

[Distributed to the Council,
the Members of the League and
the Delegates at the Assembly.]

A. 43. 1928. IX.

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Geneva, September 4th, 1928.

LEAGUE OF NATIONS

REDUCTION OF ARMAMENTS

**SUPERVISION OF THE PRIVATE MANUFACTURE
AND PUBLICITY OF THE MANUFACTURE
OF ARMS AND AMMUNITIONS AND OF IMPLEMENTS OF WAR**

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1. REPORT BY THE REPRESENTATIVE OF ROUMANIA; ADOPTED BY THE COUNCIL ON SEPTEMBER 1st, 1928.

On September 27th, 1927, the Council endorsed the resolution adopted by the Assembly with regard to the supervision of the private manufacture of arms and ammunition and of implements of war, and forwarded that resolution to the Special Commission in order that the latter might agree upon a single text which would enable the Council to convene an international Conference as speedily as possible. The Special Commission met from August 27th to 30th, 1928. The result of its work is set forth in the report which it has submitted to us, together with a revised preliminary draft Convention.

It will be seen from the Commission's report that, after attempting to reconcile the various points of view, it had to admit that fundamental differences of opinion still subsist. It was hence unable to submit to the Council the single final text for which the Assembly asked.

The revised draft Convention annexed to the Commission's report, together with the remarks appended to the various clauses, show the stage which the work has now reached.

I have the honour to submit to the Council the following resolution:

"The Council takes note of the Special Commission's report and of the preliminary draft Convention annexed thereto, and requests the Secretary-General to circulate these documents to the Assembly delegates."

Special Commission for the Preparation of a Draft Convention on the Private Manufacture of Arms and Ammunition and of Implements of War.

2. REPORT OF THE SPECIAL COMMISSION TO THE COUNCIL.

The Special Commission appointed by the Council in December 1926, to prepare a final draft as basis for the work of an international Conference on the manufacture of arms and ammunition and of implements of war, held its second session at Geneva from August 27th to 30th, 1928. The object of this session was to draft a single text which, as provided in the Assembly resolution of September 24th, 1927, should enable the Council to convene an international Conference as speedily as possible.

As the starting-point of its work, the Commission took the draft Convention prepared at its first session in March and April 1927. After attempting to reconcile the different points of view, it can do no more than place on record the continued existence of fundamental divergencies, and the impossibility of laying before the Council the single final text which the Assembly desired. Inasmuch as, in the draft which the Commission is submitting as the outcome of its labours, the divergent opinions are set down at the close of each article, the Commission does not consider it necessary to analyse in this report the various points of view which found expression during the debates. It is of opinion that this document contains all the information required for an appreciation of the stage at which its work has now arrived.

3. PRELIMINARY DRAFT CONVENTION WITH REGARD TO THE SUPERVISION OF THE PRIVATE MANUFACTURE AND PUBLICITY OF THE MANUFACTURE OF ARMS AND AMMUNITION AND OF IMPLEMENTS OF WAR

submitted to the Council by the Special Commission.

PREAMBLE.

The following countries

Whereas the signatories of the Final Act of the Convention concerning the Supervision of the International Trade in Arms and Ammunition and in Implements of War, signed at Geneva on June 17th, 1925, have unanimously declared that "the Convention of to-day's date must be considered as an important step towards a general system of international agreements regarding arms and ammunition and implements of war, and that it is desirable that the international aspect of the manufacture of such arms, ammunition and implements of war should receive early consideration by the different Governments";

Whereas the manufacture of arms and ammunition and implements of war should be subjected to a general and effective system of governmental supervision and publicity;

Whereas the manufacture of arms, ammunition or implements the use of which in war is prohibited by international law ought not to be permitted for such purpose;

Have decided to conclude a Convention and have accordingly appointed as their plenipotentiaries:

(Here follow the names of the plenipotentiaries.)

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

CATEGORIES.

Article I.

[Same as Chapter I (below) of the Convention for the Supervision of the International Trade in Arms.]

For the purposes of the present Convention, five Categories of arms, ammunition and implements are established:

CATEGORY I.

Arms, Ammunition and Implements of War exclusively designed and intended for Land, Sea or Aerial Warfare.

A. — Arms, ammunition and implements exclusively designed and intended for land, sea or aerial warfare, which are or shall be comprised in the armament of the armed forces of any State, or which, if they have been but are no longer comprised in such armament, are capable of military to the exclusion of any other use, except such arms, ammunition and implements which, though included in the above definition, are covered by other Categories.

Such arms, ammunition and implements are comprised in the following twelve headings:

1. Rifles, muskets, carbines.
2. (a) Machine-guns, automatic rifles and machine-pistols of all calibres;
(b) Mountings for machine-guns;
(c) Interrupter gears.
3. Projectiles and ammunition for the arms enumerated in Nos. 1 and 2 above.
4. Gun-sighting apparatus including aerial gun-sights and bomb-sights, and fire-control apparatus.
5. (a) Cannon, long or short, and howitzers, of a calibre less than 5.9 inches (15 cm.);
(b) Cannon, long or short, and howitzers, of a calibre of 5.9 inches (15 cm.) or above;
(c) Mortars of all kinds;
(d) Gun carriages, mountings, recuperators, accessories for mountings.
6. Projectiles and ammunition for the arms enumerated in No. 5 above.
7. Apparatus for the discharge of bombs, torpedoes, depth charges and other kinds of projectiles.
8. (a) Grenades;
(b) Bombs;
(c) Land mines, submarine mines, fixed or floating, depth charges;
(d) Torpedoes.
9. Appliances for use with the above arms and apparatus.
10. Bayonets.
11. Tanks and armoured cars.
12. Arms and ammunition not specified in the above enumeration.

B. — Component parts, completely finished, of the articles covered by A above, if capable of being utilised only in the assembly or repair of the said articles, or as spare parts.

CATEGORY II.

Arms and Ammunition capable of use both for Military and other purposes.

- A. — 1. 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.
2. Fire-arms designed, intended or adapted for non-military purposes, such as sport or personal defence, that will fire cartridges that can be fired from fire-arms in Category I; other rifled fire-arms firing from the shoulder, of a calibre of 6 mm. or above, not included in Category I, with the exception of rifled fire-arms with a "break-down" action.

3. Ammunition for the arms enumerated in the above two headings, with the exception of ammunition covered by Category I.
4. Swords and lances.

B. — Component parts, completely finished, of the articles covered by A above, if capable of being utilised only in the assembly or repair of the said articles, or as spare parts.

CATEGORY III.

Vessels of War and their Armament.

1. Vessels of war of all kinds.
2. Arms, ammunition and implements of war mounted on board vessels of war and forming part of their normal armament.

CATEGORY IV.

1. Aircraft, assembled or dismantled.
2. Aircraft engines.

CATEGORY V.

1. Gunpowder and explosives, except common black gunpowder.
2. Arms and ammunition other than those covered by Categories I and II, such as pistols and revolvers of all models, rifled weapons with a "break-down" action, other rifled fire-arms of a calibre of less than 6 mm. designed for firing from the shoulder, smooth-bore shot-guns, guns with more than one barrel of which at least one barrel is smooth-bore, fire-arms firing rimfire ammunition, muzzle-loading fire-arms.

Remarks.

1. The Belgian delegation has made a reservation with regard to the advisability of a further study being made of these categories.

2. The German delegation declares itself against the inclusion of Category IV, in so far as civil aviation is concerned, in this Convention.

3. The delegation of the United States of America reserves the right to propose, for incorporation in the final text of the Convention, a statement limiting the material of Category IV of Article 1 to aircraft and aircraft engines manufactured under military specifications within their territory or jurisdiction on their own behalf or on behalf of the Government of another State.

By the term "manufactured under military specifications" it means both material manufactured for purely military purposes and material manufactured for commercial purposes, but on specifications designed to make it capable of military use.

The delegation of the Netherlands associates itself with this reservation.

SUPERVISION AND PUBLICITY.

Article 2.

For the purposes of the present Convention, private manufacture shall be considered to mean manufacture of items defined in Article 1 taking place in establishments of which the State is not the sole proprietor, and which are mainly or to a large extent engaged in the manufacture of the said articles, excluding manufacture on the order and behalf of the State.

Article 3.

The High Contracting Parties undertake not to permit, in the territory under their jurisdiction, the private manufacture as defined in Article 2 of the articles included in Categories I, II, III and IV, or of the arms, ammunition and implements the use of which in war is prohibited by international law, unless the manufacturers thereof are licensed by the Government to manufacture the articles referred to in this article.

This licence shall be valid for a period to be determined individually by each High Contracting Party, and shall be renewable for a further period at the discretion of the Government.

As regards arms, ammunition and implements the use of which in war is prohibited by international law, authorisation shall only be given in cases where it is established beyond doubt that such articles are to be manufactured for purposes other than war.

Remarks.

1. Certain delegations declared themselves against the inclusion of Category IV in this article.

2. The British delegation made a reservation with regard to clauses concerning arms, ammunition and implements the use of which in war is prohibited by international law.

3. The delegation of the United States of America recalled its declaration of principle made previously to the effect that its Government is powerless to prescribe or enforce a prohibition or a system of licences upon private manufacture which takes place under the jurisdiction of the States which form the Union of the Government of the United States.

Article 4.

The High Contracting Parties undertake to transmit to the Secretary-General of the League of Nations, or to publish within two months after the close of each quarter beginning on the first day of January, April, July and October a list of the licences granted during that quarter, together with:

(a) A description of the war material for which the licence is granted;

(b) The name and address of the registered or head office of the licensees and the period for which the licence has been granted.

(c) The names of all the enterprises with which the holder has concluded agreements or associations of any kind whatever, with a view to the production of the articles of war material for which the licence has been granted.

Remark.

Certain delegations are unable to accept the clause under (c) above.

Article 5.

The High Contracting Parties further undertake to transmit to the Secretary-General of the League of Nations, or to publish annually, a return showing the total production, in value, of the private manufactures licensed in accordance with the provisions of Article 3, in respect of each of the twelve headings of Category I (A and B), of the four headings of Category II (A and B), of the two headings of Category IV, set out in Article 1 of the present Convention.

Each of the High Contracting Parties similarly undertakes to forward to the Secretary-General of the League of Nations, or to publish annually, a return showing the total production, in terms of value and by categories, of the material manufactured for it either in establishments of which the State is the sole proprietor, or in any other establishment.

The High Contracting Parties undertake to transmit to the Secretary-General of the League of Nations, or to publish, the text of the provisions of all statutes, orders or regulations in force within their territory dealing with articles covered by Categories I, II and IV. All provisions enacted for the purpose of carrying out the present Convention and all amendments and additions to such statutes, orders, regulations and provisions shall also be published, or transmitted to the Secretary-General of the League of Nations.

Remarks.

1. Certain delegations declared themselves against the inclusion of Categories IB, IIB and IV in this article.

2. Certain delegations made the reservation that, in order to be accurate, "the particulars published in regard to private manufacture should be set forth in terms of weight, number and value".

Other delegations were of opinion that, in order to satisfy the requirements of the Assembly's resolution of September 24th, 1927, publicity in terms of weight, number and value should be prescribed for State as well as for private manufacture. Certain of the latter delegations could not accept any treaty which does not deal with State manufacture on the same footing as private manufacture.

3. Certain delegations consider that the conditions of supervision and publicity in regard to State manufacture must be brought into line with the general conditions which will be laid down by the Convention for the limitation of armaments.

Certain delegations, while accepting that remark, consider that it must not be interpreted in such a way as to subordinate the convening of a Conference on Private Manufacture to that of the General Conference on the Reduction and Limitation of Armaments.

4. Certain delegations are of opinion that the return provided for in the second paragraph should contain information not only for categories but also in respect of headings, as provided for in the first paragraph.

Article 6.

The High Contracting Parties, in all cases covered by Category III, undertake to publish within two months after the close of each half-year a return for that half-year, giving the information detailed below for each vessel of war constructed, in the course of construction, or to be constructed (*i.e.*, for which the contract has been signed), within their territorial jurisdiction:

- (a) The date of the signing of the contract for the construction of the vessel, and the following data:

Standard displacement in tons and metric tons; the principal dimensions, namely, length at water-line, extreme beam at or below water-line and main draft at standard displacement;

- (b) The date of laying the keel and the following data:

Standard displacement in tons and metric tons; the principal dimensions, namely, length at water-line, extreme beam at or below water-line, mean draft at standard displacement;

- (c) Date of delivery, or date of completion, together with the following data with respect to the vessel at that date:

Standard displacement in tons and metric tons; the principal dimensions, namely, length at water-line, extreme beam at or below water-line and main draft at standard displacement.

By standard displacement in the present article is to be understood the displacement of the vessel complete, fully manned, engined, and equipped ready for sea, including all armament and ammunition, equipment, outfit, provisions and fresh water for crew, miscellaneous stores and implements of every description that are intended to be carried in war, but without fuel or reserve feed water on board.

Remarks.

A proposal was made to the effect of inserting, at the end of paragraph (c) above, the following clause:

“As well as the following information regarding the armament installed on board the vessel at the date of delivery and forming part of the vessel's normal armament:

“Number and calibre of guns; number and calibre of torpedo tubes; number of bomb throwers; number of machine-guns.”

However, certain delegations declared that they had no instructions from their Governments enabling them to take a decision on this point.

Article 7.

The articles covered by Category V shall only be subject to such publicity as may be prescribed by the national legislation.

GENERAL PROVISIONS.

Article 8.

In time of war, the application of the present Convention shall be suspended until the restoration of peace as regards belligerents, and also as regards non-belligerents threatened by the war and whose supply of arms would become difficult as a result of hostilities.

Neutral High Contracting Parties who avail themselves of this right shall duly notify the other High Contracting Parties.

Remarks.

Certain delegations consider that the following words should be omitted: “and also as regards non-belligerents threatened by the war and whose supply of arms would become difficult as a result of hostilities”. The second paragraph of the article would thus become superfluous.

Other delegations expressed the opinion that only the words “and whose supply of arms would become difficult as a result of hostilities” should be omitted.

Article 9.

The present Convention shall not be deemed to affect any rights and obligations which may arise out of the provisions 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, or of any other treaty, convention agreement or engagement concerning the manufacture of arms and ammunition and of implements of war.

a practical scheme can be evolved. I do not think that, if we ask a Rapporteur to draw up a report now and then submit that to the Assembly when it has been discussed by this Committee on Tuesday or Wednesday, we shall serve any very useful purpose. Neither this Committee nor the Assembly is a body competent to state definitely from the financial point of view whether the scheme can be carried out or not.

It appears to me, therefore, that we shall be, I will not say wasting time, but certainly not making the best use of our time by having that complicated series of reports, first by one body and then by another. I think we should do very much better if we could get the Financial Committee — I do not know whether they have the time; I know they are very much pressed — to place before us a definite technical scheme of finance, either in the form of a Convention or in the form of a financial statement which we could all submit to the Treasury departments of our several Governments in order that they could judge whether or not it is a scheme which they could support.

If it turned out that it was a scheme which the Governments could all support on financial grounds, then it would be the logical moment for discussing these various political or quasi-political questions which are raised in this report as to the particular way in which the Council could call into play the machinery for the loan, whether or not the Council is to decide by a majority, and whether the signatories which are not members of the Council should be asked to join the Council for the particular business. All these are important matters which at some time or other we shall have to decide, but surely it is putting the cart before the horse to discuss them before we have decided whether or not a practical financial scheme can be evolved.

M. VEVERKA (Chairman of the Joint Committee). — I quite understand Lord Cushendun's feelings in the matter. The most practical method would obviously be to have a complete scheme worked out by the Financial Committee. But this is not where the difficulty lies; our colleagues on the Joint Committee have assured us that the members of the Financial Committee consider that the question is definitely settled from the financial point of view. They are willing to prepare a detailed scheme, but first of all they desire the Committee on Arbitration and Security to settle certain questions, the most important of which are: whether the threat of war is or is not to be taken into account — in other words, whether Article 11 of the Covenant is to be invoked and whether this scheme is to be automatically brought into force after a unanimous decision by the Council. I fear, therefore, that, if we refer the matter back to the Financial Committee before we have answered these questions, we shall be moving in a vicious circle.

It therefore seems necessary that the Committee on Arbitration and Security should take a decision or refer the matter to the Assembly for discussion by the competent Committee. It would then be possible, in the light of the decisions taken, to draw up the financial scheme.

The CHAIRMAN. — With reference to M. Veverka's observations, I should like to add that this is the first time the very complicated questions which have been raised in regard to the problem of financial assistance have come before the Committee. An essential point to be settled is whether the scheme of financial assistance is to be brought into effect by a unanimous decision of the Council, excluding the parties to the dispute.

The following political question also requires to be settled: whether the Committee on Arbitration and Security should study this question immediately, or whether, having regard to the particularly grave nature of this problem, it would be preferable to defer it to a later session.

I am inclined to think that, even if we decided to deal with this question at the present session, it would be difficult for us to discuss it at any length, because the Committee on Arbitration and Security has already very important questions to settle at this session; it has to pass the second reading of the model treaties on arbitration, security and mutual assistance, and has also to examine the German suggestions.

For these reasons, we thought that Governments should be given an opportunity of expressing their views upon this matter. We should thus have had a combined report containing the explanations of the Financial Committee and the observations of the Joint Committee on the political aspects of the matter. The Committee on Arbitration and Security would then have been able to take a decision at its next session.

M. VALDÉS-MENDEVILLE (Chile). — I quite agree with the procedure suggested by the Chairman and, like M. Veverka, I see the vicious circle which prevents our following the most logical method proposed by Lord Cushendun. But I am very much afraid that the majority of the delegations here are not in a position to give the views of their Governments in regard to the substance of the question. I think, however, it would be desirable for the Committee on Arbitration and Security to give a certain amount of guidance. It must not be forgotten that the members of the Joint Committee were, to some extent, the mandatories of the Committee on Arbitration and Security and of the Financial Committee; only two members of our Committee, M. Rutgers and myself, spoke in the discussion, because the other members were M. Veverka, Chairman of the Joint Committee, and the author of the proposal. We do not know whether the Committee on Arbitration and Security approves of the attitude we have adopted. We therefore think it desirable that this Committee should give some indication of its views, so that the Assembly may have before it not only the Joint Committee's report.

Article 10.

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

Each accession will be notified to the Secretary-General of the League of Nations, and by the latter to all the signatory or acceding States.

The instruments of accession shall remain deposited in the archives of the Secretariat of the League of Nations.

Article 11.

The present Convention may be denounced by any High Contracting Party thereto after the expiration of four 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 Secretary-General of the League of Nations, who will forthwith transmit copies of such notification to the other Contracting Parties, informing them of the date on which it was received.

A denunciation shall take effect one year after the date of the receipt of the notification thereof by the Secretary-General of the League of Nations, and shall operate only in respect of the notifying States.

Should the Convention be denounced by one of the Powers whose ratification is a condition of its entry into force, any other High Contracting Party may also, within a period of one year from the date of such denunciation, denounce the Convention without waiting for the expiration of the period of four years mentioned above, and may require that its denunciation shall take effect at the same date as the first-mentioned denunciation.

Article 12.

Any State signing or acceding to the present Convention may declare, at the moment of its signature, ratification or accession, that its acceptance of the present Convention does not apply to any or all of the overseas territories under its sovereignty, authority or jurisdiction, and may accede subsequently in accordance with the provisions of Article 10 on behalf of any territory so excluded. Denunciation may also be effected separately in respect of any such territory, and the provisions of Article 11 shall apply to any such denunciation.

Remarks.

The Netherlands delegation proposed that this article should be omitted.

Article 13.

The High Contracting Parties agree that, at the conclusion of a period of three years from the coming into force of the present Convention under the terms of Article 15, this Convention shall be subject to revision upon the request of one-third of the said High Contracting Parties, which request shall be addressed to the Secretary-General of the League of Nations.

Article 14.

The present Convention, of which the French and English texts are both authentic, is subject to ratification. It shall bear to-day's date.

Each Power shall address its ratification to the Secretary-General of the League of Nations, who will at once notify the deposit of such ratification to each of the other signatory Powers.

The instruments of ratification will remain in the archives of the Secretariat of the League of Nations.

Article 15.

A first procès-verbal of the deposit of ratifications shall be drawn up by the Secretary-General of the League of Nations as soon as the present Convention shall have been ratified by the following Powers:

(Here follows the list of the principal producing Powers, to be drawn up by the Conference.)

The Convention shall come into force four months after the date of the notification of this procès-verbal by the Secretary-General of the League of Nations to all signatory Powers.

Subsequently, the Convention will come into force in respect of each High Contracting Party four months after the date on which its ratification or accession shall have been notified by the Secretary-General of the League of Nations to all signatory or acceding States.

Remarks.

The delegation of Salvador recommends that the text of this article should correspond to that of Article 41 of the Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War of June 17th, 1925, to the effect that the Convention should come into force after ratification by fourteen Powers.

Article 16.

The High Contracting Parties agree to accept reservations which may be made by Estonia, Finland, Latvia, Poland and Roumania at the moment of their signature of the present Convention, and which shall suspend, until the accession of Russia to the present Convention under the same conditions as the said Powers, the application, in respect of those States, of Articles of the present Convention.

ANNEX TO THE SPECIAL COMMISSION'S REPORT TO THE COUNCIL
(SECTION 2 ABOVE).

SECOND SESSION OF THE SPECIAL COMMISSION

MINUTES OF THE MEETING

Held at Geneva on Thursday, August 30th, 1928, at 4 p.m.

Chairman: Count BERNSTORFF.

Present:

<i>Belgium:</i>	H.E. M. MELOT
<i>British Empire:</i>	The Hon. A. M. G. CADOGAN, C.M.G.
<i>Canada:</i>	Dr. W. A. RIDDELL, M.A., Ph.D.
<i>Chile:</i>	
<i>China:</i>	M. S. S. YUNG.
<i>Colombia:</i>	
<i>Cuba:</i>	H.E. M. A. DE AGUËRO Y BETHANCOURT.
<i>Czechoslovakia:</i>	H.E. Dr. V. VEVERKA.
<i>Finland:</i>	H.E. M. R. HOLSTI.
<i>France:</i>	H.E. M. R. MASSIGLI.
<i>Germany:</i>	H.E. Count BERNSTORFF.
<i>Italy:</i>	H.E. General DE MARINIS.
<i>Japan:</i>	H.E. M. N. SATO.
<i>Netherlands:</i>	Dr. V. H. RUTGERS.
<i>Poland:</i>	H.E. M. F. SOKAL.
<i>Roumania:</i>	H.E. M. C. ANTONIADE.
<i>Salvador:</i>	H.E. M. J. G. GUERRERO.
<i>United States of America:</i>	The Honourable Hugh R. WILSON.

1. Examination of the Draft Report to the Council, submitted by M. Guerrero, Rapporteur.
(See 2, page 2).

The CHAIRMAN: First of all, we shall consider M. Guerrero's draft report, and then the preliminary draft Convention article by article. When we have finished that part of our work, all the delegations who may so desire will still have time to express their opinions or make any reservations, which will be included in the Minutes of the present meeting and annexed to the report.

M. GUERRERO (Rapporteur): In view of our decision to annex the remarks or reservations made by the delegations to the report and the preliminary draft, I did not think it necessary in my report to give a detailed account of our discussions.

I should have preferred to lay a more optimistic report before you, but unfortunately the result of our work does not justify me in doing so. Nevertheless, I am quite ready to modify my report if the views expressed so far are also modified, particularly as regards the essential part of the preliminary draft.

I need not add that I am entirely at the disposal of any member who may care for further information.

The draft report was adopted without discussion.

2. Examination of the Preliminary Draft Convention with Regard to the Supervision of the Private Manufacture and Publicity for the Manufacture of Arms and Ammunition and of Implements of War.

Preamble.

The Preamble was adopted without discussion.

Article 1.

M. RUTGERS (Netherlands): I should like the following sentence to be inserted at the end of Remark No. 3, submitted by the United States delegation: "The Netherlands delegation accedes to this reservation".

Article 1 was adopted with and the remarks therets, the addition of the words proposed by M. Rutgers.

Article 2.

M. SATO (Japan): At the end of this article, "... excluding in all cases manufacture on the order and behalf of the State", I propose that the words "in all cases" should be deleted. They were inserted last year at the suggested of the Italian delegation, but I do not think it is necessary to retain them now.

General DE MARINIS (Italy): I have no objection to their deletion.

Article 2 was adopted with this amendment.

Article 3.

The SECRETARY: Remark No. 3, submitted by the United States delegation, should be slightly modified as requested by them. In the third line, the words "or a system of licences" should be added, so that it should read: "or enforce a prohibition or a system of licences upon: . . .".

Article 3 and the remarks thereto, thus amended, were adopted.

Article 4.

M. SATO (Japan): I notice that this article contains a paragraph (c), which has been added to the draft text. I regret that I cannot accept this addition, which escaped my notice during yesterday's discussion. The observations we submitted on this point last year included the following objection raised by my Government:

"The Government of Japan considers that paragraph (c) should be omitted, as this clause is very complicated and could hardly be applied in practice without violation of commercial secrecy — a consequence which might seriously injure perfectly legitimate commercial interest."

The Japanese Government maintains its objection, and I trust it is not too late to request the omission of this paragraph.

General DE MARINIS (Italy): I am grateful to M. Sato for having drawn the Commission's attention to this addition to Article 4, which was inserted at the last moment, and had escaped my notice also. I do not think it necessary to recall the discussions which took place in connection with this paragraph at the time of the first reading, but I merely state that, on behalf of my delegation, I second M. Sato's proposal to delete this paragraph.

M. MASSIGLI (France): It is true that this clause was proposed at the first reading, but was rejected. On consideration, however, it appeared to the French delegation that the information requested in this paragraph might be extremely useful in throwing light upon all facts relative to the manufacture of arms. I trust, therefore, that M. Sato and General de Marinis will content themselves with appending their reservation to the article in accordance with the agreed procedure and will allow the article to stand.

Mr. CADOGAN (British Empire): I too did not quite realise that this addition was authorised by the Commission yesterday, and I am afraid I cannot accept it for several reasons. In the first place, my Government could not give this information; they have not got it. Secondly, it is only the manufacturers — the licensees themselves — who could furnish it, and they would certainly refuse to do so. Thirdly, we have no power to compel them to do so, and, fourthly, very few Governments would have the courage to introduce legislation to make them do so. Under those circumstances, I am afraid I cannot accept this.

The CHAIRMAN: If this is in any way due to my fault, I must apologise for having hurried the discussions yesterday. A question of procedure has arisen. We have agreed that this draft Convention should embody the points generally agreed upon, and that the unaccepted proposal should be added in the shape of reservations. The Commission must decide whether paragraph (c) should be adopted or not; if certain delegations cannot accept it, they must append their reservations. If, on the other hand, the article is rejected, the delegations who wish to retain it must make their reservations. I therefore invite you to take a vote on it.

The Commission decided by a majority to retain the paragraph.

The CHAIRMAN: The reservations made by the delegations who desire to delete the paragraph will be inserted in a remark appended to this article.

Article 4, with the above, reservation was adopted.

Article 5.

The CHAIRMAN: The Netherlands delegation request me to add the following paragraph to the remarks on Article 5:

"The Netherlands delegation is of opinion that the return provided for in the second paragraph should contain information not only for categories, but also in respect of headings, as provided for in the first paragraph."

M. GUERRERO (Rapporteur): I agree to the suggestion made by the Netherlands delegation. The remark might read: "certain delegations are of opinion . . .".

Count BERNSTORFF (Germany): I should like to say a few words as German delegate. During the discussion, I have abstained as much as possible from speaking in that capacity, but I should like the opinion of the German delegation to be inserted in the Minutes which M. Guerrero will add to his report.

The German delegation desires to place on record its adherence to the view it has already expressed on various occasions, namely, that, in a general way, it cannot regard as adequate an estimate of armaments and implements of war based on expenditure and indications of value. The minimum provisionally inserted in the present text of Article 5 does not, therefore, in the opinion of the German delegation, provide an adequate basis for a convention relative to the manufacture of arms, ammunition and implements of war. In particular, the German delegation is of opinion that, in order to comply with the resolution of the Assembly of September 24th, 1927, publicity in respect of weight, number and value should be demanded in regard both to Government and to private manufacture, and that private manufacture and Government manufacture should be placed on the same footing.

This seems to them particularly necessary in view of the fact that the Convention relative to the manufacture of arms is intended, as has often been stated during these discussions, to be the necessary complement of the Convention for the Supervision of the International Trade in Arms, Ammunition and Implements of War. If that is the case we must also have a certain degree of uniformity between the statistics given for manufacture and those supplied with regard to trade.

The CHAIRMAN: The Remark No. 3 in Article 5 states: " The Commission considers that the conditions of supervision and publicity in regard to State manufacture must be brought into line with the general conditions which will be laid down by the Convention for the limitation of armaments ". We are not, however, unanimous on this point, and I would like to draw your attention to the fact that the expression, " The Commission considers ", might give the erroneous impression that this reservation was unanimously accepted.

M. RUTGERS (Netherlands): I was about to draw the attention of the Commission to the same point. The expression, " The Commission considers ", is new and does not appear very clear to me. For my part I should prefer to say: " Certain delegations consider ".

M. GUERRERO (Rapporteur): I am entirely of that opinion. It is not the whole Commission, but only one or two delegations that have made this remark, and therefore I too request that this phrase should be changed to " Certain delegations consider ".

If we adopt this modification, I think that the brackets of the following paragraph should be deleted. We placed this last sentence in brackets because there was no unanimity as regards its terms; if, however, we say that this remark was introduced by desire of certain delegations and not of the Commission, I think we should leave the text of the last paragraph intact, but should omit the brackets.

M. MASSIGLI (France): If the Commission does not unanimously agree with Remark No. 3, for which the French delegation is responsible, I have no objection to it being stated that it comes from certain delegations.

We must, however, be quite clear as to the position. I must point out that the Commission's present attitude differs from that which it adopted at the first session; in the report on the first reading, emphasis was laid upon the connection between the questions of the limitation of armaments and the manufacture of arms. I thought this view was shared by the whole Commission, and accordingly did not press for the inclusion of the reservation — which I had, nevertheless, notified to the Rapporteur. I told him that we considered this reservation to have a general value, in that it would in due course be essential to co-ordinate the terms of the present Convention and those of the future Convention on Disarmament. Since, however, this has become a particular observation, and since the general principle laid down in the report is to disappear, I am obliged to make a general reservation which applies to the Convention as a whole, in order to emphasise the need for subsequent co-ordination between the present Convention and the general Disarmament Convention.

The CHAIRMAN: It will without doubt ultimately be essential to co-ordinate the Conventions; and if some delegations are not in favour of making this co-ordination explicit now, it is in the hope that, should progress be found impossible in the general question of disarmament, we might at any rate make some advance in our own special domain. If we could find a formula clearly indicating that the convening of our Conference is not subordinated to the convening of the General Conference on Disarmament, I think that would satisfy everybody.

General DE MARINIS (Italy): I quite agree with M. Massigli; I also appreciate the soundness of the Chairman's observations. I think we should be wise to content ourselves with a minimum if we cannot achieve the maximum. At the same time, we must not appear to contradict what we said in a previous report. I think that, in order to avoid committing ourselves in any way, it would be better to leave this question open, since it may be raised in the Third Committee of the Assembly. If we say nothing at all, we shall not prejudge the question.

If I remember aright, M. Guerrero asked M. Jouhaux for a detailed explanation of his proposal, and only agreed to M. Jouhaux' proposal on condition that a note would be added at the end to the effect that, in the Commission's opinion, the Conference on the Private Manufacture of Arms need not necessarily be held simultaneously with that on Disarmament. If, however, we omit the text in question, this restriction becomes pointless.

M. GUERRERO (Rapporteur): I think there is some misunderstanding on this point. I am not at all opposed to the French delegation's proposal, provided of course that the remark in the last

paragraph is kept. If, however, the Commission wishes to substitute the term "Certain delegations" for "The Commission", I must ask that the last paragraph be retained as a "Remark", modified, however, as follows: "Certain delegations, while accepting that remark, consider that it must not be interpreted in such a way as to subordinate the convening of a Conference on Private Manufacture to that of the General Conference on the Reduction and Limitation of Armaments."

Article 5, with the remarks thereto thus amended, was adopted.

Articles 6 and 7.

Articles 6 and 7 were adopted without observation.

Article 8.

The SECRETARY: To the remark on Article 8: "Certain delegations consider that the following words should be omitted":... "and also as regards non-belligerents threatened by the war and whose supply of arms would become difficult as a result of hostilities", the following sentence should be added, in order to be logical:

"The second paragraph of the article would thus become superfluous."

Article 8 and the remarks thereto thus amended were adopted.

Articles 9-14.

Articles 9 to 14 were adopted without observation.

Article 15.

M. ANTONIADE (Roumania): The delegates whose comments at yesterday's meeting led to remark No. 2 on Article 15 intended another article to be inserted, and not a mere remark which appears to indicate a difference of opinion with the other delegations.

It was intended to insert an article corresponding to Article 29 of the Convention on the Trade in Arms and worded in the form proposed by M. Sokal. I think the Commission will agree to the inclusion of this article, which will appear in the draft convention itself. My Polish and Finnish colleagues now present agree with me on this point.

M. GUERRERO (Rapporteur): I must apologise for the mistake which has been made. It is quite true that the proposal made by the delegates of Poland, Roumania and Finland, was to insert the provision in question in the Convention in the form of an article, as was done in the case of the Convention on the International Trade in Arms. It has been given the form of a remark by an oversight, for which I beg to offer my apologies; I am quite prepared to delete the remark in question to Article 15 and to insert an Article 16.

Article 15, with remarks thereto thus amended, was adopted.

Article 16.

The CHAIRMAN: The text of the new Article 16 will read as follows:

"The High Contracting Parties agree to accept reservations which may be made by Estonia, Finland, Latvia, Poland and Roumania, at the moment of their signature of the present Convention, and which shall suspend, until the accession of Russia to the present Convention under the same conditions as the said Powers, the application, in respect of those States, of Articles . . . of the present Convention."

Article 16 was adopted.

3. Close of the Session.

The CHAIRMAN: We have now come to the end of our work. I am sorry that we have not been able to draw up a single draft; but I sincerely hope that, when the question has been considered anew by the Third Committee of the Assembly, we may find it easier at a subsequent session to prepare such a single draft, which will enable the Conference to be convened as speedily as possible.

M. DE AGUËRO Y BETHANCOURT (Cuba): I am sure I am voicing the feelings of all my colleagues in expressing thanks to our Chairman for the experience, authority, and spirit of impartiality he has displayed in presiding over our proceedings. (*Applause.*)

The CHAIRMAN: I sincerely appreciate the kind words which the representative of Cuba has just uttered and the applause with which they were greeted; but, if any thanks are due, they should be given to you, Gentlemen, for the spirit of conciliation which, despite wide differences of view, you have all shown in the course of our discussions. Our special thanks are also due to the Rapporteur and to the Secretary and all his collaborators, who have contributed so much more to our work than I myself. (*Applause.*)

I declare the session closed.

The meeting rose at 5.5 p. m.
