Preamble would be worded as follows:

“Whereas the Convention of St. Germain was signed by the High Contracting Parties therein mentioned;

“Whereas certain of them were not able to ratify such Convention;

“Whereas for this and for other reasons it is desirable to amend such Convention;

“Whereas it is necessary to exercise a general supervision over the trade in arms and ammunition, with the object of securing the fullest possible publicity in regard to such trade, thereby drawing attention to the danger of the accumulation, in peace-time, of stocks of munitions;

“Whereas it is necessary to institute a uniform procedure for the supervision over the trade in fire-arms and ammunition which are capable of both warlike and other uses;

“Whereas the existing Treaties and Conventions, and particularly the Brussels Act of July 2nd, 1890, regulating the traffic in arms and ammunition in certain regions, no longer meet present conditions, which require more elaborate provisions applicable to a wider area in Africa and the establishment of a corresponding regime in certain territories in Asia;

“Whereas a special supervision of the maritime zone adjacent to certain countries is necessary to ensure the efficacy of the measures adopted by the various Governments, both as regards the importation of arms and ammunition into these countries and the export of such arms and ammunition from their own territory;

“Have appointed as their Plenipotentiaries:

(Here will follow the names of the Plenipotentiaries of the new High Contracting Parties.)

“Who, having communicated their full powers found in good and due form,
“Have agreed as follows.”

Article 2.

The Legal Section considers that it would be better not to speak in this article of “munitions of war in Category I” but of “munitions in Category I”. As will be seen, Category I, which is given in Article 1, only includes arms and munitions of war. Any possible misunderstandings as to the interpretation would be avoided by adopting the proposed wording.

Article 3.

As regards the form of this article, the Legal Section would propose to rearrange the sequence of some of the matters dealt with in order to arrive at a more logical grouping of the various parts. With this object in view, paragraph 2 of Article 4 has been embodied in Article 3. The second paragraph of No. 1 of Article 3 has been given a special number — 4. In No. 2 the expression “*who shall produce his credentials*” appears redundant. The requirement to produce a written order issued by the acquiring Government appears to ensure that there will be sufficient evidence that the agent in question is furnished with the necessary powers. It would appear to be more logical to call the present No. 4: No. 6. No. 5 would retain its present number.

After what has been said in the (new) No. 4, it would appear better to substitute the word “*licence*” for “*autorisation*” in the (new) Nos. 5 and 6 (in the French text).

Paragraph 2 of Article 4 would appear to come more logically at the end of Article 3 as No. 7.

As regards the substance of the article, the amendment proposed by Viscount Cecil (Document II — note on Article 3) raised the question of the relation between the issue of an export licence for arms and the possibility of a violation of neutrality on the part of the State issuing the licence.

This question is dealt with in a special memorandum annexed to this report.

If Article 3 were modified as suggested above, it would read as follows:

“Nevertheless, notwithstanding this prohibition, the High Contracting Parties reserve the right to grant, in respect of arms and munitions of war whose use is not prohibited by international law, licences for the export of arms and munitions in Category I; but such licences are only to be granted on the following conditions:

- “(1) No licence is to be granted except for direct supply to a Government recognised as such by the Government of the exporting territory.
- “(2) The Government acquiring the consignment must act through a duly accredited representative.
- “(3) Such representative must produce a written authority from his Government for the acquisition of each consignment, which authority must state that the consignment is required for the use of that Government and not for transfer.
- “(4) The form in which this licence shall be given shall, so far as practicable, resemble that given as an annex to the present Convention.
- “(5) A separate licence shall be required for each separate shipment which crosses the frontier of the exporting country, whether by land, water or air.
- “(6) Each licence must contain a full description of the arms and munitions of war to which it relates and the names of the exporting and acquiring Governments, ports of embarkation and disembarkation, means of transport, route and destination.
- “(7) A copy of the licence shall be sent by the exporting State to the central international body referred to in Article 9 of the present Convention before the goods pass the frontier of the exporting country; a second copy shall be sent to the same international body by the importing country, if one of the High Contracting Parties, within a month of the receipt of the consignment, mention being made of the heading under which the imported goods will appear in its import statistics.”

Article 4.

The expression “to supervise and prohibit the transit” appears to involve a contradiction since the prohibition of transit is incompatible with its supervision. The following wording might, therefore, be adopted (second part of the first paragraph of this article):

“To prohibit transit of the arms and munitions (of war) in Category I, which are not accompanied by a licence which complies with conditions laid down in Article 3, and to exercise for this purpose such supervision as may be necessary.”

It appears desirable to draw attention to Article 5, paragraph 3, of the Statute on Freedom of Transit, which lays down that:

“Nothing in this Statute shall affect the measures which one of the Contracting States may feel called upon to take in pursuance of general international Conventions to which it is a party, or which may be concluded hereafter, particularly Conventions concluded under the auspices of the League of Nations, relating to the transit, export or import of particular kinds of articles, such as opium or other dangerous drugs, arms, or the produce of fisheries, or in pursuance of general conventions intended to prevent any infringement of the rights of industrial, literary or artistic property, or relating to false marks, false indications of origin, or other methods of unfair competition.”

The two provisions, however, are not directed to precisely the same object. Article 5 of the Statute on the Freedom of Transit lays down that nothing in this Statute shall affect the measures which one of the Contracting States may feel called upon to take in pursuance of the Convention on the Trade in Arms. On the other hand, Article 4 of the Convention on the Trade in Arms lays down that the Convention shall not prejudice any obligations to which the Contracting Parties may have subscribed under the Statute on Freedom of Transit. The two provisions overlap, but do not appear to be incompatible with each other.

A further reference will be made to Article 4 when we come to consider Article 28 in the form proposed for it below.

Article 4, amended in the manner suggested above, would read as follows:

“Without prejudice to any obligations to which they may have subscribed under international Conventions dealing with transit, the High Contracting Parties undertake to take such steps as they reasonably can to prohibit the transit of the arms and munitions in Category I which are not accompanied by a licence which complies with the conditions laid down in Article 3.”

Article 5.

It would appear preferable, in the fourth line (French text), to say “susceptibles de servir en même temps à la guerre qu’à d’autres buts,” instead of “susceptibles de servir à la guerre et à d’autres buts”.

After the reference to Articles 2 and 3 at the end of the article, a reference might be added to Article 4. The latter provision should, it appears, apply also to arms of the second category which are capable of being included in the first category.

If Article 5 were thus amended, it would read as follows:

“Fire-arms and ammunition in Category II may, if the exporting country so desires, be exported without licence, except to the prohibited areas and zones mentioned in Article 10. Provided, nevertheless, that in the case of fire-arms and ammunition adapted both to warlike and also to other purposes the High Contracting Parties hereby undertake to determine from the size, destination and other circumstances of each shipment for

what uses it is intended and to decide in each case whether such shipment falls properly under Category II or whether it ought to be considered to belong to Category I, and in the latter case they undertake that it shall become subject to Articles 2, 3 and 4."

Article 6.

The second paragraph of this article expressly lays down that the licences referred to in the article may only be issued by the authorities of the exporting countries. Is there not some danger in such an explicit stipulation on the ground that it might lead, on the principle of *a contrario*, to the conclusion that in all other cases, where no similar rule is laid down, the licence may be issued by some other agency than that of the authorities of the exporting country? A method of avoiding this ambiguity would be to omit this provision, which serves no purpose; the first sentence of the second paragraph would then read as follows:

"Nevertheless, notwithstanding this prohibition, the High Contracting Parties reserve the right to grant export licences. The competent authorities must satisfy themselves in advance, before issuing these licences," etc.

Article 6 as thus amended would read as follows:

"The High Contracting Parties undertake, in addition, to prohibit the export both of (fire) arms and ammunition in Category I, and also of fire-arms and ammunition in Category II, whether complete or in parts, to the areas and zone(s) specified in Article 10.

"Nevertheless, notwithstanding this prohibition, the High Contracting Parties reserve the right to grant export licences. The competent authorities must satisfy themselves in advance, before issuing these licences, that the arms or ammunition for which an export licence is requested are not intended for export to any destination or for disposal in any way contrary to the provisions of this Convention."

Article 7.

As regards the substance of Article 7, the Legal Section cannot refrain from pointing out, incidentally, that this article has a certain retrospective force; such a provision, although not inadmissible from a legal point of view, appears likely to complicate the measures which have to be taken by the signatory States if they are to perform their part in the application of the Convention. It might be necessary, in order to give effect to these measures, to pass domestic legislation which would, at any rate in fact, infringe in a certain measure the principle by which laws cannot be applied retrospectively; and this is a principle which has been accepted by the legislative systems of most countries, in particular as regards the execution of contracts.

It would perhaps be better to legislate only in regard to transactions taking place after the coming into force of the Convention, and accordingly to omit Article 7; if not, it should, at any rate, be laid down that the provisions of the Convention should only be applicable to shipments despatched in execution of contracts concluded within a fixed period prior to the coming into force of the Convention, *e. g.*, during the preceding year.

Article 8.

The expression "the tutelage of any Power" has a rather limited sense and would be applicable only to mandated territories. It would perhaps be wise to be content with the expression "placed under the authority of any Power". This expression would cover mandated territories (under Article 120 of the Treaty of Versailles) and would extend to all other categories of international tutelage.

The wording proposed for Article 8 is therefore as follows:

"The High Contracting Parties undertake to grant no export licences, covering either Category I or Category II, for delivery to any country which, having been placed under the authority of any Power, may endeavour to obtain from any other Power any of the arms or munitions in Category I or of the fire-arms or munitions in Category II."

Article 9.

It would appear desirable to replace the word "*organe*" ("body" in English text) by "*organisme*". Article 9 would then read as follows:

"A Central International Body shall be established by the Council of the League of Nations for the purpose of collecting and preserving documents of all kinds exchanged by the High Contracting Parties with regard to the trade in and distribution of the arms and ammunition in Category I and Category II, specified in the present Convention, as well as the text of all laws, orders and regulations made for the carrying out of the present Convention.

"Each of the High Contracting Parties shall publish an annual report showing the export licences which it may have granted in respect of arms and ammunition in Category I or Category II, together with the quantities and destination of the arms and munitions to which the export licences refer. A copy of this report shall be sent to the Central International Body.

"As the provisions of the present Convention do not apply to movements of arms and munitions made by a Power within territories placed under its sovereignty or authority and for the use of its own military forces, movements of this nature will not be included in this report."

Paragraph 3 has been slightly amended to give effect to the suggestion made by the Permanent Advisory Commission (Document 15, Appendix II, Article 9, page 144).

The Legal Section did not, however, feel able to adopt the text proposed by the Permanent Advisory Commission as it stood:

"The provisions of the present Convention shall not apply to the conveyance of arms and ammunition by a Power in the interior of the territories under its sovereignty or authority for the use of its own military forces."

Article 9, it must be remembered, deals with questions of an administrative nature, and it would therefore be illogical (and might also lead to differences of interpretation) to insert in it, except by way of allusion, the principle to which the Permanent Advisory Commission had drawn attention; for this principle is of a general character and affects the whole scope of the Convention.

Article 10.

This article has been referred to the Council.

Articles 11 to 25.

These articles have been referred to the Permanent Advisory Commission.

GENERAL PROVISIONS.

Article 26.

As regards these general provisions, which are in a large measure concerned with protocol questions, the Legal Section desires to propose a slight recasting of the texts of the draft in the light of the experience recently gained in connection with different international Conventions, such as the Convention and Statute on the International Regime of Railways of December 9th, 1923, the International Convention for the Simplification of Customs Formalities of November 3rd, 1923, and other important treaties.

The protocolary portions of the draft Convention have been carefully revised with the aid of the experience thus gained. The same course has been adopted in regard to the provisions dealing with the compatibility of this treaty with the international obligations already subscribed to by the Contracting Parties.

As has already been suggested, Article 26 might come under the title "General Provisions", which would include Articles 26 to 35.

The text of Article 26, as given below, is the same as that of Article 26 of the Sub-Commission's draft (except that the word "*organe*" (French text) is replaced by the word "*organisme*" (French text)).

On the other hand, it did not seem desirable to insert, in the first paragraph, the addition proposed by the Permanent Advisory Commission (Document 15, Annex, Article 26, page 154):

"And to appoint the necessary territorial consular officers or special representatives competent for this purpose."

As this addition is directed to a special point, it cannot logically be included among the "General Provisions"; it would appear to be more suitably placed in the part of the Convention with which it is in fact connected.

Article 26. — The High Contracting Parties which exercise authority over territories within the prohibited areas and zones specified in Article 10 agree to take, so far as each may be concerned, the measures required for the enforcement of the present Convention, and in particular for the prosecution and repression of offences against the provisions contained therein.

"They shall communicate these measures to the Central International Body and shall inform it of the competent authorities referred to in the preceding article. Such of them as are Members of the League of Nations shall at the same time transmit this information to the Secretary-General of the League."

Article 27.

The draft article raises the question of partial or conditional adherence. In this connection objections of a legal nature have been brought to the notice of the Legal Section.

It should be pointed out, in the first place, that as at present worded, paragraph 3 of Article 27 would appear to imply that partial or conditional participation in the Convention is solely possible on condition of adherence; whereas the Sub-Commission may have intended that this possibility should be open to States participating in any form whatever, whether by virtue of adherence or of a signature followed by ratification.

That partial or conditional participation in a Convention is legally possible in principle cannot be disputed; it is a principle which has been recognised both in international law and international practice. However, in order to avoid uncertainty and confusion, it is important that a Convention should clearly indicate how far States which only desire to conclude such Conventions partially may participate in them and, if they may do so, the conditions governing such participation.

If the treaty in question is not clear on this point, it may give rise to misunderstandings, as is very rightly pointed out in the report on the draft Convention. This possibility would be averted if it were stipulated that the restrictions as to participation must be notified to the other signatory States and that the partially adhering State should only become a party to the treaty on condition that no objections had arisen before the lapse of a certain fixed period. In other cases, stricter conditions are laid down, and partial or conditional adherence cannot become effective unless the other signatory States expressly accept it.

By adopting these precautions the other difficulty to which the report refers would be avoided, namely, the absence of a competent authority to determine to what extent the finality of the treaty would be affected by partial or conditional participation. This authority would be constituted by the States which were already parties to the Convention, and any one of them could, by objecting, veto the limited participation proposed.

The Legal Section is not competent to decide whether it would be possible to enumerate the actual provisions of the Convention for which restrictions could be allowed, nor can it lay down *a priori* the conditions which could be accepted.

If it were not regarded as possible, the following text might be adopted:

"Any High Contracting Party may, with the consent of the other High Contracting Parties, adhere partially or conditionally to the present Convention, provided that it does not thereby affect the effectiveness of the supervision of the trade in arms and munitions.

"Nevertheless, the Convention shall only apply to Powers availing themselves of the option provided in the previous paragraph if, within the period of one year from the notification by the French Government of the deposit of their ratification (or adherence), no opposition to such ratification (or adherence) has been raised by any of the Contracting Parties."

This text is a combination of Article 27 (3) of the Sub-Commission's draft and Article 32 of the Geneva Convention of July 6th, 1906, for the Amelioration of the Condition of the Sick and Wounded of Armies in the Field.

Article 28.

"All the provisions of former general international Conventions relating to the matters dealt with in the present Convention shall be considered as abrogated in so far as they are binding between the Powers which are Parties to the present Convention. The Conventions referred to above include the whole of the provisions of the Convention of St. Germain-en-Laye of September 10th, 1919, on the control of the trade in arms and ammunition.

"The present Convention does not in any way affect the rights and obligations arising out of the provisions either of the Convention of the League of Nations or of the Treaty of Peace signed at Versailles on June 28th, 1919, or out of the provisions of the other corresponding treaties, in so far as they concern the Powers which have signed or which benefit by such treaties."

(This new article would be substituted for Article 29 of the Sub-Commission's draft. The first paragraph is a reproduction of Article 25 of the Convention of St. Germain. The second is based on Article 2 of the Convention on the International Regime of Railways, the Convention on the Regime of Ports and the Barcelona Convention on Freedom of Transit.)

* * *

As regards the difficulties referred to in the Report of the First Sub-Commission (Document II, Article 29, page 131), it should be pointed out that the new Article 28 provides for the abrogation of the Conventions relating to the trade in arms, while, on the other hand, by Article 4, the Conventions on transit are left intact. As Article 28 refers to treaties on the trade in arms and Article 4 to treaties on transit, there is no reason to fear that the abrogation provided for in the former will affect the Conventions referred to in the latter. As we have seen, Article 4 lays down that the Contracting Parties intend to observe the Conventions on transit.

Lastly, as we have also seen, the new text of Article 28 explicitly states that the Convention of St. Germain on the Trade in Arms shall be regarded as abrogated.

Article 29.

"The Council of the League of Nations shall cause to be published the annual report on the trade in arms and munitions and the licences issued by the different Governments.

"This report shall be submitted to the Assembly of the League of Nations."

(This text is to replace Article 30 of the Sub-Commission's draft.)

The amendment to this article consists in the omission of the words "of war". The retention of these words is calculated to restrict the scope of the provision, which appears to refer both to arms coming under Category II, for which a licence is required, and also to arms coming under Category I.

The words "and the situation of the trade in arms" might also be omitted, as they apparently duplicate the first part of the first paragraph.

Article 30.

"The present Convention, of which the French and English texts shall both be authentic, is subject to ratification. It shall bear to-day's date and shall be open for signature by the Powers until (date).

"Each Power shall address its ratification to the French Government, which shall at once notify the deposit of ratification to each of the other signatory Powers.

"The instruments of ratification shall then remain deposited in the archives of the French Government."

(This text, which replaces Article 31 of the Sub-Commission's draft, is based on Articles 3 and 4 of the Convention of the International Regime of Railways.)

Article 31.

"The High Contracting Parties will use their best endeavours to secure the accession to the present Convention of the other States, whether Members of the League or not. On and after (date) the present Convention may be acceded to by any Power. Accession shall be effected by an instrument communicated to the French Government, which shall at once notify such deposit to all Powers which are signatories of or accede to the Convention.

"The instruments of accession shall remain deposited in the archives of the French Government."

(This text is a combination of Article 5 of the Convention on the International Regime of Railways and Article 27 (1) of the Sub-Commission's draft.)

JURISDICTION IN CASE OF DISPUTES.

Article 32.

As the Sub-Commission points out in its report, the ratification of the Convention by States which are not Members of the League of Nations might give rise to certain difficulties as regards the acceptance of the jurisdiction of the Permanent Court of International Justice.

These difficulties cannot, however, be very serious. Article 35 of the Statute of the Court of Justice lays down that the Court shall be open not only to the Members of the League of Nations but also to States mentioned in the Annex of the Covenant (such as the United States), even if they are not Members of the League. Other States are also allowed to appeal to the Court under the conditions laid down by the Council. These conditions, which do not imply any inequality between the parties before the Court, are stated in the resolution adopted by the Council on May 12th, 1922. This resolution provides that the State making the application must previously have deposited with the Registrar of the Court a declaration by which it accepts the jurisdiction of the Court, in accordance with the Covenant of the League of Nations, and undertakes to carry out in full good faith the decision or decisions of the Court and not to resort to war against the State complying therewith. The resolution adds that "such declaration may be either particular or general. A particular declaration is one accepting the jurisdiction of the Court in respect only of a particular dispute or disputes which have already arisen."

According to this resolution, therefore, a State which is not a Member of the League of Nations and which is not mentioned in the Annex to the Covenant is not bound to make any declaration accepting the Court's jurisdiction, except in respect of the dispute which has already arisen. No general declaration is required.

It seems, therefore, that the States concerned cannot raise any objection to the article if it stipulates that a dispute shall be submitted to the Permanent Court of International Justice or alternatively to a court of arbitration. A State will always be free, if it so desires, to take the case before a court of arbitration.

At the same time, in order to eliminate as far as possible any obstacles which might make it difficult for certain States to ratify, it might be better to adopt a text clearly expressing the freedom of choice between judicial procedure before the Court of International Justice and any other arbitral procedure. The following wording would fulfil this requirement:

"Disputes between the Parties relating to the interpretation or application of this Convention shall, if they cannot be settled by direct negotiations, be referred for decision to the Permanent Court of International Justice. In case either or both of the Parties to such a dispute should not be Parties to the Protocol of Signature of the Permanent Court of International Justice, the dispute shall be referred, at the choice of the Parties, either to the Permanent Court of International Justice or to a court of arbitration."

The text is based on the precedent of Article 15 of the Convention on the Circulation of Obscene Publications (Geneva, September 12th, 1923).

Article 33.

The Legal Section proposes the following text, which meets all the points required:

"The present Convention will not come into force until it has been ratified by twelve Powers, among which shall be the following: Belgium, the United States of America, France, Great Britain, Italy, Japan and Russia.

"The date of its coming into force shall be the day after the receipt by the French Government of the twelfth ratification. Thereafter, the present Convention will take effect in the case of each Party days after the receipt of its ratification or accession."

(This article is based on Article 6 of the Convention on the International Regime of Railways.)

Article 34.

The Legal Section proposes the following text:

"The present Convention may be denounced by any Party thereto after the expiration of ten years from the date when it came into force in respect of that Party. Denunciation shall be effected by notification in writing addressed to the French Government, which shall forthwith transmit copies of such notification to the other Parties, informing them of the date on which it was received.

"A denunciation shall take effect two years after the date on which the notification thereof was received by the French Government and shall operate only in respect of the notifying State."

(This text is a combination of Article 8 of the Convention on the International Regime of Railways and Article 33 (1) of the Sub-Commission's draft.)

Article 35.

"The High Contracting Parties agree that, at the conclusion of a period of five years, the present Convention shall, in the light of the experience then gained, be subject to revision upon the request of a third of the said High Contracting Parties."

Annex.

MEMORANDUM BY THE LEGAL SECTION OF THE SECRETARIAT ON THE QUESTION OF THE SUPPLY OF ARMS AND MUNITIONS BY NEUTRAL COUNTRIES TO BELLIGERENTS.

Article 3.

Viscount CECIL proposed the following amendment:

"It is hereby declared that nothing in this article shall affect the rule of international law permitting the sale of munitions of war by the subject of a non-belligerent State to the Government of a belligerent without breach of the neutrality of the non-belligerent State, and the grant of a licence under this article for such a sale shall not be deemed to be a breach of neutrality."

The effect of this amendment is to allow the High Contracting Parties the right of granting licences without committing a breach of neutrality.

The legal difficulties raised by this amendment have been referred to the Legal Section. The questions which that Section has to settle were expressed in the following terms:

"1. Would the grant of a licence for export of arms to a belligerent be a breach of neutrality by the granting Power ?

"2. If the answer to the first question is in the affirmative, would this result be best prevented:

"(i) By a declaration in the Convention that such a breach of neutrality was not to occur ? or

"(ii) By a suspension of the operation of the Convention during war ?"

The following general principles are recognised by international law:

(1) It is contrary to the obligations of a neutral State to supply munitions or material of war of any kind either directly or indirectly to a belligerent Power on any terms whatsoever.

(2) Further, a neutral Power is not bound to prevent the export or transit of arms or munitions destined for any of the belligerents, nor does it bear any responsibility for the sale of arms or munitions by its nationals to belligerents.

This last rule, which is based on the practice adopted by Governments and laid down in the international Hague Conventions, was confirmed by the declarations of the Governments during the late war. It leaves neutral States full freedom to allow their nationals to trade in arms and munitions.

If the system established by the Convention on the traffic in arms is consistent with these principles, they will still hold good and no special provision for that purpose is necessary.

It cannot be categorically laid down, however, that the system prescribed in the Convention will not narrow the scope of the rule that neutral States bear no responsibility for the trade in arms and munitions carried on by their nationals. It is impossible to foresee what influence the new principles embodied in the Treaty will bring to bear on present standards of international law. It can only be said that the Convention will introduce certain modifications in the system regulating the international traffic in arms and munitions. The above rule as to neutrality is based on the argument that a neutral Government is not called upon to interfere in the commercial activities of its subjects and bears no responsibility in this respect. But could a belligerent State in a future war, if it desired to prevent the exportation of arms or munitions from a neutral country, contend that a neutral Government can no longer entirely ignore these exports, since the new system introduces the principle of Government licences into international law and involves action on the part of officials duly authorised for that specific purpose ?

If arms and munitions cannot be exported without an internationally recognised licence issued by a Government authority, will not the neutral Government be more exposed to protests and to pressure from belligerents ?

It is obviously impossible at present to answer these questions and any attempt to do so would only lead to hypothetical and premature conclusions. It is possible, however, without going so far as this, to realise, even at this juncture, that the application of the Convention

may involve, as regards the present issue, certain modifications in the application of the recognised rights and obligations of neutrals.

Even now, indeed, modern authors sometimes question the absolute rigidity of the principle that neutral States bear no responsibility for the commercial activities of their subjects as regards the export of arms and munitions. Indeed, certain authorities on international law, while recognising the existence of this rule, point out that opinion as to the responsibility of neutral States with regard to the traffic in arms and munitions may undergo a certain evolution in the future.

These two sets of considerations lead to the following conclusion, which at the same time constitutes a reply to the first question put by the Sub-Commission. Although, as international law stands at present, the freedom of subjects of a neutral State to trade in arms and munitions does not constitute a breach of neutrality on the part of that State, it is by no means certain that the issue of export licences under an international Convention (which necessarily implies a less passive attitude on the part of the neutral State) would not, in case of war, cause the attitude of the neutral State to be challenged.

We should now turn to the examination of the second question, as the first cannot be categorically answered in the negative.

It will be seen from what has been said that the introduction into the present Convention of a declaration to the effect that the issue of an export licence cannot be considered as a breach of neutrality would not in itself suffice to safeguard the position of the neutral State; certain conditions would also have to be fulfilled. In order to do so, it would be necessary, in the first place, for all States which are likely to participate in a war to adopt and ratify a clause to this effect. A provision of this kind would not be certain of providing for all contingencies at the critical moment unless it had previously been accepted by all parties who could possibly be belligerents.

A State which is anxious to safeguard its rights as a neutral in the future might thus find it difficult to adhere to the Convention before being sure that this rule had been accepted by all the other States, and consequently the ratification or adherence of States might move in a vicious circle.

Moreover, it is surely a somewhat casual method of treating the question of neutrality to settle it by inserting a clause in a Convention dealing with a different subject, such as the Convention on the Trade in Arms. Generally speaking, the rules governing the rights and obligations of neutrals, in so far as they have been codified, are embodied in *ad hoc* Conventions specially intended to regulate this question. The scope of the present Convention, however, is entirely different, and it is surely somewhat irrelevant to include in it, as a side issue, a rule regarding the rights and obligations of neutrals. There is, of course, no theoretical objection to such a course, as widely different subjects may be brought together under one and the same Convention; in practice, however, the desirability of preserving distinctions and keeping each Convention within its proper sphere will inevitably be realised.

Moreover, although under international law neutral States are free to allow the export of arms and munitions to belligerents, such States may completely prohibit these exports to any belligerent country. The amendment makes no mention of this right, and consequently States, when invited to bind themselves, might well feel that its authority would be weakened.

In view of the legal and practical difficulties described above, the most expedient method of settling the question of the violation of neutrality under the system prescribed in the draft Convention would appear to be to suspend, in time of war, the provisions of the Convention with regard to belligerents. The effect of this suspension on the position of neutrals would be that, when a war broke out and the signatory States were notified of the state of war, their juridical position towards belligerents would revert to what it is at present; that is to say, they would be in the same position as before the Convention came into force.

For this purpose it might be laid down that the application of Articles 2, 3 and 4 would, in the event of war, be suspended as regards the export of arms and munitions from, or their transit across, the territory of any of the High Contracting Parties to any of the belligerent countries.

If a clause of this kind were admitted in principle, certain details would still require special settlement. Would it be necessary, for instance, to suspend the application of other articles of the Convention besides those referred to above? Would a distinction have to be drawn between the outbreak of wars which do and those which do not constitute a breach of the Covenant? Or, again, between wars in which the belligerents are contracting States and wars in general? The answer to these last questions would appear to be in the negative.

There is obviously a vital difference, from the point of view of the League of Nations and its Members, between an outbreak of war which does not constitute a breach of the Covenant of the League and one which does constitute such a breach. A war of the latter kind would, according to Article 16 of the Covenant, lead to the severance of all trade and financial relations between the Members of the League of Nations and the Party which resorts to war in disregard of its engagements under the Covenant, and this in itself would lead to the cessation of any trade in arms. These rules, however, would apply independently of the provisions of the Convention on the Trade in Arms, and there is, therefore, no necessity to draw a distinction in that Convention between these types of wars. If the Convention provided for the suspension of the system of licences, the likelihood of the neutrality of States being challenged would be reduced to a minimum and the engagements undertaken by the Members of the League of Nations would remain unaffected.

Document 18.

NOTE BY THE LEGAL SECTION OF THE SECRETARIAT ON THE POINTS REFERRED TO IT BY THE PERMANENT ADVISORY COMMISSION, DURING ITS FOURTEENTH SESSION, CONCERNING THE DRAFT CONVENTION ON THE TRADE IN ARMS AND MUNITIONS (JUNE 16th, 1924).

The Permanent Advisory Commission for Military, Naval and Air Questions, at its fourteenth session, referred to the Legal Section certain points connected with the *International Convention on the Trade in Arms and Munitions*, which is intended to replace the Treaty of St. Germain on the same subject, dated September 10th, 1919.

The points at issue arise out of the following passages which were drawn up by the Advisory Commission with a view to their insertion in Article 15; Article 16 (2); Article 20 (5), last paragraph.

These provisions are discussed by the Legal Section in the order in which they occur in the following pages.

I. Article 15.

The text of this article, as drawn up by the Permanent Advisory Commission, reads as follows:

"Subject to any contrary provisions in existing special agreements or in future agreements, provided that in all cases such agreements otherwise comply with the provisions of the present Convention, the sovereign State or mandatory Power, or other recognised authorities, shall carry out the supervision and police measures within the territorial waters in the prohibited areas and zone specified in Article 6."

It appears that the authors of this passage only adopted the text of the second part ("the sovereign State", etc.) on the understanding that it should, in any case, be examined from the legal point of view.

The Legal Section desires to make the following statement regarding the present wording of the second part:

A convention only binds the States which are parties thereto; it does not impose any *direct* obligation on the internal authorities appointed by those States. Such authorities are only bound to act by virtue of domestic legislation passed with a view to the execution of the obligations assumed by the State in virtue of the treaty. It is still less possible to impose such obligations on authorities (such as native authorities) which do not owe allegiance to any of the States, unless these authorities, possessing the required status in international law, have themselves participated in the Convention or have been duly represented by one of the Contracting Parties.

The Permanent Advisory Commission's text does not appear fully to satisfy this requirement, and the Legal Section therefore ventures to propose the following text for the second part of Article 15:

"..... The sovereign State or Power entrusted with a mandate from the League of Nations shall carry out supervision and police measures within territorial waters in the prohibited areas and zone specified in Article 6; if necessary, they shall for this purpose give such instructions as may be required to the native or other authorities which are subordinate to them."

II. Article 16 (2).

This provision reads as follows:

"For this purpose the vessel shall be presumed to be a native vessel: if she presents the appearance of a native build or rig, and shall be considered as a native vessel: if she is either owned by a native or fitted out or commanded by a native, or if more than half of the crew are natives of the countries included in the prohibited areas specified in Article 6."

The Permanent Advisory Commission suggests certain *prima-facie* grounds for assuming a vessel to be native, and adds that this passage is included in order that the text may correspond with what is the actual practice in the matter. The passage appears to be introduced with an eye to Article 20 (1), which states that a warship may proceed to verify the nationality of the supposed native vessel, etc.

If this is the reason for inserting the suggested passage in Article 16, it would appear preferable to place it in Article 20. In that case, Article 16 would still include the *legal* factors required to determine the nationality and character of the vessel, and the practical grounds suggested by the Permanent Advisory Commission for presuming a vessel to be native would form the last paragraph of Article 20 (1). It might be drafted as follows:

“Any vessel which presents the appearance of a native build or rig shall be presumed to be a native vessel.”

The Legal Section is not competent to give an opinion on the determinative value of the factors on which the assumption is based; that is a question which depends upon local conditions and naval experience.

III. Article 20, paragraph 5 (and Article 21).

Article 20 (5) reads as follows:

“The illicit cargo of arms and ammunition shall be destroyed and the vessel and all cargo carried in addition to the arms and ammunition shall be seized by such authority and disposed of according to its own laws.”

In the draft proposed by the Permanent Advisory Commission the duty of inflicting penalties upon *persons* responsible for vessels engaged in the illicit traffic in arms and munitions is left, as in the Convention of St. Germain, in the hands or the courts of the nation concerned; the *vessel* itself and its cargo, however, remains at the disposal of the captor or the authority directing the enquiry.

The Permanent Advisory Commission further desires illicit cargoes to be destroyed. The text as it stands might be taken to mean that this penalty will be imposed without any legal sentence or regulation. If this is so, it would be better to prescribe in the Convention certain legal guarantees with regard to the destruction of illicit cargoes. This would be in conformity with the principles followed in all civilised countries and thus might make it easier for them to accept the Convention.

The same observation applies to the last paragraph of Article 21, the wording of which is the same.

The text of Article 20 might be drafted as follows:

“The vessel and all cargo carried in addition to the arms and munitions shall be seized by such authority and disposed of according to its own laws; similarly, the destruction of the illicit cargo of arms and munitions may be ordered.”

The following text is suggested for Article 21:

“The vessel herself and her cargo shall remain in charge of the authority directing the enquiry. The illicit cargo of arms and munitions may be destroyed in accordance with the laws and regulations drawn up for that purpose.”

It should be pointed out that the majority of States adhering to the Convention will have to draw up *ad hoc* laws and regulations for its application — unless, of course, they already possess such. Prize Court law could not be applied automatically in this matter.

Document 19.

TEMPORARY MIXED COMMISSION FOR THE REDUCTION OF ARMAMENTS.

EXTRACTS FROM THE MINUTES OF THE NINTH SESSION OF THE FIRST SUB-COMMISSION,

Geneva, July 7th and 8th, 1924.

FIRST MEETING.

Held on Monday, July 7th, 1924, at 11 a.m.

1. Adoption of the Report.

Viscount CECIL thought it unnecessary to read the report (Document 11, page 128). He wished, however, to suggest a small textual amendment to the following sentence:

"The Sub-Commission considered it essential that its draft should be based on a division into two categories of the arms over which control was to be exercised."
(Page 129.)

The Permanent Advisory Commission had decided upon the same division into three categories. It might, in these circumstances, be best in this passage to replace the word "essential" by the word "desirable" so as to avoid appearing to prejudge the question.

The CHAIRMAN thanked the Rapporteurs and asked the Commission to adopt the report with the modifications proposed by Viscount Cecil.

The report was adopted.

2. Article 3(a) proposed by the Rapporteurs.

"The High Contracting Parties also reserve the right to grant export licences covering parts of arms and munitions of war in Category I, but such licences shall only be granted for direct export to an actual manufacturer in another country, who requires such parts in order to manufacture them into arms and munitions of war. The High Contracting Parties, whether of the exporting or of the importing country, hereby agree that they will take all proper precautions to see that such parts are sent direct to their destination and not elsewhere. The form of such licence shall, so far as practicable, resemble that given as an annex to the present Convention."

Major HILLS reminded the Sub-Commission that the Rapporteurs had been instructed to draw up an article so worded as to enable manufacturers of arms to import from another country parts of arms and munitions which they did not themselves manufacture. Their enquiry into this question had led to three conclusions: (1) The permit system was indispensable in transactions of this kind; (2) since the articles in question were not exported in the same way as other articles — namely, were not consigned to Governments — the exporting and importing Governments must exercise strict control in order to assure themselves that the consignments were delivered to the actual consignee and not to third parties; (3) the general form of permit to be granted for these exports should, as far as possible, be similar to that of permits for exports of arms. He hoped that the wording of the article complied with these requirements.

Colonel CARNEGIE pointed out that the question was connected with the list contained in Article 1, which dealt with the export of detached parts. He proposed that the words "for the

exclusive use" should be added, in order to prevent the expression "detached parts" being given too vague a meaning.

Viscount CECIL observed that the list contained in Article 1 had been completely changed by the Permanent Advisory Commission. He accordingly thought it would be best, as the Rapporteurs had proposed, to discuss the question after Article 3.

The CHAIRMAN pointed out that the Commission was still discussing the new article proposed by the Rapporteurs. The present meeting of the Sub-Commission had only been called to approve the report and consider the proposals which the Rapporteurs had been asked to make for that meeting. He asked the Sub-Commission to confine the discussion to the article in question.

M. JOUHAUX did not grasp the point of the new article, unless it was intended to make a distinction between the export of detached parts and the export of arms.

Viscount CECIL reminded the Sub-Commission that under the draft Convention consignments could only be exported to Governments themselves and that special regulations would have to be passed to deal with the export of detached parts, as it was very easy to export parts separately and assemble the complete arms in countries other than the country of origin.

The CHAIRMAN read the minutes of the eighth meeting of the First Sub-Commission's eighth session held at Paris (Document 7, page 102), which contained the exact terms of reference of the Rapporteurs. He asked whether members desired to offer any observations on the actual text proposed.

3. Examination of the Form of Licence proposed by the Rapporteurs.

The CHAIRMAN suggested that the form of licence proposed by the Rapporteurs should be examined.

Major HILLS pointed out that the Sub-Commission had instructed the Rapporteurs, in preparing this form, to take into account Article 3 and the amendments proposed by M. Jouhaux. All M. Jouhaux's suggestions had been incorporated in this form, except those referred to in Article 4, paragraphs (a) and (b), of his amendment, which proposed that the names and addresses of manufacturers and vendors should be published. The Rapporteurs considered such information useless, as the Convention would not apply to the transactions in question until the arms had left the country of manufacture.

The form of licence contained all details, descriptions, weights, etc.

It had been drafted on very general lines to enable the different countries to adapt it to their individual licences.

M. JOUHAUX did not think they were justified in omitting the information he suggested simply on the ground that it was too complicated; the point was whether it was important or not. Contrary to paragraph 5 of his amendment, the proposed form of licence did not appear to be required for each separate shipment.

Major HILLS, in reply to this objection, pointed out that in any case Article 3, paragraph 5, of the Convention provided for a separate licence for each shipment, and it was not thought necessary to repeat this on the licence itself.

The CHAIRMAN said that it was clear that the particulars required in the licence could only apply in the case of separate consignments. He asked the Rapporteurs to reply to M. Jouhaux's first objection.

Major HILLS replied that he was afraid M. Jouhaux's suggestion would merely have the effect of confusing the two questions of the traffic in arms and the manufacture of arms. The draft Convention on the Traffic in Arms had nothing to do with the manufacture of arms, for which a separate convention would be required. Moreover, both questions raised so many difficulties that it would be better to avoid combining them.

M. DUPRIEZ added that the task of the Temporary Mixed Commission was to prepare a Convention which could be accepted by all States, whether Members of the League of Nations or not, and more particularly by the United States of America. If they insisted on publishing the names of manufacturers and vendors, they would certainly meet with fundamental objections on the part of the United States Government. That Government, in point of fact, was only authorised to act in matters of international trade; the American home trade was dealt with by the individual States of the Union. The United States Government had stated that it could not, even in a licence, exact any information regarding home transactions.

M. JOUHAUX adhered to his proposal, as he still thought that the mere publication of the names of manufacturers and vendors could not possibly be contrary to the laws of any State.

The CHAIRMAN asked the Sub-Commission to take a decision on M. Jouhaux's proposal that the names of manufacturers and vendors should be shown on the licence.

The result of the vote was as follows:

For M. Jouhaux's proposal	2
Against	8

The Sub-Commission adopted Article 3 (a) and the form of licence.

These were added to the text of the draft Convention.

Document 20.

TEMPORARY MIXED COMMISSION FOR THE REDUCTION OF ARMAMENTS.

EXTRACTS FROM THE MINUTES OF THE TENTH SESSION,

Geneva, July 7th-12th, 1924.

FIRST MEETING.

Held on Monday, July 7th, 1924, at 4 p.m.

I. Letter and Statement of the Representative of the United States of America.

The SECRETARY read the following letter:

Berne, June 25th, 1924.

"My dear Sir Eric Drummond

"I beg to refer to Mr. Grew's letter of February 2nd, 1924, stating that, in response to a communication from the Acting President of the Council of the League of Nations inviting the Government of the United States to co-operate with the Temporary Mixed Commission in the preparation of a new Convention for the regulation of the traffic in arms, to supersede the Convention of St. Germain, he had been instructed by his Government to attend the meetings of the Commission in question in order that he might be fully advised with regard to the proposals made and particularly to receive information respecting the draft Convention which was to be considered by the Commission.

"I now take pleasure in informing you that I have been instructed by my Government to attend the meetings of the Temporary Mixed Commission which open at Geneva on July 7th next in the same capacity as that of my predecessor.

(Signed) Hugh GIBSON."

The CHAIRMAN welcomed the members who were replacing those who were absent. He also welcomed Mr. Gibson, to whom he expressed the satisfaction felt by the Commission in having him as a colleague and collaborator.

Mr. GIBSON thanked the Chairman for his welcome and made the following declaration:

"As I informed the Secretary-General in a letter dated June 25th, I have been instructed by my Government to co-operate with this Commission in the preparation of a new Convention for the regulation of the traffic in arms and munitions, to supersede the Convention of St. Germain, and my attendance here is in the same capacity as that of Mr. Grew at the last meeting of the Commission at Geneva and the more recent meeting of the First Sub-Commission at Paris. Inasmuch as Mr. Grew clearly set forth the attitude of my Government with regard to the questions under consideration both at Geneva and at Paris, it would not appear necessary for me to make any further statement of a general character. If requested, however, as the various phases of the matter arise for discussion, I shall be glad, as far as I am able, to clarify further the position of my Government.

"My Government desires to co-operate effectively in any effort suitable to control the traffic in arms and munitions. It is prepared to give appropriate consideration to any proposals which may be made and would welcome any draft Convention which it could submit to Congress with good prospect of ratification. It is apparent, therefore, that its action would necessarily depend upon the character of the Convention it may eventually be asked to ratify. In conclusion, I should like to express sincere appreciation of the friendly spirit which has been shown in the meeting of the Commission and the evident willingness to understand our problem."

The CHAIRMAN proposed to adopt the items of the provisional agenda in the order established by the Secretariat. This would mean that the Commission would take first the discussion on the traffic in arms.

The Commission agreed.

2. Discussion of the Draft Convention submitted by the First Sub-Commission.

The CHAIRMAN said that the Commission had before it a number of documents in regard to the draft Convention. He proposed not to take up the examination of the report but to examine the draft Convention article by article (Document 12, page 133).

This proposal was adopted.

The CHAIRMAN observed that the draft Convention was accompanied by four classes of amendments proposed: (1) by the Legal Section of the Secretariat; (2) by the Permanent Advisory Commission; (3) by the Legal Section of the Secretariat arising out of the observations of the Permanent Advisory Commission; and (4) by the British delegation of the Permanent Advisory Commission. The Secretariat had prepared a memorandum giving the draft article by article and the amendments proposed as contained in these four classes of amendment¹.

M. DUPRIEZ suggested that it might be better to deal first with a previous question, namely, whether it was advisable, in accordance with the suggestions contained in the memorandum of the British delegation, to establish two distinct Conventions.

The CHAIRMAN replied that it was difficult to decide on this point before knowing what would be put into the Convention.

The British delegation on the Permanent Advisory Commission did not agree with him as to the procedure to be adopted. Clearly any member of the Commission might introduce new amendments and the draft submitted by the Rapporteurs would continue to serve as a basis for discussion.

3. Preamble. — Paragraphs 1, 2 and 3.

"Whereas the Convention of St. Germain was signed by the High Contracting Parties therein mentioned;

"Whereas certain of them were not able to ratify such Convention;

"Whereas for this and for other reasons it is desirable to amend such Convention."

Major HILLS said he would prefer not to make any discrimination between the Powers which had ratified and the other Powers. He proposed to say that, as the Convention had not come into force, the distinction made in the preamble might offend susceptibilities, a possibility which it was desirable to avoid.

M. LEBRUN asked for what reason a change was proposed. The paragraph laid down a material fact which had been noted on several occasions and which was a point of departure for the work of the Commission. He would not, however, insist on maintaining the text.

M. DUPRIEZ, in order to remove any suspicion that criticism was intended, proposed to suppress the first two paragraphs and to replace them by the text suggested by Major Hills.

M. BONIN-LONGARE proposed to make a single paragraph of the first three paragraphs. The words "for other reasons", being an allusion which was not specifically defined, appeared to him to be ill-advised. The text should read: "As the Convention which has been signed by the High Contracting Parties here enumerated has not entered into force....." followed immediately by paragraph 4.

M. OUDEGEEST observed that this implied a criticism of the previous work done by the Governments. He proposed an amendment with the object of avoiding this criticism.

¹ This text is completed by the final text of the draft Convention drawn up by the Temporary Mixed Commission at its July meeting and becomes Document 22 of the present volume.

The CHAIRMAN asked the Commission to decide first as to the proposal of M. Bonin-Longare.
The proposal of M. Bonin-Longare was adopted.

4. Preamble. — Paragraph 4.

“Whereas it is necessary to exercise a general supervision over the trade in arms and ammunition with the object of securing the fullest possible publicity in regard to such trade, thereby drawing attention to the danger of the accumulation in peace-time of stocks of munitions.”

Admiral DE SOUZA E SILVA said he would like to know the precise meaning of the words “danger of the accumulation in peace-time of stocks of munitions”. He asked when this accumulation began.

Admiral Aubrey SMITH proposed to replace paragraph 4 by the following text:

- “In view of the fact that the trade in arms and munitions between nations is of interest to all nations and that publicity should be given to the trade, and in view of the fact that it is necessary to institute in certain parts of the world special supervision over the trade and possession of arms and munitions.....”

The object of the Convention was not to establish a general supervision over the trade in arms or to draw attention to the danger of an accumulation of stocks, as in the interior of countries no supervision was exercised and any amount of munitions might be accumulated.

M. SCHANZER preferred the text submitted by the Rapporteurs to that of Admiral Aubrey Smith, which was less comprehensive. This text, moreover, would have to be modified in the event of the Commission deciding to establish two Conventions. He drew attention to the amendment of the Jurists, which seemed to him to be well-advised. He would like to complete the last sentence with the following words: “and implements of war”, and to substitute for the words “arms and munitions” “munitions and implements of war” in the second line of the paragraph.

Colonel REQUIN observed that, if it was desired to retain the reference to stocks of munitions, it was necessary to give a more precise definition. The requirements of modern war were such that no State could maintain the stocks of munitions to carry on a war and, in fact, no country endeavoured to increase its stocks beyond the indispensable minimum necessary for its security. The interests of a State at the moment lay not so much in increasing its stocks of munitions as in developing its future industrial mobilisation. This was equivalent to stating that the weaker the industrial capacity of a country to produce munitions of war, the more considerable must be the stock of munitions which it would maintain in times of peace. It was difficult, therefore, to admit *a priori* that the mere existence of a stock of munitions, *if no more precise definition of it were given*, should be necessarily dangerous, provided that a lack of this stock in the case of States who could not produce munitions of war rapidly or in great quantities might, on the contrary, be a danger for their national security.

Admiral DE SOUZA E SILVA strongly supported the arguments of Colonel Requin. He further observed that a striking inequality would be created by establishing control over countries which were obliged to accumulate stocks if this control did not exist in the great producing countries. Moreover, it was difficult to tell at what moment the accumulation of stocks became a public danger.

Marquis DE VITI proposed that the sentence should end with the words “in regard to such trade”.

M. VILLEGAS supported this proposal.

M. OUDEGEEST asked that the discussion should be adjourned until the text proposed by Admiral Aubrey Smith was published.

The proposal to adjourn the discussion was put to the vote and rejected.

Admiral Aubrey SMITH withdrew his amendment.

The CHAIRMAN put to the vote the amendment of the Marquis de Viti de Marco. He proposed that paragraph 4 should end with the words “in regard to such trade”.

M. JOUHAUX said that he had not yet understood the reasons given for this suppression. It was necessary to say what the countries in possession of stocks would be called upon to do with them. Steps had already been taken under the Treaties of Peace for the disposal pure and simple of certain stocks. A convention on the traffic in arms which permitted the accumulation of stocks would have an object exactly contrary to that which the Commission was seeking to achieve.

M. BRANTING observed that the last sentence did not cover the question raised by M. Jouhaux. This question was not dealt with in the Preamble. He accepted the proposed omission.

For the suppression there voted 16; against the suppression there voted 5.

5. Adoption of the Text of the Legal Section.

The CHAIRMAN explained that the text of the Legal Section was a more exact translation of the original English text and that it would be preferable to adopt it.

The Commission adopted the text of the Legal Section in the following terms: "Whereas it is necessary to exercise a general supervision over the trade in arms and munitions with the object of securing the greatest possible publicity in regard to such trade."

6. Preamble. — Paragraph 5.

"Whereas it is necessary to institute a uniform procedure for the supervision over the trade in fire-arms and ammunition which are capable of both warlike and other uses."

Major HILLS proposed that the words "institute a uniform procedure" should be replaced by the words "exercise supervision", since the procedure established by each Government would be different.

M. SCHANZER observed that paragraphs 4 and 5 would in this case be identical, as in the present text paragraph 4 embodied the principle of supervision, while paragraph 5 described the manner of its exercise.

Admiral DE SOUZA E SILVA observed that in reality the draft Convention did not establish a uniform procedure and that the Convention only dealt with external traffic.

M. LEBRUN thought that only the general principles governing the whole question should be put in a preamble. Paragraph 4, which governed arms and munitions in a general way, accordingly covered paragraph 5, which he proposed be suppressed.

M. SCHANZER supported this proposal.

The Commission, by 18 votes to 3, decided to suppress paragraph 5.

7. Preamble. — Paragraph 6.

"Whereas the existing treaties and conventions, and particularly the Brussels Act of July 2nd, 1890, regulating the traffic in arms and ammunition in certain regions, no longer meet present conditions, which require more elaborate provisions applicable to a wider area in Africa and the establishment of a corresponding regime in certain territories in Asia."

M. JANCOVICI asked for an explanation of this paragraph. He desired particularly to know what was the leading idea or, according to M. Lebrun, the guiding principle which had regulated prohibition in certain districts.

The CHAIRMAN replied that considerable changes had taken place since the Brussels Act and that corresponding changes had been made in the draft.

M. JANCOVICI insisted that the Preamble should state why a special regime was established in certain districts.

M. DUPRIEZ explained that this paragraph was drawn from the Convention of St. Germain. The text did not embody any new principle. It was limited to expressing the fact that, owing to technical changes, the methods of control upon the high seas did not correspond any longer with the provisions of the Brussels Act.

M. JANCOVICI insisted that an explanation should be inserted in the text. Otherwise, he proposed that the whole paragraph should be suppressed.

M. JOUHAUX supported the argument of M. Jancovici. He drew attention also to a contradiction which would arise from the retention of this paragraph. If the Convention stated that there were steps to be taken in certain districts as regarded the accumulation of stocks, it would be illogical to suppress any mention of this danger of accumulation of stocks in the Preamble.

M. DUPRIEZ asked whether the proposal of M. Jouhaux and M. Jancovici had for its object the suppression of the special regime.

M. JANCOVICI replied in the negative. He wished, however, to know the reasons for this special regime.

The CHAIRMAN suggested that the discussion should be postponed until Article 10 was examined. He put to the vote the proposal of M. Jancovici for the suppression of the entire paragraph.

The Commission, by 18 votes to 5, decided not to suppress the paragraph.

8. Protest by the Persian Representative.

Prince AKFA-ED-DOWLEH said he would be obliged to protest, on behalf of Persia, in the event of the last sentence, which was directed vaguely towards certain territories of Asia, being retained.

Major HILLS proposed to suppress the end of the paragraph in order to give satisfaction to Prince Arfa-ed-Dowleh.

The CHAIRMAN put this amendment to the vote, *which was adopted by 18 votes to 5.*

9. Preamble. — Paragraph 7.

Paragraph 7 was adopted without discussion.

10. Article 1.

“This Convention applies to the following arms and munitions.”

The CHAIRMAN thought that the Commission should first discuss the question whether it would accept the text proposed by the Permanent Advisory Commission or that presented by the Rapporteurs.

Colonel CARNEGIE took the opportunity of raising the question of the terminology of the draft. He thought it would be necessary everywhere to replace the words “arms and munitions” by those employed in Article 8 of the Covenant, which were “munitions and implements of war”.

The CHAIRMAN observed that the terms “arms and munitions” had been adopted by the First Sub-Commission and by the Permanent Advisory Commission and that they were, moreover, the terms used in Article 23 of the Covenant.

General DE MARINIS pointed out that the Permanent Advisory Commission had issued an opinion, which was embodied in a report, in regard to the definition of implements of war.

M. LEBRUN wished to call the attention of the Commission to a point in the list given by the Permanent Advisory Commission. This list did not include material which carried an armament. It seemed to him, however, that ships which were entirely constructed and planned to carry an armament were implements of war, even though they were disarmed or not provided with armaments.

The CHAIRMAN agreed with M. Lebrun. He was surprised not to have found in the list of the Permanent Advisory Commission warships, aeroplanes or armoured cars. He alluded to the case of the ship *Alabama*, which left Liverpool without armament but was armed on the high seas. In the event of the term “arms and munitions” not including the material to which he had just referred, he would be in favour of adopting the expression “munitions and implements of war”.

Colonel REQUIN wished to explain the position of the Permanent Advisory Commission. It was possible to define arms and munitions of war and this had been done. It was, however, impossible to define implements of war. The Commission did not pretend that a warship was not an implement of war. In fact, it stated the precise contrary in its report. It declared, however, that it was impossible to establish a complete definition of implements of war. It had, moreover, always considered that the Temporary Mixed Commission would be able to add to Article 1 such material as it thought fit.

Mr. GIBSON drew attention to Article 3. It seemed to be in contradiction with Article 18 of the Treaty of Washington, which dealt with the cession of warships.

The CHAIRMAN drew the attention of Mr. Gibson to Article 29 of the draft, which met this point.

Admiral DE SOUZA E SILVA said that the Permanent Advisory Commission had considered the prohibition of arms to be sufficient, and that it was, moreover, impossible to include certain implements of war obtained by transforming peace material without injury to civilian commerce. If the device which enabled a machine-gun to fire through the propeller of an aeroplane was prohibited, it was unnecessary to prohibit the aeroplane itself, which, without this device, would never be a fighting aeroplane.

Count HIROSAWA said he was in favour of the expression “arms and munitions”, as it was impossible to define the exact limit of implements of war.

M. SCHANZER agreed.

Major HILLS cordially hoped that the Commission would retain the first three articles of Category I proposed by the Rapporteurs. The Convention would otherwise be incomplete. A warship which was not armed or a submarine or submersible could only be used in war. It therefore belonged to Category I.

Civilian aeroplanes and motor-cars might be transformed into implements of war. They might therefore be put, if desired, in Category II. Armoured cars appeared to him clearly to belong to Category I.

M. JOUHAUX supported this view. He thought the expression “munitions or implements of war,” being more comprehensive, was preferable. Any list would always be incomplete owing to technical progress.

Captain MONTAGUT thought that the whole Commission was unanimous to include the materials under discussion. If the Permanent Advisory Commission had not done so, it was

because it had not found a formula. The expression "munitions and implements of war," which had been proposed, would be equally inadequate since it would not include sporting weapons, the traffic in which was also regulated. He proposed to adopt the expression "arms, munitions and implements of war."

Colonel REQUIN entirely agreed with Captain Montagut. He nevertheless proposed to discuss the method whereby a list of these implements of war might be introduced.

General DE MARINIS also supported the proposal of Captain Montagut.

M. VILLEGAS proposed the following text:

"The present Convention applies to all kinds of arms and munitions and the following implements of war."

The CHAIRMAN observed that this formula would be unsuitable for the purpose of a list of categories of arms and munitions.

M. LEBRUN proposed the following formula:

"The present Convention applies to the following arms and munitions
(categories established by the Permanent Advisory Commission)."

This would be followed by the words "it also applies to the following implements of war". In this last list the Commission would be able to include implements of war over which it desired to establish control. It was to be noted in this connection that not all materials which were purely implements of war were to be controlled, e.g., field-kitchens.

The CHAIRMAN thought the formula presented by M. Lebrun would make the draft complicated when it became necessary to state to what category of arms and munitions the stipulations of the various articles applied.

M. LEBRUN and M. VILLEGAS withdrew their amendments.

The CHAIRMAN put to the vote the amendment proposed by Captain Montagut, to the effect that in the first line the words "implements of war" should be added to the words "arms and munitions".

The amendment was adopted.

II. Adoption as a Basis for Discussion of the Categories established by the Permanent Advisory Commission.

The CHAIRMAN proposed that the system of categories established by the Permanent Advisory Commission should be taken as a basis for discussion.

This proposal was adopted.

SECOND MEETING.

Held on Tuesday, July 8th, 1924, at 3.30 p.m.

12. Continuation of the Discussion of Article 1. — Amendments to Article 1 proposed by Major Hills.

"Add to Category I proposed by the Permanent Advisory Commission:

- " 'Ships of war of all kinds, including submarines and submersibles;
- " 'Tanks;
- " 'Explosives and propellants of all kinds for use in war.'

"Add to Category II proposed by the Permanent Advisory Commission:

- " 'Airships, aeroplanes and seaplanes capable of use in war;
- " 'Cars capable of being armoured.'

Major HILLS said that he could only repeat the arguments which he had given at the previous meeting, which seemed to him to be conclusive. It was impossible to construct warships, submarines, or armoured cars for any but warlike purposes. As regards explosives, it had been alleged that it was impossible to distinguish between those destined for warlike purposes and

those constructed for peace. The British Board of Trade, however, had succeeded in establishing this distinction.

Colonel REQUIN admitted that, as regards armoured cars, no doubt could possibly arise. As regards explosives, he thought that they should be placed in Category II. He did not contend that there was no such thing as explosives exclusively used for warlike purposes, but it was difficult to say for what purpose they were required, as they might from day to day be used for purposes other than military.

Count BONIN-LONGARE said that at the previous meeting he had felt some misgiving at the inclusion of aircraft in Category I. He supported the amendment which had the effect of placing them in Category II.

Commander DELEUZE said that the expression "ships of war of all kinds" which had been adopted at the previous meeting was not sufficiently precise. There was, in practice, no difference between a fishing-smack and a mine-sweeper, or between a yacht and a submarine destroyer.

The CHAIRMAN proposed the following text in order to avoid this ambiguity: "Ships of any kind exclusively used for war or constructed exclusively for war".

The Commission adopted this amendment and also decided to include armoured cars.

M. LEBRUN observed that most explosives might be used for warlike or for other purposes. If they were placed in the second category, explosives which were supposed to be destined for export with a view to their employment in war would be subjected by the Governments to the same control as applied to materials contained in Category I.

Major HILLS recognised that this was a mere question of convenience. The English system consisted in prohibiting the export of any explosives without licence except those which were obviously non-military, a list of which was drawn up. He was in favour of generalising this system.

M. LEBRUN replied that the system in France was identical, but that it did not seem advisable to impose this system upon various Governments by means of an international convention.

The CHAIRMAN observed that, under the amendment, powder for sporting-rifles would fall within Category I and that this appeared to be a mistake.

Major HILLS withdrew his amendment in regard to explosives.

Commander DELEUZE remarked that the title of Category I should be modified, as Category I included component parts and as component parts of implements of war might comprise any kind of objects in general use.

M. LEBRUN proposed to settle the difficulty by taking up again his proposal of the previous day, to the effect that a special paragraph for implements of war should be added to the categories so that implements of war would not come under the same heading as arms and munitions.

M. JOUHAUX thought that the formula proposed by M. Lebrun made for greater precision. He would ask, however, whether the component parts of implements of war would be submitted to control. The Convention would otherwise be inoperative, as it would be easy to put together implements of war exported piecemeal.

M. LEBRUN, replying to M. JOUHAUX, said that the difficulty was not only one of drafting, but arose from the material facts. The component parts of a warship might almost all be used for military purposes.

The CHAIRMAN proposed to adjourn the discussion on this point. He asked Major Hills to find a formula which would enable a prohibition to be imposed on the export of a warship and its component parts and which did not at the same time prevent the export of parts which might be employed for non-military purposes. He asked Major Hills to explain his amendment to Category II.

13. Article 1. — Category II.

Major HILLS said that his amendment would make the Governments responsible for the supervision of the export of aircraft. The Governments would be asked to take into account the quantity involved, destination and other details establishing the object of the consignment. The same observation applied to automobiles.

General DE MARINIS said that, from the practical point of view, he saw no necessity for including aircraft even in Category II. He agreed that implements of war should be added to Category I, as established by the Permanent Advisory Commission, when the details of their construction enabled them obviously to be classed in Category I. As regards aircraft, there was no single detail which enabled a distinction to be drawn between civilian aircraft and military aircraft. The Permanent Advisory Commission had included in its list any armaments enabling a civilian aeroplane to be transformed into a military aeroplane. The difficulty which a Government would have in deciding as to the nature of an aeroplane could not fail to lead to disputes between Governments and the constructors and between the Governments themselves.

M. SCHANZER drew attention to an important precedent. A Commission which had been convened at Washington to limit air armaments had drafted a report approved by the general

Conference which embodied the conclusion that it was impossible to distinguish civilian from military aircraft. He was accordingly in favour of omitting aircraft altogether from Categories I and II.

Commander DELEUZE added that, for the same reasons, it would be necessary to include in Category II all ships which might be transformed into ships of war, *i.e.*, practically everything afloat.

Major HILLS thought that the Commission had rather lost sight of the procedure contemplated in respect of Category II. The articles in this category might be freely exported, provided the Governments took the responsibility of ensuring that they were not destined for military use. This procedure could in no way hamper legitimate commerce in articles destined for non-military purposes. In view of the importance attached to aerial warfare in the future, public opinion would not understand why a Convention on the Traffic in Arms had omitted to deal with aircraft.

M. JOUHAUX supported the observations of Major Hills on this point. He was certain that there was a clear difference between military and civilian aircraft and that certain aircraft were purely military. Moreover, since all aircraft might easily be transformed into military aircraft, it was the more important to include them in Category II.

Colonel REQUIN thought that the Commission would be confronted with impossible problems in the drafting of Category II. It was true that there were aircraft which were purely military. Such aircraft should be included in Category I. If it was desired to place in Category II all material which might be used for war, this category would comprise almost all national material and, in the first instance, the railways.

The CHAIRMAN said that the arguments of Colonel Requin were very forcible and that the Commission might include in the second paragraph of Category I, the drafting of which was postponed, aircraft of a purely military nature. He was also of opinion that it would be a serious omission to leave aircraft completely out of this list.

M. SCHANZER thought that the question was complicated and important. He appreciated the arguments of Colonel Requin and the opinion expressed by the Chairman. He proposed that the Commission should decide on one or other of the following solutions: either it should omit aircraft or add a text referring to the intention and destination of the aircraft which were supposed to be exported for use in war. This text would cover aircraft destined to be used in war.

Admiral DE SOUZA E SILVA thought that the proposal of M. Schanzer gave a new turn to the discussion. It would give the exporting Governments a right of investigation in regard to the intentions of those who purchased aircraft. This went a good deal further than the object of the Convention or of the resolution of the Assembly or even of the Covenant. The exporting Government, moreover, would encounter serious difficulties in ascertaining the intentions of the purchaser, and the purchasing Government would never be able to affirm that the aircraft in question were not destined for warlike purposes in view of the fact that its first task during the mobilisation period would be to requisition such aircraft even though they were used for civilian services.

The CHAIRMAN put to the vote the question whether aircraft should be omitted from the list of implements of war.

There voted for the inclusion of aircraft 15, and for the omission of aircraft 11.

The CHAIRMAN submitted an amendment, presented by Colonel REQUIN, which had the effect of adding to Category I airships, aeroplanes and seaplanes constructed exclusively for use in war, together with armoured cars.

General DE MARINIS supported the amendment of Colonel Requin. He said that he would like the Commission to complete this amendment by asking the Permanent Advisory Commission to define aeroplanes constructed exclusively for use in war.

The amendment of Colonel Requin was adopted.

Colonel REQUIN thought that the question raised by General de Marinis was very interesting and that the problem should be studied. He thought, however, that it would be preferable to settle the questions successively and not endeavour to deal with everything out of hand.

The CHAIRMAN agreed with Colonel Requin.

General DE MARINIS said he would not insist on his proposal.

Category II was adopted.

14. Article 1. — Category III.

Category III was adopted without modification.

Article 1 as a whole was adopted.

15. Article 2.

"The High Contracting Parties undertake not to export themselves and to prohibit the export of arms and munitions of war in Category I, except on the conditions mentioned in Article 3. This prohibition of exportation shall apply to all such arms and ammunition, whether complete or in parts."

The CHAIRMAN said that, before discussing Article 2, it should be realised that throughout the Convention the terms "arms and munitions" should be replaced by the terms "arms, munitions and implements of war".

M. DUPRIEZ observed that in Article 2, which covered in particular the export of component parts, it was only necessary to make the substitution to which Viscount Cecil had drawn attention in the first sentence of the article.

Count BONIN-LONGARE asked what meaning precisely was attached to the words "component parts". He was of the opinion that this referred to "complete component parts".

General DE MARINIS replied that the Permanent Advisory Commission had considered the matter and had decided that "component parts" should mean parts supplied from the factories.

The CHAIRMAN announced that Colonel Requin had prepared a text which met the point raised by M. Dupriez. He proposed that questions which were merely questions of drafting should be referred to a Drafting Committee of three members and that the Commission itself should only consider amendments of substance. In these circumstances, the British amendment to Article 2, with the amendment of Colonel Requin, would be referred to the Drafting Committee.

There remained the amendment of M. Jouhaux and M. Jancovici:

"The High Contracting Parties undertake:

"(1) Not to export arms and munitions of war in Category I and to prohibit the import and export thereof, except under the conditions provided in Article 3.

"(2) Not to export arms and ammunition in Category II, and to prohibit the import and export thereof, except under the conditions provided in Article 5.

"The traffic in arms in Category III remains unrestricted."

M. JOUHAUX said that the object of his amendment was to take the new classification into account.

M. JANCOVICI added that the purpose of this amendment was to establish a general principle of control in regard to Category II, subject to special exceptions.

M. DUPRIEZ pointed out that it was impossible clearly to understand the bearing of this amendment before knowing whether the authors desired to introduce any changes into Article 5.

M. LEBRUN said he would endeavour to explain the position. The Sub-Commission at Paris had established two categories, one which was subject to the system of licences and containing materials which were exclusively military. The other contained two subdivisions: one of them included arms which might be devoted either to warlike or other purposes and the other included arms which were non-military. In respect of arms which might be devoted either to military or to non-military purposes, the system to be applied was defined in Article 5, which left it to the Governments to decide as to the character of the consignment. The Commission at present was considering three categories which were identical with Category I and with the sub-categories of the former Category II. There was therefore no need to go back upon the previous discussions. The Commission had to decide whether it accepted or did not accept the system which had been adopted by the First Sub-Commission. Once this question was determined, the drafting of the text would be quite simple.

M. JOUHAUX observed that the definitions of the categories were quite different. Category II, as determined by the Sub-Commission, was entitled "Arms for sport or for self-defence", whereas the present title was "Arms capable of use both for military or other purposes". The object of the suggested amendment was to introduce greater clearness into the definition.

Captain MONTAGUT thought that, as a result of the new classification, it would be necessary to establish three systems:

- (1) A category in respect of which the trade was reserved for the Governments;
- (2) A category in respect of which the trade might perhaps be permitted with the authorisation of the Governments;
- (3) A category in respect of which trade was free.

M. LEBRUN thought that the contradiction between M. Jouhaux and himself was only on the surface. The text of Article 1 drawn up by the two Rapporteurs had not been discussed in detail by the Sub-Commission, which had referred the article to the Permanent Advisory Commission for the precise definition of its items.

M. JANCOVICI said he was not insisting on his proposal merely with the object of obtaining the adoption of his amendment. His idea was that the control in respect of Category II should not be suppressed, as this category undeniably included implements of war.

M. JOUHAUX drew attention to a fact which further strengthened his contention. The Commission of Control in Germany had declared sporting-rifles, falling within Category II, to be implements of war.

M. DUPRIEZ thought there was a misunderstanding in regard to the title of Category II. It seemed to be drafted from the point of view that the principal use of the articles contained in it was military and the other use merely accessory, whereas the compilation of the category suggested exactly the contrary.

The CHAIRMAN thought that the Commission agreed that the provisions of Articles 3 and 4 referred to Category I; that the provisions of Article 5 referred to Category II and that only

the articles relating to exports to prohibited zones referred to Category III. Article 2 should not therefore be subject to any modifications of principle, whereas Article 5 would have to be reframed. He asked M. Jouhaux and M. Jancovici to withdraw their amendment.

M. LEBRUN observed that the amendment proposed raised the very important question of the control of imports, which the First Sub-Commission had already discussed and had decided to leave on one side.

Admiral DE SOUZA E SILVA said he would like to know the reasons for which the authors of the amendment desired to institute a control of imports. It seemed to him that such control might usefully remove from the Convention its unilateral character and the inequality which it established by imposing all the obligations on the purchasers.

M. JANCOVICI explained that the amendment was designed to introduce a control of imports in order to enable Governments to supervise the introduction of any implements of war into their territory.

The amendment was put to the vote *and rejected by 20 votes to 5.*

Article 2 was adopted, subject to drafting amendments.

16. Article 3. — Introduction and Paragraph 1.

The CHAIRMAN proposed to take as a basis of discussion the text submitted by the Legal Section, which had introduced drafting amendments into the original text.

This proposal was adopted.

The text of the article was read :

Article 3 (Text of Legal Section).

“Nevertheless, notwithstanding this prohibition, the High Contracting Parties reserve the right to grant in respect of arms and munitions of war, whose use is not prohibited by international law, licences for the export of arms and munitions of war in Category I, but such licences are only to be granted on the following conditions:

“I. No licence is to be granted except for a direct supply to a Government recognised as such by the Government of the exporting territory.”

17. Brazilian Amendment to Article 3.

Admiral DE SOUZA E SILVA begged to submit an amendment. His amendment dealt with the question as a whole and was designed to settle the extremely controversial question of the violation of neutrality. The amendment, however, did not introduce any changes of principle. Article 3 in its present form put the non-producing countries in an inferior position by giving the exporting Governments a right of control over the purchasing Government, which must present and justify its request. No guarantee was given that the request would be accepted, and no time-limit was fixed within which a reply should be given. It was clear that Governments could not be compelled to export a consignment without their consent, but it was necessary to give the non-producing Government a guarantee as regards the time-limit, as this question might, at a moment of crisis, become a matter of life and death to a country in urgent need of arms.

The proposed amendment dealt with the essential principle of the Convention, namely, publicity. While it enabled countries to provide themselves with arms for their defence, it retained the intervention of the accredited agent and provided for the case of countries with a federal constitution, in which the Government would act as the responsible party but would have the right subsequently to pass on the imported arms to the federal districts. The manufacturer was made responsible for the procedure. This had the advantage of avoiding the necessity of an authorisation given by the exporting Government to the purchasing Government, which, in this case, would be placed in an inferior position. Regarding the practical organisation of control, the certificate contemplated in the amendment fulfilled the same object as the licence. Article 3, thus amended, would greatly encourage the wider ratification of the Convention, since it took count of susceptibilities which might be wounded and avoided all injustice.

The CHAIRMAN said he would like to reassure Admiral de Souza as to the regard which the whole Commission wished to show for all Governments. Admiral de Souza apparently had no objection of substance. He merely asked that the terms of Article 3 should be less exacting. He would observe that the terms of the article were in accordance with the spirit of the Convention of St. Germain, which had never been the subject of reproaches similar to those which had been levelled at Article 3.

Admiral DE SOUZA E SILVA insisted that Article 3 should not in principle imply the right of a State to prohibit exports intended for a Government which had need of them. Article 3 drafted in this way infringed the independence of States by placing them in the hands of States which would be acting as their protectors. He could not on this point accept any compromise.

M. LEBRUN wondered whether the text of Article 3 would not permit of an interpretation which would give satisfaction to Admiral de Souza. The text might have two meanings. It might either mean that, when certain conditions were fulfilled, the State would be obliged to grant the licence, or it might mean that, even when such conditions were fulfilled, the State reserved to itself the right to grant or to refuse the licence. It was advisable not to allow any ambiguity in this connection and only to discuss the amendment of Admiral de Souza when the amendment was clear.

Count BONIN-LONGARE did not think that it would be possible to interpret the article in these two senses. Article 2 imposed the obligation not to export, and Article 3 allowed an exception to this obligation. The expression to the effect that the State reserved to itself the right showed that a Government might or might not exercise this right. The right, in fact, existed, and no Government could possibly abandon its rights in such a matter.

M. JOUHAUX observed that, since it was impossible to impose upon Governments a system of free exports, it was useless to endeavour to modify Article 3.

Prince ARFA-ED-DOWLEH said he would like to express his views in regard to the work of the Commission. He thought that the Commission was dealing far too exclusively with the duties of the purchasers, whereas nothing was said of the duties of those who sold arms. Whenever Persia had need of arms, and though she fulfilled all the conditions required, there was sometimes a third Power which might prevent their despatch. He claimed, as a matter of justice, protection for the purchasers. It should be laid down that, unless there were an adequate reason, Governments had no right to prohibit exports.

The CHAIRMAN said that it was impossible to hinder Governments from prohibiting exports if they thought fit. The only question to decide with regard to this amendment related to drafting changes. Though the Convention would be addressed to Governments which understood the meaning of the terms ordinarily employed, an endeavour might be made to soften the expressions used, in order to avoid wounding the susceptibilities, entirely worthy of respect, to which Admiral de Souza had referred.

M. VILLEGAS hoped that account would be taken of those susceptibilities which did not go so far as to insist upon any infringement of the sovereignty of the exporting States.

Prince LUBOMIRSKI associated himself with the observations made on behalf of the non-producing States.

Admiral DE SOUZA E SILVA said that his amendment maintained intact the principle that it was for the Governments alone to sanction exports and did not imply that exporting Governments might not prohibit exports. He had been careful, with this consideration in view, to insert in the Preamble the words "for the purposes of this Convention". He wished, however, to find a remedy for the inferiority of non-producing States which would arise under Article 3. He insisted — not from any national egotism — but with the object of helping the Commission, which might find itself confronted with very serious difficulties. He would never, for example, dream of laying down that the United States were not entirely free to authorise or to prohibit exports at their discretion.

M. SCHANZER hoped that Admiral de Souza e Silva would withdraw his amendment. The amendment would place many members of the Commission in the painful position of being obliged to vote against it, thus giving the impression that they were opposed to the reasons for which Admiral de Souza had moved the amendment, which were worthy of the highest respect.

Admiral DE SOUZA E SILVA said he would withdraw his amendment on condition that the Drafting Committee would take it into account in settling the final text of Article 3.

The CHAIRMAN observed that this would be an irregular proceeding, as the Drafting Committee could only make amendments of form.

M. BRANTING remarked that the discussion was directed to the substance rather than to the form of the article and that the discussion could only be concluded by a vote.

The amendment was rejected by 9 votes to 5.

18. Proposal by the Chairman for Article 3.

The CHAIRMAN proposed, in order to soften the expressions in Article 3 to which objections had been raised, to substitute for the words "reserve to themselves the right" the words "will be able" and to suppress after Category I the words "that this authorisation will only be accorded

He wished to draw the attention of Mr. Gibson to paragraph 1 of Article 3, in which his predecessor, Mr. Grew, had been interested.

Mr. GIBSON reminded the Commission that Mr. Grew had declared to the First Sub-Commission on March 25th that the United States wished to retain their liberty to sell arms to Governments or to belligerents which they had recognised.

The CHAIRMAN observed that this question was bound up with one of very great importance, namely, the violation of neutrality. At present a private person did not infringe neutrality by selling arms to belligerents, whereas a Government was in the contrary position. The new Convention, which obliged Governments to grant an export licence to private persons, might be held to involve the responsibility of these Governments from the points of view of neutrality. The Legal Section had expressed doubts on the subject. The solution proposed, namely, that an article should be added stipulating that the fact of granting a licence did not infringe the rules of neutrality, did not appear to him to meet the position. Another solution would be to suspend the Convention in time of war as regarded transactions with the belligerents and thus to return to the situation which now existed.

19. Proposal by M. Schanzer on Neutrality.

M. SCHANZER thought that the observations of the Legal Section were very just. Personally, he preferred the second solution. He thought, however, that the Commission could not easily

formulate such an article, and suggested that a draft article should be requested from the Legal Section of the Secretariat.

The proposal of M. Schanzer was adopted.

The CHAIRMAN added that this draft article would be submitted directly to the plenary Commission.

THIRD MEETING.

Held on Wednesday, July 9th, 1924, at 10.30 a.m.

20. Appointment of the Drafting Committee.

The CHAIRMAN proposed that the Committee appointed to draft the Convention on the Traffic in Arms should be composed as follows:

M. BRANTING,
Colonel REQUIN,
Viscount CECIL (or the member of the Commission acting as Chairman in his place).

This proposal was adopted.

21. Continuation of the Discussion of Article 3. — Paragraph 2.

"2. The Government acquiring the consignments must act through a duly accredited representative, who shall produce his credentials."

The CHAIRMAN resumed the examination of Article 3 of the text of the Convention proposed by the Legal Section. He suggested that the discussion and vote on the paragraph relating to the suspension of the Convention in case of war should be adjourned and that the Commission should pass to the second paragraph.

The second paragraph was approved.

22. Article 3, Paragraph 3.

"3. Such representative must produce a written authority from his Government for the acquisition of each consignment, which authority must state that the consignment is acquired for the use of that Government and not for transfer and will be delivered to them and to no one else."

The CHAIRMAN remarked that there was an amendment proposed by the British delegation of the Permanent Advisory Commission:

"After 'produce' add: 'to the licensing authorities';
"For 'his Government' read: 'the Government which he represents'."

Admiral Aubrey SMITH stated that his amendment referred to the principle on which the article was based, as there was an essential difference between the acquirer's own Government and the Government which the acquirer might be representing in the case of special purchases.

Admiral DE SOUZA E SILVA thought that the paragraph was far from clear, as the form to be given to the "written authority" was open to question and it might be asked to whom this "authority" should be addressed. He proposed that the person acting as intermediary should be the diplomatic representative of the Government acquiring the arms.

It would perhaps be better for the application to be submitted by the exporter himself to his Government, as permission to export war material or arms and munitions was granted to the exporter; there was no provision whatever in the Convention for granting another Government permission to import.

M. LEBRUN thought that Admiral de Souza's objection would be met if they accepted the British proposal and if they substituted the words "the Government which he represents" for "his Government", as the Government acquiring the arms might make the exporter himself its duly accredited agent.

Admiral DE SOUZA E SILVA observed that there was another point in paragraph 3 which required discussion; according to this paragraph, "it must be stated that the consignment is not required

by the acquiring Government for transfer". A federal Government such as that of Brazil could not accept a condition of this kind, as it might find itself obliged to acquire arms and transfer them to one of the federated States.

M. SCHANZER thought that this difficulty would never arise, as all federal States were represented by a central State with which all the other States negotiated directly, and there could be no question as to the complete freedom to convey arms and munitions within the territory of a Federation.

M. DUPRIEZ agreed with M. Schanzer and added that the wording of the article need not be changed, as it prohibited "transfer" to a third party, and a federal State could not possibly be regarded as a third party.

Paragraph 3 was approved.

23. Article 3, Paragraph 4.

"4. The form in which this licence shall be given shall, so far as practicable, resemble that given as an Annex to the present Convention."

M. JOUHAUX asked why the words "as far as practicable" were introduced in the second line of this paragraph and what was their purport.

Admiral Aubrey SMITH proposed that paragraph 4 should be omitted, as it could be replaced by the amendments proposed by the British delegation which deal with the form of licences and the lists of imported articles.

Major HILLS thought that M. Jouhaux's question was a very important one, as, if they allowed the different countries a certain latitude in drafting the form of the licence referred to in this paragraph, serious differences of opinion would arise; moreover, at Paris they had discussed the matter at great length and had finally adopted a form of licence which could be used by all countries.

M. SCHANZER thought that the wording of Article 4 was quite sound, as every country had different rules, and consequently it might be impossible for all States to accept any one form unconditionally. He therefore thought it would be enough if they recommended the various countries to use a form of licence approximating as nearly as possible to the form annexed to the Convention.

Count HIROSAWA supported M. Schanzer's proposal and observed that Japan already exercised very effective control over the exportation of arms and munitions. Licence forms actually existed in Japan, and therefore, although others might be proposed, it would not be possible to insist on the adoption of any particular form.

The CHAIRMAN informed the Commission that Admiral Aubrey Smith withdrew his proposal. He would therefore suggest that the paragraph should be adopted subject to any formal amendments in the English text.

Paragraph 4 was adopted.

24. Article 3, Paragraph 5.

Adopted.

25. Article 3, Paragraph 6.

"6. Each licence must contain a full description of the arms and munitions of war to which it relates and the names of the exporting and acquiring Government, ports of embarkation and disembarkation, means of transport, route and destination."

M. SCHANZER pointed out that paragraph 4 referred to a specimen licence, while at the same time paragraph 6 indicated what the licence should contain. Such repetition was surely needless.

M. DUPRIEZ considered that, as it was laid down in paragraph 4 that the licence form should resemble a certain form "so far as practicable", it would be advisable to indicate the essential data which the licence must contain.

M. SCHANZER admitted the reasonableness of this observation, but thought that, for purposes of drafting, paragraph 6 could be amalgamated with paragraph 4.

Admiral DE SOUZA E SILVA asked whether the licence should contain a full description or merely a complete list of the war material or arms to be exported, as in the case of the exportation of warships — for example, all the plans would have to be submitted.

M. DUPRIEZ admitted that the words "full description" went too far; the words "exact designation" would be sufficient.

The CHAIRMAN proposed for the English text the words "description sufficient for proper identification".

M. LEBRUN said that M. Fabry had made a similar suggestion, proposing the words "description enabling the arms to be identified".

The CHAIRMAN referred these proposals to the Drafting Committee.

The CHAIRMAN asked Admiral Aubrey Smith to explain the British delegation's amendment to paragraph 6.

Amendment by the British Delegation.

"4. For 'exporting and acquiring Governments' read: 'the exporter and of the acquiring Government'."

Admiral Aubrey SMITH stated that the words "exporting and acquiring Governments" should be replaced by the words "exporter and of the acquiring Government", because in all probability the Government which issued the licence would not be the actual exporter.

The British amendment was adopted.

M. LEBRUN observed that in the last line of paragraph 6 reference was made to the route by which the war material to be exported was to be sent. This condition seemed to go too far; the licence would certainly be issued long before the despatch of the war material, and in the interval the proposed route might have to be changed. It would surely be sufficient to indicate the ports of embarkation and disembarkation and the destination.

Major HILLS said that he had in mind the possibility of the cargo being transferred on the high seas. If the route were not given, the port of final destination must in any case be indicated.

M. COBIAN thought that it was absolutely necessary to state the route. The words "intended route" or "probable route" might be employed.

M. LEBRUN agreed.

The CHAIRMAN proposed to add the word "intended".

The proposal was adopted.

26. Article 3, Paragraph 7.

"7. A copy of the licence shall be sent by the exporting State to the Central International Body referred to in Article 9 of the present Convention before the goods pass the frontier of the exporting country; a second copy shall be sent to the same International Body by the importing country, if one of the High Contracting Parties, within a month of the receipt of the consignment, mention being made of the heading under which the imported goods will appear in its import statistics."

27. Proposal of Colonel Shimomoto for Article 3, Paragraph 7.

Colonel SHIMOMOTO thought it would be better to delete this paragraph altogether. Its object was to provide for constant supervision and control over the acts of the various Governments by means of the proposed Central International Organ — a procedure which went far beyond the principle laid down in the St. Germain Convention.

He thought this supervision was, in fact, superfluous, as the provisions of Article 9 in themselves sufficed to ensure the publicity they sought to obtain.

General DE MARINIS said he quite felt the force of the reasons which had been advanced by the Japanese delegate, since all countries which were obliged to import arms and munitions would be seriously inconvenienced by this provision, whereas others would escape similar supervision. It would be sufficient, he thought, to send copies of the export licences every six months. As they had already, in Article 9, referred to these communications to the Central International Office, he thought they might omit paragraph 7. In any event, he saw that it would be dangerous for certain States to supply information immediately to the International Office. They should at least be allowed to delay sending information for some time.

M. BRANTING said he fully realised that this article might inconvenience certain States, but he feared that if their sole consideration was to secure ratification they would never succeed in establishing effective control. The object of paragraph 7 was to provide for the publication of all information on the traffic in arms, and it would not be enough to receive such data once or twice a year.

Admiral DE SOUZA E SILVA said he could not see why the imports of non-producing countries should be placed under strict surveillance when manufacturing countries escaped supervision altogether.

M. COBIAN pointed out that they had now before them three proposals which might be combined into one. They might take the following British amendment as a basis:

"The exporting country shall send to the Central International Body referred to in Article 9 of the present Convention a weekly return of all export licences issued. This return shall be made out in the form shown in Form I to the present Convention.

"The importing country, on receipt of any consignment, whether exported under licence or not, shall forward to the Central International Body a return made out in the form shown in Form II to the present Convention".—

by substituting for the words "list of all licences" the words "copies of licences", together with an indication as to the final destination of the arms and munitions, and adding M. Jouhaux's proposal concerning annual publication by the Central International Organ.

M. JOUHAUX pointed out that paragraph 7 could not endanger the safety of any States. It was true that the effect of the present Convention would be to institute supervision of the imports into non-producing countries, but the Commission should not forget that the scheme was intended to control the private manufacture of arms, and that, consequently, even producing countries would be placed under supervision.

The CHAIRMAN shared M. Jouhaux's opinion and held that paragraph 7 was very important. He did not think that this right of supervision and publicity could prove harmful to non-producing States. The Temporary Commission had to suggest to the Council methods for obtaining a reduction of armaments. The present Convention did not embrace all the problems connected with that question, but it was at any rate a step in the right direction.

He thought that the publication of information concerning the traffic in arms was very necessary, but, on the other hand, it would be useless to propose provisions which went too far. They must prevent the secret accumulation of stocks of munitions, but as it was impossible to create such stocks in a short time they might, for instance, request that information concerning traffic in arms and munitions should be transmitted every three or four months.

Admiral Aubrey SMITH proposed that the list of licences should be sent every month, with a copy of all licences granted.

General DE MARINIS agreed entirely on the question of principle with the Chairman. If it was desired to omit Article 7 he thought that it would be sufficient to send a list of licences every three months, and that the period of one month suggested by Admiral Smith was too short.

M. LEBRUN asked the Chairman whether importing States might themselves send every three months to the Central International Organ a list similar to that communicated by exporting States.

The CHAIRMAN replied in the affirmative.

M. LEBRUN asked for an explanation of the words "or not" in the British delegation's proposal.

Admiral Aubrey SMITH stated that this covered the case of the export of arms and munitions of the second category, which did not require licences.

M. SCHANZER made a further observation concerning the text proposed by the British delegation. In this text it was proposed that the list to be sent to the Central International Organ should conform to a certain definite model, whereas he thought this had already been decided.

After the discussion which had taken place, he thought it would be better to adhere to the text as drawn up by the Sub-Commission, amended so as to allow for the quarterly transmission of lists of licences to the Central International Organ.

M. LEBRUN agreed with M. Schanzer.

The CHAIRMAN asked Colonel Shimomoto whether he desired to put his amendment to the vote.

Colonel Shimomoto withdrew his proposal and agreed to the information being forwarded quarterly to the Central International Body.

28. Amendment of M. Jouhaux to Article 3, Paragraph 7.

M. JOUHAUX pointed out that paragraph 7 was closely connected with Article 4 and read his amendment:

"The central body shall communicate a copy of the licence forwarded to it by the despatching State for publication in a special supplement to the *Official Journal* of the League of Nations."

M. BRANTING supported the amendment of M. Jouhaux on the ground that the very object of the Convention was to give all possible publicity to the traffic in arms and munitions.

M. DUPRIEZ pointed out that, from the point of view of drafting, it would perhaps be more correct to say "Government of the country of origin" than "exporting State", because the exporter was not always a Government.

The CHAIRMAN asked Mr. Gibson to inform the Commission of any objections which the United States Government might have to M. Jouhaux's proposal.

Mr. GIBSON said he had nothing to add to Mr. Grew's statement. As the United States was not a Member of the League of Nations, he wished to draw the Commission's attention to its special position, though he had no wish to raise any objection.

The CHAIRMAN thought it would be well to specify that the central body should publish the information in the most suitable form.

M. JOUHAUX supported this proposal provided that it was understood that the fullest publicity should be given to information relating to the traffic in arms and munitions.

He also asked how paragraph 7 was to be amended and whether the information would be sent in three months after the grant of the permit or quarterly.

The CHAIRMAN said that the Central International Body might publish it quarterly. That would be more convenient than publishing every export permit separately.

M. JANCOVICI pointed out that paragraph 7, as drafted by the First Sub-Commission, provided for a preliminary measure of control, which would disappear if the new method were adopted.

M. DUPRIEZ thought that the Commission's business was to draw up a Convention which could be accepted by a large number of countries, including the United States. Mr. Gibson had said, in carefully chosen words, that the United States still had certain objections to any form of League control. He (M. Dupriez) therefore supported the Chairman's proposal; but he was afraid that, as the Central International Body would be a League organisation, it might always be maintained that the publication of information on traffic in arms was done by the League. He supposed that all the countries would be represented on the International Body, and in that case it would be easy for any Government to obtain any information it required.

M. JOUHAUX did not agree with M. Dupriez; the principal object of the Convention was to secure full publicity, and such publicity was unlikely to be given by the Governments.

M. SCHANZER agreed with M. Jouhaux as to the necessity of securing the fullest possible publicity. He wished, however, to point out that, under Article 9 of the draft Convention, each of the High Contracting Parties was required "to publish an annual report showing the export licences granted". He thought that all the provisions regarding publicity should be brought together in Article 9, as they did not properly belong to Article 3, which the Commission was then discussing.

M. LEBRUN said that Article 3 laid down the rules to be followed by the exporting States and that therefore the provision in question ought also to be included. But he agreed with M. Schanzer that M. Jouhaux's amendment ought to be discussed with Article 9.

The CHAIRMAN proposed to put the amendment to the vote, with the change he had himself suggested.

M. DUPRIEZ said he would be placed in a difficult position if he had to vote, for, while he was anxious to ensure the most complete publicity, he considered it indispensable to secure the adhesion of the United States.

Mr. GIBSON said that his Government was in favour of publicity. His previous remarks only applied to the question what form the organs of publicity would take.

M. JOUHAUX agreed that his amendment should be discussed with Article 9 of the draft Convention.

M. BRANTING was anxious, however, to know the Commission's opinion on the fundamental principle of M. Jouhaux's amendment, and thought that after Mr. Gibson's last statement the Commission would be unanimously in favour of accepting it.

The fundamental principle of M. Jouhaux's amendment was adopted.

29. Proposal of M. Jancovici for Article 3, paragraph 1.

M. JANCOVICI, returning to paragraph 1, pointed out that arms could be delivered to a Government recognised as such by the Government of the exporting country. He wished to bring forward once more the proposal that the purchasing Government must be recognised by three other Governments.

The CHAIRMAN pointed out that, as this question had been discussed at length, the Commission could vote on it at once.

M. Jancovici's proposal was rejected.

30. Forms of Licences.

The CHAIRMAN observed that the article would have to have an addition made to it regarding the cession of war material during hostilities. He asked the Commission to examine the licence forms annexed to the Convention and pointed out that the heading "route" ought to be changed to "proposed route".

The licence forms were adopted.

31. Article 3 (a).

Text proposed by Major Hills and M. Dupriez.

"The High Contracting Parties also reserve the right to grant export licences covering parts of arms and munitions of war in Category I, but such licences shall only be granted for direct export to an actual manufacturer in another country who requires such parts in order to manufacture them into arms and munitions of war. The High Contracting Parties, whether of the exporting or of the importing country, hereby agree that they will take all proper precautions to see that such parts are sent direct to their destination and not elsewhere. The form of such licence shall, so far as practicable, resemble that given as an Annex to the present Convention."

Text proposed by Colonel Requin.

"The High Contracting Parties also reserve the right to grant to private manufacturers of arms export licences for parts of arms and munitions belonging to Category I, but only on condition that these parts are intended for direct use in the manufacture of arms and munitions undertaken by these manufacturers, and that within the knowledge of their own Government."

Major HILLS thought that his article was the more complete, for two reasons: (1) because in the second sentence the High Contracting Parties undertook to take all proper precautions to see that detached parts were really sent to their destination and not elsewhere; (2) because his article prescribed a different licence for the exportation of detached parts of arms and munitions.

Colonel CARNEGIE proposed to add the words "or assemble".

M. VILLEGAS would suggest an additional clause — that the export licence could not be obtained without prior authorisation from the importing State.

M. JOUHAUX thought that Article 3 (a) was inconsistent with Articles 2 and 3, which preceded it. Article 2 prohibited the export of detached parts and Article 3 laid down that only Governments could import. Under Article 3 (a), however, exports could be consigned to manufacturers of arms.

M. COBIAN suggested an additional clause stipulating that the licences in question should be subject to all provisions contained in Articles 2 and 3.

Major HILLS fully realised that Article 3 (a) established an exception to the general rules. He explained that the article in question referred to cases where an arms factory was obliged to import detached parts manufactured by a foreign firm. They could not, in this case, stipulate that a Government should act as intermediary between two arms factories.

M. SCHANZER was inclined to support Article 3 (a) but agreed with M. Villegas' proposal, for, though it was true that these special cases could not be dealt with on the same lines as the traffic in arms generally, it was essential that the Governments of importing countries should have full knowledge of all imports of detached parts.

He pointed out also that Annex III contained the form for the shipments of complete arms and munitions; the same form should perhaps apply to detached parts. Moreover, in view of the amendments made in the original wording, some modification was required in the words "also reserve the right" at the beginning of Article 3 (a).

M. JOUHAUX noted that the amendment proposed by M. Villegas did to some extent correct Article 3 (a), which nevertheless involved serious risks, as it substituted the manufacturer for the Government. The consequence might well be that factories of detached parts would be founded in the producing countries and the parts assembled in assembling factories in the non-producing countries. This would nullify the entire Convention.

Admiral DE SOUZA E SILVA supported the article as amended by M. Villegas.

Commander DELEUZE fully realised the difficulty raised by M. Jouhaux; it was one, however, which would always exist, as it would never be possible to prevent the traffic in semi-manufactured detached pieces.

M. COBIAN thought it essential, should the article be accepted, that the licences in question should be made subject to the same publicity regulations as those specified for licences for other arms.

Colonel CARNEGIE recommended that a manufacturer should be empowered to import detached pieces required by him to complete arms ordered by a Government.

The CHAIRMAN put to the vote the first two verbal amendments relating to the words "also reserve the right" and "to manufacture them... or to assemble them for the same purpose".

Both amendments were adopted.

The CHAIRMAN put to the vote the two amendments relating to authorisation being first obtained from the Government of the importing country and to the method of ensuring the publication of the licences for the traffic in detached parts.

Both amendments were adopted.

M. JOUHAUX stated that he had abstained from voting because he believed that complete control of the manufacture of and traffic in detached parts was almost impossible.

M. BRANTING shared this view, but nevertheless thought it expedient that the Convention should mention the traffic in detached parts. They could subsequently try to make the control more effective in the light of the experience which they would have gained.

FOURTH MEETING.

Held on Wednesday, July 9th, 1924, at 3.30 p.m.

32. Title for Paragraph 2 of Category I.

The CHAIRMAN said that paragraph 2 of Category I had not been given a title at the previous meeting. He proposed the following text:

"Implements of war hereafter mentioned and component parts designed exclusively for their manufacture."

The text was adopted.

33. Article 4.

The CHAIRMAN observed that the second paragraph of Article 4 had been inserted in Article 3. He read the amendments which had been made in the drafting of the first paragraph by the Legal Section and also the British amendment.

Wording of Legal Section.

"To prohibit transit of the arms and munitions (of war) in Category I which are not accompanied by a licence which complies with conditions laid down in Article 3 and to exercise for this purpose such supervision as may be necessary."

Wording of British Delegation.

"Without prejudice to any obligations to which they may have subscribed under international conventions dealing with transit, the High Contracting Parties reserve to themselves the right to detain any consignment of arms and munitions in transit through their territory if the transaction is not in order."

Major HILLS said that Article 4 as presented by the Rapporteurs was less strict than the text proposed by the Legal Section. The only obligation placed on the Governments was to take every possible measure to supervise transit. The First Sub-Commission had added "to prohibit transit", and the Legal Section had suppressed the word "supervise". It might be very difficult, if not impossible, for a Government to prohibit all illicit transit. This would oblige a Government, for example, to assume responsibility for ships coaling in its ports. The Government of the United States would in these circumstances have to answer for all transit which might be effected through the Panama Canal.

The CHAIRMAN explained that the Legal Section had wished to indicate that it was impossible at the same time both to supervise and to prohibit, as these two terms were contradictory. Moreover, he did not like to use only the word "supervise", as it was not stated in what way this supervision would be exercised.

Admiral Aubrey SMITH supported the views of Major Hills. The text of the Legal Section would make it necessary to inspect all goods in transit, a task which was practically impossible.

General DE MARINIS was of the same opinion as the Chairman. He thought, moreover, that it was necessary, generally speaking, to have confidence in the good faith of the Governments and not to impose measures which were excessively strict.

Admiral DE SOUZA E SILVA emphasised the difficulty of applying Article 4 in the case of certain countries such as Brazil, across which the transit was effected over very important waterways of goods destined for every Government. He was in favour of the British amendment.

M. DUPRIEZ objected to this amendment, which did not lay any obligation upon the Governments and thus did not fulfil the object of the Convention. It was useless for the article to reserve the right of preventing transit, since this right actually existed. The text of the Legal Section should not be interpreted as imposing the obligation to inspect all goods in transit any more than the control of exports imposed the obligation to inspect all consignments before they left the country. The article merely imposed an obligation to take steps to verify the goods in cases where there was suspicion.

Captain MONTAGUT supported M. Dupriez. It was useless to compel Governments to supervise transit unless with a view to prohibiting transit when it was illicit.

34. Proposal by the Chairman for Article 4.

The CHAIRMAN said that it would be preferable to state explicitly in the article what M. Dupriez had just stated, by way of interpretation. He proposed the following text:

“Without prejudice to any obligation to which they may have subscribed under international conventions dealing with transit, the High Contracting Parties, when they have reason to suspect that any consignment of arms, munitions, or implements of war in transit through their territory is not in order, undertake to investigate the circumstances and, if necessary, to prohibit the transit.”

M. COBIAN observed that in this case the obligation to supervise only arose in case of suspicion.

Count BONIN-LONGARE stated that the texts, both of the Legal Section and of Viscount Cecil, left the Governments free to act in case of suspicion, but they did not oblige the Governments to undertake a permanent supervision. He was prepared in consequence to accept either of these texts.

Article 4 was adopted in the form proposed by Viscount Cecil.

35. Article 5.

Wording of the Legal Section.

“Fire-arms and ammunition in Category II may, if the exporting country so desires be exported without licence, except to the prohibited areas and zones mentioned in Article 10. Provided, nevertheless, that, in the case of fire-arms and ammunition adapted both to warlike and also to other purposes, the High Contracting Parties hereby undertake to determine, from the size, destination and other circumstances of each shipment, for what uses it is intended, and to decide in each case whether such shipment falls properly under Category II or whether it ought to be considered to belong to Category I, and in the latter case they undertake that it shall become subject to Articles 2, 3 and 4.”

36. Declaration by the Persian Representative.

Prince ARFA-ED-DOWLEH asked the Commission to note the following declaration:

“I protest, on behalf of Persia, a country which imports arms, munitions and aircraft for use in war, against any foreign control established on our territory subsequent to the arrival of such materials in Persia.”

The CHAIRMAN respectfully drew the attention of Prince Arfa to the fact that the Commission was not yet dealing with the special regime for prohibited areas.

37. Amendment by M. Jancovici to Article 5.

M. JANCOVICI presented an amendment, in agreement with M. Jouhaux :

"In line 1, for 'Category II', read 'Categories II and III'.

"The second sentence should read as follows: 'Provided nevertheless that, in the case of firearms in *Category II*, the High Contracting Parties hereby undertake to determine..'"

This amendment was adopted.

38. Amendment by M. Lebrun to Article 5.

M. LEBRUN proposed an amendment:

"Replace the text between 'for what uses' and 'to Category I' by the words 'if they are intended for war purposes'."

and gave the following reason: It was not for the Governments to ascertain under what sub-category of Category II the arms subject to supervision should be placed, but to what use the arms would be put which came within the new Category II.

M. JANCOVICI asked whether the proposed addition did not introduce an element somewhat too subjective into the text of a Convention which must be capable of strict interpretation.

M. LEBRUN replied that this objection also applied to the original text and that his amendment only brought the article into correspondence with the new classification.

The amendment of M. Lebrun was adopted.

Article 5, as submitted by the Legal Section, modified in accordance with the amendments presented by M. Jouhaux, M. Jancovici and M. Lebrun, was adopted.

39. Article 6.

Wording of the Legal Section.

"The High Contracting Parties undertake, in addition, to prohibit the export both of (fire-) arms and ammunition in Category I, and also of fire-arms and ammunition in Category II, whether complete or in parts, to the areas and zone(s) specified in Article 10.

"Nevertheless, notwithstanding this prohibition, the High Contracting Parties reserve the right to grant export licences. The competent authorities must satisfy themselves in advance, before issuing these licences, that the arms or ammunition for which an export licence is requested are not intended for export to any destination, or for disposal in any way contrary to the provisions of this Convention."

The CHAIRMAN proposed to refer the British suggestion to the effect that Article 6 should appear as a paragraph of Article 10 to the Drafting Committee.

M. LEBRUN noted that the three categories would be covered by this article.

M. DUPRIEZ pointed out that the Convention of St. Germain dealt with fire-arms and ammunition, whereas the present text covered materials of a wider category.

The CHAIRMAN replied that there was no reason to constitute a new category in regard to exports destined for prohibited areas. He asked M. Dupriez not to insist upon drawing a distinction within the categories. He was in favour of the amendment of M. Lebrun prohibiting the export of the three categories.

Article 6, as presented by the Legal Section, was adopted, subject to the amendment of M. Lebrun.

40. Article 7.

Wording of the Sub-Commission.

"Shipments to be effected under contracts entered into before the coming into force of the present Convention shall be governed by its provisions."

The CHAIRMAN drew attention to the very strong objections made to this article by the Legal Section.

M. SCHANZER said he agreed with the Legal Section. Generally speaking, a convention could not impose retrospective measures. Moreover, if the principle of retroactivity was admitted, it would be necessary to fix a time-limit, and this would give rise to disputes. He was in favour of entirely suppressing the article.

Major HILLS observed that this article was an exact reproduction of Article 3 of the Convention of St. Germain. The principal reason for its insertion was that a contract might have been approved which would require several years for its execution. The absence of such a provision would enable considerable frauds to be perpetrated at the last moment before the Convention was ratified.

M. SCHANZER appreciated the arguments of Major Hills. He thought, however, that the provisions of Article 3 of the Convention of St. Germain were somewhat different in scope. The Convention did not merely cover exports which were destined solely for Governments. It was very difficult to stop contracts which were in course of execution between private individuals.

41. Proposal by M. Lebrun for Article 7.

M. LEBRUN added that the article as at present drafted contained a contradiction. Under this text, contracts made with an individual would come under the present Convention, which prohibited them. It was necessary either to annul the contracts or to adjust the provisions of the Convention. He proposed the following text:

“Contracts entered into before the coming into force of the present Convention shall, in their execution, be governed by its provisions.”

M. SCHANZER insisted on the suppression of the article, which would give rise to a great deal of litigation. It would, moreover, necessitate internal legislation, which was always difficult to institute in cases of retroactivity.

42. Proposal by M. Jouhaux for Article 7.

M. JOUHAUX proposed that there should be added to the article a formula in regard to notification and publicity. In this way, the Central International Body would be acquainted with the details of the consignment.

The CHAIRMAN thought that it would be difficult to have a useful system of publicity without a complete system of licences. The advantages of this article did not appear to outweigh the inconveniences to which attention had been drawn.

M. JOUHAUX replied that publicity did not involve any retrospective action.

43. Proposal by M. Schanzer for Article 7.

M. SCHANZER proposed to suppress the article but to resume the discussion of the question of publicity in regard to contracts when Article 9 came to be considered. The central body would always be able to make use of Customs statistics in order to furnish information in regard to contracts. It was, moreover, more logical to put everything concerning publicity into the same article.

The proposal of M. Schanzer was adopted.

Article 7 was suppressed.

44. Article 8.

Wording of the Sub-Commission.

“The High Contracting Parties undertake to grant no export licences covering either Category I or Category II for delivery to any country which, after having been placed under the tutelage of any Power, may endeavour to obtain from any other Power any of the arms or munitions of war in Category I or of the fire-arms or ammunition in Category II.”

Mr. GIBSON made the following declaration: The effect of this article would apparently be to limit the trade in arms and ammunition with States under mandate or tutelage to the mandatory Power, or to the Power exercising so-called tutelage. This article is very similar to Article 4 of the St. Germain Convention. In so far as this provision relates to the control of the export of arms and ammunition under Category II of which the export to private individuals without licence, except with respect to defined areas, is to be permitted, the provision would appear to impair the freedom of economic opportunity and the equality of treatment as between the mandatory Powers and other States. This equality of opportunity is guaranteed under the terms of several mandates and should not be impaired by co-lateral agreements.

M. LEBRUN thought that the difficulty arose from an ambiguity in the expression "*en dehors de celle-ci*". This expression might mean "without its authority" or "from another producer". If the first interpretation was correct, the observation of Mr. Gibson would be met.

The CHAIRMAN said he had a difficulty in ascertaining the sense and intention of this article. It was clear that, under the Convention and in accordance with the mandates system, arms could only be sent to the mandatory State. With the object of rendering the Convention acceptable to the United States, it might be preferable to omit the article. The object of the corresponding article in the Convention of St. Germain was to cover the case of a country placed under mandate and refusing to accept the tutelage of the mandatory country.

Article 8 was suppressed.

45. Article 9.

Wording of the Sub-Commission.

"A Central International Body shall be established by the Council of the League of Nations for the purpose of collecting and preserving documents of all kinds exchanged by the High Contracting Parties with regard to the trade in and distribution of the arms and ammunition in Category I and Category II specified in the present Convention, as well as the texts of all laws, orders and regulations made for the carrying-out of the present Convention.

"Each of the High Contracting Parties shall publish an annual report showing the export licences which it may have granted in respect of arms and ammunition in Category I or Category II, together with the quantities and destination of the arms and munitions to which the export licences refer. A copy of this report shall be sent to the Central International Body.

"Movements of arms and munitions made by a Power within territories placed under its sovereignty or authority, and for the use of its own military forces, will not be included in this report."

Mr. GIBSON explained that at the second meeting he had referred on several occasions to the provisions of the Convention so far as they regarded the League of Nations. In view of the fact that the Government of the United States was not a member of the League, he did not wish to raise any objections or to make any suggestions. It was, in fact, impossible for him to foresee whether any particular provisions would or would not be acceptable to Congress. He thought, however, that the question deserved consideration. It was not possible for him to state whether the Government of the United States would or would not be able to agree to a provision which would have the effect of placing the Central International Body under the control of the League of Nations. He would confine himself to drawing attention to this possible obstacle, though, at the same time, he would abstain from making any objection.

The Chairman said he would like to give a short history of the question for the information of Mr. Gibson, who had not been present at the previous discussions. The First Sub-Commission had felt that it was not morally possible as an institution of the League of Nations to propose the constitution of an international organ outside the League of Nations. It had resolved to leave to the Council the task of deciding the nature of this international body and of its relations with the League of Nations. Further, the Sub-Commission would insert a clause in Article 29 which would enable a conditional adherence to be made.

The CHAIRMAN proposed to include Category III in the first paragraph of Article 9 and to suppress the words "specified in the present Convention".

This proposal was adopted.

46. Amendment by M. Branting to Article 9.

M. BRANTING proposed the following amendment, in order to give satisfaction to M. Jouhaux:

"The High Contracting Parties further undertake to forward to the Central International Body all information which they will be in a position to provide relating to consignments effected under the contracts entered into before the coming into force of the Convention."

M. DUPRIEZ drew the attention of the Commission to the difficulties to which the clause placing the International Body within the framework of the League of Nations would give rise in the United States. The text, as drafted, did not leave this decision to the Council. The suggestion would encounter insuperable opposition from an important fraction of the Senate of the United States, where a majority of two-thirds was necessary for the ratification of international conventions. The difficulties of the Government of the United States would be increased by the fact that the Chamber of Representatives would also have to take action for introducing the necessary modifications in internal legislation. He proposed to refer the question to the Council without voting upon a text.

The CHAIRMAN apologised for intervening afresh. He strongly desired to obtain the adherence of the United States, but he thought it was necessary to regard the matter from a higher point of

view. The Commission was working in order to give, so far as it could, a solid foundation for the League of Nations. It would have a deplorable effect if a Commission of the League of Nations were to recommend that an international body should be instituted outside the League. The Commission had always taken the view that all international bodies, at least in Europe, should be brought within the League of Nations. He had the gravest doubts as to the results which would be produced on public opinion in the United States by a decision which would give rise to the belief that the people of Europe had themselves but little confidence in the effectiveness of the League of Nations and that they did not find in the League the best guarantees for peace and prosperity. He sincerely hoped that the paragraph would be maintained.

To M. Dupriez he would say that his objection was met by the clause on conditional adherence, which obliged those who opposed it to set forth their arguments.

M. JANCOVICI said that, as M. Dupriez had raised a very disputable question, it would be well that the Commission should consider the principles which it regarded as guiding principles. It did not appear to him that the text prejudged the decision of the Council. He thought that the fears expressed in regard to the ratification by the United States were not well founded. The United States was already collaborating with the Commission on Opium and on the Traffic in Women and Children. The question at issue was governed by the principles of the Covenant. The Commission was working under Article 23, paragraph (d), of the Covenant, by which it was bound, and Article 24, paragraph 1, placed all international bodies under the authority of the League of Nations.

General DE MARINIS said that it would be seen from the Minutes of the First Sub-Commission that the discussion was complete. He would further remind the Commission that it had not met in order to frame a final draft but merely to prepare a text which would be submitted to an international conference. This conference would be able to consider the advisability of the case in question, but it would be illogical for the Commission to begin by excluding the League of Nations from its text.

Admiral DE SOUZA E SILVA said that the whole Commission was agreed in paying a tribute to the attachment shown by Viscount Cecil to the ideal of the League of Nations. He appreciated the arguments of General de Marinis. There were, however, circumstances before which logic must give way. Not all States were members of the League of Nations. The question of disarmament, however, could only be settled if general measures were taken. It was for this reason that States which were not members of the League had been invited to collaborate. Without their good-will, no solution could be reached within the League of Nations itself.

The United States had, in these circumstances, accepted an invitation. Logic required that an attempt should be made to reach an agreement with the United States by suppressing anything that might give rise to objection. The League of Nations had nothing to lose on yielding this point. Its prestige could only increase if it succeeded in establishing, even at this price, a universal convention.

47. Amendment by M. Dupriez to Article 9.

M. DUPRIEZ added that the texts to which M. Jancovici had referred had been written at a time when it was believed that all States would adhere to the Covenant. This, however, was not the case. He would further point out that the Convention signed at Saint-Germain had been ratified because it provided for a central international body outside the League. He proposed the following text:

"A Central International Body shall be established in agreement with the High Contracting Parties", etc.

M. JOUHAUX observed, in answer to M. Dupriez, that his formula prejudged the decision of the Council. It was considered that it was necessary to secure the adherence of the United States, but it was impossible for experts appointed by the Council to place the Central International Body outside the League of Nations. This measure would give rise to serious dangers. Certain States not members of the League might endeavour to develop these international bodies in accordance with their own interests and for purposes hostile to the League. Further, the clause would place the League of Nations in an impossible position in face of the very active propaganda which was being conducted in the United States on behalf of the League of Nations.

M. LEBRUN said he wished to express his personal opinion. The Commission would be blame-worthy if two years ago it had prepared a text such as M. Dupriez desired. At present, however, circumstances had changed. The Commission had been instructed to establish a convention, or even — so great was the desire for a solution — several conventions, which might be acceptable to all Governments.

He did not any longer feel the same scruples. He would prefer to yield on the point of the Central International Body, which was at the moment being discussed, if at this price all States would adhere to the Convention. As regards the procedure to be followed, he was of opinion, however, that the text of the Commission should be voted and that it should be left to the Council of the League of Nations to establish an organisation.

M. OUDEGEEST emphasised that it was impossible to come before the Assembly with a text contrary to Article 24 of the Covenant.

The amendment of M. Dupriez was rejected by 25 votes to 2.

The CHAIRMAN put to the vote the amendment of M. Branting, which was adopted.

48. Article 9, Paragraph 3.

M. SCHANZER desired that the drafting committee should be recommended to place the last paragraph of Article 9 among the general provisions, as this paragraph dealt only with questions of publicity.

Admiral Aubrey SMITH said that the amendments proposed by the British delegation were of a more general application.

British Amendment.

"The provisions of this Convention do not apply to movements of arms and munitions made by a Power within or between territories placed under its sovereignty or authority, and for the use of its military forces, including individuals of such forces in possession of military weapons supplied by the State or possessed by them in pursuance of their calling."

The CHAIRMAN drew attention to two differences in the text. The British amendment referred to transports effected in the interior of the territories or between territories. The text of the article merely referred to transports effected in the interior. Legally, he did not see that there was any difference. The second discrepancy referred to unaccompanied soldiers, and he thought that this was a wise provision.

M. SCHANZER said he preferred the text of the Legal Section. The term "placed under its sovereignty" covered all territories.

M. LEBRUN thought that it would be better merely to suppress this provision. When a Government transported arms for its own needs, there was no transaction, and there was no question of applying the Convention.

M. SCHANZER supported the proposal of M. Lebrun.

The third paragraph of Article 9 was suppressed.

Admiral Aubrey SMITH withdrew Article 9 (A) of the British amendment.

Article 9, thus amended, was adopted, subject to drafting changes to be made in the two paragraphs.

49. Article 10.

Wording of the Sub-Commission.

"The High Contracting Parties undertake, each as far as the territory under its jurisdiction is concerned, to prohibit the importation of arms and munitions of war in Category I and of fire-arms and ammunition in Category II into the following territorial areas, and also to prevent their exportation to, importation and transportation in the maritime zone defined below."

NOTE: The Commission is of opinion, in view of the new circumstances which have arisen since the Convention of St. Germain was drawn up, that the territories to be included in the restricted areas should form the subject of a fresh examination by the Council of the League of Nations.

"Special licences for the import of arms and ammunition in Category I or Category II into the areas defined above may be issued. In the African area they shall be subject to the regulations specified in Articles 11 and 12 or to any local regulations of a stricter nature which may be in force.

"In the other areas specified in the present article, these licences shall be subject to similar regulations put into effect by the Governments exercising authority there."

The CHAIRMAN explained that the article covered prohibited areas, leaving to the Council the task of delimiting these areas. Prince Arfa-ed-Dowleh had drafted a letter on the subject, which the Commission had received, but the article did not in any way prejudge conditions in regard to Persia.

50. Declaration by the Persian Representative regarding Article 10.

Prince ARFA-ED-DOWLEH made the following declaration, which he wished to have inserted in the Minutes:

"Persia, since the foundation of the League of Nations, has been one of the countries which requested the honour of forming part of the League. The correct conduct of the Persian delegation is already known to all the Members of the League. Lord Balfour, in 1922, as first delegate of Great Britain, at the end of the third session of the Assembly, thanked the delegation of Persia for its conciliatory attitude. Our object was, and is, to give loyal service to the League. The prosperity, existence and strength of the League are necessary for our security.

"From the first day our instructions have been to endeavour to encourage the other nations which do not yet form part of the League to enter the League, and, above all, to encourage the countries adjacent to us in Asia to do so. We are surrounded by four warlike countries which are not members of the League. Our only hope is founded on the prosperity of the League. If on certain occasions in the Assembly or in the Commissions of the League words have been used by delegates of Persia in a somewhat bitter spirit, these words were uttered for the good of the League, as we know what is said of the League of Nations outside, above all, in the East and in the vast continent of Asia.

"I have received certain cuttings from the great newspapers of the United States in which the question is discussed of the entrance of this great and powerful nation into the League. The opinion of the newspapers was that so long as there failed to be equality and justice within the League, the United States should not enter it.

"It is therefore necessary to show by facts and not by empty words that within the League only justice and equality reign if it is desired to gain the sympathy and confidence of the entire world.

"The words of Admiral de Souza, who so courageously defended yesterday the right of the weak nations against the strong, will find an echo, I am sure, in all the corners of the five continents of the globe. Of what use are all our protests and all our just claims if the vote always goes to the stronger? Such a position might endure for a certain time so far as we have no legitimate arm for our defence but justice. A day, however, will come when the consciousness of mankind will awaken and will not allow the affairs of the world to be managed in such a way. It is necessary to reflect seriously on this matter.

"I venture, in terminating my statement, to address a question to the Commission, and I beg urgently for the honour of a reply:

"Does the Commission admit that the Convention should be applied to the territories of Powers which adhere or give their authorisation to this Convention?

"Do the High Contracting Parties wish to impose their authority and their control in the colonies of the Powers which do not adhere to the new Convention?"

He would therefore ask that the report of the Sub-Commission should be sent to the Council.

The CHAIRMAN, replying to Prince Arfa-ed-Dowleh, said that all the questions raised by him would be left to the Council to decide. The Council was already acquainted with these questions and had all the previous documents concerning the position of Persia. Satisfaction would be given to the Prince as regards the insertion of his declaration.

Admiral Aubrey SMITH wished to give certain explanations in regard to the British amendments to Article 10.

"1. The High Contracting Parties undertake to prohibit the export without licence of the arms and munitions in Categories I, II and III, whether complete or in parts, to the territorial areas and maritime zone defined in Article 10 (a).

"2. They likewise undertake, each so far as the territory under its jurisdiction is concerned, to prohibit the import and transportation without licence of the same arms and munitions in Categories I, II and III in the territorial areas and maritime zone defined in Article 10 (a).

"3. The High Contracting Parties agree only to grant licences in accordance with the following rules:

"(a) In the case of those parts of the prohibition areas which are under the jurisdiction or tutelage of one of the High Contracting Parties, the authorities of the exporting country shall, before granting an export licence, satisfy themselves that the arms and munitions for which such licence is requested are intended for a proper purpose and not for disposal in any way contrary to the *objects* of this Convention, and that the authorities of the country under whose tutelage the importing country stands are prepared to admit their entry.

"(b) In the case of those parts of the prohibition areas which are not under the jurisdiction or tutelage of one of the High Contracting Parties, the authorities of the exporting country shall, before granting an export licence, satisfy themselves that the arms and munitions for which such licence is requested are intended for a proper purpose and not for disposal in any way contrary to the objects of this Convention or any other international engagements that may exist, and, further, that the quantity supplied is not greater than that necessary for the maintenance of public order or the defence of the territory against aggression.

"4. Licences for the export of arms and munitions under Category I will be granted only under the conditions specified in Articles 2 and 3.

"5. The issue of licences to import arms and munitions shall be subject to such regulations as the authorities of the importing country may from time to time prescribe.

"6. Consignments of arms and munitions in transit shall be subject to the provisions of Article 4.

"7. Nothing in this article shall affect the conditions under which licences may be issued under Article 5."

M. SCHANZER said that, generally speaking, after a rapid examination he agreed with the spirit of these amendments but that he did not see how they could be combined with the rest of the article. In particular, he pointed out that paragraph 5 made the delivery of export licences subject to the consent of the importing countries, though the question of prohibited zones arose.

M. LEBRUN further noted that these amendments appeared to cover the whole of Article 6.

M. SCHANZER did not think that he would be able to vote on the British amendment before a careful examination had been made of it by the drafting committee. It was not certain that these amendments entirely covered Article 6 and Article 10.

The CHAIRMAN recognised that it was difficult to take a decision on the amendments which had not, owing to circumstances, been examined either by the First Sub-Commission or by the Permanent Advisory Commission. He proposed that the discussion should be adjourned.

51. Declaration by Admiral de Souza e Silva regarding Article 9.

Admiral DE SOUZA E SILVA made the following declaration:

"I wish to state that I have voted for the amendment to Article 9 submitted by M. Dupriez after having heard the observations of Mr. Gibson, representative of the United States of America, in order to conform logically with the recommendations of the Council intended to meet the objections formulated by the United States of America, which involved the necessity of introducing amendments into the Convention of St. Germain to assure adhesion to that Convention and to guarantee the complete success of the Convention which is being framed."

FIFTH MEETING

Held on Thursday, July 10th, 1924, at 10.30 a.m.

52. Continuation of the Discussion of Article 10.

The CHAIRMAN reopened the discussion on Article 10 and pointed out that it dealt with the very important question of prohibited zones. He reminded the Commission that the First Sub-Commission had proposed to leave the decision on this point entirely to the Council, and he said he was entirely in favour of this proposal. He therefore proposed that the question should be referred to the Council for decision, together with Rear-Admiral Aubrey Smith's very interesting suggestion.

M. DUPRIEZ disagreed with the Chairman's proposal, as he considered that the Commission ought to give its opinion on this article. Although the Commission might not think itself competent to solve the problem of delimiting the prohibited zones, in his opinion its present task was to draw up a text regarding the regime to be applied to these zones, and on this point the Commission ought to give a definite reply. Personally, he thought the Sub-Commission's text was preferable to the British text. It was essential to make a clear distinction between the question of exportation and the question of importation. Article 6 dealt with exportation and Article 10 ought to deal with importation.

In the British proposal, however, the two questions were confused. Moreover, there were unnecessary paragraphs containing reservations to the articles which had already been voted on the previous day.

There were also objections to paragraph 3, which imposed obligations on the exporting Powers which they would be unable to accept. The article proposed by the Sub-Commission already imposed certain obligations on countries exporting to the prohibited zones, but the British amendment rendered these obligations altogether too severe. In part (a) of paragraph 3 it was laid down that, in the case of prohibition areas which were under the jurisdiction or tutelage of one of the High Contracting Parties, arms of all kinds, even purely sporting weapons, could not be imported unless the authorities of the country under whose tutelage the importing country stood were prepared to admit their entry. The obligations laid down in part (b) of the paragraph were even more strict. Part (b) laid down that, in the case of prohibition areas which were not under the jurisdiction or tutelage of one of the High Contracting Parties, the authorities of the exporting country would have to satisfy themselves that the arms and munitions were intended for a proper purpose and that the quantity supplied was not greater than that necessary for the maintenance of public order or the defence of the territory against aggression. He thought it would be very difficult for any Government to determine whether these conditions had been complied with.

He therefore had fundamental objections to the British amendment, and he proposed that the discussion should be based on Article 6 and Article 10 as proposed by the First Sub-Commission.

M. COBIAN proposed that a stipulation should be inserted in paragraph 3 to the effect that in no case should the importation of arms and munitions into the prohibited zones be allowed without the previous authorisation of the Government exercising jurisdiction or tutelage over the territory in question.

The CHAIRMAN thought that no good purpose would be served by a discussion on this point, and he again suggested that the question should be referred to the Council, together with the British proposal, which, in any case, the Commission had not been able to study exhaustively, as it had only been laid before it during this session.

Rear-Admiral Aubrey SMITH explained that this was due to exceptional circumstances, and apologised to the Commission for having been unable to submit his amendment to the First Sub-Commission or some time before the session.

M. JANCOVICI asked the Chairman to make it clear that the British amendment had not been thoroughly discussed by the Commission, so that it would be quite obvious that the Commission had not expressed any opinion on it.

• M. SCHANZER was in favour of referring Articles 6 and 10 and the British amendment to the Council. In that case, he thought it would be simpler, and there would be some gain in clearness, if the Drafting Committee did not touch paragraphs 1 and 2 of the amendment.

Count BONIN-LONGARE asked whether he was right in understanding the Chairman to say that the British amendment would be sent as an annex but not in the form of an opinion expressed by the Commission nor in that of a text intended to replace entirely the text drafted by the First Sub-Commission.

The CHAIRMAN said that that was so.

M. DUPRIEZ asked whether, instead of this, the First Sub-Commission's text should be sent to the Council as having been approved by the Temporary Commission, the British proposal being annexed with a note to the effect that the Temporary Commission had not had time to consider it.

The CHAIRMAN did not think that any discussion on this article would be of great value; in his opinion M. Dupriez's fears were unfounded. The Commission could say that the British proposals had been submitted too late for any serious consideration. He again suggested that the British proposal should be sent to the Council as an additional document to this article, but without comment.

Count HIROSAWA supported the Chairman's proposal but suggested that Article 10 (a) should be omitted, the question of prohibited zones being an entirely political one.

The CHAIRMAN pointed out that the British delegation had made no proposal for the drafting of Article 10 (a).

M. JOUHAUX wished the Commission to state explicitly that it has expressed no opinion on the British proposal.

The CHAIRMAN repeated that Article 10 would be sent to the Council with the Minutes of the meetings. The Council could accept the British amendment, just as it could accept any other amendment which might be submitted to it.

Commander DELEUZE said that he did not quite understand this procedure, because in Articles 6 and 10 there were two fundamental questions of principle. If no decision was reached on those questions, any examination of the other technical articles would be valueless.

The CHAIRMAN pointed out that the first paragraph had already been accepted, and the Drafting Committee had been instructed to insert it either in Article 6 or in Article 10. The second paragraph had also been accepted. The third paragraph had not been accepted but was referred to the Council with the documents relating to Article 10, on which the Council would have to give its opinion.

M. DUPRIEZ said that they had accepted the two fundamental principles, but, as they had laid down the principle of licences, they must also draw up the conditions in which licences would be granted. He accordingly proposed that the Commission should, in principle, accept the wording drawn up by the First Sub-Commission and transmit to the Council for consideration the British amendment which the Commission itself had not been able to examine exhaustively.

53. Resolution proposed by M. Schanzer regarding Article 10.

M. SCHANZER proposed the following resolution:

"The Commission adopted the principle of Article 10. In view, however, of the special character of the article, the Commission decided to forward to the Council the text drafted by the Sub-Commission. The Minutes of the meetings, together with the amendments submitted by the British delegation, are also attached for information."

The resolution was adopted.

54. **Protest of the Persian Representative.**

Prince ARFA-ED-DOWLEH protested against the inclusion of Persia in the prohibited zones mentioned in Annex III to the British proposal to the Permanent Advisory Commission. He asked for his protest to be mentioned in the Minutes.

The CHAIRMAN replied that no mention was made of Persia in the texts then under discussion. Article 10 had been referred to the Council unaccompanied by any proposal regarding the prohibited zones.

55. **Article 11.**

The CHAIRMAN informed the Commission that Articles 11 to 25 were all of a technical nature, and that the Permanent Advisory Commission had proposed certain amendments which might be generally accepted by the Commission.

Rear-Admiral Aubrey SMITH withdrew the British delegation's amendment.

Article 11 was adopted.

56. **Article 12.**

Article 12 was adopted.

57. **Article 13.**

Article 13 was adopted.

58. **Article 14.**

Article 14 was adopted.

59. **Article 15.**

Wording of the Permanent Advisory Commission.

"Subject to any contrary provisions in existing special agreements, or in future agreements, provided that in all cases such agreements otherwise comply with the provisions of the present Convention, the sovereign State or mandatory Power, or other recognised authorities, shall carry out the supervision and police measures within territorial waters in the prohibited areas and zone specified in Article 6."

Rear-Admiral Aubrey SMITH proposed that the words "or other recognised authorities" inserted by the Permanent Advisory Commission at the suggestion of the British delegation should be deleted.

M. SCHANZER supported the Legal Section's proposal, since the expression "or other recognised authorities" did not correspond to any concrete legal idea and might give rise to difficulties of interpretation. He pointed out, further, that the sentence in the Legal Section's text stating that the sovereign State or Power entrusted with a mandate would be able, "if necessary, to give such instructions as may be required to the native or other authorities which are subordinate to them" entirely met the British delegation's views.

Article 15 was adopted with the omission proposed by Admiral Aubrey Smith.

60. **Article 16.**

The CHAIRMAN pointed out that the Legal Section had stated that a part of this article referring to the verification of the nationality of supposed native vessels might be placed in Article 20.

Article 16 was adopted with this modification.

61. **Article 17.**

Wording of the Permanent Advisory Commission.

"To prevent all illicit conveyance of arms or ammunition within the prohibited areas and maritime zone defined in Article 6, native vessels of less than 500 tons net tonnage: (a) not exclusively engaged in the coasting trade between different ports

of the same State, colony, protectorate or territory under mandate; or (b) not engaged in carrying on behalf of a Government, as permitted by Article 12, paragraph 6 (a), and proceeding to or from any point within the said areas and zone, must carry a manifest of their cargo or similar document specifying the quantities and nature of the goods on board, their origin and destination. This document shall remain covered by the secrecy to which it is entitled by the law of the State to which the vessel belongs and must not be examined during the proceedings for the verification of the flag unless the interested party consents thereto.

"The provisions as to the above-mentioned document shall not apply to vessels only partially decked, having a maximum crew of ten men and exclusively employed in fishing within territorial waters."

Rear-Admiral Aubrey SMITH proposed the deletion of the last paragraph, the members of the Naval Sub-Committee being of opinion that it would unduly hamper an officer in the execution of his duty of detecting the illicit trade in arms and ammunition and make his work very difficult, if not impossible.

• Major HILLS supported the proposal to delete this paragraph, for control could not be effective if the manifests of cargoes were covered by the secrecy to which they were entitled by the law of the State to which a vessel belonged, and could not be examined during the proceedings for the verification of the flag.

M. SCHANZER asked the Commission to take note of the following declaration: Like the other Italian delegates, he was not in possession of the necessary information to express a definite opinion on these questions. As Italy was represented on the Permanent Advisory Commission by a technical expert, he supported the wording drawn up by that body and stated that he was unable to offer an opinion on technical naval questions.

The CHAIRMAN pointed out that in the article under discussion the Naval Sub-Commission had expressed a technical opinion, and that the Permanent Advisory Commission had not directly amended the article, as it had realised that the amendment had a political aspect and had accordingly referred it to the Temporary Mixed Commission.

M. SCHANZER would in that case support the amendment.

Commander DELEUZE pointed out that the political aspect would again require consideration in the paragraph under discussion, *viz.*, the treatment to be applied to native boats flying another flag than that of one of the High Contracting Parties. If the last paragraph were deleted, they would have to insert some other provision in its place, reserving the right of the non-Contracting Powers, or obtaining their permission, for the inspection in controlled areas of native vessels flying their flag.

Captain MONTAGUT said that, if the right of inspection were restricted to the vessels of the High Contracting Parties, the result would be that the entire traffic in arms and munitions would be carried on by the vessels of countries who were not contracting parties. In order to meet this case, it would be necessary to lay down some regulations for the latter vessels.

The CHAIRMAN proposed leaving this question in abeyance pending the discussion of Article 20, which dealt with the same subject.

Article 17 was adopted, with the omission of the last paragraph.

62. Article 18.

Article 18 was adopted.

63. Article 19.

Wording of the Permanent Advisory Commission.

"Native vessels to which, under the provisions of the last paragraph of Article 13, the regulations relating to the manifest of the cargo are not applicable shall receive from the territorial or consular authorities, as the case may be, a special licence, renewable annually and revocable under the conditions provided for in Article 19.

"This special licence shall show the name of the vessel, her description, nationality, port of registry, name of captain, name of owner and the waters in which she is allowed to sail."

Rear-Admiral Aubrey SMITH stated that the Naval Sub-Commission had proposed to delete this article, as it thought it extremely difficult of application, if not quite impossible to put into practice. A provision of this nature would entail an enormous amount of work and expenditure without having any appreciable practical effect.

Article 19 was deleted.

64. Article 20.

Wording of the Permanent Advisory Commission.

"The High Contracting Parties agree to apply the following rules in the maritime zone specified in Article 6:

"(1) When a warship belonging to one of the High Contracting Parties encounters outside territorial waters a supposed native vessel of less than 500 tons burden (net tonnage):

- "(a) flying the flag of one of the High Contracting Parties;
- "(b) flying the flag of a recognised nation;
- "(c) flying no flag;

and the commander of the warship has good reason to believe that the supposed native vessel:

- "(d) is flying a flag without being entitled to do so;
- "(e) is not lawfully entitled to fly the flag of any recognised nation;
- "(f) is illicitly conveying arms or ammunition;

he may proceed, subject to the condition indicated in the paragraphs below, to verify the nationality of the vessel by examining the document authorising the flying of the flag, if this document exists, but no other papers, unless the interested party consents thereto.

"(2) With this object, a boat commanded by a commissioned officer in uniform may be sent to visit the suspected vessel, after she has been hailed to give notice of such intention. The officer sent on board the vessel shall act with all possible consideration and moderation; before leaving the vessel the officer shall draw up a *procès-verbal* in the form and language in use in his own country. This *procès-verbal* shall state the facts of the case and shall be dated and signed by the officer.

"Should there be on board the warship no commissioned officer other than the commanding officer, the above-prescribed operations may be carried out by the warrant, petty, or non-commissioned officer *at the discretion of the commanding officer.*

"The captain or master of the vessel visited, as well as the witnesses, shall be invited to sign the *procès-verbal*, and shall have the right to add to it any explanations which they may consider expedient.

"(3) In the cases referred to in paragraphs 1 (a) and 1 (b) of this article, *unless the right to fly the flag can be established*, the vessel shall be conducted to the nearest port in the zone where there is a competent authority of the Power whose flag has been flown and shall be handed over to such authority.

"Should the nearest competent authority representing the Power whose flag the vessel has flown be at some port at such a distance from the point of arrest that the warship would have to leave her station or patrol to escort the detained vessel to that port, the foregoing regulation need not be carried out. In such a case, the vessel may be taken to the nearest port where there is a competent authority of one of the High Contracting Parties of nationality other than that of the warship, *and handed over to such authority* and steps shall at once be taken to notify the *detention* to the competent authority representing the Power concerned.

"No proceedings shall be taken against the vessel or her crew until the arrival of the representative of the Power whose flag the vessel was flying or without *authority* from him.

"The suspected vessel may also be handed over to a warship of the nation whose flag she has flown if the latter consents to take charge of her.

"(4) The procedure laid down in paragraph 3 may be followed if, after the verification of the flag and in spite of the *manifest being in order*, the commander of the warship continues to suspect the native vessel of engaging in the illicit conveyance of arms or ammunition.

"(5) In the cases referred to in paragraph 1 (c) of this article, if it is ascertained as a result of the visit made on board the native vessel that, whereas it flew no flag, it was also not entitled to fly the flag of a recognised State, the native vessel, if carrying arms and ammunition, shall be conducted to the nearest point in the zone where there is a competent authority or the Power to which the warship which effected the capture belonged, and shall be handed over to such authority.

"The illicit cargo of arms and ammunition shall be destroyed and the vessel and all cargo carried in addition to the arms and ammunition shall be seized by such authority and disposed of according to its own laws."

Rear-Admiral Aubrey SMITH stated that the Naval Sub-Commission had realised that the detection and prevention of the illicit traffic in arms on the high seas was handicapped by almost insuperable difficulties and that consequently the most effective means of preventing it consisted in the destruction of every illicit cargo detected at sea.

M. LEBRUN could not see the difference between the original article and that proposed by the Legal Section. Greater precision was, however, desirable in regard to the procedure to be followed in the case of discovery of illicit cargoes.

The CHAIRMAN thought that the main difference consisted in the fact that the Legal Section's text contemplated action on the part of the country interested, whereas that submitted by the Permanent Advisory Commission made no mention thereof.

M. SCHANZER thought it necessary to express in clearer terms the ideas contained in this article, *viz.*, that the seizure of the ship and the destruction of the illicit cargo should be carried out according to the laws of the country effecting seizure. He proposed that the Drafting Committee should be instructed to draw up a fresh wording for this article.

The proposal was adopted.

Rear-Admiral Aubrey SMITH pointed out that paragraph 4 referred to cases in which the commander of a warship who continued to suspect a native vessel, even after verifying its flag and after finding its manifest in order, might nevertheless proceed in accordance with the provisions of paragraph 3. He thought this procedure too severe. He proposed that it should be adopted only for vessels belonging to the High Contracting Parties.

M. DUPRIEZ thought that the case referred to by Admiral Aubrey Smith was only one particular aspect of the observation which Captain Montagut had just made. If the vessels of States which were not High Contracting Parties could not be inspected, the whole Convention lost its force. He therefore proposed that they should discuss this important problem immediately.

Captain MONTAGUT agreed with the opinion that the Convention would be of no use if they could not inspect all vessels. They were faced by a dilemma, for if provision were made for inspecting all vessels they would be going contrary to the provisions of international law.

The CHAIRMAN proposed that they should not touch the text of the article as regarded the technical aspect of the question. As, however, there was a political side to the question, the question as a whole might be settled by the Council or by the Government concerned.

M. SCHANZER pointed out that the difference between Article 20, which was now being examined, and the corresponding article of the Convention of St. Germain lay in the fact that the latter provided for the inspection of the vessels of the High Contracting Parties, whereas Article 20 admitted the search of all vessels. From the point of view of the efficacy of the Convention, he thought that Article 20 was to be preferred. However, he did not know whether, from the point of view of international law, it would be possible to apply this article. He therefore supported the Chairman's suggestion to refer the matter to the Council.

65. Amendment of Admiral Aubrey Smith to Article 20.

Admiral Aubrey SMITH submitted the following amendment to paragraph 5:

"In the cases referred to in paragraph 1 (c) of this article, if it is ascertained, as a result of the visit made on board the native vessel, that, whereas it flew no flag, it was also not entitled to fly the flag of a recognised State, the native vessel shall, unless the innocent nature of her cargo can be established to the satisfaction of the commanding officer of the warship, be conducted to", etc.

66. Proposal by Captain Montagut for Article 20.

Captain MONTAGUT proposed to incorporate paragraph 5 in paragraph 3, for all the vessels referred to in paragraph 5 could be brought within the scope of paragraph 3.

Admiral Aubrey SMITH observed that in paragraph 3 mention was made of vessels which had not the right to fly a certain flag, whereas paragraph 5 referred to vessels which had not the right to fly any flag at all.

Captain MONTAGUT stated that there was no appreciable difference, for a vessel which had not the right to fly any flag might always fly some sort of a flag when it met a warship on patrol.

M. JOUHAUX pointed out that, while they should aim at very effective control, he thought that some of the provisions were too severe. For instance, paragraph 4 enabled the commander of a warship to regard a native vessel as suspect even after he had verified its flag and found a manifest in due form. In the last division of paragraph 5 allowance was made for the seizure of all cargo carried in addition to arms and munitions.

Admiral Aubrey SMITH said that he must insist upon his amendment concerning vessels which had no longer the right to fly a flag.

M. SCHANZER explained that, in accordance with the declaration already made, the Italian delegation would abstain from voting. He wished to point out that such abstention was not equivalent to the expression of a contrary opinion.

67. Proposal by the Chairman for Article 20.

The CHAIRMAN pointed out that they had to vote on the insertion in this article of two lines indicated by the Legal Section in respect of Article 16 (Presumption of the Native Character of Vessels):

"Any vessel which presents the appearance of a native build or rig shall be presumed to be a native vessel."

Article 20 was adopted with this addition and with the amendment submitted by Admiral Aubrey Smith.

68. Article 21.

Article 21 was adopted with the amendment submitted by the Legal Section.

69. Article 22.

Article 22 was adopted.

70. Article 23.

Article 23 was adopted.

71. Article 24.

Article 24 was adopted.

72. Article 25.

Article 25 was adopted.

73. Article 26.

Wording of the Permanent Advisory Commission.

"The High Contracting Parties which exercise authority over territories within the prohibited areas and zone specified in Article 10 agree to take, so far as each may be concerned, the measures required for the enforcement of the present Convention, and in particular for the prosecution and repression of offences against the provisions contained therein.

"They shall communicate these measures to the Central International Body and shall inform it of the competent authorities referred to in the preceding articles. Such of them as are Members of the League of Nations shall at the same time transmit this information to the Secretary-General of the League."

The CHAIRMAN pointed out that in the case of this article and the following they had again come to the political part of the Convention. He recalled that the Permanent Advisory Commission proposed to add the sentence from the Convention of St. Germain amended as follows to the first paragraph:

"and to appoint the necessary territorial and consular officers or special representatives competent for this purpose".

Article 26 was adopted.

(The Drafting Committee will decide where the addition made by the Permanent Advisory Commission is to be inserted.)

74. Article 27.

Wording of the Sub-Commission.

"The High Contracting Parties will use their best endeavours to secure the accession to the present Convention of the other States, whether Members of the League of Nations or not.

"This accession shall be notified through the diplomatic channel to the Government of the French Republic, and, by it, to all the signatory or adhering States. The accession will come into force from the date of such notification to the French Government.

"Any State may, with the consent of the High Contracting Parties, notify its partial or conditional adherence to the provisions of the present Convention, provided that such conditions or partial adherence do not affect the effectiveness of the supervision of trade in arms and ammunition."

The CHAIRMAN, taking into account the observations of the Legal Section, proposed that the Commission should instruct the Drafting Committee to insert the first two paragraphs in a more appropriate place. For the present they might merely approve the principle embodied.

75. Amendments by M. Jancovici to Article 27.

M. JANCOVICI expressed the opinion that the first paragraph constituted a recommendation which was quite out of place in an international convention. As regards the second paragraph, he would propose to substitute for the words "to the Government of the French Republic" the words "to the Secretariat of the League of Nations".

The CHAIRMAN asked Mr. Gibson's opinion on this point.

Mr. GIBSON stated that his Government's point of view had already been communicated to the Commission with regard to Article 9 and that consequently he had nothing further to add.

M. DUPRIEZ thought that they ought to maintain the text as proposed, for it was identical with the text of the Convention of St. Germain and was, moreover, in conformity with the diplomatic traditions of the past. Other treaties had been drawn up at the instance of the League of Nations and the same traditional procedure had been followed. In making changes, they might cause certain difficulties as regarded the adherence of the United States.

• The CHAIRMAN pointed out that latterly diplomatic ratifications had been deposited at the Secretariat of the League of Nations.

M. Jancovici's two amendments were rejected.

The first two paragraphs were adopted.

The arrangement proposed by the Legal Section was submitted to the Drafting Committee.

76. Article 27, Paragraph 3.

M. SCHANZER thought that the observations of the Legal Section were entirely justified, and he admitted the system of partial adherence by submission to the approval of the other High Contracting Parties. That was very right, for otherwise a rather confused legal situation might arise if partial adherences could have the effect of diminishing the force of the Convention.

The CHAIRMAN asked Mr. Gibson to be good enough to state his opinion, for he thought that his Government was interested in the question.

Mr. GIBSON said that he did not desire to offer any particular observations, but in any case he thought that the paragraphs in question might make it easier for his Government to take the present Convention into consideration.

Colonel REQUIN asked the Drafting Committee to rectify two matters of form in paragraph 3. In point of fact, one contracting party could not arrive at an arrangement itself, because two were necessary to do this. The terms were, therefore, incorrectly drawn up. Besides, it was necessary to mention the reservations, *i.e.*, conditional or partial adhesion after the notification for which provision had been made.

M. JANCOVICI said he thought the consequence of inserting this article would be to diminish the forces of the Convention, for every State which adhered only partially would detract from its underlying principle. He proposed that the paragraph should be omitted.

Count HIROSAWA said that he thought the First Sub-Commission and the Plenary Commission had done all they could to obtain the adherence of the United States. He thought that by adding paragraph 3 they might cause complications. In any case, the text of the Convention that they had drawn up was not final, and the United States would certainly be represented at the international conference at which the Convention would be established.

M. BRANTING supported Count Hiroswawa's remarks, for he did not think it would be desirable to adopt too broad a formula which, although it might facilitate the adherence of a larger number of States, would undermine the very spirit of the Convention.

M. SCHANZER asked the Commission to be good enough to approve this paragraph, for he thought that the object they sought was to obtain the adherence of a large number of Governments. The danger pointed out by M. Branting and by other speakers was non-existent, for partial adherences would only be accepted if the other High Contracting Parties had no objection.

M. COBIAN said he thought this paragraph should be amended, but that the absolutely exceptional nature of the provision should be emphasised. He also thought that there was a danger in making the opposition of one Power with regard to the partial or conditional adhesion of another Power decisive. He proposed that opposition to such an adhesion should be made by three States as a minimum.

M. JOUHAUX asked whether they could not discover some wording which would show more clearly that conditional adherence must not affect the underlying principles of the Convention. He would not like the Convention to be deprived of its force merely for the sake of obtaining more numerous adherences.

M. DUPRIEZ replied to M. Jouhaux that the best guarantee against the danger he pointed out was contained in the second sub-paragraph of the third paragraph, which laid down that in the case of Powers which adhered partially to the Treaty the Convention would only come into

force if, within the period of a year from the notification, no objection had been raised to their adherence to the Convention. In any case, even by adopting a stricter formula, its application would always have to be left to the decision of the High Contracting Parties. On these same grounds, he was opposed to M. Cobian's proposal.

The CHAIRMAN proposed that they should approve paragraph 3 in principle and leave the task of drafting this paragraph to the Drafting Committee.

This proposal was adopted.

SIXTH MEETING.

Held on Thursday, July 10th, 1924, at 3.30 p.m.

77. Continuation of the Discussion of Article 27.

The CHAIRMAN reminded the Commission that the article under discussion was Article 27.

M. COBIAN was anxious to draw the Commission's attention to the danger of making it possible for a single Power to object to the conditional or partial adherence of another country.

M. DUPRIEZ replied that this was the sole guarantee that the principle of control would be properly observed.

The Legal Section's text regarding conditional or partial adherence was adopted.

78. Article 28.

The Legal Section's text for Article 28 was adopted.

79. Article 29 .

Wording of the Sub-Commission.

"All the provisions of former general international conventions relating to the matters dealt with in the present Convention shall be considered as abrogated in so far as they are binding between the Powers which are parties to the present Convention.

"The present Convention shall in no way affect the rights and obligations which may arise out of the provisions either of the Covenant of the League of Nations or of the Treaties of Peace signed in 1919 and 1920 at Versailles, Neuilly, St. Germain and Trianon and the provisions of Agreements registered with the League of Nations and published by the League up to the date of the coming into force of the present Convention, so far as the Powers which are signatories of or benefit by the said Treaties or Agreements are concerned."

COUNT BONIN-LONGARE asked why the text proposed by the Legal Section alluded to the St. Germain Convention.

M. DUPRIEZ added that there was no reason for quoting it, as it had never been put into force.

Colonel REQUIN replied that, according to the terms of the St. Germain Convention, it was in force for the eleven Powers which had ratified it.

80. Proposal of M. Dupriez for Article 29.

M. DUPRIEZ proposed that, in order to simplify the formula, the words "including the St. Germain Convention" should be inserted in paragraph 1.

This proposal was adopted.

Major HILLS pointed out that the Washington Naval Treaty, which contained provisions in regard to the transfer of warships from one Power to another, ought to be included in the second paragraph among the treaties in regard to which reservations were made.

Mr. GIBSON agreed with Major Hills. He added that the Washington Naval Treaty on the use of submarines and poison gases ought perhaps to be taken into consideration also.

M. SCHANZER objected to this proposal and pointed out that the latter treaty referred to by Mr. Gibson dealt not with the traffic in weapons but only with their use.

81. Observation by Colonel Requin on Article 29.

Colonel REQUIN said that the expression "other corresponding treaties", as a description of peace treaties other than that of Versailles, seemed to him both vague and inadequate.

The Commission adopted Article 29 in its original form, with the insertion of a reference to the St. Germain Convention and to the Washington Naval Treaty and with a correction to meet Colonel Requin's observation.

82. Article 30.

Wording of the Sub-Commission.

"The Council of the League of Nations shall cause to be published an annual report on the trade in arms and munitions of war, the licences issued by the different Governments and the situation of the trade in arms.

"This report shall be submitted to the Assembly of the League of Nations."

The CHAIRMAN supported the wording proposed by the British delegation for paragraph 1:

"The Council of the League of Nations shall cause to be published an annual report on the operations of the present Convention."

Article 30 was adopted, with the amendment proposed by the British delegation.

83. Article 31.

Wording of the Legal Section.

"The present Convention, of which the French and English texts shall both be authentic, is subject to ratification. It shall bear to-day's date and shall be open for signature by the Powers until . . . (date).

"Each Power shall address its ratification to the French Government, which shall at once notify the deposit of ratification to each of the other signatory Powers.

"The instruments of ratification shall then remain deposited in the archives of the French Government."

M. JANCOVICI asked why the closing date for signatures had been left blank.

The CHAIRMAN replied that the International Conference would fill in the date.

M. DUPRIEZ asked why it was wished to fix a closing date for signatures.

The CHAIRMAN explained that, in the view of the Legal Section, a treaty could be signed up to a certain date; and after that the Powers which had not signed could accede.

Article 31 was adopted, with the wording proposed by the Legal Section.

84. Article 32.

Wording of the Legal Section.

"The present Convention will not come into force until it has been ratified by twelve Powers, among whom shall be the following: Belgium, the United States of America, France, Great Britain, Italy, Japan and Russia.

"The date of its coming into force shall be the . . . day after the receipt by the French Government of the twelfth ratification. Thereafter, the present Convention will take effect in the case of each Party . . . days after the receipt of its ratification or accession."

Admiral DE SOUZA E SILVA said that there were seventeen South American States interested in the Convention as non-producing countries. He thought it would be advisable that the ratification of at least one of these States should be necessary before the Convention entered into force.

The CHAIRMAN replied that it was more important to secure the ratification of all the great producing countries.

Admiral DE SOUZA E SILVA replied that a certain number of the South American States produced explosives. The insertion of one of these States in the article would give the American Continent the impression of being bound by the Convention.

M. DUPRIEZ drew attention to a difficulty arising out of the "partial adherence" clause. Would the Convention enter into force if the accession required by Article 32 were only partial? He proposed that the words "full ratification" should be inserted.

Moreover, if his proposal were accepted, a further difficulty would arise from the fact that the United States had been included among the six Powers whose ratification was necessary, although the "partial adherence" clause had been inserted on purpose to facilitate the accession of the United States. He proposed that the article should stipulate a certain number of full ratifications and a certain number of partial ratifications.

The CHAIRMAN asked M. Dupriez not to insist on his proposal. In view of the guarantee provided by Article 27 in regard to the effectiveness of the control, the Convention would fulfil its purpose perfectly if the six Powers named in the article adhered even conditionally.

The CHAIRMAN noted that the British delegation did not maintain its amendment regarding Russia.

Colonel REQUIN said he was not fully satisfied as to the value of this article. In the extreme case of the Convention's entering into force after twelve partial ratifications, a single full adherence subsequently might, in his opinion, cancel the first twelve.

The CHAIRMAN said it was hardly likely that a State would adhere to a Convention for the purpose of destroying it.

Article 32 was adopted in the form proposed by the Legal Section.

85. Article 33.

Article 33 was adopted in the form proposed by the Legal Section.

86. Article 35.

Article 35 (Legal Section's numbering) was adopted.

87. Article on Neutrality (now Article 25 of Final Text).

The text of the new article regarding breach of neutrality was read:

"In time of war, Articles 2, 3, 4 and 5 shall be considered as suspended from operation until the restoration of peace so far as concerns any export of arms, munitions or implements of war to or on behalf of any of the belligerents recognised as such by the exporting country, provided such recognition has been previously communicated to the other High Contracting Parties."

The CHAIRMAN proposed to insert in this article the words "transit" and "country of transit".

M. DUPRIEZ said that the article also provided for the suspension of the Convention in the prohibited zones, as regards exports intended for belligerents, in view of the fact that two High Contracting Parties might be at war on colonial territory.

The CHAIRMAN admitted that this was an inevitable consequence of the article.

M. SCHANZER attached special importance to this article, in the absence of which the Convention would necessitate fundamental changes in international law.

He took advantage of the opportunity to draw attention to a special point: the object of this article was to suspend the licence system in relations between belligerents and neutrals. In view of the article regarding the exportation of detached parts to private persons, it would also be necessary to suspend the licence system in respect of consignments to private persons manufacturing on behalf of one of the belligerents.

The CHAIRMAN, in reply to this objection, said that the article applied to arms exported on behalf of a belligerent, and added that the neutral State supplying the detached parts delivered them to another neutral State. In his opinion, the text fully allowed for this difficulty.

The Marquis DE VITI DE MARCO pointed out, however, that the authorisation of the country manufacturing the assembled weapons was necessary in order to obtain the component parts. It was therefore quite true that two neutral Governments were involved.

The CHAIRMAN replied that the neutral Government delivering the parts could do so in virtue of this article without granting a licence, provided that it knew they were intended for a belligerent.

M. DUPRIEZ pointed out that this procedure between two neutral Governments violated the secrecy regarding the armament contracts placed by the belligerent with one of these States, and that this might have serious drawbacks.

The CHAIRMAN replied that, in the event of war between two countries, a neutral State supplying detached parts would in any case know the use for which these parts were intended if they were exported.

Count BONIN-LONGARE said that this complicated discussion showed on what difficult ground the Commission had ventured. It ran the risk either of acting contrary to international law or of placing neutrals in an embarrassing position. This dilemma encouraged him to propose a new view for discussion. He suggested that in time of war the Convention should be suspended for everybody. If it were objected that any war might have far-reaching effects on the whole world, the suspension of the Convention could be restricted to a continent.

The CHAIRMAN considered that there were serious objections to this proposal. In certain cases it would be most inadvisable, on account of a war on a small scale confined to a small part of a continent, to suspend the Convention for all the great Powers of the Continent.

Furthermore, this proposal would prevent America, for example, from supplying belligerents in Europe, and *vice versa*.

He proposed that it should be left to the experts to consider whether there were any omissions in the article.

Major HILLS considered that the article presented another serious danger. The suspension of the Convention would enable private persons to buy arms on the pretext of delivering them to the belligerents. This would render it too easy to practise fraud by misrouting the goods. Such frauds would be continually going on, as there was practically always war somewhere on the globe. He proposed that the Commission should return to Viscount Cecil's first proposal, to the effect that the licence system was not contrary to the law on neutrality.

Count BONIN-LONGARE did not see the difficulty alleged by the Chairman of obtaining arms from America in the case of a war in Europe.

M. JOUHAUX said that, although he found the discussion very interesting, he did not think that it was for the Commission to solve this question of international law. The main purpose of the Temporary Mixed Commission was to prevent war and not to try to organise the transport of arms in time of war. He suggested that the proposal should be referred to a committee of legal experts.

Admiral DE SOUZA E SILVA thought that Count Bonin-Longare's proposal would constitute a safeguard for the neighbours of belligerent States on the same continent, as it would place them on the same footing as the belligerents in regard to the "supply of arms".

M. JANCOVICI hoped that, in regard to its anxiety concerning the fate of the Convention in time of war, the Commission would be guided by the Covenant, which recognised wars of two kinds: namely, legitimate wars and illegitimate wars. In any case, Article 16 of the Covenant laid down that in illegitimate wars all relations should be broken off with the aggressor.

The CHAIRMAN supported this proposal.

M. SCHANZER also considered M. Jancovici's observations of importance, but pointed out that Article 29 of the Convention reserved the rights and obligations arising out of the Covenant.

Further, it might be inferred from the debate in the 1921 Assembly on Article 16 of the Covenant that each country was entitled to decide whether or not the Covenant had been violated. M. Jancovici's proposal would accordingly greatly complicate the situation.

M. COBIAN supported M. Jouhaux's proposal. If that were not accepted, he would vote for Major Hills' motion.

M. DUPRIEZ supported the arguments put forward by M. Schanzer. A new reservation would not carry them any further. The Convention merely suspended Articles 2, 3, 4 and 5 and nothing else. He remarked also that M. Jancovici's proposal created an intolerable inequality, as it placed the victim and the aggressor on the same footing. Major Hills' solution too was unsatisfactory. It would be of but little value to small Powers, which might have to put up with powerful belligerents accusing them of violating neutrality.

M. JOUHAUX asked how the Commission proposed to reconcile the provisions of the Convention with those of the Treaty of Mutual Assistance.

M. SCHANZER replied that the Convention and the Treaty of Mutual Assistance were not inconsistent with one another. If a country violated the Covenant, all the provisions of the Treaty of Mutual Assistance would become operative.

M. JOUHAUX asserted that the object of the Treaty of Mutual Assistance was, first, to ensure peace, and, secondly, to ensure the victory of the attacked party. The Convention under consideration, however, permitted each country to supply arms to all belligerents alike.

The CHAIRMAN replied that all countries were obliged to support the party attacked and would obviously not send arms to the aggressor.

The article was adopted, the reference to Article 3 (a) and the words "transit" and "States crossed in transit" being inserted.

88. General Reserve made by M. Jouhaux.

M. JOUHAUX asked that the following general reserve should be made in the minutes, *viz.*:

“Considering that the Temporary Mixed Commission was set up to discover the means of applying Article 8 of the Covenant and that in these circumstances its principal task is that of establishing a Treaty of Mutual Assistance; and

“Considering that the provisions which it is introducing into the present Convention are entirely inconsistent with those of the Treaty of Mutual Assistance drawn up by it;

“He abstains from voting on the article under discussion.”

The CHAIRMAN said that, after voting on the article concerning neutrality, the Commission might now return to paragraph 1 of Article 3.

Paragraph 1 of Article 3 was adopted.

The CHAIRMAN announced that the British delegation withdrew its proposal for two separate conventions.

EIGHTH MEETING.

Held on Saturday, July 12th, 1924, at 10 a.m.

NOTE: The numbering of the articles quoted in the following minutes is that of the Final Text of the draft Convention.

89. Reading of the Final Text of the Draft Convention.

The CHAIRMAN proposed that the Commission should once more read the text of the Convention as prepared by the Drafting Committee, and he asked members to submit any alterations they would like to make.

90. Commander Deleuze's Amendment to Article 1.

Commander Deleuze's amendment to Article 1 was read:

“Category I. — 2. *Implements of War hereafter enumerated.*

“Ships of all kinds designed exclusively for war, including submarines and submersibles;

“Airships, aeroplanes and seaplanes designed exclusively for war;

“Tanks;

“Armoured cars;

“Component parts of the above enumerated implements of war which are not capable of other use than for the manufacture of those implements.”

Commander DELEUZE explained that the object of his amendment was to make it quite clear that the component parts were those which were not used for any purpose other than war.

Major HILLS thought that this interpretation was too narrow. It would result in almost all component parts being excluded from this category.

The CHAIRMAN explained to the Commission that there was a disagreement not merely on a question of form but on a question of substance.

If Commander Deleuze's proposal were accepted, a searchlight intended for a warship would not be included in Category I since it might be used for other purposes than war.

Major HILLS did not agree with this.

Commander Deleuze's proposal was adopted in the following form:

“2. Material of war as below and component parts which are only capable of being utilised in the manufacture of the said material.”

91. Article 2.

Article 2 was amended as follows:

“The High Contracting Parties undertake not to export themselves, and to prohibit the export of munitions and implements of war similar in character to those enumerated in Category I, except on the following conditions.”

92. Article 3, Paragraph 5.

The CHAIRMAN pointed out that the importing Governments which, under paragraph 6, should forward a copy of the export licence could only do so if they received the export licences. With this in view, he suggested that the words "and shall accompany the consignment" should be added to paragraph 5.

The proposal was adopted.

Admiral Aubrey SMITH reminded the Commission that they had held over their decision with regard to the form in which the export licences should be forwarded to the Central International Body.

He proposed that the words "a return of licences" should be substituted for the word "copy".

The proposal was adopted.

The CHAIRMAN also asked the Commission to delete "nevertheless", the first word of the article, as a result of the new wording of Article 2.

• *This was agreed to.*

93. Articles 4 and 5.

Articles 4 and 5 were adopted.

94. Article 6.

Article 6 was adopted.

95. Article 7.

Admiral Aubrey SMITH suggested that Articles 7 and 9 should be amalgamated into a single article; all the provisions in respect of prohibited zones should be contained in a single article, as this would make the use of the Convention easier.

Major HILLS thought that it was more logical to keep all the general provisions with regard to the obligations incumbent on Governments together at the beginning of the Convention.

The CHAIRMAN said that the Drafting Committee had been unanimous in their approval of this method.

Admiral Aubrey Smith's proposal was rejected.

Article 7 was adopted, with the following amendments:

"Fifth line: Instead of 'without prejudice to the provisions', read 'provided that they conform to the provisions'.

"Sixth line: Instead of '2 to 5', read '3 to 5'."

96. Article 8.

Article 8 was adopted, with the following amendments:

"Second paragraph, first line: Instead of 'an annual report showing the export licences', read 'a return of licences'.

"Second paragraph, fifth line: Instead of 'this report', read 'this return'."

97. Article 9.

The CHAIRMAN reminded the Commission that it had decided to submit the text of the article and to add the British amendments following the article to the Minutes which were to be sent in to the Council.

The Commission adopted the British amendment prohibiting the transportation of arms not only in the maritime zones, as laid down in the article, but also in the territorial zones.

98. Article 10.

Article 10 was adopted, with the addition in paragraph 2, fifth line, of the words "or naval" after the word "military".

99. Articles 11, 12, 13, 14.

Articles 11, 12, 13, 14 were adopted without alteration.

100. Article 15.

Count BONIN-LONGARE said that, so far as all these articles were concerned, as they were of a technical naval character, his acceptance was conditional subject to the approval of the Italian naval experts.

The CHAIRMAN said that the Commission would take note of this declaration.

The French text of Article 15 was adopted. (The English text of the two first paragraphs of Article 15 required re-drafting.)

101. Articles 16 and 17 .

Articles 16 and 17 were adopted.

102. Article 18.

On the proposal of Admiral Aubrey SMITH, the Commission added at the end of the first paragraph of paragraph 1, after the word "exists", the words "and the manifest provided for in Article 16".

The Commission adopted Commander Deleuze's suggestion that the last paragraph but one should begin with the words "if it is proved that the ship that has been stopped was illicitly transporting arms, munitions or implements of war".

Article 18, with these two amendments, was adopted.

103. Article 19.

Article 19 was adopted.

104. Article 20.

The CHAIRMAN pointed out that Article 8 already covered the second part of Article 20. *The Committee adopted the following wording for Article 20:*

"The High Contracting Parties undertake to communicate to the Central International Body specimen forms of the documents mentioned in Articles 15, 16 and 17."

105. Articles 21, 22 and 23.

Articles 21, 22 and 23 were adopted.

106. Articles 24 and 25.

Articles 24 and 25 were adopted.

Major HILLS proposed that the order of these articles should be inverted.

This proposal was adopted.

107. Article 26.

Count BONIN-LONGARE pointed out that the phrase "any High Contracting Party", with which the article began, appeared to assume that the Government referred to had already adhered.

The Commission decided to ask the Secretariat to make the necessary alterations in this text.

108. Article 27.

Article 27 was adopted.

109. Article 28.

Admiral DE SOUZA E SILVA asked how the Council would obtain the information necessary for the publication of the report.

The CHAIRMAN said that the Council, to whom the Commission had referred the question of the organisation of the Central International Body, could also take a decision with regard to this problem.

The Commission decided to adopt the article without any alteration other than the substitution of the word "presented" for the word "submitted".

110. Articles 29, 30 and 31.

Articles 29, 30 and 31 were adopted.

111. Article 32.

General DE MARINIS pointed out that the date of coming into force should be not earlier than one year after the receipt of the twelfth ratification, since such ratification might be conditional,

and, if so, would only be permanently received if no objection was raised by the other High Contracting Parties during the following year.

The CHAIRMAN replied that the last ratification might be a full and unconditional one, in which case this point would not arise.

The CHAIRMAN further noted that, as the date was left blank, the international conference would have to decide what the period of time was to be.

Article 32 was adopted.

112. Articles 33 and 34.

Articles 33 and 34 were adopted without alteration.

113. Statement by Mr. Gibson.

Mr. GIBSON wished to express to the Commission his sincere thanks for the manner in which it had accepted the views of his Government. He had been deeply impressed by the desire of the Commission to accord full and friendly consideration to his observations, in addition to those of his predecessor. He was also sensible of the readiness of the Commission to devote thorough and painstaking discussion to the means calculated to render the text of the Convention acceptable to his Government; the final attitude of his Government could not, of course, be made known until the precise text was before it.

The CHAIRMAN said that he was sure that he expressed the view of the whole Commission in thanking Mr. Gibson for the information he had given, which had been of great value to the Commission. Mr. Gibson had had an opportunity of seeing how desirous the members of the Commission were to obtain the collaboration of the Government of the United States in the work they were doing for peace. He begged Mr. Gibson to transmit to his Government the expression of the views of the Commission, and once more thanked him in the name of the whole Commission.

Document 21.

TEXT PROPOSED FOR ARTICLE 3 OF THE DRAFT CONVENTION BY REAR-ADMIRAL DE SOUZA E SILVA (BRAZIL).

The object of Article 3 of the draft is to ensure that the export of arms and munitions in Category I shall be made public and shall be registered by the central authority and recorded in the annual statistics; it is also designed to place a check on the destination of such arms and munitions, *i.e.*, to establish that they are consigned to a Government for that Government's own use, and not to any third party or to private individuals. The object of this article is not to prevent exports under Category I for the requirements of any Government, nor to make the purchases required by that Government subject to the supervision and contingent upon the good-will of the Government of the exporting country.

There is therefore no reason for altering the existing practice (whereby Governments are already free to permit or prohibit the export of arms and munitions) by now requiring purchasing Governments to make special application to the Government of the exporting country for an exceptional authorisation or licence to purchase arms and munitions and to enable the nationals of the latter Government to export them.

Accordingly, in place of the *authorisation or licence* which, under Article 3, must be obtained from the Government of the exporting country for purchases to be made by the Government of the purchasing country, the proposed text merely requires a certificate from the authorities of the exporting country stating the nature and destination of the arms and munitions exported, and certifying that they have the exceptional authorisation provided for in Article 3.

This certificate is to show that the export is being effected in conformity with the terms of the Convention; while serving the same practical purpose as the authorisation or licence, it does not invest Article 3 with the arbitrary character of a supervisory measure, as does the existing text.

Again, in the proposed new text the proceedings prior to export are to be taken by the exporter himself and not by the agent of the Government of the purchasing country. The object of this amendment is to make the whole transaction a question of purely internal administration for the exporting country by suppressing the direct intervention of the agent of the Government of the purchasing country with the authorities responsible for the supervision of exports.

This will also prevent the export by private individuals of arms and munitions for the use of a belligerent Government from being regarded as a violation of neutrality, since there will no longer be any necessity for a special authorisation or licence to be granted by the Government of the exporting country to the agent of the Government of the purchasing country, and only a certificate of fact will be required.

Certain countries, such as the Argentine, Brazil, the United States, the British Empire and Russia, are composed of States, Provinces, Dominions or Colonies enjoying autonomy to a greater or less degree and maintaining military police forces or local armies and navies, for the equipment of which they need to acquire arms and munitions independently of the central Government.

The present wording of Article 3 would not allow such States, Provinces, Dominions or Colonies to acquire these arms and munitions, which could only be acquired by the Government *recognised* as such of the High Contracting Party, which would be forbidden to transfer them to a third party.

Accordingly, this eventuality has been provided for in the proposed new draft, which still stipulates, however, that the purchase must be made directly by the Government of the High Contracting Party and delivered directly to it.

As this statement shows, the new text proposed for Article 3 does not in any way affect its original purpose and, far from restricting its scope, it widens it and renders it more definite and much easier to apply in practice, while avoiding any attack on the susceptibilities or rights of the exporting or purchasing countries; and there is no risk that the latter will be placed in a position of inequality in relation to the former, by being rendered more dependent than they are already as a result of the special economic and industrial conditions which oblige them to have recourse to foreign industry for the requirements of national security and defence.

TEXT 4, ARTICLE 3, PROPOSED BY REAR-ADMIRAL DE SOUZA E SILVA.

The prohibition to export arms and munitions of war in Category I which use is not prohibited by international law shall not apply for the purposes of the present Convention to the orders and

purchases made directly by a Government recognised by the Government of the exporting country, provided the following rules are observed:

1. The consignments shall be acquired for the use of the Government acquiring them or of the Governments of the States, Provinces, Dominions or Colonies belonging to that country.

2. The consignments shall be acquired through a duly accredited representative of the acquiring Government.

3. The consignment shall be delivered direct to the Government of the acquiring country.

4. The exporter, manufacturer or contractor shall submit to the competent authority of the exporting country a declaration of the agent of the acquiring Government, viséd by the latter's diplomatic representative, certifying that each consignment of arms and munitions of war is intended for the said Government or for the Governments of the States, Provinces, Dominions or Colonies belonging to the country concerned; also that it is to be delivered direct to the said Government and not to be handed over or delivered to any third party. It must contain a complete list of the arms and munitions which constitute the consignment, together with the names of the ports of embarkation and disembarkation and of the place of destination and details as to the means of transport and the route.

Copy of this declaration shall be remitted by the representative of the acquiring Government to the competent authority of the exporting country, together with the information as to the names of the manufacturer or contractor and of the exporter.

5. Each consignment shall be accompanied by a certificate of the competent authority of the Government of the exporting country setting forth the destination of the arms and munitions of war, and containing all the information given in the declaration remitted by the representative of the Government of the acquiring country, and certifying that the consignment complies with the conditions laid down in the present article.

Document 22.

COMPARATIVE TABLE

BETWEEN

THE TEXT PROPOSED BY THE RAPORTEURS, *used as a Basis of Discussion by the First Sub-Commission of the Temporary Mixed Commission (Left Column);*

THE TEXT DRAWN UP BY THE FIRST SUB-COMMISSION (*Middle Column*), *used as a Basis of Discussion by the Temporary Mixed Commission; and*

THE FINAL TEXT OF THE DRAFT CONVENTION (*Right Column*), *drawn up by the Temporary Mixed Commission.*

NOTE:

1. At the end of each article references are made to discussions on the drafting of the text.
 2. The observations of the Permanent Advisory Commission on the draft of the First Sub-Commission (*Middle Column*) are found in Document 15.
The observations of the Legal Section on the above text are found in Document 17.
 3. The observations of the Legal Section on those articles which were specially referred to it by the Permanent Advisory Commission are found in Document 18.
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Text presented by the Rapporteurs to the
First Sub-Commission.

TITLE.

DRAFT CONVENTION AMENDING THE
CONVENTION SIGNED AT ST. GER-
MAIN-EN-LAYE SEPTEMBER 10th,
1919, FOR THE CONTROL OF THE
TRADE IN ARMS AND AMMUNITION.

PREAMBLE.

[Here will follow the names of the High
Contracting Parties signing the new Conven-
tion.]

Whereas the Convention of St. Germain was
signed by the High Contracting Parties therein
mentioned;

Whereas certain of them were not able to
ratify such Convention;

And whereas for this and for other reasons
it is desirable to amend such Convention:

Have appointed as their Plenipotentiaries:

Text drawn up by the First
Sub-Commission.

TITLE.

DRAFT CONVENTION AMENDING THE
CONVENTION SIGNED AT ST. GER-
MAIN-EN-LAYE SEPTEMBER 10th,
1919, FOR THE CONTROL OF THE
TRADE IN ARMS AND AMMUNITION.

PREAMBLE.

[Here will follow the names of the High
Contracting Parties signing the new Conven-
tion.]

Whereas the Convention of St. Germain was
signed by the High Contracting Parties therein
mentioned;

Whereas certain of them were not able to
ratify such Convention;

Whereas for this and for other reasons it is
desirable to amend such Convention;

Whereas it is necessary to exercise a general
supervision over the trade in arms and ammu-
nition, with the object of securing the fullest
possible publicity in regard to such trade,
thereby drawing attention to the danger of the
accumulation, in peace-time, of stocks of muni-
tions;

Whereas it is necessary to institute a uniform
procedure for the supervision over the trade
in fire-arms and ammunition which are capable
of both warlike and other uses;

Whereas the existing treaties and conven-
tions, and particularly the Brussels Act of July
2nd, 1890, regulating the traffic in arms and
ammunition in certain regions no longer meet
present conditions, which require more elaborate
provisions applicable to a wider area in Africa
and the establishment of a corresponding regime
in certain territories in Asia;

Whereas a special supervision of the mari-
time zone adjacent to certain countries is
necessary to ensure the efficacy of the measures
adopted by the various Governments both as
regards the importation of arms and ammu-
nition into these countries and the export of such
arms and ammunition from their own territory;

Have appointed as their Plenipotentiaries:

Final Text of the Draft Convention.

TITLE.

DRAFT CONVENTION FOR THE CONTROL OF THE
INTERNATIONAL TRADE IN ARMS, MUNITIONS
AND IMPLEMENTS OF WAR.

PREAMBLE.

Whereas the Convention of Saint Germain signed by the High
Contracting Parties therein mentioned has not entered into full
force and effect;

Whereas it is necessary to exercise a general supervision over
the international trade in arms, munitions and implements of war,
with the object of securing the fullest possible publicity in regard
to such trade;

Whereas the existing treaties and conventions, and particularly
the Brussels Act of July 2nd, 1890, regulating the traffic in arms
and munitions in certain regions, no longer meet present conditions;

Whereas a special supervision of the maritime zone adjacent to
certain countries is necessary to ensure the efficacy of the measures
adopted by the various Governments both as regards the import
of arms, ammunition and implements of war into these countries
and their export from their own territory;

Have appointed:

Document 10 — No. 21.

Document 20 — Nos 3 to 9.

Article I.

This Convention applies to the following arms and munitions:

CATEGORY I.

ARMS AND MUNITIONS OF WAR, AS FOLLOWS:

- (a) Ships of war of all kinds, including submarines and submersibles.
- (b) Airships, aeroplanes and seaplanes for use in war.
- (c) Tanks and armoured cars.
- (d) Artillery of all kinds.
- (e) Apparatus for the discharge of all kinds of projectiles, and for the discharge of all kinds of bombs, torpedoes and depth charges.
- (f) Flame-throwers.
- (g) Mines, whether for land or water.
- (h) Torpedoes and depth charges of all kinds.
- (i) Bombs and grenades of all kinds.
- (j) Machine-guns and rifled small-bore breech-loading weapons of all kinds.
- (k) Pistols and revolvers of all kinds.
- (l) Ammunition of all kinds for use with any of the above.
- (m) Explosives and propellants of all kinds for use in war.
- (n) Component parts of any of the above, including mountings.

CATEGORY II.

FIRE-ARMS AND AMMUNITION FOR PURPOSES OF SPORT OR PERSONAL DEFENCE.

In order to prevent the export and import of fire-arms and ammunition intended for war-like purposes, though described and sold as articles of sport or personal defence, and in order at the same time not to hamper unduly the legitimate trade in fire-arms and ammunition intended to be used only for sport and personal defence, the High Contracting Parties hereby undertake that they will use their best endeavours to agree upon a uniform definition of

Article I.

Adopted without change.

Document 7 — Nos. 3 to 6 and 11.

Chapter I. — DEFINITION OF THE ARMS, MUNITIONS AND IMPLEMENTS OF WAR THE INTERNATIONAL TRADE OF WHICH IS TO BE CONTROLLED.

Article I.

This Convention applies to the following arms, munitions and implements of war:

CATEGORY I.

I. Arms and Munitions, Assembled or Component Parts, exclusively designed for Land, Sea or Aerial Warfare, whatever their Mode of Employment.

(a). — All arms and ammunition which are or shall be comprised in the equipment of the armed forces of the different States, including:

- Pistols and revolvers, automatic or self-loading, and developments of the same, designed for single-handed use or fired from the shoulder, of a calibre greater than 6.5 mm. and length of barrel more than 10 cm.;
- Rifles, muskets, carbines;
- Machine-guns, interrupter gears, mountings for machine-guns;
- Aerial gun-sights;
- Infantry apparatus for the discharge of projectiles;
- Flame-throwers;
- Cannon, long or short, bomb throwers and mortars of all kinds and their carriages, mountings, recuperators, accessories for mounting and sighting apparatus;
- Apparatus for the discharge of all kinds of projectiles, bombs, torpedoes, depth charges, etc.;
- Grenades, bombs, land mines, submarine mines fixed or floating, torpedoes, depth charges;
- Projectiles of all kinds;
- Ammunition and appliances for the above arms and apparatus;
- Bayonets, swords and lances;

(b). — All arms and ammunition which, after having been employed in the services of the different States, are no longer part of their equipment but remain capable of being utilised for military purposes to the exclusion of any other utilisation.

- (1) Military rifles, revolvers and pistols and the ammunition thereof.
- (2) Rifles, revolvers and pistols capable of use for both military and other purposes and the ammunition thereof.
- (3) Rifles, revolvers and pistols regarded as of no military value and the ammunition thereof.

2. *Implements of War hereafter enumerated and Component Parts which are capable of being utilised only in the Manufacture of the said Material.*

Ships of all kinds designed exclusively for war, including submarines and submersibles;
 Airships, aeroplanes and seaplanes designed exclusively for war;
 Tanks;
 Armoured cars.

CATEGORY II.

Arms and Munitions, Assembled or Component Parts, capable of Use both for Military and other Purposes.

1. Fire-arms, designed or adapted for non-military purposes, that will fire cartridges that can be fired from fire-arms in Category I.
2. All other rifled fire-arms, firing from the shoulder, of a calibre of 6 mm. or above, not included in Category I.
3. Ammunition for the arms enumerated above.
4. Gunpowder and explosives.

*CATEGORY III**

Arms and Munitions having no Military Value.

All the arms and munitions other than those defined in Categories I and II, such as:

Rifled weapons of a calibre of less than 6 mm. designed for firing from the shoulder;
 Revolvers and automatic pistols of a calibre of 6.5 mm. or less and length of barrel of 10 cm. or less;
 Smooth-bore shot-guns;
 Double-barrelled shot-guns of which one barrel is rifled, the other smooth-bore;
 Single-shot pistols;
 Fire-arms firing rimfire ammunition;
 Muzzle-loading fire-arms;
 Life-saving rockets.
 Guns for whaling or other fisheries;
 Signal and saluting guns;
 Humane cattle-killers of all sorts;
 Ammunition for the above.

Document 10 — Nos. 1 to 15, 17, 18, 22.
 Document 20 — Nos. 10 to 14, 31, 90.

Article 1.

The High Contracting Parties undertake not to export themselves, and to prohibit the export and import of, arms and munitions of war in Category I except on the conditions mentioned in Article 3. This prohibition of exportation shall apply to all such arms and ammunition, whether complete or in parts.

Article 3.

Nevertheless, notwithstanding this prohibition, the High Contracting Parties reserve the right to grant, in respect of arms and munitions of war whose use is not prohibited by international law, licences for the export of arms and munitions of war in Category I, but such licences are only to be granted on the following conditions:

1. No licence is to be granted except for a direct sale to a Government recognised as such by at least half of the High Contracting Parties.

2. The purchasing Government must act through a duly accredited representative, who shall produce his credentials.

3. Such representative must produce a written authority from his Government to purchase each consignment, which authority must state that the consignment is bought for the use of the purchasing Government and not for resale and will be delivered to them and to no one else.

4. Each licence must contain a full description of the arms and munitions of war to which it relates, and the names of the exporting and purchasing Governments, ports of embarkation and disembarkation, means of transport, route and destination.

5. A separate licence shall be required for each separate shipment which crosses the frontier of the exporting country, whether by land, water or air.

Article 2.

The High Contracting Parties undertake not to export themselves, and to prohibit the export of, arms and munitions of war in Category I except on the conditions mentioned in Article 3. This prohibition of exportation shall apply to all such arms and ammunition, whether complete or in parts.

Document 7 — Nos. 7, 8, 12, 13.

Article 3.

Nevertheless, notwithstanding this prohibition, the High Contracting Parties reserve the right to grant, in respect of arms and munitions of war whose use is not prohibited by international law, licences for the export of arms and munitions of war in Category I, but such licences are only to be granted on the following conditions:

1. No licence is to be granted except for a direct supply to a Government recognised as such by the Government of the exporting territory.

The form in which this licence shall be given shall, so far as practicable, resemble that given as an annex to the present Convention.

2. The Government acquiring the consignments must act through a duly accredited representative, who shall produce his credentials.

3. Such representative must produce a written authority from his Government for the acquisition of each consignment, which authority must state that the consignment is acquired for the use of that Government and not for transfer and will be delivered to them and to no one else.

4. Each licence must contain a full description of the arms and munitions of war to which it relates, and the names of the exporting and acquiring Governments, ports of embarkation and disembarkation, means of transport, route and destination.

5. A separate licence shall be required for each separate shipment which crosses the frontier of the exporting country, whether by land, water or air.

Document 7 — Nos. 14 to 21.

*Chapter II. — EXPORT AND TRANSIT OF ARMS, MUNITIONS AND
IMPLEMENTS OF WAR.*

Article 2.

The High Contracting Parties undertake not to export themselves, and to prohibit the export of, arms, munitions and other implements of war enumerated in Category I, except on the conditions hereinafter mentioned.

Document 10 — No. 23. Document 20 — Nos. 15, 91.

Article 3.

Notwithstanding this prohibition, the High Contracting Parties may grant, in respect of arms, munitions and implements of war whose use is not prohibited by international law, licences for the export of arms, munitions and implements of war enumerated in Category I, in the following conditions:

1. Licences are not to be granted except for a direct supply to a Government recognised as such by the Government of the exporting country.

2. The Government acquiring the consignment must act through a duly accredited representative.

3. Such representative must produce a written authority from the Government he represents for the acquisition of each consignment, which authority must state that the consignment is required for delivery to that Government for its own use.

4. The form in which this licence shall be given shall, so far as practicable, be that given as an appendix to the present Convention.

Each licence must contain a description sufficient for the identification of the arms, munitions and implements of war to which it relates and the names of the exporter and the acquiring Government, ports of embarkation and disembarkation, means of transport, intended route and destination.

5. A separate licence shall be required for each separate consignment which crosses the frontier of the exporting country, whether by land, water or air, and shall accompany each separate consignment.

6. A return of the licences granted shall be sent quarterly to the Central International Office referred to in Article 8 of the present Convention by the issuing Governments; importing Governments, when High Contracting Parties, shall also forward quarterly to the Central International Office a return of the same licences enclosing particulars of the heading under which the imported goods will appear in their import statistics.

Document 10 — Nos. 25 and 26.

Document 20 — Nos. 16, 17, 18, 21 to 29, 92.

Document 21.

Document 25 — Nos. 4 and 5.

Article 3 (a).

The High Contracting Parties also reserve the right to grant export licences covering parts of arms and munitions of war in Category I, but such licences shall only be granted for direct export to an actual manufacturer in another country who requires such parts in order to manufacture them into arms and munitions of war. The High Contracting Parties, whether of the exporting or of the importing country, hereby agree that they will take all proper precautions to see that such parts are sent direct to their destination and not elsewhere. The form of such licence shall, so far as practicable, resemble that given as an annex to the present Convention.

Document 7 — Nos. 17 and 18.

Article 4.

A copy of the licence must accompany any consignment throughout its journey. The High Contracting Parties undertake to take such steps as they reasonably can to supervise and prohibit the transit of the arms and munitions of war in Category I through their respective territories, unless they are accompanied by a licence made out in the proper form, as laid down in Article 3.

Article 3 (a).

Adopted without change.

Document 19 — No. 2.

Article 4.

Without prejudice to any obligations to which they may have subscribed under international conventions dealing with transit, the High Contracting Parties undertake to take such steps as they reasonably can to supervise and prohibit the transit of the arms and munitions of war in Category I which are not accompanied by a licence made out in the proper form, as laid down in Article 3.

A copy of the licence shall be sent by the exporting State to the central international body referred to in Article 9 of the present Convention before the goods pass the frontier of the exporting country; a second copy shall be sent to the same international body by the importing country, if one of the High Contracting Parties, within a month of the receipt of the consignment, mention being made of the heading under which the imported goods will appear in its import statistics.

Document 7 — Nos. 24 to 28.

Article 4.

Further, licences for the export to private individuals of component parts covered by Category I may be granted on the following conditions:

The said component parts must be exported direct to a recognised manufacturer of war material, duly authorised by his own Government, on a declaration from him to the effect that the said component parts are required by him.

The Government which grants the licence and the Government of the importer's country shall take all adequate precautions to ensure that the said component parts are sent direct to their destination.

The licences granted in the terms of the present article shall, so far as practicable, be drafted according to the form annexed to the present Convention, and shall conform to the provisions of the present Convention, and particularly to those of Article 8.

Document 20 — Nos. 31 and 93.

Article 5.

Without prejudice to any obligations to which they may have subscribed under international conventions dealing with transit, the High Contracting Parties, when they have reason to believe that any consignment of arms, munitions or implements of war in transit through their territory does not conform to the provisions of the present Convention, undertake to investigate the circumstances and if necessary to prohibit the transit.

Document 10 — No. 27.
Document 2 — Nos. 33, 34, 93.

Article 5.

Fire-arms and ammunition in Category II may, if the exporting country so desires, be exported without licence except to the prohibited areas and zones mentioned in Article 6. Provided, nevertheless, that, in the case of fire-arms and ammunition adapted both to warlike and also to other purposes, the High Contracting Parties reserve to themselves the right, and they hereby undertake, to determine from the size, destination and other circumstances of each shipment for what uses it is intended, and to decide in each case whether such shipment falls properly under Category II or whether it ought to be considered to belong to Category I, and in the latter case they undertake that it shall become subject to Articles 2 and 3 hereof.

Article 6.

The High Contracting Parties undertake, in addition, to prohibit the export both of arms and munitions of war in Category I and also of fire-arms and ammunition in Category II, whether complete or in parts, to the areas and zones specified in Article 10. Nevertheless, notwithstanding this prohibition, the High Contracting Parties reserve the right to grant export licences on the understanding that such licences shall be issued only by the authorities of the exporting countries. Such authorities must satisfy themselves in advance that the arms or ammunition for which an export licence is requested are not intended for export to any destination, or for disposal in any way contrary to the provisions of this Convention.

Article 5.

Fire-arms and ammunition in Category II may, if the exporting country so desires, be exported without licence except to the prohibited areas and zones mentioned in Article 10. Provided, nevertheless, that, in the case of fire-arms and ammunition adapted both to warlike and also to other purposes, the High Contracting Parties hereby undertake to determine from the size, destination and other circumstances of each shipment for what uses it is intended, and to decide in each case whether such shipment falls properly under Category II or whether it ought to be considered to belong to Category I, and in the latter case they undertake that it shall become subject to Articles 2 and 3 hereof.

Document 7 — Nos. 9, 29 and 30.

Article 6.

The High Contracting Parties undertake, in addition, to prohibit the export both of arms and munitions of war in Category I and also of fire-arms and ammunition in Category II, whether complete or in parts, to the areas and zones specified in Article 10.

Nevertheless, notwithstanding this prohibition, the High Contracting Parties reserve the right to grant export licences on the understanding that such licences shall be issued only by the authorities of the exporting countries. Such authorities must satisfy themselves in advance that the arms or ammunition for which an export licence is requested are not intended for export to any destination or for disposal in any way contrary to the provisions of this Convention.

Document 7 — No. 31.

Article 6.

Without prejudice to the provisions of Article 7, arms and munitions in Categories II and III may, if the exporter's country so desires, be exported without licence. Provided, nevertheless, that in the case of arms and munitions of Category II the High Contracting Parties hereby undertake to determine from the size, destination and other circumstances of each consignment whether these arms and munitions are intended for war purposes. If such is the case, the High Contracting Parties undertake that the shipments shall become subject to Articles 2 to 5.

Document 10 — No. 28.
Document 20 — Nos. 35 to 38, 94.

Article 7.

The High Contracting Parties further undertake to prohibit the export of arms, munitions and implements of war enumerated in Article 1 to the maritime or territorial zones specified in Article 9.

Nevertheless, the High Contracting Parties may grant export licences, notwithstanding this prohibition, provided that they conform to the provisions of Articles 3 to 5. The competent authorities must satisfy themselves, before issuing the licences, that the arms, munitions or implements of war are not intended for export to any destination or for disposal in any way contrary to the provisions of this Convention.

Document 10 — No. 29.
Document 20 — Nos. 39 and 95.

Article 9.

A central international office shall be established for the purpose of collecting and preserving documents of all kinds exchanged by the High Contracting Parties with regard to the trade in and distribution of the arms and ammunition in Category I and Category II specified in the present Convention, as well as the texts of all laws, orders and regulations made in the carrying-out of the present Convention.

Each of the High Contracting Parties shall publish an annual report showing the export licences which it may have granted in respect of arms and munitions in Category I or Category II, together with the quantities and destination of the arms and munitions to which the export licences refer. A copy of this report shall be sent to the central international office.

Further, the High Contracting Parties agree to send to the central international office full statistical information as to the quantities and destination of all fire-arms and ammunition in Category II exported without licence during the year, and those of the High Contracting Parties who are Members of the League of Nations agree to send all the above-mentioned documents, reports and information to the Secretary-General of the League of Nations. Movements of armaments made by a Power within its own area and for the use of its own military forces will not be included in this report.

Article 9.

A central international body shall be established by the Council of the League of Nations for the purpose of collecting and preserving documents of all kinds exchanged by the High Contracting Parties with regard to the trade in and distribution of the arms and ammunition in Category I and Category II specified in the present Convention, as well as the texts of all laws, orders and regulations made for the carrying-out of the present Convention.

Each of the High Contracting Parties shall publish an annual report showing the export licences which it may have granted in respect of arms and ammunition in Category I or Category II, together with the quantities and destination of the arms and munitions to which the export licences refer. A copy of this report shall be sent to the central international body.

Movements of arms and munitions made by a Power within territories placed under its sovereignty or authority, and for the use of its own military forces, will not be included in this report.

Document 7 — Nos. 34 to 40.

Article 8.

A Central International Office shall be established by the Council of the League of Nations for the purpose of collecting, preserving and publishing documents of all kinds exchanged by the High Contracting Parties with regard to the trade in and the distribution of arms, munitions and implements of war, as well as the text of all laws, orders and regulations made for the carrying out of the present Convention.

Each of the High Contracting Parties shall publish an annual return of the export licences which each may have granted in respect of arms, munitions and implements of war in pursuance of the present Convention, mentioning the quantities and destination of the arms, munitions and implements of war to which the export licences refer. A copy of this return shall be sent to the Central International Office.

The High Contracting Parties further undertake to forward to the Central International Office all information which they will be in a position to provide relating to consignments under contracts entered into before the coming into force of the present Convention.

Document 10 — No. 32.

Document 20 — Nos. 45 to 48, 51, 96. Nos. 40 and 42 (as regards the third paragraph).

Article 10.

The High Contracting Parties undertake, each as far as the territory under its jurisdiction is concerned, to prohibit the importation of arms and munitions of war in Category I and of fire-arms and ammunition in Category II into the following territorial areas, and also to prevent their exportation to, importation and transportation in, the maritime zone defined below:

1. The whole of the continent of Africa, with the exception of Algeria, Libya, Spanish ports of North Africa, the Union of South Africa and Rhodesia. Within this area are included all islands situated within a hundred nautical miles of the coast, together with Prince's Island, St. Thomas Island and the Islands of Annobon and Socotra.

2. Transcaucasia, Persia, Gwadar, the Arabian Peninsula and such continental parts of Asia as were included in the Turkish Empire on August 4th, 1914.

3. A maritime zone, including the Red Sea, the Gulf of Aden, the Persian Gulf and the Sea of Oman, and bounded by a line drawn from Cape Guardafui, following the latitude of that cape to its intersection with longitude 57° east of Greenwich, and proceeding thence direct to the eastern frontier of Persia in the Gulf of Oman.

Special licences for the import of arms or ammunition in Category I or Category II into the areas defined above may be issued. In the African area they shall be subject to the regulations specified in Articles 11 and 12 or to any local regulations of a stricter nature which may be in force.

In the other areas specified in the present article, these licences shall be subject to similar regulations put into effect by the Governments exercising authority there.

Article 10.

The High Contracting Parties undertake, each as far as the territory under its jurisdiction is concerned, to prohibit the importation of arms and munitions of war in Category I and of fire-arms and ammunition in Category II into the following territorial areas, and also to prevent their exportation to, importation and transportation in, the maritime zone defined below.

Note: The Commission is of opinion, in view of the new circumstances which have arisen since the Convention of St. Germain was drawn up, that the territories to be included in the restricted areas should form the subject of a fresh examination by the Council of the League of Nations.

Special licences for the import of arms and ammunition in Category I or Category II into the areas defined above may be issued. In the African area they shall be subject to the regulations specified in Articles 11 and 12 or to any local regulations of a stricter nature which may be in force. In the other areas specified in the present article, these licences shall be subject to similar regulations put into effect by the Governments exercising authority there.

Document 7 — Nos 41 to 43.

Chapter III. — IMPORT OF ARMS, MUNITIONS AND IMPLEMENTS
OF WAR. PROHIBITED ZONES.

Article 9.

The High Contracting Parties undertake, each as far as the territory under its jurisdiction is concerned, to prohibit the importation of arms, munitions and implements of war into the following territorial zones, and also to prevent their exportation to, importation and transportation in, the territorial zones as well as in the maritime zone defined below.

Special licences for the import of arms, munitions and implements of war into the zones defined above may be issued. In the African zone they shall be subject to the regulations specified in Articles 10 and 11 or to any local regulations of a stricter nature which may be in force.

In the other zones specified in the present article, these licences shall be subject to similar regulations put into effect by the Governments exercising authority there.

Document 10 — No. 33.

Document 20 — Nos. 49, 50, 52, 53, 54, 97.

Document 25 — Nos. 6 and 7.

Article II.

(Article 7 of the Convention of St. Germain.)

Arms and ammunition imported under special licence into the prohibited areas shall be admitted only at ports designated for this purpose by the authorities of the State, Colony, Protectorate or territory under mandate concerned.

Such arms and ammunition must be deposited by the importer at his own risk and expense in a public warehouse under the exclusive custody and permanent control of the authority and of its agents, of whom one at least must be a civil official or a military officer. No arms or ammunition shall be deposited or withdrawn without the previous authorisation of the administration of the State, Colony, Protectorate or territory under mandate, unless the arms and ammunition to be deposited or withdrawn are intended for the forces of the Government or the defence of the national territory.

The withdrawal of arms or ammunition deposited in these warehouses shall be authorised only in the following cases:

1. For despatch to places designated by the Government where the inhabitants are allowed to possess arms, under the control and responsibility of the local authorities, for the purpose of defence against robbers or rebels.
2. For despatch to places designated by the Government as warehouses and placed under the supervision and responsibility of the local authorities.
3. For individuals who can show that they require them for their legitimate personal use.

Article II.

Adopted without change.

Document 7 — Nos. 44 and 45.

Chapter IV. — SUPERVISION ON LAND.

Article IO.

Arms, munitions and implements of war exported under licence into the prohibited zones shall be admitted only at ports, or other places of entry, designated for this purpose by the authorities of the State, Colony, Protectorate or territory under mandate concerned.

Such arms, munitions and implements of war must be deposited by the importer at his own risk and expense in a public warehouse under the exclusive custody and permanent control of the Authority and of its agents, of whom one at least must be a civil official or a military or naval officer. No arms, munitions or implements of war shall be deposited or withdrawn without the previous authorisation of the administration of the State, Colony, Protectorate or territory under mandate, unless the arms, munitions and implements of war to be deposited or withdrawn are intended for the forces of the Government or the defence of the national territory.

The withdrawal of arms, munitions or implements of war deposited in those warehouses shall be authorised only in the following cases :

1. For despatch to places designated by the Government where the inhabitants are allowed to possess arms, under the control and responsibility of the local authorities, for the purpose of defence against robbers or rebels.
2. For despatch to places designated by the Government as warehouses and placed under the supervision and responsibility of the local authorities.
3. For individuals who can show that they require them for their legitimate personal use.

Document 10 — Nos. 34 and 40.
Document 20 — Nos. 55 and 98.

Article 12.

(Article 8 of the Convention of St. Germain.)

In the prohibited areas specified in Article 6, trade in arms and ammunition shall be placed under the control of officials of the Government and shall be subject to the following regulations:

1. No person may keep a warehouse for arms or ammunition without a licence.

2. Any person licensed to keep a warehouse for arms or ammunition must reserve for that special purpose enclosed premises having only one entry, provided with two locks, one of which can be opened only by the officers of the Government.

The person in charge of a warehouse shall be responsible for all arms or ammunition deposited therein and must account for them on demand. For this purpose all deposits or withdrawals shall be entered in a special register, numbered and initialed. Each entry shall be supported by references to the official documents authorising such deposits or withdrawals.

3. No transport of arms or ammunition shall take place without a special licence.

4. No withdrawal from a private warehouse shall take place except under licence issued by the local authority on an application stating the purpose for which the arms or ammunition are required, and supported by a licence to carry arms or by a special permit for the purchase of ammunition. Every arm shall be registered and stamped; the authority in charge of the control shall enter on the licence to carry arms the mark stamped on the weapon.

5. No one shall, without authority, transfer to another person, either by gift or for any consideration, any weapon or ammunition which he is licensed to possess.

Article 12.

Adopted without change.

Document 7 — Nos. 44 and 45.

Article 11.

In the prohibited zones specified in Article 9, trade in arms, munitions and implements of war shall be placed under the control of officials of the Government and shall be subject to the following regulations:

1. No person may keep a warehouse for arms, munitions or implements of war without a licence.

2. Any person licensed to keep a warehouse for arms, munitions or implements of war must reserve for that special purpose enclosed premises, having only one entry, provided with two locks, one of which can be opened only by the officers of the Government.

The persons in charge of a warehouse shall be responsible for all arms, munitions or implements of war deposited therein and must account for them on demand. For this purpose all deposits or withdrawals shall be entered in a special register, numbered and initialed. Each entry shall be supported by references to the official documents authorising such deposits or withdrawals.

3. No transport of arms, munitions or implements of war shall take place without a special licence.

4. No withdrawal from a private warehouse shall take place except under licence issued by the local authority on an application stating the purpose for which the arms or ammunition are required, and supported by a licence to carry arms or by a special permit for the purchase of ammunition. Every arm shall be registered and stamped; the authority in charge of the control shall enter on the licence to carry arms the mark stamped on the weapon.

5. No one shall without authority transfer to another person either by gift or for any consideration any weapon or ammunition which he is licensed to possess.

Article 13.

(Article 9 of the Convention of St. Germain.)

In the prohibited areas and zone specified in Article 6 the manufacture and assembling of arms or ammunition shall be prohibited, except at arsenals established by the local government or, in the case of countries placed under tutelage, at arsenals established by the local government, under the control of the mandatory Power, for the defence of its territory or for the maintenance of public order.

No arms shall be repaired except at arsenals or establishments licensed by the local government for this purpose. No such licence shall be granted without guarantees for the observance of the rules of the present Convention.

Article 14.

(Article 10 of the Convention of St. Germain.)

Within the prohibited areas specified in Article 6, a State which is compelled to utilise the territory of a contiguous State for the importation of arms or ammunition, whether complete or in parts, or of material or of articles intended for armaments, shall be authorised on request to have them transported across the territory of such State.

It shall, however, when making any such request, furnish guarantees that the said articles are required for the needs of its own Government, and will at no time be sold, transferred or delivered for private use nor used in any way contrary to the interests of the High Contracting Parties.

Any violation of these conditions shall be formally established in the following manner:

(a) If the importing State is a sovereign independent Power, the proof of the violation shall be advanced by one or more of the representatives accredited to it of contiguous States among the High Contracting Parties. After the representatives of the

Article 13.

Adopted without change.

Document 7 — Nos. 44 and 45.

Article 14.

Adopted without change.

Document 7 — Nos. 44 and 45.

Article 12.

In the prohibited zones specified in Article 9, the manufacture and assembling of arms, munitions or implements of war shall be prohibited, except at arsenals established by the local Government or, in the case of countries placed under tutelage, at arsenals established by the local Government, under the control of the mandatory Power, for the defence of its territory or for the maintenance of public order.

No arms shall be repaired except at arsenals or establishments licensed by the local Government for this purpose. No such licence shall be granted without guarantees for the observance of the rules of the present Convention.

Document 10 — Nos. 36 and 40.
Document 20 — Nos. 57 and 99.

Article 13.

Within the prohibited zones specified in Article 9, a State which is compelled to utilise the territory of a contiguous State for the importation of arms, munitions or implements of war, whether complete or in parts, or of material or of articles intended for armament, shall be authorised on request to have them transported across the territory of such State.

It shall, however, when making any such request furnish guarantees that the said articles are required for the needs of its own Government, and will at no time be sold, transferred or delivered for private use or used in any way contrary to the interests of the High Contracting Parties.

Any violation of these conditions shall be formally established in the following manner:

(a) If the importing State is a sovereign independent Power, the proof of the violation shall be advanced by one or more of the representatives accredited to it of contiguous States among the High Contracting Parties. After the representatives of the other contiguous States have, if necessary,

Article 14 (continued).

other contiguous States have, if necessary been informed, a joint enquiry into the facts by all these representatives will be opened, and, if need be, the importing State will be called upon to furnish explanations. If the gravity of the case should so require, and if the explanations of the importing State are considered unsatisfactory, the representatives will jointly notify the importing State that all transit licences in its favour are suspended and that all future requests will be refused until it shall have furnished new and satisfactory guarantees.

The forms and conditions of the guarantees provided by the present article shall be agreed upon previously by the representatives of the contiguous States among the High Contracting Parties. These representatives shall communicate to each other, as and when issued, the transit licences granted by the competent authorities.

(b) If the importing State has been placed under the mandatory system established by the League of Nations, the proof of the violation shall be furnished by one of the High Contracting Parties or on its own initiative by the mandatory Power. The latter shall then notify or demand, as the case may be, the suspension and future refusal of all transit licences.

In cases where a violation has been duly proved, no further transit licence shall be granted to the offending State without the previous consent of the Council of the League of Nations.

If any proceedings on the part of the importing State or its disturbed condition should threaten the public order of one of the contiguous State signatories of the present Convention, the importation in transit of arms, ammunition, material and articles intended for armament shall be refused to the importing State by all the contiguous States until order has been restored.

Article 13 (continued).

been informed, a joint enquiry into the facts by all these representatives will be opened, and if need be, the importing State will be called upon to furnish explanations. If the gravity of the case should so require, and if the explanations of the importing State are considered unsatisfactory, the representatives will jointly notify the importing State that all transit licences in its favour are suspended and that all future requests will be refused until it shall have furnished new and satisfactory guarantees.

The forms and conditions of the guarantees provided by the present article shall be agreed upon previously by the representatives of the contiguous States among the High Contracting Parties. These representatives shall communicate to each other, as and when issued, the transit licences granted by the competent authorities.

(b) If the importing State has been placed under the mandatory system established by the League of Nations, the proof of the violation shall be furnished by one of the High Contracting Parties or on its own initiative by the mandatory Power. The latter shall then notify or demand, as the case may be, the suspension and future refusal of all transit licences.

In cases where a violation has been duly proved, no further transit licence shall be granted to the offending State without the previous consent of the Council of the League of Nations.

If any proceedings on the part of the importing State or its disturbed condition should threaten the public order of one of the contiguous State signatories of the present Convention, the importation in transit of arms, munitions or implements of war, material and articles intended for armament shall be refused to the importing State by all the contiguous States until order has been restored.

MARITIME SUPERVISION.

Article 15.

Subject to any contrary provisions in existing special agreements, or in future agreements, provided that in all cases such agreements comply with the provisions of the present Convention, the sovereign State or Mandatory Power shall carry out all supervision and police measures within territorial waters in the prohibited areas and zones specified in Article 6.

Article 16.

Within the prohibited areas and maritime zone specified in Article 6, no native vessel of less than 500 tons burden shall be allowed to ship, discharge, or tranship arms or ammunition.

For this purpose, a vessel shall be considered as a native vessel if she is either owned by a native, or fitted out or commanded by a native, or if more than half of the crew are natives of the countries bordering on the Indian Ocean, the Red Sea, the Persian Gulf, or the Gulf of Oman.

This provision does not apply to lighters or barges, nor to vessels which, without going more than five miles from the shore, are engaged exclusively in the coasting trade between different ports of the same State, Colony, Protectorate or territory under mandate, where warehouses are situated.

No cargoes of arms or ammunition shall be shipped on the vessels specified in the preceding paragraph without a special licence from the

Article 15.

Adopted without change.

Document 7 — Nos. 44 and 45.

Article 16.

Adopted without change.

Document 7 — Nos. 44 and 45.

Chapter V. — MARITIME SUPERVISION.

Article 14.

Subject to any contrary provisions in existing special agreements, or in future agreements, provided that in all cases such agreements otherwise comply with the provisions of the present Convention, the sovereign State or mandatory Power shall carry out the supervision and police measures within territorial waters in the prohibited zones specified in Article 9.

Document 10 — Nos. 38 and 40.

Document 20 — Nos. 59 and 99.

Article 15.

Within the prohibited zones specified in Article 9, no native vessel of less than 500 tons (net tonnage) shall be allowed to ship, discharge or tranship arms, munitions or implements of war.

A ship shall be deemed to be native if she is either owned by a native, or fitted out, or commanded by a native, or if more than half of the crew are natives of the countries included in the prohibited zones specified in Article 9.

This provision does not apply to lighters or barges, nor to vessels which are engaged exclusively in the coasting trade between different ports of the same State, Colony, Protectorate or territory under mandate, where warehouses are situated.

All cargoes of arms, munitions or implements of war shipped on the vessels specified in the preceding paragraph must obtain a special licence from the territorial authority, and all arms, munitions and implements of war so shipped shall be subject to the provisions of the present Convention.

territorial authority, and all arms or ammunition so shipped shall be subject to the provisions of the present Convention.

This licence shall contain all details necessary to establish the nature and quantity of the items of the shipment, the vessel on which the shipment is to be loaded, the name of the ultimate consignee, and the ports of loading and discharge. It shall also be specified thereon that the licence has been issued in conformity with the regulations of the present Convention.

The above regulations do not apply:

1. To arms or ammunition conveyed on behalf of the Government, provided that they are accompanied by a duly qualified official.

2. To arms or ammunition in the possession of persons provided with a licence to carry arms, provided such arms are for the personal use of the bearer and are accurately described on his licence.

Article 17.

To prevent all illicit conveyance of arms or ammunition within the zone of maritime supervision specified in Article 6 (3), native vessels of less than 500 tons burden not exclusively engaged in the coasting trade between different ports of the same State, Colony, Protectorate or territory under mandate, not going more than five miles from the shore, and proceeding to or from any point within the said zone, must carry a manifest of their cargo or similar document specifying the quantities and nature of the goods on board, their origin and destination. This document shall remain covered by the secrecy to which it is entitled by the law of the State to which the vessel belongs, and must not be examined during the proceedings for the verification of the flag unless the interested party consents thereto.

The provisions as to the above-mentioned documents shall not apply to vessels only partially decked, having a maximum crew of ten men, and exclusively employed in fishing within territorial waters.

Article 17.

Adopted without change.

Document 7 — Nos. 44 and 45.

This licence shall contain all details necessary to establish the nature and quantity of the items of the shipment, the vessel on which the shipment is to be loaded, the name of the ultimate consignee and the ports of loading and discharge. It shall also be specified thereon that the licence has been issued in conformity with the regulations of the present Convention.

The provisions of this article do not apply:

(a) To arms, munitions and implements of war conveyed on behalf of a Government either under that Government's authorisation or accompanied by a duly qualified official.

(b) To arms and munitions in the possession of persons provided with a licence to carry arms, provided such arms are for the personal use of the bearer and are accurately described on his licence.

Document 10 — Nos. 38 and 40.
Document 20 — Nos. 60 and 100.

Article 16.

To prevent all illicit conveyance of arms, munitions and implements of war within the prohibited zones defined in Article 9, native vessels of less than 500 tons (net tonnage):

(a) If not exclusively engaged in the coasting trade between different ports of the same State, Colony, Protectorate or territory under mandate,

or

(b) If not engaged in carrying on behalf of a Government as permitted by Article 15, paragraph (a), and proceeding to or from any point within the said zones,

must carry a manifest of their cargo or similar document specifying the quantities and nature of the goods on board, their origin and destination.

The provisions as to the above-mentioned document shall not apply to vessels only partially decked, having a maximum crew of ten men and exclusively employed in fishing within territorial waters.

Document 10 — Nos. 38 and 40.
Document 20 — Nos. 61 and 101.

Article 18.

Authority to fly the flag of one of the High Contracting Parties within the zone of maritime supervision specified in Article 6 (3) shall be granted only to such native vessels as satisfy all the three following conditions:

1. The owners must be nationals of the Power whose flag they claim to fly.

2. They must furnish proof that they possess real estate in the district of the authority to which their application is addressed, or must supply a solvent security as a guarantee for any fines to which they may become liable.

3. Such owners, as well as the captain of the vessel, must furnish proof that they enjoy a good reputation, and especially that they have never been convicted of illicit conveyance of the articles referred to in the present Convention.

The authorisation must be renewed every year. It shall contain the indications necessary to identify the vessel, the name, tonnage, type of rigging, principal dimensions, registered number and signal letters. It shall bear the date on which it was granted and the status of the official who granted it.

The name of the native vessel and the amount of her tonnage shall be incised and painted in Latin characters on the stern, and the initial letters of the name of the port of registry, as well as the registration number in the series of the numbers of that port, shall be painted in black on the sails.

Article 18.

Adopted without change.

Document 7 — Nos. 44 and 45.

Article 17.

Authority to fly the flag of one of the High Contracting Parties, within the prohibited zones defined in Article 9, shall not be granted to native vessels of under 500 tons (net tonnage) as defined in Article 15 unless they satisfy all the three following conditions:

(1) The owners must be nationals of the Power whose flag they claim to fly or a company duly registered under the laws of that Power;

(2) They must furnish proof that they possess real estate in the district of the authority to which their application is addressed or must supply a solvent security as a guarantee for any fines to which they may become liable;

(3) Such owners, as well as the captain of the vessel, must furnish proof that they enjoy a good reputation, and especially that they have never been convicted of illicit conveyance of the articles referred to in the present Convention.

The authorisation must be renewed every year. It shall contain the indications necessary to identify the vessel, the name, tonnage, type of rigging, principal dimensions, registered number and signal letters. It shall bear the date on which it was granted and the status of the official who granted it.

The initial letters of the port of registration of the native vessel followed by the vessel's registration number in the serial port numbers must be incised and painted in white on black ground on both quarters of each vessel.

The same marks may be painted in black on the sails.

The net tonnage of the native vessel shall also, if practicable, be incised and painted in a conspicuous position inside the hull.

Document 10 — Nos. 38 and 40.
Document 20 — Nos. 62 and 101.

Article 20.

The High Contracting Parties agree to apply the following rules in the maritime zone specified in Article 9 (3):

1. When a warship belonging to one of the High Contracting Parties encounters outside territorial waters a native vessel of less than 500 tons burden flying the flag of one of the High Contracting Parties, and the commander of the warship has good reason to believe that the native vessel is flying this flag without being entitled to do so, for the purpose of the illicit conveyance of arms or ammunition, he may proceed to verify the nationality of the vessel by examining the document authorising the flying of the flag, but no other papers.

2. With this object, a boat commanded by a commissioned officer in uniform may be sent to visit the suspected vessel after she has been hailed to give notice of such intention. The officer sent on board the vessel shall act with all possible consideration and moderation; before leaving the vessel the officer shall draw up a *procès-verbal* in the form and language in use in his own country. This *procès-verbal* shall state the facts of the case and shall be dated and signed by the officer.

Should there be on board the warship no commissioned officer other than the commanding officer, the above-prescribed operations may be carried out by the warrant, petty, or non-commissioned officer highest in rank.

The captain or master of the vessel visited, as well as the witnesses, shall be invited to sign the *procès-verbal*, and shall have the right to add to it any explanations which they may consider expedient.

3. If the authorisation to fly the flag cannot be produced, or if this document is not in proper order, the vessel shall be conducted to the nearest port in the zone where there is a competent authority of the Power whose flag has been flown and shall be handed over to such authority.

Should the nearest competent authority representing the Power whose flag the vessel has flown be at some port at such a distance from the point of arrest that the warship would have to leave her station or patrol to escort the captured vessel to that port, the foregoing regulation need not be carried out. In such a

Article 20.

Adopted without change.

Document 7 — Nos. 44 and 45.

Article 18.

The High Contracting Parties agree to apply the following rules in the maritime zone specified in Article 9:

(1) When a warship belonging to one of the High Contracting Parties encounters outside territorial waters a supposed native vessel of less than 500 tons burden (net tonnage)

- (a) Flying the flag of one of the High Contracting Parties;
- (b) Flying the flag of a recognised nation;
- (c) Flying no flag;

and the commander of the warship has good reason to believe that the supposed native vessel

- (d) Is flying a flag without being entitled to do so;
- (e) Is not lawfully entitled to fly the flag of any recognised nation;
- (f) Is illicitly conveying arms, munitions or implements of war,

he may proceed, subject to the conditions indicated in the paragraphs below, to verify the nationality of the vessel by examining the document authorising the flying of the flag, if this document exist, and also the manifest referred to in Article 16.

Any vessel which presents the appearance of a native build or rig may be presumed to be a native vessel.

(2) With this object, a boat commanded by a commissioned officer in uniform may be sent to visit the suspected vessel, after she has been hailed to give notice of such intention. The officer sent on board the vessel shall act with all possible consideration and moderation. Before leaving the vessel, the officer shall draw up a *procès-verbal* in the form and language in use in his own country. This *procès-verbal* shall state the facts of the case and shall be dated and signed by the officer.

Should there be on board the warship no commissioned officer other than the commanding officer, the above-prescribed operations may be carried out by the warrant, petty or non-commissioned officer at the discretion of the commanding officer.

The captain or master of the vessel visited, as well as the witnesses, shall be invited to sign the *procès-verbal*, and shall have the right to add to it any explanations which they may consider expedient.

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case, the vessel may be taken to the nearest port where there is a competent authority of one of the High Contracting Parties of nationality other than that of the warship, and steps shall at once be taken to notify the capture to the competent authority representing the Power concerned.

No proceedings shall be taken against the vessel or her crew until the arrival of the representative of the Power whose flag the vessel was flying or without instructions from him.

4. The procedure laid down in paragraph 3 may be followed if, after the verification of the flag and in spite of the production of the manifest, the commander of the warship continues to suspect the native vessel of engaging in the illicit conveyance of arms or ammunition.

The High Contracting Parties concerned shall appoint in the zone territorial or consular authorities or special representatives competent to act in the foregoing cases, and shall notify their appointment to the Central Office and to the other Contracting Parties.

The suspected vessel may also be handed over to a warship of the nation whose flag she has flown, if the latter consents to take charge of her.

(3) In the cases referred to in paragraphs 1 (a) and 1 (b) of this article, unless the right to fly the flag can be established, the vessel shall be conducted to the nearest port in the zone where there is a competent authority of the Power whose flag has been flown and shall be handed over to such authority.

Should the nearest competent authority representing the Power whose flag the vessel has flown be at some port at such a distance from the point of arrest that the warship would have to leave her station or patrol to escort the detained vessel to that port, the foregoing regulation need not be carried out. In such a case, the vessel may be taken to the nearest port where there is a competent authority of one of the High Contracting Parties of nationality other than that of the warship, and handed over to such authority, and steps shall at once be taken to notify the detention to the competent authority representing the Power concerned.

No proceedings shall be taken against the vessel or her crew until the arrival of the representative of the Power whose flag the vessel was flying or without authority from him.

The suspected vessel may also be handed over to a warship of the nation whose flag she had flown, if the latter consents to take charge of her.

(4) The procedure laid down in paragraph 3 may be followed if, after the verification of the flag and in spite of the manifest being in order, the commander of the warship continues to suspect the native vessel of engaging in the illicit conveyance of arms, munitions or implements of war.

(5) In the cases referred to in paragraph 1 (c) of this article, if it is ascertained, as a result of the visit made on board the native vessel, that whereas it flew no flag, it was also not entitled to fly the flag of a recognised State, the native vessel shall, unless the innocent nature of her cargo can be established to the satisfaction of the commanding officer of the warship, be conducted to the nearest point in the zone where there is a competent authority of the Power to which the warship which effected the capture belonged, and shall be handed over to such authority.

If it should be established that the vessel was engaged in the illicit conveyance of arms, munitions and implements of war, the vessel and all cargo carried in addition to the arms, munitions and implements of war shall be seized by such authority and disposed of according to its own laws — the destruction of the illicit cargo of arms, munitions and implements of war may be ordered according to the same laws.

Article 21.

The authority before whom the suspected vessel has been brought shall institute a full enquiry in accordance with the laws and rules of his country in the presence of an officer of the capturing warship.

If it is proved at this enquiry that the flag has been illegally flown, the detained vessel shall remain at the disposal of the captor, and those responsible shall be brought before the courts of his country.

If it should be established that the use of the flag by the detained vessel was correct, but that the vessel was engaged in the illicit conveyance of arms or ammunition, those responsible shall be brought before the courts of the State under whose flag the vessel sailed. The vessel herself and her cargo shall remain in charge of the authority directing the enquiry.

Article 21.

Adopted without change.

Document 7 — Nos. 44 and 45.

Article 19.

The authority before whom the suspected vessel has been brought shall institute a full enquiry in accordance with the laws of his country in the presence of an officer of the detaining warship.

If, however, owing to the duties upon which the warship is engaged, it is not practicable for an officer of this warship to attend this enquiry, an affidavit sworn by the commanding officer of the warship shall be accepted by the authority holding the enquiry in place of the verbal evidence of an officer of the warship.

If it is proved at this enquiry that the flag has been illegally flown but that the vessel is entitled to fly the flag of a recognised State, she shall, if that State is one of the High Contracting Parties, be handed over to the nearest authority of that State and in all other cases shall be disposed of by agreement between the State responsible for her detention and the State whose flag she is entitled to fly, and, pending such agreement, shall remain in the custody of the authorities of the nationality of the detaining warship.

If it should be established that the use of the flag by the detained vessel was correct but that the vessel was engaged in the illicit conveyance of arms, munitions and implements of war, those responsible shall be brought before the courts of the State under whose flag the vessel sailed. The vessel herself and her cargo shall remain in charge of the authority directing the enquiry. The illicit cargo of arms, munitions or implements of war may be destroyed in accordance with the laws and regulations drawn up for the purpose.

Document 19 — Nos. 38 and 40. e
Document 20 — Nos. 68 and 103.

Article 22.

The High Contracting Parties agree to communicate to the Central Office specimen forms of the documents mentioned in Articles 12, 13, 14 and 15, as well as a detailed list of the licences granted in accordance with the provisions of this Chapter whenever such licences are granted.

Article 23.

Any illicit conveyance or attempted conveyance legally established against the captain or owner of a vessel authorised to fly the flag of one of the signatory Powers or holding the licence provided for in Article 15 shall entail the immediate withdrawal of the said authorisation or licence.

The High Contracting Parties will take the necessary measures to ensure that their territorial authorities or their consuls shall send to the Central Office certified copies of all authorisations to fly their flag as soon as such authorisations shall have been granted, as well as notice of withdrawal of any such authorisation. They also undertake to communicate to the said Office copies of the licences provided for under Article 15.

Article 24.

The commanding officer of a warship who may have detained a vessel flying a foreign flag shall in all cases make a report thereon to his Government, stating the grounds on which he acted.

An extract from this report, together with a copy of the *procès-verbal* drawn up by the officer, warrant officer, petty or non-commissioned officer sent on board the vessel detained, shall be sent as soon as possible to the Central Office and at the same time to the Government whose flag the detained vessel was flying.

Article 22.

Adopted without change.

Document 7 — Nos. 44 and 45.

Article 23.

Adopted without change.

Document 7 — Nos. 44 and 45.

Article 24.

Adopted without change.

Document 7 — Nos. 44 and 45.

Article 20.

The High Contracting Parties agree to communicate to the Central International Office specimen forms of the documents mentioned in Articles 15, 16, 17.

Document 10 — Nos. 38 and 40.
Document 20 — Nos. 69 and 104.

Article 21.

Any illicit conveyance or attempted conveyance legally established against the captain or owner of a vessel authorised to fly the flag of one of the signatory Powers, or holding the licence provided for in Article 15, shall entail the immediate withdrawal of the said authorisation or licence.

The High Contracting Parties will take the necessary measures to ensure that their territorial authorities or their consuls shall send to the Central International Office certified copies of all authorisations granted under this Convention to fly their flag as soon as such authorisation shall have been granted, as well as notice of withdrawal of any such authorisation. They also undertake to communicate to the said office copies of the licences provided for under Article 15.

Document 10 — Nos. 38 and 40.
Document 20 — Nos. 70 and 105.

Article 22.

The commanding officer of a warship who may have detained a vessel flying a foreign flag shall in all cases make a report thereon to his Government, stating the grounds on which he acted.

An extract from this report, together with a copy of the *procès-verbal* drawn up by the officer, warrant officer, petty or non-commissioned officer sent on board the vessel detained, shall be sent as soon as possible to the Central International Office and at the same time to the Government whose flag the detained vessel was flying.

Document 10 — Nos. 38 and 40.
Document 20 — Nos. 71 and 105.

Article 25.

If the authority entrusted with the enquiry decides that the detention and diversion of the vessel or the measures imposed upon her were irregular, he shall fix the amount of the compensation due. If the capturing officer, or the authorities to whom he is subject, do not accept the decision or contest the amount of the compensation awarded, the dispute shall be submitted to a court of arbitration consisting of one arbitrator appointed by the Government whose flag the vessel was flying, one appointed by the Government of the capturing officer, and an umpire chosen by the two arbitrators thus appointed. The two arbitrators shall be chosen, as far as possible, from among the diplomatic, consular or judicial officers of the High Contracting Parties. These appointments must be made with the least possible delay, and natives in the pay of the High Contracting Parties shall in no case be appointed. Any compensation awarded shall be paid to the person concerned within six months at most from the date of the award.

The decision shall be communicated to the Central Office and to the Secretary-General of the League of Nations.

Article 26.

The High Contracting Parties which exercise authority over territories within the prohibited areas and zones specified in Article 10 agree to take, so far as each may be concerned, the measures required for the enforcement of the present Convention, and, in particular, for the prosecution and repression of offences against the provisions contained therein. They shall communicate these measures to the Central International Office and shall inform it of the competent authorities referred to in the preceding articles. Such of them as are Members

Article 25.

Adopted without change.

Document 7 — Nos. 44 and 45.

Article 26.

The High Contracting Parties which exercise authority over territories within the prohibited areas and zones specified in Article 10 agree to take, so far as each may be concerned, the measures required for the enforcement of the present Convention, and, in particular, for the prosecution and repression of offences against the provisions contained therein.

They shall communicate these measures to the Central International Body and shall inform it of the competent authorities referred to in the preceding articles. Such of them as are

Article 23.

If the authority entrusted with the enquiry decides that the detention and diversion of the vessel or the measures imposed upon her were irregular, he shall fix the amount of the compensation due. If the capturing officer, or the authorities to whom he is subject, do not accept the decision or contest the amount of the compensation awarded, the dispute shall be submitted to a court of arbitration consisting of one arbitrator appointed by the Government whose flag the vessel was flying, one appointed by the Government of the capturing officer, and an umpire chosen by the two arbitrators thus appointed. The two arbitrators shall be chosen, as far as possible, from among the diplomatic, consular or judicial officers of the High Contracting Parties. These appointments must be made with the least possible delay, and natives in the pay of the High Contracting Parties shall in no case be appointed. Any compensation awarded shall be paid to the person concerned within six months at most from the date of the award.

The decision shall be communicated to the Central International Office.

Document 10. — Nos. 38 and 40.
Document 20 — Nos. 72 and 105.

Chapter VI. — GENERAL PROVISIONS.

Article 24.

The High Contracting Parties who exercise authority over territories within the prohibited zones specified in Article 9 agree to take, so far as each may be concerned, the measures required for the enforcement of the present Convention, and in particular for the prosecution and repression of offences against the provisions contained therein and to appoint the necessary territorial and consular officers or special representatives competent for this purpose.

of the League of Nations shall at the same time transmit this information to the Secretary-General of the League.

Members of the League of Nations shall at the same time transmit this information to the Secretary-General of the League.

Document 7 — No. 46.

NOTE. — The text by the Rapporteurs contained no provision on this point.

NOTE. — The text of the Sub-Commission contained no provision on this point.

NOTE. — The text by the Rapporteurs contained no provision on this point.

Article 27, paragraph 3.

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Any State may, with the consent of the High Contracting Parties, notify its partial or conditional adherence to the provisions of the present Convention, provided that such conditions or partial adherence do not affect the effectiveness of the supervision of trade in arms and ammunition.

Document 7 — No. 47.

They shall communicate these measures to the Central International Office and shall inform them of the competent authorities referred to in the preceding article.

Document 10 — No. 39.
Document 20 — Nos. 73 and 106.

Article 25.

In time of war, Articles 2, 3, 4, 5 and 6 shall be considered as suspended from operation until the restoration of peace so far as concerns any export and transit of arms, munitions or implements of war to or on behalf of any of the belligerents recognised as such by the exporting country and the countries of transit, provided such recognition has been previously communicated to the other High Contracting Parties.

This article originates from an amendment to Article 3 by Viscount Cecil.
Document 7 — Nos. 22 and 23.
Document 20 — Nos. 19, 87 and 106.
Document 25 — No. 4.

Article 26.

Any Government may, on signing or adhering to the present Convention, declare that it accepts its provisions partially or conditionally, provided that the High Contracting Parties consent and that it does not thereby affect the effectiveness of the supervision of the trade in arms, munitions and implements of war.

Nevertheless, the Convention shall only apply to Powers availing themselves of the option provided in the previous paragraph if, within the period of one year from the notification by the French Government of the deposit of their ratification (or adherence), partial or conditional, no opposition to such ratification (or adherence) has been raised by any of the Contracting Parties.

Document 10 — No. 39.
Document 20 — Nos. 76, 77 and 107.

**Text presented by the Rapporteurs to the
First Sub-Commission.**

Article 29.

All the provisions of former general international conventions relating to the matters dealt with in the present Convention shall be considered as abrogated in so far as they are binding between the Powers which are parties to the present Convention.

Article 30.

The Secretariat of the League of Nations shall publish an annual report on the traffic in arms and munitions of war in Category I, the licences issued by the different Governments, and the situation of the arms traffic.

This report shall be submitted to the Assembly of the League of Nations.

**Text drawn up by the First
Sub-Commission.**

Article 29.

All the provisions of former general international conventions relating to the matters dealt with in the present Convention shall be considered as abrogated in so far as they are binding between the Powers which are parties to the present Convention.

The present Convention shall in no way affect the rights and obligations which may arise out of the provisions either of the Covenant of the League of Nations or of the Treaties of Peace signed in 1919 and 1920 at Versailles, Neuilly, St. Germain, and Trianon and the provisions of Agreements registered with the League of Nations and published by the League up to the date of the coming into force of the present Convention, so far as the Powers which are signatories of or benefit by the said Treaties or Agreements are concerned.

Document 7 — Nos. 49 to 51.

Article 30.

The Council of the League of Nations shall cause to be published an annual report on the trade in arms and munitions of war, the licences issued by the different Governments, and the situation of the trade in arms.

This report shall be submitted to the Assembly of the League of Nations.

Document 7 — No. 52.

Final Text of the Draft Convention.

Article 27.

All the provisions of former general international Conventions relating to the matters dealt with in the present Convention, including the Convention for the Control of the Trade in Arms and Ammunitions and the Protocol signed at St. Germain-en-Laye September 10th, 1919, shall be considered as abrogated in so far as they are binding between the Powers which are Parties to the present Convention.

The present Convention shall in no way affect the rights and obligations which may arise out of the provisions either of the Covenant of the League of Nations or of the Treaties of Peace signed in 1919 and 1920 at Versailles, Neuilly, St. Germain and Trianon or of the Treaty limiting Naval Armaments signed at Washington on February 6th, 1922, and the provisions of Agreements registered with the League of Nations and published by the League up to the date of the coming into force of the present Convention, so far as the Powers which are signatories of or benefit by the said Treaties or Agreements are concerned.

Document 10 — No. 39.
Document 20 — Nos. 29, 30, 31, 108.

Article 28.

The Council of the League of Nations shall cause to be published an annual report on the operation of the present Convention.

This report shall be presented to the Assembly of the League of Nations.

Document 10 — No. 39.
Document 20 — Nos. 82 and 109.

Article 31.

The present Convention shall be ratified as soon as possible.

Each Power will address its ratification to the French Government, which will inform all the other signatory Powers.

Article 27.

The High Contracting Parties will use their best endeavours to secure the accession to the present Convention of other States, whether Members of the League of Nations or not.

This accession shall be notified through the diplomatic channel to the Government of the French Republic, and, by it, to all the signatory or adhering States. The accession will come into force from the date of such notification to the French Government.

Article 28.

The High Contracting Parties agree that if any dispute whatever should arise between them relating to the application or interpretation of the present Convention which cannot be settled by negotiations, this dispute shall be submitted to the International Court of Justice.

Article 31.

The present Convention shall be ratified as soon as possible.

Each Power will address its ratification to the French Government, which will inform all the other signatory Powers.

Document 7 — No. 53.

Article 27, paragraphs 1 and 2.

The High Contracting Parties will use their best endeavours to secure the accession to the present Convention of the other States, whether Members of the League of Nations or not.

This accession shall be notified through the diplomatic channel to the Government of the French Republic, and, by it, to all the signatory or adhering States. The accession will come into force from the date of such notification to the French Government.

Document 7 — No. 47.

Article 28.

The High Contracting Parties agree that if any dispute whatever should arise between them relating to the application or interpretation of the present Convention which cannot be settled by negotiation, this dispute shall be submitted to the International Court of Justice, or alternatively to a court of arbitration.

Document 7 — No. 48.

Article 29.

The present Convention, of which the French and English texts shall both be authentic, is subject to ratification. It shall bear to-day's date and shall be open for signature by the Powers until [date].

Each Power shall address its ratification to the French Government, which shall at once notify the deposit of ratification to each of the other signatory Powers.

The instruments of ratification shall then remain deposited in the archives of the French Government.

Document 10 — No. 39.
Document 20 — Nos. 83 and 110.

Article 30.

The High Contracting Parties will use their best endeavours to secure the accession to the present Convention of the other States, whether Members of the League or not. On and after [date] the present Convention may be acceded to by any Power. Accession shall be effected by an instrument communicated to the French Government, which shall at once notify such deposit to all Powers which are signatories of or accede to the Convention.

The instruments of accession shall remain deposited in the archives of the French Government.

Document 10 — No. 39.
Document 20 — Nos. 74, 75, 110.

Article 31.

Disputes between the Parties relating to the interpretation or application of this Convention shall, if they cannot be settled by direct negotiation, be referred for decision to the Permanent Court of International Justice. In case either or both of the Parties to such a dispute should not be parties to the Protocol of Signature of the Permanent Court of International Justice, the dispute shall be referred, at the choice of the Parties, either to the Permanent Court of International Justice or to a court of arbitration.

Document 10 — No. 39.
Document 20 — Nos. 78 and 110.

Article 32.

The present Convention shall come into force when ratified by twelve Powers, among whom shall be all of the following:

[Here will follow the names of the six Powers which are the principal manufacturers of munitions, including the United States of America.]

Article 33.

The present Convention shall remain in force for ten years. Thereafter it can be denounced by any High Contracting Party by giving two years' notice to the Government of the French Republic, which will inform all the other signatory Powers.

NOTE. — (The text by the Rapporteurs contained no provision on this point.)

Article 32.

The present Convention shall come into force when ratified by twelve Powers, among whom shall be all of the following: Belgium, United States of America, France, Great Britain, Italy, Japan and Russia.

Document 7 — No. 54.

Article 33.

The present Convention shall remain in force for ten years. Thereafter it can be denounced by any High Contracting Party by giving two years' notice to the Government of the French Republic, which will inform all the other signatory Powers.

The High Contracting Parties agree that, at the conclusion of a period of five years, the present Convention shall, in the light of experience then gained, be subject to revision upon the request of of the said High Contracting Parties.

Document 7 — Nos. 55 and 56.

NOTE. — (The text by the Sub-Commission contained no provision on this point.)

Article 32.

The present Convention will not come into force until it has been ratified by twelve Powers, among whom shall be the following: Belgium, the United States of America, France, Great Britain, Italy, Japan and Russia.

The date of its coming into force shall be the day after the receipt by the French Government of the twelfth ratification. Thereafter the present Convention will take effect in the case of each Party days after the receipt of its ratification or accession.

Document 10 — No. 39.
Document 20 — Nos. 84 and 111.

Article 33.

The present Convention may be denounced by any Party thereto after the expiration of ten years from the date when it came into force in respect of that Party. Denunciation shall be effected by notification in writing addressed to the French Government, which shall forthwith transmit copies of such notification to the other Parties, informing them of the date on which it was received.

A denunciation shall take effect two years after the date on which the notification thereof was received by the French Government, and shall operate only in respect of the notifying State.

Document 10 — No. 39.
Document 20 — Nos. 85 and 112.

Article 34.

The High Contracting Parties agree that, at the conclusion of a period of five years, the present Convention shall, in the light of the experience then gained, be subject to revision upon the request of a third of the said High Contracting Parties.

This Article is based on a proposal of the Legal Section of the Secretariat.
Document 20 — Nos. 86 and 112.

Article 7.

Shipments to be effected under contracts entered into before the coming into force of the present Convention shall be governed by its provisions.

Article 8.

The High Contracting Parties undertake to grant no export licences covering either Category I or Category II to any country which refuses to accept the tutelage under which it has been placed or which, after having been placed under the tutelage of any Power, may endeavour to obtain from any other Power any of the arms or munitions of war in Category I or of the fire-arms or ammunition in Category II.

Article 19.

Native vessels to which, under the provisions of the last paragraph of Article 13, the regulations relating to the manifest of the cargo are not applicable, shall receive from the territorial or consular authorities, as the case may be, a special licence, renewable annually and revocable under the conditions provided for in Article 19.

This special licence shall show the name of the vessel, her description, nationality, port of registry, name of captain, name of owner and the waters in which she is allowed to sail.

Article 7.

Shipments to be effected under contracts entered into before the coming into force of the present Convention shall be governed by its provisions.

Document 7 — No. 32.

Article 8.

The High Contracting Parties undertake to grant no export licences covering either Category I or Category II for delivery to any country which, after having been placed under the tutelage of any Power, may endeavour to obtain from any other Power any of the arms or munitions of war in Category I or of the fire-arms or ammunition in Category II.

Document 7 — No. 33.

Article 19.

Adopted without change.

Document 7 — Nos. 44 and 45.

Article omitted.

Document 10 — No. 30.
Document 20 — Nos. 40 to 43.

Article omitted.

Document 10 — No. 31.
Document 20 — No. 44.

Article omitted.

Document 10 — Nos. 38 and 40.
Document 20 — No. 63.

APPENDIX.

LICENCE TO EXPORT ARMS AND MUNITIONS
OF WAR.

[Name and address of exporter]

is hereby authorised to export the following
arms and munitions of war

[Here will follow a full description of the arms
and munitions, their number, weight and other
necessary data, including the heading under
which the exported goods will appear in the
export statistics of the exporting country]

To [name of importing Government].

The above arms and munitions of war will
be sent by [here state whether by sea, rail or
air]

by the following route or routes.

[Here give port or station of embarkation
and disembarkation, route and destination,
including last port or station of consignment.]

[Name and address of purchasing agent of the
importing Government.]

[Signature of proper authority of Government
of exporting country.]

APPENDIX.

Adopted without change.

Document 19 — No. 3.

APPENDIX.

LICENCE TO EXPORT ARMS, MUNITIONS AND IMPLEMENTS OF WAR.

[Name and address of exporter]

is hereby authorised to export the following arms, munitions and
implements of war

[Here will follow a full description of the arms, munitions and
implements of war, their number, weight and other necessary data,
including the heading under which the exported goods will appear
in the export statistics of the exporting country]

To [name of importing Government].

The above arms, munitions and implements of war will be
sent by

[Here state whether by sea, rail or air]

by the proposed following route or routes.

[Here give port or station of embarkation and disembarkation,
route and destination, including last port or station of consignment.]

[Name and address of purchasing agent of the importing Govern-
ment.]

[Signature of proper authority of Government of exporting
country.]

Document 23.

REPORT OF THE THIRD COMMITTEE TO THE FIFTH ASSEMBLY AND RESOLUTIONS ADOPTED BY THE ASSEMBLY AT ITS MEETING HELD ON SEPTEMBER 27th, 1924.

Rapporteur: General DE MARINIS (Italy).

I. CONTROL OF THE INTERNATIONAL TRADE IN ARMS, MUNITIONS AND IMPLEMENTS OF WAR.

The Temporary Mixed Commission has prepared this year a draft Convention on the International Control of Arms, Munitions and Implements of War. It had been asked by the Council to draw up this draft in pursuance of Resolution IVa of the last Assembly. The Temporary Mixed Commission, at the end of its report to the Council, stated that in its opinion the draft that had been prepared might very well provide a basis for the work of the International Conference which the Council and the Assembly had, on several occasions, stated that it was their intention to convene for the purpose of drawing up and concluding the Convention.

In pursuance of the Resolution IVa in question, the Government of the United States had been invited to send representatives to co-operate with the Temporary Mixed Commission and had acceded to this request. The two United States Ministers who have successively held office in Berne this year have helped to prepare the draft Convention. Furthermore, on August 29th last, the Government of the United States stated that it would be prepared to consider favourably an invitation to take part in an International Conference convened for the purpose of concluding a Convention for the Control of the International Trade in Arms, Munitions and Implements of War.

In these circumstances, the Third Committee thought that the moment was opportune for complying with the recommendations of former Assemblies. It accordingly proposes the following draft resolution:

Draft Resolution.

"The Committee proposes that the Assembly should ask the Council to submit to the Governments of States Members and non-members of the League of Nations the draft Convention relating to the Control of the International Trade in Arms, Munitions and Implements of War drawn up by the Temporary Mixed Commission, and to request these Governments to inform the Secretary-General, before the Council meets in December, whether they are prepared to take part in a Conference to be convened in April or May 1925 for the purpose of discussing this draft Convention."

It should be added that the Temporary Mixed Commission left to the discretion of the Council certain provisions of the draft that it did not consider it was in a position to define.

The Third Committee was of opinion that the draft Convention should be submitted to the International Conference without modification, *i.e.*, as it was left by the Temporary Mixed Commission, it being understood that the Council, should it deem fit, could add, as an annex to the draft, such suggestions or recommendations as it considered advisable to make on those points on which the Temporary Mixed Commission had refrained from giving its decision.

II. STATISTICAL ENQUIRY ON THE TRADE IN ARMS, MUNITIONS AND IMPLEMENTS OF WAR.

The Temporary Mixed Commission, in investigating the question of the control of the trade in arms, munitions and war material, came to the conclusion that it would be advisable to have exact data as to the volume of this trade. It therefore asked the Secretariat, with the approval of the Council, to prepare from official and public documents a statistical summary on the subject.

The Third Committee, on being informed of this work, considered that it was of great importance and should be continued. It also expressed the opinion that the work might well provide

a basis for an enquiry into the general aspects of the trade revealed by the information obtained. It would also be desirable to assist the Secretariat by securing the co-operation of all Governments.

These considerations are set out in the following draft resolution which the Third Committee submits to the Assembly:

Draft Resolution.

"The Assembly, having taken note of the statistical data relating to the trade in arms, munitions and war material published by the Secretariat of the League of Nations in pursuance of a decision of the Council, expresses its satisfaction with the work accomplished and requests the Council:

"1. To instruct the Temporary Mixed Commission carefully to consider the information already published and to submit a report on the characteristic features of the trade in arms, munitions and implements of war as disclosed by this enquiry based on official and public documents, and on the conclusions to be drawn therefrom;

"2. To ensure the periodical publication by the Secretariat of the statistical data concerning the trade in arms, munitions and implements of war;

"3. To invite States Members and non-members of the League of Nations to transmit to the Secretariat all documents which they may consider likely to be of assistance in the preparation of this work."

The two draft resolutions above, proposed by the Third Committee, were adopted by the Assembly.

Document 24.

EXTRACTS FROM THE MINUTES OF THE THIRTIETH SESSION OF THE COUNCIL

Held at Geneva from August 29th to October 3rd, 1924.

FOURTH MEETING

Held on Tuesday, September 9th, 1924, at 3.30 p.m.

I. Invitation to the Government of the United States to send a Representative to attend the Meetings of the Third Committee of the Assembly.

M. BENES read the following report:

My colleagues will no doubt recall that, in my twofold capacity as Acting President of the Council and Rapporteur for disarmament questions, I had, on August 14th, 1924, ventured to consult them, through the Secretary-General, with regard to the advisability of furnishing the United States Government an opportunity of expressing its views on the question of the control of the international trade in arms at such time as this question should be discussed by the members of the Third Committee of the Assembly. The Members of the Council having unanimously expressed a favourable opinion with regard to this proposal, the Secretary-General, on August 18th, sent a letter in my name to the Secretary of State at Washington setting forth the views held by the Council on this matter. In this letter, after referring to the assistance afforded by two successive United States Ministers at Berne in the work of the Temporary Mixed Commission on the Control of the International Trade in Arms, the Secretary-General invited the United States Government to send a representative to be present at the discussions of the Third Committee of the Assembly on this question.

The reply from the United States Government to this invitation was received at the Secretariat on August 30th.

I feel convinced that my colleagues on the Council will, like myself, appreciate the spirit of co-operation shown in this reply. The Assembly has always considered it to be of great importance that the question of the control in the international trade in arms should be discussed in close touch with the United States. I would therefore suggest that this report, as well as the following letter from the United States Minister in Berne dated August 29th, 1924, should be communicated to the Assembly.

2. Letter from the United States Minister in Berne, August 29th, 1924.

"I beg leave to acknowledge the receipt of your note of August 18th and to inform you that I did not fail to transmit immediately to the Secretary of State the communication from the Council of the League of Nations inviting my Government to have a representative present at the meetings of the Third Committee of the forthcoming Assembly which is to discuss the question of the control of the trade in arms.

"I am now in receipt of a reply from the Secretary of State desiring me to express, on behalf of my Government, its cordial appreciation of the courtesy shown by the Council in extending this invitation.

"The Government of the United States has been happy to be represented at the meetings of the Temporary Mixed Commission and its sub-commission. Its views have been fully explained on those occasions, and it is felt that they could not be usefully amplified by having a representative present at the meetings of the Third Committee.

"It is observed from the invitation that the Third Committee will discuss this matter with a view to consider whether the draft Convention affords sufficient basis to convoke

an international conference for the purpose of adopting such a convention as has been contemplated.

"The Government of the United States, as is well known, is in cordial sympathy with efforts suitably to restrict trade in arms and ammunition of war, and it will be glad to co-operate in the formulation of any plan which would warrant the belief that necessary legislation could be obtained to give it effect.

"To this end the United States would be disposed to give favourable consideration to an invitation to participate in an appropriate international conference of Powers for the purpose of negotiating and concluding such a convention.

(Signed) Hugh GIBSON."

The PRESIDENT said that the Council would certainly be gratified at the spirit of co-operation shown in the answer of the Government of the United States.

M. Benes' report was adopted by the Council.

SEVENTEENTH MEETING

Held on Tuesday, September 30th, 1924, at 10.30 a.m.

3. Resolutions adopted by the Assembly on September 27th, 1924: Control of International Trade in Arms, Munitions and Implements of War (Resolution 1, Trade in Arms).

M. BENES read his report as follows:

The memorandum by the Secretary-General furnished the Council with a statement of the questions raised by the foregoing resolution of the Assembly and the Report of the Temporary Mixed Commission, on which it is based. The Assembly proposes that the Council should submit to the Governments of the States Members and non-members of the League the draft Convention drawn up by the Temporary Mixed Commission, and requests these Governments to inform the Secretary-General, before the Council meets in December, whether they are prepared to take part in a Conference to be convened in April or May 1925 for the purpose of discussing this draft Convention.

I would suggest that the Council should follow the Assembly's suggestion, but should postpone taking a decision regarding the exact date on which the Conference is to be held until our December meeting.

The Council might therefore adopt the following resolution:

"On the proposal of the Assembly, the Council decides to authorise the Secretary-General to submit to the Governments of the States Members and non-members of the League of Nations the draft Convention relating to the Control of the International Trade in Arms, Munitions and Implements of War drawn up by the Temporary Mixed Commission, and to request these Governments to inform him, before the Council meets in December, whether they are prepared to take part in a Conference to be convened in April or May 1925 for the purpose of discussing the draft Convention."

With regard to Article 9, which gives rise to certain difficulties submitted for the Council's consideration in the Temporary Mixed Commission's report, the best method of arriving at a completely satisfactory solution would appear to be to leave it to the various Governments to which the draft is to be submitted, should the Council approve the draft resolution quoted above, to study from their respective points of view the problems raised and the solutions which might be given to the question of establishing the prohibited zones referred to, so as to enable the Conference to discuss this question and to reach an agreement. If the Council shares this opinion, I would propose that it should add the following paragraph to the resolution:

"The Secretary-General will communicate to the various Governments the report of the Temporary Mixed Commission and also the Minutes of that Commission relating to the discussion of Article 9, in order that the representatives of the Governments on the International Conference may have the requisite information to enable them to come to a decision on the problems raised by this article, which was adopted in principle by the Temporary Mixed Commission."

4. Statement by M. Guani on Articles 3 and 25 of the Draft Convention.

M. GUANI said:

There is no need to discuss the draft before us, but before sending it to the Governments I wish to make certain observations.

The report of the Temporary Mixed Commission in Article 3, paragraph 1, refers to the export of arms and suggests that the licence may be granted to a Government recognised as such by the Government of the exporting country. I would observe that it would make the proposal more definite if the following phrase were added to this paragraph: "and by as large a number as possible of Governments of signatory States, that number to be determined by the Conference".

The same observation applies to Article 25, which reads:

"In time of war, Articles 2, 3, 4, 5 and 6 shall be considered as suspended from operation until the restoration of peace so far as concerns any export and transit of arms, munitions or implements of war to or on behalf of any of the belligerents recognised as such by the exporting country and the countries of transit, provided such recognition has been previously communicated to the other High Contracting Parties."

In my opinion, the words "and the countries of transit" at the end of the article should be replaced by the words "the countries of transit and by as large a number as possible of Governments of signatory States, that number to be determined by the Conference".

This is not the moment to discuss in detail the draft which will be sent to the Governments, but I should like the changes which I have just mentioned noted in the Minutes.

M. QUIÑONES DE LEÓN supported the observations of M. Guani.

5. Reserves made by M. de Mello-Franco.

M. DE MELLO-FRANCO also supported M. Guani and asked that the reserve made by the Brazilian representative on the Permanent Advisory Commission should be inserted in the Minutes. The reserve was as follows:

"The Commission having decided not to discuss portions of the draft having a purely political character and to restrict its opinions to purely technical matters, the Brazilian delegate has based his adhesion solely on the latter consideration. He plans reserves in all undiscussed portions of the draft which were deemed to be political, although the latter-mentioned articles have, in his opinion, a technical character, since they affect the supplying of arms and ammunition of non-manufacturing States necessary for their security and defence.

"These reserves refer especially to Article 1 (which establishes the categories of arms and munitions and forbids free exportation) and to Article 3 (which requires a system of licences for exports made on behalf of a Government).

"The Brazilian delegate considers that the acquisition and transport of arms and munitions imported for a Government on the demand of their military and naval staffs is for the importing State a technical matter. He would have proposed to modify this article by removing any restrictive character as regards these exports and any appearance of control exercised by a foreign Government on the acquisition of arms and munitions found necessary for the needs and security and the defence of a non-producing State, and, generally, to suppress any measure of inequality compared with a producing State, as regards ability and right to provide for their military and naval needs.

"Such amendments would have conformed to the last paragraph of Article 8 of the Covenant.

"In accepting the proposed classification of the three categories of arms and munitions, the Brazilian delegate does not agree that the provisions which govern the prohibition of exportation, to be imposed as regards Category II, should or can be of general application, and he considers that such provision must take account of regional conditions, military, economic and political."

Lord PARMOOR said that there were some very important amendments proposed to Article 10 by the British delegation. He presumed that they would be submitted in the ordinary course at the Conference.

M. BENES saw no difficulty in giving satisfaction to M. Guani, M. Quiñones de León and M. de Mello-Franco. M. Guani's observations would be inserted in the Minutes and therein communicated to the Governments with the report of the Temporary Mixed Commission. He thought that M. de Mello-Franco's proposal could be met by making a slight change in the resolution.

He was in-entire agreement with Lord Parmoor's suggestion.

6. Statement by Prince Arfa-ed-Dowleh (Persia).

Prince ARFA-ED-DOWLEH said:

I have had the honour, both verbally and in writing, to put forward the view of the Persian Government before the Temporary Mixed Commission and its Sub-Commission. I have been

Very happy to note the spirit of justice and the consideration shown for all my declarations. I am very satisfied with the resolution presented by M. Benes, and I will simply ask for insertion in the Minutes of the following declaration:

"Persia has decided to repress all illicit traffic in arms in her territory, but she will do so as a sovereign State and not as a kind of colonial territory. For this reason we shall not admit that the Conference can insert the name of Persia in Article 9 among the prohibited zones, such as colonies and territories under mandate."

The PRESIDENT said that satisfaction should be given to the Persian representative by inserting his observations in the Minutes.

The Council adopted the text of the first resolution as proposed by M. Benes.

7. Adoption of Resolution relative to Article 9.

The second resolution was adopted in the following form:

"The Secretary-General will communicate to the various Governments the report of the Temporary Mixed Commission, the Minutes of that Commission and the Minutes of the Permanent Advisory Commission relating to the discussion of Article 9, together with the Minutes of the present meeting of the Council, in order that the representatives of the Governments on the International Conference may have the requisite information to enable them to come to a decision on the problems raised on this question during the present meeting."

8. Statistical Enquiry on the Trade in Arms, Munitions and Implements of War (Resolution 2).

M. BENES proposed that the Council should adopt the opinion of the Assembly regarding the compilation of statistical information concerning the trade in arms, munitions and implements of war and should accordingly take the following resolution:

"On the proposal of the Assembly, the Council decides to instruct the Temporary Mixed Commission carefully to consider the information already published and to submit a report on the characteristic features of the trade in arms, munitions and implements of war as disclosed by this enquiry, based on the official and public documents, and on the conclusions to be drawn therefrom;

"To instruct the Secretariat to ensure the periodical publication of the statistical data concerning the trade in arms, munitions and implements of war;

"To instruct the Secretary-General to invite States Members and non-members of the League to transmit to the Secretariat all documents which they may consider likely to be of assistance in the preparation of this work."

The resolution was adopted.

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"Persia has decided to repress all illicit traffic in arms in her territory, but she will do so as a sovereign State and not as a kind of colonial territory. For this reason we shall not admit that the Conference can insert the name of Persia in Article 9 among the prohibited zones, such as colonies and territories under mandate."

The PRESIDENT said that satisfaction should be given to the Persian representative by inserting his observations in the Minutes.

The Council adopted the text of the first resolution as proposed by M. Benes.

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"To instruct the Secretariat to ensure the periodical publication of the statistical data concerning the trade in arms, munitions and implements of war;

"To instruct the Secretary-General to invite States Members and non-members of the League to transmit to the Secretariat all documents which they may consider likely to be of assistance in the preparation of this work."

The resolution was adopted.

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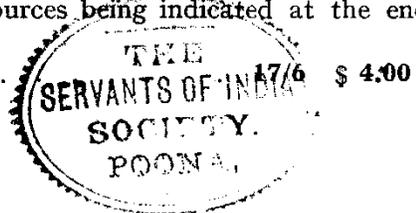
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