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IX. DISARMAMENT

1935. IX. 2.

The Rules of Procedure adopted by the Conference for the Reduction and Limitation of Armaments on February 4th, 1932, contain the following stipulations in Chapter III :

“(1) The Bureau of the Conference shall consist of the President, the Vice-Presidents, and the Chairmen of the Commissions, on which all the delegations are represented. The Honorary President shall be a member of the Bureau *ex officio*.

“(2) The Bureau shall assist the President in the general direction of the work of the Conference”.

The Bureau was accordingly constituted on February 5th, 1932, after the election of the fourteen Vice-Presidents of the Conference—namely, the representatives of the following countries : Argentine, Austria, Belgium, United Kingdom, Czechoslovakia, France, Germany, Italy, Japan, Poland, Spain, Sweden, Union of Soviet Socialist Republics, United States of America—to which were added, on February 27th, the Chairmen of the Land Commission, the Naval Commission, the Air Commission and the National Defence Expenditure Commission, and M. Politis (delegate of Greece), Vice-Chairman of the General Commission.

On several occasions the President of the Conference, the Vice-President, the Rapporteur of the General Commission and the Secretary-General of the Conference met in private as the officers of the Bureau.

The Bureau held its first meeting on February 5th, 1932. Until September 21st of the same year, its meetings were private and no Minutes were kept. On that date, the Bureau decided that, in order to give effect to the resolution adopted by the General Commission on July 23rd, 1932,¹ Minutes should be kept of its meetings and should be communicated to the members of the Conference. The present volume therefore contains the Minutes of the fourteenth to forty-sixth meetings, covering the period from September 21st, 1932, to June 27th, 1933.

The Minutes of later meetings will be published in Volume II of Series C.

¹ This resolution said, *inter alia* : “ Pending the resumption of the meetings of the General Commission, the Bureau will keep the delegations informed of the progress of the work ”.

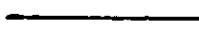
TABLE OF CONTENTS.

	Page
INTRODUCTION	III
FOURTEENTH MEETING (Private, then Public), September 21st, 1932, at 11 a.m. :	
1. Publicity of Meetings	1
2. Statement by the Chairman	1
3. Publication of the Minutes of the Bureau and Circulation to the Members of the Conference	2
4. Representation of Certain Delegations on the Bureau or on Committees which the Bureau may set up	2
5. Representation of the Union of Soviet Socialist Republics on the Technical Commissions of the Conference	3
6. Action taken by the President since July 23rd, 1932, Date of the Adjournment of the Conference :	
A. Correspondence with the German Government concerning the Latter's Participation in the Present Session of the Bureau	3
B. Armaments Truce	5
C. Correspondence between the President of the Conference and the President of the National Defence Expenditure Commission	5
7. Action to be taken on the Decisions of the General Commission of July 23rd, 1932 : Programme of Work	7
FIFTEENTH MEETING (Public), September 21st, 1932, at 4.30 p.m. :	
8. Action to be taken on the Decisions of the General Commission of July 23rd, 1932 : General Discussion	8
9. Complete Prohibition of Air Attacks against the Civilian Population	10
10. Prohibition of Chemical Warfare	10
11. Supervision	12
SIXTEENTH MEETING (Public), September 22nd, 1932, at 11 a.m. :	
12. Supervision (<i>continuation</i>)	13
SEVENTEENTH MEETING (Public), September 22nd, 1932, at 3.30 p.m. :	
13. <i>a</i> (1) : Complete Prohibition of Air Attacks against the Civil Population ; <i>b</i> (1) : Abolition between Contracting Parties of All Aerial Bombardment, subject to Agreement with regard to Measures to be adopted for the Purpose of rendering effective the Observance of this Rule	18
14. Heavy Artillery and Tanks	19
15. Effectives	19
16. Trade in and Manufacture of Arms	20
17. Chemical and Bacteriological Warfare	20
18. Violation of the Provisions concerning the Prohibition of Chemical, Bacteriological and Incendiary Warfare.	20
19. General and Political Questions	20
EIGHTEENTH MEETING (Private, then Public), September 26th, 1932, at 3.30 p.m. :	
20. Question of fixing a Date for the Meeting of the General Commission	21
NINETEENTH MEETING (Public), November 3rd, 1932, at 3.30 p.m. :	
21. Action taken by the Chairman since the Last Meeting of the Bureau :	
Question of the Representation of Governments at the Disarmament Conference and at the Monetary and Economic Conference	23
Meeting of the General Commission	24
Committee for the Regulation of the Trade in and Private and State Manufacture of Arms and of Implements of War	24
Armaments Truce	24

	Page
NINETEENTH MEETING (continued) :	
22. Progress Reports	25
23. Question of Supervision : Report by M. Bourquin (Belgium)	25
Attributions of the Permanent Disarmament Commission	27
Preparation of Revision Conferences	29
TWENTIETH MEETING (Public), November 4th, 1932, at 11 a.m. :	
24. French Plan : Explanatory Statement by M. Paul-Boncour	32
TWENTY-FIRST MEETING (Public), November 4th, 1932, at 3.30 p.m. :	
25. Question of Supervision : Report by M. Bourquin (Belgium) (<i>continuation</i>) :	
Question of Procedure	38
Attributions of the Permanent Disarmament Commission (<i>continuation</i>)	39
Means of Supervision	39
TWENTY-SECOND MEETING (Public), November 7th, 1932, at 3.30 p.m. :	
26. Question of Supervision : Report by M. Bourquin (Belgium) (<i>continuation</i>) :	
Means of Supervision (<i>continuation</i>)	44
TWENTY-THIRD MEETING (Public), November 8th, 1932, at 3.30 p.m. :	
27. Question of Supervision : Report by M. Bourquin (Belgium) (<i>continuation</i>) :	
Composition of the Permanent Disarmament Commission	51
Internal Organisation	56
28. Prohibition of Chemical Warfare and Violations of the Prohibition to use Chemical, Bacteriological and Incendiary Weapons : Report by M. Pilotti (Italy)	56
I. Absolute or Relative Character of the Prohibition.	56
TWENTY-FOURTH MEETING (Public), November 9th, 1932, at 4 p.m. :	
29. Prohibition of Chemical Warfare and Violations of the Prohibition to use Chemical, Bacteriological and Incendiary Weapons : Report by M. Pilotti (Italy) (<i>continuation</i>) :	
I. Absolute or Relative Character of the Prohibition (<i>continuation</i>)	58
II. Prohibition of Preparations for Chemical, Incendiary and Bacteriological Warfare	59
TWENTY-FIFTH MEETING (Public), November 10th, 1932, at 4.15 p.m. :	
30. Prohibition of Chemical Warfare and Violations of the Prohibition to use Chemical, Bacteriological and Incendiary Weapons : Report by M. Pilotti (Italy) (<i>continuation</i>) :	
IV. Sanctions in the Event of the Use of Chemical, Incendiary and Bacteriological Weapons	64
TWENTY-SIXTH MEETING (Public), November 11th, 1932, at 3.30 p.m. :	
31. Prohibition of Chemical Warfare and Violations of the Prohibition to use Chemical, Bacteriological and Incendiary Weapons : Report by M. Pilotti (Italy) (<i>continuation</i>) :	
IV. Sanctions in the Event of the Use of Chemical, Bacteriological and Incendiary Weapons (<i>continuation</i>)	71
32. Prohibition, and Supervision of the Prohibition, of the Preparation of Chemi- cal, Incendiary and Bacteriological Warfare : Case of a Breach of the Prohibition to use Chemical, Incendiary and Bacteriological Weapons against an Opponent : Draft Questionnaire proposed by M. Pilotti (Italy)	75
TWENTY-SEVENTH MEETING (Public), November 12th, 1932, at 11 a.m. :	
33. Prohibition of Chemical Warfare and Violations of the Prohibition to use Chemical, Bacteriological and Incendiary Weapons (<i>continuation</i>) :	
IV. Sanctions in the Event of the Use of Chemical, Bacteriological and Incendiary Weapons : Text proposed by the Drafting Committee	78
TWENTY-EIGHTH MEETING (Public), November 15th, 1932, at 3.30 p.m. :	
34. Heavy Artillery and Tanks : Statement by M. Buero (Uruguay)	83
35. Supervision : Examination of the Second Report by M. Bourquin (Belgium)	83
36. Appointment of a Drafting Committee	88

	Page
TWENTY-NINTH MEETING (Public), November 17th, 1932, at 10.30 a.m. :	
37. General Statement by the Delegate of the United Kingdom	89
38. Equality of Status : General Discussion	94
THIRTIETH MEETING (Public), November 18th, 1932, at 3.30 p.m. :	
39. Work of the Committee for the Regulation of the Trade in, and Private and State Manufacture of, Arms and Implements of War : Examination of the Progress Report submitted by M. Komarnicki (Poland)	98
THIRTY-FIRST MEETING (Public), November 22nd, 1932, at 4 p.m. :	
40. Regulation of the Trade in, and Private and State Manufacture of, Arms and Implements of War : Examination and Adoption of the Draft Resolution submitted by M. Komarnicki (Poland)	106
41. Air Forces : Examination and Adoption of the Report submitted by M. de Madariaga (Spain)	109
THIRTY-SECOND MEETING (Private), December 13th, 1932, at 10.30 a.m. :	
42. Communication of the Agreement concluded between the Representatives of the Governments of Germany, the United Kingdom, France, Italy and the United States of America : Fixing of the Date of the Next Meetings of the Bureau and of the General Commission	110
THIRTY-THIRD MEETING (Public), January 23rd, 1933, at 3.30 p.m. :	
43. Progress Report by the Chairman	113
44. Supervision : Examination of the Third Report by M. Bourquin (Belgium) and of the Draft Articles prepared by the Drafting Committee	114
THIRTY-FOURTH MEETING (Public), January 24th, 1933, at 3.30 p.m. :	
45. Supervision : Examination of the Third Report by M. Bourquin (Belgium) and of the Draft Articles prepared by the Drafting Committee (<i>continuation</i>)	121
46. Future Programme of Work of the Conference	128
THIRTY-FIFTH MEETING (Public), January 25th, 1933, at 3.30 p.m. :	
47. Armaments Truce : Communication from the German Government.	128
48. Participation of the German Delegation in the Work of the Air Commission : Communication from the German Delegation	129
49. Programme of Meetings of the General Commission and of the Bureau	129
50. Chemical, Incendiary and Bacterial Weapons : Draft Conclusions submitted to the Bureau by M. Rutgers (Netherlands), Rapporteur of the Special Committee	129
THIRTY-SIXTH MEETING (Public), January 30th, 1933, at 3.30 p.m. :	
51. Chemical, Incendiary and Bacterial Weapons : Draft Conclusions submitted to the Bureau by M. Rutgers (Netherlands), Rapporteur of the Special Committee (<i>continuation</i>)	136
52. Programme of Work proposed by the United Kingdom Delegation with a view to embodying in a Convention the Proposals already made by Various Delegations	142
THIRTY-SEVENTH MEETING (Public), January 31st, 1933, at 10.30 a.m. :	
53. Supervision : Immunities : List of Questions submitted by the Drafting Committee with a view to the Establishment of a Formula : General Discussion	143
THIRTY-EIGHTH MEETING (Public), February 9th, 1933, at 3 p.m. :	
54. Preparation of the Agenda of the Forthcoming Meetings of the General Commission	149
THIRTY-NINTH MEETING (Public), February 10th, 1933, at 3.30 p.m. :	
55. Preparation of the Agenda of the Forthcoming Meetings of the General Commission (<i>continuation</i>)	155

	Page
FORTIETH MEETING (Private), April 27th, 1933, at 10.30 a.m. :	
56. Questions of Procedure arising out of the General Commission's Examination of Part I (Security) of the Draft Convention submitted by the United Kingdom Delegation	162
FORTY-FIRST MEETING (Private), May 8th, 1933, at 11 a.m. :	
57. Questions of Procedure concerning the Continuation of the Examination by the General Commission of the Draft Convention submitted by the United Kingdom Delegation	167
FORTY-SECOND MEETING (Private), May 9th, 1933, at 4.30 p.m. :	
58. Questions of Procedure concerning the Continuation of the Examination by the General Commission of the Draft Convention submitted by the United Kingdom Delegation (<i>continuation</i>)	171
FORTY-THIRD MEETING (Private), May 12th, 1933, at 3.30 p.m. :	
59. Questions of Procedure concerning the Continuation of the Examination by the General Commission of the Draft Convention submitted by the United Kingdom Delegation (<i>continuation</i>)	171
FORTY-FOURTH MEETING (Private), May 23rd, 1933, at 11.30 a.m. :	
60. Proposal of the Bureau for the Examination concurrently by the General Commission of Part I (Security) and Part II, Section II (Material), of the Draft Convention submitted by the United Kingdom Delegation	173
FORTY-FIFTH MEETING (Private), June 7th, 1933, at 5.30 p.m. :	
61. Procedure for the Negotiations preliminary to the Second Reading of the Draft Convention : Date of the Next Meeting of the Bureau	174
62. Future Conduct of the Work of the Committee on Effectives	174
FORTY-SIXTH MEETING (Private), June 27th, 1933, at 3.30 p.m. :	
63. Tribute to the Memory of M. de Agüero y Bethancourt	175
64. Future Work of the General Commission : Proposal to adjourn the Commission until October 16th, 1933	176



FOURTEENTH MEETING¹ (PRIVATE, THEN PUBLIC)

Held on Wednesday, September 21st, 1932, at 11 a. m.

Chairman : Mr. HENDERSON, *President of the Conference.*

I. PUBLICITY OF MEETINGS.

The CHAIRMAN observed that, at its meeting on July 23rd, 1932, the General Commission had decided that the Bureau of the Conference should meet during the week beginning September 19th, and that it should give effect to certain decisions adopted on July 23rd.

In accordance with the terms of the resolution, he had, in consultation with the Secretary-General, convoked the Bureau to meet on September 21st. The Bureau had been entrusted with the preparation of practical solutions for a certain number of very important questions.

Before actually embarking upon the examination of the tasks devolving upon it, the Bureau should decide on a matter of procedure concerning the publicity of its debates. Personally, the Chairman was inclined to recommend that the meetings should as a rule be held in public, the more so as the tasks the Bureau would have to discharge conferred on it the character of an important political commission. Indeed, the General Commission had referred to it certain problems which originally fell within the Commission's own competence.

If there was no objection, he would take it that the Bureau decided to hold its meetings in public, except when it considered it necessary, in conformity with the practice of the League Council, to hold a private meeting.

The proposal of the Chairman was adopted.

(The Bureau went into public session.)

2. STATEMENT BY THE CHAIRMAN.

Before coming to the more practical and detailed remarks which he proposed to make about the work entrusted to the Bureau by the General Commission, the CHAIRMAN desired to say a few words of a more general nature with regard to the present situation.

The task devolving upon the Bureau was of the highest importance, since the crucial stage in the work of the Conference was now opening. It was close on eight months since the Disarmament Conference had begun. At that time, he, as President of the Conference, had ventured to declare that the case for the policy of international disarmament was overwhelming. No thinking statesman would deny that, on economic, political and moral grounds, the duty of all the Governments represented at the Conference lay plain before them. Was it going too far to say that there was no Government which, at the present time, was not struggling in a morass of economic and financial difficulties such as Governments had never known before? Could it be right that, in such circumstances, they should ask their peoples to go on bearing the immense burden of unproductive expenditure which their present armaments involved? Moreover, it was becoming more and more clear that only international co-operation of a kind far more developed than anything yet attempted would make it possible to end the present crisis and solve the difficulties of the modern world. The development of that co-operation was the greatest political task which lay before the present generation, but, unless a disarmament treaty could be made, there would be the risk of failure before the work had been begun.

As for the moral aspects of the case, could anyone look around the world to-day and survey the conflicts which were raging, the passions, hatreds and suspicions that were springing up, without feeling how urgent it was that a great new effort should be made to start afresh upon a better road? Could anyone doubt that, unless this new start could be made here and now, much that was good and useful in existing civilisation might be gravely imperilled, if not destroyed?

In any case, the Chairman was satisfied that the argument for disarmament was stronger to-day than it had ever been. Everything that had happened since the Conference's last meeting had immensely strengthened the argument, and for that reason he regarded the second phase of the Conference as particularly momentous.

¹ The discussions which took place during the first thirteen meetings being private in character, no Minutes were published.

It was clear from the decisions taken by the General Commission that it expected the Bureau to prepare and submit practical proposals which would enable the Conference to achieve a first decisive step to cover a substantial all-round reduction of armaments.

As the Chairman saw it, there rested upon the Bureau a twofold responsibility.

There was, first, a general responsibility derived from the imperative need for disarmament to which he had just referred, a responsibility which came with a new urge as a result of the grave situation in which the world found itself to-day.

There was, secondly, a specific responsibility upon the Bureau. Two months previously, the Commission had drawn up the general instructions upon which the Bureau was to act. These instructions made it the Bureau's duty, not only to prepare detailed texts on certain matters upon which preliminary decisions had been taken, but also to draw up plans which should provide for substantial and comprehensive measures of armament reduction to be brought about by a general convention to be applied alike to land, naval and air forces.

That, and nothing less, was the task which lay before the Bureau. The latter could not discharge its plain duty without making the framework of a comprehensive document which would deal with military strength in all its forms. In this task the Bureau was, happily, not without guidance from the resolutions which the Conference had already adopted. On April 22nd, 1932, on the motion of Sir John Simon, it had been unanimously decided that weapons which were most dangerous to civilians, most offensive, and most efficacious against national defence, should be abolished or internationalised by a general convention. On July 23rd it had been agreed that, in preparing the plan for what was called a substantial reduction of world armaments, the Conference should be guided by the general principles underlying President Hoover's declaration and that the primary objective should be to reduce the means of attack.

It was in the spirit of those resolutions that the Bureau had now to propose to the nations of the world the measures required to solve the problems which the first phase of the Conference had brought to light.

The manner in which the Bureau discharged this task must vitally affect the future of mankind. The Conference was approaching the cross-roads at which the fatal decision must be taken for peace and disarmament or for a renewal of the mad competition in armaments and ultimate war.

The Chairman was certain that there was no representative of any Government present who would lightly assume this responsibility. That was why he still held to the belief, expressed two months previously, that this second phase of the Conference would effect a great gathering-in of concrete results. Neither the Conference as a whole nor any of the countries represented on the Bureau would regard it as other than their highest duty to make a supreme effort to achieve the full purpose for which the Conference was brought together.

3. PUBLICATION OF THE MINUTES OF THE BUREAU, AND CIRCULATION TO THE MEMBERS OF THE CONFERENCE.

The CHAIRMAN proposed that Minutes should be taken of the Bureau's proceedings. In support of this proposal, he drew attention to paragraph 6 of Part III of the General Commission's resolution stating : " Pending the resumption of the meetings of the General Commission, the Bureau will keep the delegations informed of the progress of the work ".

The proposal of the Chairman was adopted.

The CHAIRMAN proposed that the final Minutes of the Bureau should be circulated to the Members of the Conference. This, he considered, would be the best way of giving effect to paragraph 6 of Part III of the resolution quoted above.

The proposal of the Chairman was adopted.

4. REPRESENTATION OF CERTAIN DELEGATIONS ON THE BUREAU OR ON THE COMMITTEES WHICH THE BUREAU MAY SET UP.

The CHAIRMAN informed the Bureau that certain delegations had expressed a desire to be represented when questions of particular interest to them were dealt with in the Bureau or in the Committees which the Bureau might set up.

He suggested that, when expedient, countries interested in a particular matter should be given an opportunity of expressing their views. This procedure should not entail an increase in the membership of the Committees to be set up or of the Bureau, which otherwise would risk becoming as large as the General Commission.

The proposal of the Chairman was adopted.

5. REPRESENTATION OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE TECHNICAL COMMISSIONS OF THE CONFERENCE.

The CHAIRMAN informed the Bureau that, on September 5th, 1932, M. Litvinoff had sent the Secretary-General a letter containing the following passage :

" I take this opportunity of informing you that, in accordance with my declaration at the General Commission's meeting on July 23rd, my Government does not propose to send representatives from Moscow to the technical Commissions of the Conference as long as the Conference has not taken essential decisions on the reduction of existing armaments. This refers in particular to the Commissions not sitting simultaneously with the General Commission. With reference to the Secretariat's communication dated August 8th, I have the honour to inform you that the competent services are completing the compilation of the supplementary data on the Union's expenditure on national defence and that these data will shortly be despatched to the Chairman of the National Defence Expenditure Commission."

The Bureau took note of this communication.

6. ACTION TAKEN BY THE PRESIDENT SINCE JULY 23RD, 1932, DATE OF THE ADJOURNMENT OF THE CONFERENCE.

A. Correspondence with the German Government concerning the Latter's Participation in the Present Session of the Bureau .

The CHAIRMAN informed the Bureau that he had received from Baron von Neurath, German Minister for Foreign Affairs, a letter, dated September 14th, 1932, conveying his Government's decision not to participate in the present work of the Bureau of the Disarmament Conference summoned for September 21st. The letter read as follows :

" Berlin, September 14th, 1932.

" On behalf of the German Government I have the honour to communicate to you the following.

" In the course of the discussion of the General Commission, which led up to the adoption of the resolution of July 23rd, 1932, the Head of the German delegation indicated the reasons for which the German Government was unable to accept the resolution in question. He pointed out that, in view of the stage reached by the discussions of the Conference, the question of equality of rights of the disarmed States could no longer remain without a solution. On that occasion he accordingly declared that the German Government could not take part in the further labours of the Conference before the question of Germany's equality of rights had been satisfactorily cleared up.

" The resolution having been adopted, nevertheless, it is clear even now that the future Disarmament Convention will fall far short of the system of disarmament laid down by the Versailles Treaty, and will differ therefrom essentially both as regards the form and the manner of the disarmament. The question of how the future regime is to be applied to Germany thus becomes a matter of direct and immediate importance. It is obvious that, unless this question is answered, no settlement of individual concrete points of the disarmament problem is possible.

" In the German Government's view, only one solution can be considered—namely, that all States should be subject to the same rules and principles in respect of disarmament and that no discriminatory exceptional system should exist in the case of any one of them. Germany cannot be expected to take part in the negotiations with regard to the measures of disarmament to be laid down in the Convention, until it is established that the solutions which may be found are also to apply to Germany.

" With a view to the earliest possible realisation of the condition for the future co-operation of Germany with the Conference, the German Government has in the interval endeavoured to clear up the question of equality of rights through diplomatic channels. Unfortunately, it must be stated that the German efforts have not hitherto led to any satisfactory result. Under these circumstances, I find myself compelled, to my regret, to inform you that the German Government is unable to avail itself of the invitation to the session of the Bureau of the Conference which is to begin on September 21st, 1932.

" The German Government is now, as ever, convinced that thoroughgoing general disarmament is urgently necessary for the purpose of ensuring peace. It will follow the labours of the Conference with interest, and will determine its further attitude by the course which they may take.

(Signed) BARON VON NEURATH."

On September 18th, he had sent the following reply :

“ I have the honour to acknowledge Your Excellency's letter of September 14th.

“ Need I say how much I regret the information which you convey to me that the German Government has decided not to participate in the session of the Bureau of the Disarmament Conference which I have summoned for September 21st, in accordance with the resolution of the General Commission ?

“ The German Government apparently bases that decision on the assumption that, the resolution of the General Commission of July 23rd having been adopted, it is clear that the future Disarmament Conference will fall far short of the system of disarmament laid down by the Versailles Treaty, and will differ therefrom essentially, both as regards the form and manner of disarmament.

“ It would be outside my competence as President to enter into any discussion as to ‘ the system of disarmament laid down by the Versailles Treaty ’. Since, however, I do not believe that the form and extent of disarmament to be brought about through the Convention are already determined, I feel bound to express my doubts as to the construction placed by the German Government on the bearing of the resolution of July 23rd. May I call Your Excellency's attention to certain provisions of that resolution ?

“ First, in the preamble it is stated that ‘ a substantial reduction of world armaments shall be effected, to be applied by a General Convention alike to land, naval and air armaments ’. Second, in the part concerning the conclusions of the first phase of the Conference (I would beg Your Excellency to notice these words, ‘ the *first* phase ’), the following passage occurs :

“ ‘ The Conference, noting that agreement has now been reached on a certain number of important points, decides, *without prejudice to more far-reaching agreements hereafter*, to record forthwith the following concrete measures of disarmament which should form part of the General Convention to be concluded.’

“ Third, Part IV of the resolution, General Provisions :

“ ‘ The present resolution in no way prejudices the attitude of the Conference towards any more comprehensive measures of disarmament, or towards the political proposals submitted by various delegations.’

“ I trust Your Excellency will therefore agree that the form, extent and scope of the ultimate Convention are still undetermined, and remain to be treated at the forthcoming sessions of the Conference and its Committees.

“ So much for the resolution itself. But, further, may I ask Your Excellency to read the speech which I made as President of the Conference at the meeting of the General Commission on July 23rd, when the resolution was under consideration ?

“ After quoting certain passages of the resolution, I said that a time would come when all the preparations in which we had been engaged month after month for six long months would produce a great gathering-in, and I added that, if I thought that that gathering-in would not come in the second stage of the Conference, I should have to ask the Commission to excuse me from again coming to Geneva for a further six months ; and, lastly, that I trusted that all the representatives would vote for the resolution to come to Geneva in the autumn with the determination that we should have a great gathering-in and that our work would terminate in a General Convention which would secure a substantial reduction of world armaments, to be applied to land, naval and air armaments.

“ This is still my firm and honest conviction, and, after weighing the reasons set out in this letter, I sincerely trust that the German Government may reconsider its decision, and resume its participation at the earliest possible moment in the work of the Bureau, particularly as the prolonged absence of Germany from our deliberations may seriously affect the cause of general disarmament. I make this appeal the more confidently in view of the closing sentence of the letter which Your Excellency has been good enough to address to me.

“ I am naturally communicating to the members of the Bureau copies of Your Excellency's letter and of this reply.

(Signed) A. HENDERSON,
*President of the Conference for the
Reduction and Limitation of Armaments.*”

The Chairman hoped that the Bureau would consider that the action he had taken in this matter was appropriate ; he therefore suggested that it should not discuss the question for the moment, in case the German Government might desire to reply to his letter of September 18th.

B. Armaments Truce.

The CHAIRMAN observed that he had communicated to the members of the Conference the resolution concerning the renewal, for a further period of four months as from November 1st, of the truce established by the 1931 Assembly, and had requested the various countries to send in their replies before November 1st, if possible. So far fourteen replies, all favourable, had been received.

C. Correspondence between the President of the Conference and the President of the National Defence Expenditure Commission.

The CHAIRMAN acquainted the Bureau with the correspondence between himself and the President of the National Defence Expenditure Commission concerning the completion of the latter Commission's work and of that of its Technical Committee, and the submission of their report within the shortest possible time (document Conf.D./Bureau/15).

I. LETTER FROM THE PRESIDENT OF THE CONFERENCE TO THE PRESIDENT OF THE NATIONAL DEFENCE EXPENDITURE COMMISSION, DATED JULY 27TH, 1932.

“ At its meeting on the 23rd of this month, the General Commission adopted a resolution dealing, among other matters, with the limitation of national defence expenditure. Paragraph 2 of Chapter III of that resolution is framed as follows :

“ 2. Limitation of National Defence Expenditure.

“ (a) The Conference shall decide, on the resumption of its labours, taking into account the special conditions of each State, what system of limitation and publicity of expenditure on national defence will provide the peoples with the best guarantee of an alleviation of their financial burdens, and will prevent the measures of qualitative and quantitative disarmament to be inserted in the Convention from being neutralised by increases or improvements in authorised armaments.

“ (b) With a view to the decisions to be taken under this head, the Conference requests the Committee on National Defence Expenditure and its Technical Committee to continue and complete the work entrusted to its organs and to submit their report as soon as possible. The Conference requests its Bureau to draw up, on the basis of this report, a plan accomplishing the purpose aimed at and taking into consideration the special conditions of the various States.’

“ In informing you of this decision of the General Commission, I have the honour to direct your attention more particularly, for purposes of information and action, to sub-paragraph (b) of the above text.

*For the President of the Conference for the
Reduction and Limitation of Armaments:*

*(Signed) Th. AGHNIDES,
Secretary of the Conference.”*

2. REPLY FROM THE PRESIDENT OF THE NATIONAL DEFENCE EXPENDITURE COMMISSION TO THE PRESIDENT OF THE CONFERENCE, DATED JULY 29TH, 1932.

“ I have the honour to acknowledge receipt of your letter of July 27th, communicating the part of the resolution adopted by the General Commission on the 23rd of this month which concerns more particularly the National Defence Expenditure Commission.

“ As regards the Technical Committee set up by the Commission, I have the honour to forward herewith copy of a letter from the Chairman, giving detailed information concerning the progress of the Committee's work.

“ According to the programme contemplated by the Technical Committee, I think that it is unlikely that the Technical Committee's report can be submitted to the Plenary Commission before the end of November. In the circumstances, the Commission will hardly be able to communicate its conclusions to the Bureau before January next.

“ Trusting that this information may be of use to you.

(Signed) A. DE VASCONCELLOS.”

“ Annex (a). — Letter from the President of the Technical Committee of the National Defence Expenditure Commission.

“ It is my agreeable duty to inform you of the present state of the work of the Technical Committee set up by the National Defence Expenditure Commission on March 16th.

“ The Technical Committee has been sitting continuously since April 7th and has held forty-eight plenary meetings. An even greater number of meetings have been held by its various sub-committees.

“ As you are aware, the task entrusted to the Technical Committee consists, on the one hand, of the examination of the documents forwarded by the various Governments on their expenditure on national defence, and, on the other hand, of the examination of the questions which have been referred to it by the National Defence Expenditure Commission (see attached list).

“ As regards the examination of documents forwarded by the Governments, the present position is as follows :

“ (a) The examination has been completed for the following countries :

United Kingdom	Poland
Czechoslovakia	Sweden
Denmark	Switzerland
France	United States of America (in the case of this country, a second reading will take place in September).
Germany	
India	
Italy	

“ (b) The observations on the documentation supplied by the following countries will be sent to them before August 5th :

Belgium	Norway
Bulgaria	Roumania
Irish Free State	Union of South Africa
Japan	Yugoslavia
Netherlands	Union of Soviet Socialist Republics.

“ Hence, the oral examination of the documentation concerning the above-mentioned Powers can take place from September onwards.

“ Thirty-nine States have not yet forwarded any information, or have only supplied incomplete documentation.

“ The work of preparing reports on the budgetary documentation has been entrusted to M. JACOMET (France), Rapporteur-General, M. WORBS (Germany), M. SANDLER (Sweden), Mr. LYON (United Kingdom) and General BARBERIS (Italy).

“ The Technical Committee has not so far been able to examine the special questions referred to it by the National Defence Expenditure Commission. It has, however, proceeded to a division of the questions into two groups : those which may be considered together with the budgetary information, and those which, in its view, should be dealt with separately. Rapporteurs have been selected for each of the questions in this second group.

“ The Technical Committee intends to break up on August 5th and to resume its work on September 12th.

“ During its next session the Committee will : (1) continue the examination of the documents forwarded by Governments, beginning with those of the States represented on the Committee whose documentation has not so far been examined ; (2) take up the study of the various questions held over by the Committee ; and (3) proceed to the drafting of its report.

“ I hope that the above statement may be of some use to you in case you may wish to inform the President of the Conference of the actual situation as regards the work of the Technical Committee.

(Signed) Savel RADULESCO.”

“ Annex (b). — *List of Questions referred to the Technical Committee of the National Defence Expenditure Commission.*

“ A. *Definition of the Term ' Annual Expenditure '.*

“ 1. Definition of the expression ' expenditure '.

“ 2. Accounts of the financial year.

“ 3. Publicity of estimates of expenditure on the basis of parliamentary votes.

“ B. *Meaning and Scope of the Term ' National Defence Expenditure ' (Universality).*

“ 4. Secret funds and changes in appropriation.

“ 5. Gross and net expenditure.

“ 6. Subsidies, loans and participations.

“ 7. Special expenditure occasioned by the reduction of armaments.

“ 8. Extra-budgetary expenditure.

“ 9. The definitions of the draft annex are not limitative.

“ 10. Carrying forward of credits.

“ 11. Annexed tables C, D, E, F.

“ C. *Classification of National Defence Expenditure.*

“ 12. The Model Statement.

“ 13. Changes in appropriations.

“ 14. Contents and classification of the chapters of the Model Statement.

“ 15. The definitions of the draft annex are not limitative.

“ 16. Division of expenditure in respect of the three forces.

“ 17. Annexed tables A and B.

“ 18. Reconciliation tables. Derogations.

"D. Questions particularly concerning Publicity.

- "19. Date of despatch of final statements of account.
- "20. Article 33 of the draft Convention.
- "21. Communication of certain laws and regulations likely to affect national defence.

"E. Questions concerning the Fixing of Limits.

- "22. Transfers between the limits of the three forces.
- "23. Fixing of limits taking into account variations from one year to the next.
- "24. Fluctuation in the purchasing power of the different currencies.

"F. Other Questions.

- "25. Uniformisation of the budgets and military accounts (German proposal)."

**7. ACTION TO BE TAKEN ON THE DECISIONS OF THE GENERAL COMMISSION OF JULY 23RD, 1932
(document Conf.D./136(1)) : PROGRAMME OF WORK.**

The CHAIRMAN observed that the Bureau's first task would be to take cognisance of the text of the General Commission's resolution and to define the tasks thus assigned to it. With this aim in view, the Chairman, the Vice-Chairman, the Rapporteur of the Bureau and the Secretary-General had held two meetings at which the best method of proceeding to give effect to the resolution of July 23rd had been considered and a programme of work agreed upon for submission to the Bureau.

He would request M. Beneš, the Rapporteur, to read the suggested programme of work.

M. BENEŠ (Czechoslovakia), Rapporteur, read the following statement :

" The questions dealt with in the resolution may be grouped in the four following categories :

- " (a) Drafting of texts for the points in regard to which agreement has already been reached.
- " (b) Questions in regard to which it will be necessary to negotiate, but on which the points of principle are already settled.
- " (c) Questions of a controversial character, the solutions of which must be prepared.
- " (d) General and political questions.

" (a) *Drafting of Texts for the Points in regard to which Agreement has already been reached.*

" These questions are the following :

- " 1. Complete prohibition of air attacks against the civil population.
- " 2. Prohibition of chemical warfare.
- " 3. Supervision.

" Although point 1 might be sent immediately to a Drafting Committee, the Bureau may consider it more advisable to postpone the consideration of this point in order to take it in connection with point (b) 1.

" Point 2 raises the question of the preparation of chemical, bacteriological and incendiary arms in time of peace and of the training for the use of the said arms. These questions might be treated either in the Bureau or referred to the Special Committee on Chemical and Bacteriological Warfare, which, as will be remembered, only dealt with the question of the use in war-time of these arms.

" Point 3 must also be examined in the Bureau, in view of its eminently political character. It will be for the Bureau to define the ' extension of powers ' referred to in the resolution, as also the composition of the Commission and its jurisdiction or competence.

" (b) *Questions in regard to which it will be necessary to negotiate, but on which the Points of Principle are already settled.*

" These questions are the following :

- " 1. Abolition between contracting parties of all aerial bombardment, subject to agreement with regard to measures to be adopted for the purpose of rendering effective the observance of this rule.
- " 2. Limits to be fixed for the calibre of heavy artillery.
- " 3. Maximum tonnage of tanks.

" In regard to 1, it will be necessary to undertake certain technical studies. It will be remembered that the Air Sub-Committee is already dealing with the questions of publicity and regulation of civil aviation. It will be for the Bureau to decide if it wishes to entrust to

the same Sub-Committee the other points regarding air armaments implied by the resolution or if it prefers to set up an *ad hoc* Committee. As stated above, this point will be considered in conjunction with point (a) 1.

“As regards the questions coming under numbers 2 and 3, in view of the fact that the technical studies in regard to them seem completed, it will be necessary to determine the figures by negotiation.

“(c) *Questions of a Controversial Character, the Solutions of which must be prepared.*

“The questions coming under this heading are the following :

- “1. Effectives.
- “2. Limitation of national defence expenditure.
- “3. Manufacture and trade in arms.
- “4. Naval armaments.
- “5. Violation of the provisions relating to the prohibition of the use of chemical, bacteriological and incendiary weapons.

“1. As regards effectives, in view of the fact that the resolution invites the Bureau to study the Hoover proposal, it will be for the Bureau to proceed to a preliminary discussion on the question and then to refer the matter to the Effectives Committee or to another organ. It is essential that the Bureau should in that case give to the Committee very precise instructions.

“2. In regard to the work of the Defence Expenditure Committee, it will be remembered that, in accordance with the correspondence exchanged between the President and M. de Vasconcellos, the work of this Committee cannot be completed before the end of this year.

“As certain countries have not yet forwarded their documentation, the Bureau might authorise the Secretary-General to address a reminder to them.

“3. In regard to the trade and manufacture of arms, the Bureau might, after a preliminary discussion, set up a committee to examine this question. The President or the Rapporteur might in due course suggest a list of names to the Bureau.

“4. In regard to naval armaments, the Bureau would desire to know if the naval Powers, in conformity with the text of the resolution, have been able, up to the present, to agree on any new measures of naval reduction, so that it may inform the General Commission thereof before it resumes its work.

“5. As regards *violations* of the provisions on the prohibition of chemical, and bacteriological and incendiary warfare, it might be possible for the Bureau itself to treat this question and to refer it for drafting to the Chemical and Bacteriological Warfare Committee or to a Drafting Committee composed of persons competent both in drafting and in the question of chemical and bacteriological arms, which are of a very special character.

“(d) *General and Political Questions.*

“Under the heading ‘General Provisions’ the resolution refers to a certain number of general questions. It will be for the Bureau to decide as to when and how these problems should be prepared.”

M. Beneš added that the Bureau had full powers to take all decisions as to its programme of work. During the discussion of the various points in the document which he had read, the members of the Bureau would see whether the suggestions submitted to them were acceptable or required modification.

The CHAIRMAN pointed out that certain delegations might think that questions which in their view were of special importance should be discussed first.

As the members of the Bureau must have an opportunity of examining in detail the programme submitted to them by the Rapporteur, he proposed that the discussion should be postponed to the following meeting.

FIFTEENTH MEETING (PUBLIC)

Held on, Wednesday, September 21st, 1932, at 4.30 p.m.

Chairman : Mr. HENDERSON.

8. ACTION TO BE TAKEN ON THE DECISIONS OF THE GENERAL COMMISSION OF JULY 23RD, 1932 (document Conf.D./136 (I)) : GENERAL DISCUSSION.

M. LITVINOFF (Union of Soviet Socialist Republics) observed that the Bureau was about to decide the order in which it would deal with the programme of work that had been drawn up with a view to carrying out the resolution of the General Commission. It was clear that all the questions on the programme were not of equal importance, and he was afraid that the Bureau might be tempted to deal first with those which raised the least difficulties, even though they might be of minor importance and though their connection with the question of the reduction

of armaments might be somewhat remote. He did not regard such a method as acceptable ; the Bureau must not forget the atmosphere of pessimism and disappointment which had marked the conclusion of the first stage of the Disarmament Conference. The President himself, in an article published that day, had admitted that the results of this first stage had been somewhat slender, somewhat disappointing, and might be regarded, up to a certain point, as discouraging. In order to dissipate this atmosphere of pessimism, it was necessary to attack the most serious questions, the solution of which might be regarded, in the words of the resolution itself, as constituting "a decisive step involving a substantial reduction of armaments".

In M. Litvinoff's opinion, nothing but a quantitative reduction in armaments could bring about such an advance. However desirable it might be to prohibit or limit what were called the more offensive weapons, such measures would not involve a substantial reduction in armaments and should be placed, as he had pointed out on several occasions, among measures tending towards humanising war. The quantitative reduction of all armaments according to a certain percentage would be of more significance than any reduction in offensive weapons, such as the limitation of the calibre of artillery, the tonnage of tanks, etc.

He was of the opinion that the suggestion that the Bureau should immediately undertake the discussion of quantitative reduction did not come outside the terms of the resolution of the General Commission, although the Soviet delegation had not voted for this resolution. The words of the text were : "That a substantial reduction of world armaments shall be effected, to be applied by a general Convention alike to land, naval and air armaments". The resolution even admitted that such a reduction might reach a proportion of one-third. He wondered whether the time had not now come to deal with the concrete proposals in this sense which were made in the Soviet plan and in that put forward by the United States of America.

In this connection, M. Litvinoff wished to refer to the declaration made at the previous meeting by the President, in which he informed the Bureau of the correspondence exchanged with the German Minister for Foreign Affairs. M. Litvinoff was sure that all the members of the Bureau deeply regretted the absence of their German colleague and were anxious to see him return as soon as possible. M. Litvinoff had observed that Baron von Neurath admitted, at the conclusion of his letter, the possibility of such a return, if the work of the Conference took a certain direction. He was naturally not in a position to say exactly how that phrase should be interpreted, but, in view of the fact that the German Government explained the withdrawal of its representative by the smallness of the results hitherto achieved, he thought it was a fair presumption that, if the Bureau decided to recommend to the General Commission definite action in the direction of a substantial reduction of armaments, for example by one-third, as had been proposed by M. Litvinoff himself, the members of the Bureau might once more have the advantage of the presence among them of a German delegate.

This, however, was not the main or only reason for the suggestion which he put forward. It was his firm conviction that the Bureau could carry out the responsible tasks imposed upon it, if it decided not to put aside the most important problems of disarmament, even if these problems appeared to be also those most difficult of solution. Confidence in the Disarmament Conference would not be re-established by the solution within the Bureau of matters of minor importance, or by the creation of new commissions or sub-commissions. The Bureau should not separate without declaring to the world to what extent it intended to bring about the reduction of every kind of armament ; the only method by which this result could be obtained would be to put on one side for the moment all matters of minor importance and to concentrate attention upon the concrete proposals already submitted to the General Commission by the United States delegation and by the Soviet delegation.

M. BENEŠ (Czechoslovakia), Rapporteur, observed that the proposals of M. Litvinoff would to some extent upset the procedure proposed by the Rapporteur himself at the previous meeting. He would therefore give the reasons which had led him to propose the adoption of the programme of work submitted. The question had been asked whether it would be of advantage to begin by the most important questions and to solve them as far as possible at once. The decision reached had been that it would be preferable to keep to the resolution of July 23rd, 1932, and to follow it point by point, as the various questions were set out therein in a logical order and in accordance with their readiness for discussion. Would it not involve further discussions if the Bureau were to attack certain questions at once without having first carried out a fresh preparatory work among the delegations, particularly if it was borne in mind that certain other questions were at the moment ready for immediate discussion ? The question of the prohibition of chemical warfare, for instance, was settled apart from one single point—namely, whether the prohibition should extend to the preparation of chemical warfare in time of peace. A text could be drawn up as soon as a decision had been taken on this point. The question of supervision was also very important. On this matter a decision of principle had been taken, and the question could be readily settled, once agreement had been reached regarding the competence and composition of the supervisory commission.

In the second category, questions of the tonnage of tanks and the calibre of heavy artillery had already formed the subject of long and difficult discussions. They had reached the final stage—the fixing of figures—and in his opinion this matter might now be dealt with.

Finally, the third category included the most awkward questions—such, for instance, as that of effectives. All the members of the Bureau were certainly very anxious to reach a rapid conclusion, and it appeared to him that the order proposed for the examination of the various questions provided the best means of achieving this result.

Mr. WILSON (United States of America) thought that, with a view to avoiding the difficulties and delays which arose from the fact that it was impossible for the Bureau to examine more than one question at a time, it would be well to distribute between the various sub-committees the questions which called for examination. There were certain matters, such as that of the manufacture of arms, which, owing to their great complexity, would require several months of study before any satisfactory text could be prepared. The examination of the question of effectives by the very competent experts who had dealt with that matter had given him the impression that there was no technical method by which the military value of a soldier could be measured according to the degree of his military instruction, etc. He therefore thought it would be advisable to submit those questions, and more particularly that of effectives, which were not yet ripe for decision, to a committee which would be given complete freedom, which would itself decide on the extent of its mandate and which would include, in addition to the delegations composing the former Effectives Committee, the members of the Bureau who had not been represented on it, it being understood that the Committee should be composed, not of experts, but of political delegates.

M. BENEŠ (Czechoslovakia), Rapporteur, observed that Mr. Wilson's proposal was not in any way inconsistent with the programme submitted. Before setting up a committee and entrusting it with a task, it was advisable that the Bureau should decide, at least in principle, on the questions referred to it.

The CHAIRMAN noted that the majority of the Bureau was in favour of the adoption of the programme submitted at the previous meeting, subject to any modifications which might be considered expedient during the course of its examination.

9. COMPLETE PROHIBITION OF AIR ATTACKS AGAINST THE CIVIL POPULATION.

The CHAIRMAN reminded the Bureau that it had been agreed that this question should be decided at the same time as Question (b) 1: "Abolition between the contracting parties of all aerial bombardment subject to agreement with regard to measures to be adopted for the purpose of rendering effective the observance of this rule".

10. PROHIBITION OF CHEMICAL WARFARE.

The CHAIRMAN recalled that it had previously only been decided to prohibit chemical warfare in time of war. It was now for the Bureau to come to a decision as to the advisability of extending this prohibition to cover the preparation of chemical warfare in time of peace.

M. BENEŠ (Czechoslovakia), Rapporteur, set out the state of the question as follows :

The draft Convention drawn up by the Preparatory Commission provided in Article 39 for :

- (a) Absolute prohibition of bacteriological warfare ;
- (b) Prohibition, subject to reciprocity, of chemical warfare.

The Special Committee on Chemical Weapons had decided in favour of the prohibition of chemical, bacteriological and incendiary weapons. No mention was made of training in time of peace or of the manufacture of the weapons in question. The Bureau had therefore to take a decision on the two following questions :

1. Should the requirement of reciprocity be maintained, or should the prohibition of chemical warfare be made absolute ?
2. Should this prohibition cover questions of training in time of peace and the manufacture of chemical weapons ?

These questions had been raised in a practical manner by a letter from the Norwegian delegation (see document Conf.D./Bureau./14, distributed on August 1st to the members of the Bureau), which called for :

- (a) Absolute prohibition of the employment of chemical and bacteriological weapons and methods of warfare ;
- (b) The destruction of all methods of chemical warfare and of all existing apparatus therefor ;
- (c) The prohibition of preparation in time of peace of such methods and of training for their use.

Sir John SIMON (United Kingdom) asked for an explanation as regards procedure. It had been his belief that the Bureau would go through the various questions mentioned in the programme of work, which personally he approved, with the object of drawing up a definite programme of discussion for subsequent meetings, reserving till then the discussion of questions which had not yet been decided. Personally, he was not in possession of the necessary documents for proceeding to a fundamental discussion of the questions on the programme, and he would prefer that the Bureau should confine itself to an examination of the procedure to be followed regarding each question.

The CHAIRMAN explained that, in the absence of any suggestions other than those put forward by M. Litvinoff and Mr. Wilson, he had thought that the Bureau wished to start the discussion of the programme before it. It was, however, always open to any members of the Bureau to propose the adjournment of the examination of any questions until they were in a position to undertake a full discussion.

M. BENEŠ (Czechoslovakia), Rapporteur, did not think that there was any difference of opinion as to the procedure to be followed. The question before the Bureau was that of ascertaining the present state of the various questions mentioned on the programme; the discussion should therefore be restricted to fixing the procedure to be adopted in each case. The Bureau was called upon to decide the manner in which each of these questions should be examined in the future and what instructions should be given to any committee that might be set up.

M. LITVINOFF (Union of Soviet Socialist Republics) was of the opinion that the Bureau should be given exact information regarding the discussions which had taken place at the Special Committee on Chemical Weapons, and that the Chairman of that Committee should therefore be requested to report to the Bureau. The Bureau would then confine itself to the discussion of those points on which there had been any disagreement in the Special Committee.

M. MOTTA (Switzerland) observed that there was no difference of views regarding procedure. It was not possible to enter upon a fundamental discussion of the various questions, as there was still some preparatory work to be done. The programme drawn up by the Rapporteur arranged the questions in the best order for examination. That, however, was not enough, for an examination of these various points raised a large number of allied questions; for example, in connection with chemical warfare there was the question whether chemical warfare should be prohibited absolutely or whether—which he personally would regret—provision should be made for reciprocity, whether apparatus for chemical warfare should be destroyed, etc. It was therefore essential that the Secretariat should prepare a document in which each question would be divided into its component parts. The Bureau would then be in a position to decide whether it would itself settle certain controversial points or whether they should be referred to a special committee.

Sir John SIMON (United Kingdom) shared the views of M. Motta. He added that, before considering the question of chemical warfare, it was important that the Bureau should have certain definite information. The scientists who had studied the matter had come to the conclusion that it would be extremely difficult to prevent the preparation in time of peace of basic substances required for the manufacture of poisonous gases. That was a point on which the technical experts should give an opinion before the Bureau could come to any conclusion. Was it in practice possible to prohibit in time of peace the preparation for chemical warfare?

There was another question. It was proposed to prohibit absolutely bacteriological warfare and to prohibit chemical warfare subject to reciprocity. It would be of advantage to know exactly what was meant by these phrases. If they were to admit the right to employ chemical warfare if the enemy began it, then it would be necessary to make preparations in time of peace. A definite opinion was necessary on this point also. It was advisable therefore, if the Bureau were to perform a useful task, that a certain number of questions should first be worked out in detail and brought to a definite point. If any attempt to prohibit during peacetime the preparation for chemical warfare was doomed in advance to failure, it would be best to say so, and for that reason the Bureau should then and there decide on the body from which it would secure the necessary information. Sir John Simon therefore proposed that in the next few days some eminent person should be entrusted with the task of enquiring into the exact state of the question and of making proposals regarding the points which should be referred to a scientific committee.

M. DE MADARIAGA (Spain) supported the views of Sir John Simon. From the point of view of the future of the Conference, it would be a dangerous procedure to endeavour to settle certain questions in a superficial manner, for this would lead to accusations that the public were being deceived. Chemical warfare was one of the matters on which public attention was particularly concentrated, and, if the problem were not thoroughly discussed, there was a danger that inadequate solutions might be proposed. So far, merely a pious recommendation had been adopted—namely, the prohibition of chemical warfare. In the opinion of the Spanish Government and in the personal opinion of M. de Madariaga, such a decision did not go beyond the humanising of warfare. It was not a question, however, of humanising warfare, but prohibiting it, and this result would not be obtained by the pronouncement of recommendations.

The question of the prohibition of chemical warfare was one of primary importance if it were decided to make a fundamental study of it, and of secondary importance if it were to be left at the point at which it was at present. This matter raised the questions of the prohibition of the manufacture of poisonous gases, of the preparation of apparatus for their projection, of the training of supervisory staff in time of peace and of the sanctions which should be applied in the event of any breach of the prohibition of such preparation in time of peace. It was essential that such sanctions should be peace-time sanctions.

If the Bureau decided to refer the matter to a competent committee, M. de Madariaga wished to remind it that in the early stages of the history of disarmament a Committee composed of chemists of indisputable authority had met at Geneva, and that the results of

this Committee's work were contained in documents which were in the archives of the Secretariat. In these documents could be found an answer to the following definite question which had been raised : Is it easy to turn a peace-time chemical factory into a war-time chemical factory ? The answer had been that such a transformation was extremely easy and that the change over could be made within a few hours or a few weeks. To the question : Is it possible to maintain stocks of raw materials for the manufacture of poisonous gases ?, the reply had been : The maintenance of such stocks is extremely easy, as all the materials employed are materials which are indispensable for industry in time of peace. The enquiry which had been asked for had therefore already been made.

M. PAUL-BONCOUR (France) referred to the necessity for the Bureau to take a decision as to what it intended to do at this stage of its work. The duty of the Bureau, in starting a fundamental discussion of any problem, was only to make proposals to the General Commission or the Conference. It was desirable that the General Commission and the Conference should be placed in possession of definite texts which they could start immediately to discuss; these texts might be of two kinds, some setting out the questions on which agreement had already been reached, and the remainder detailing the points on which agreement had not yet been reached. In the latter case the Bureau would submit a suggested solution. Whether it was a question of texts embodying an agreement or proposals with a view to an agreement, the Bureau should take certain decisions of a technical nature—such, for instance, as that regarding the prohibition of chemical warfare, regarding which agreement seemed to have been reached.

M. Paul-Boncour shared the opinion of M. de Madariaga and thought that preparation of chemical warfare should be prohibited in time of peace. Such a step was possible if supervision existed, whereas it would be useless to endeavour to obtain the same results in time of war. The question then arose, Is supervision possible ? To this question it was necessary to have an expert's reply. If the matter were referred to an expert committee, there would probably be a difference of opinion and the time would arrive when the statesmen who composed the Bureau would have to take the responsibility, see what could be done in the way of reconciliation of views, and take a decision. It was clear, moreover, that on a large number of questions the elements of a decision were already available, for most of these questions had already been examined, and M. Paul-Boncour could only approve, in this connection, the proposal to begin by making some research into the documentation resulting from work already done.

M. BENEŠ (Czechoslovakia), Rapporteur, thought that it might be possible and of advantage to add to the programme which he had submitted at the previous meeting the definitions requested. He went through the various matters contained in this programme and gave a summary of the way in which they could be defined. When this had been done, there would be certain questions of principle on which the Bureau would have to come to a decision. In accordance with the request of M. Motta, the preparatory work would clear up certain questions of detail and bring out the points on which the Bureau would be called upon to take a decision and those on which it should ask the opinion of specialists. The moment had arrived when the decisions to be taken were mainly of a political nature ; questions which the politicians could not decide without the advice of experts would be reserved. M. Beneš proposed to complete on these lines the programme of work for submission to the next meeting.

M. PAUL-BONCOUR (France) wished to make it clear that his object was to avoid, when possible, any fresh consultation of experts on points on which the preparatory work had already been done ; he had naturally no objection to referring to experts matters which were not yet settled. This was the case, in particular, as regards the question of the manufacture of arms.

Sir John SIMON (United Kingdom) submitted the following draft resolution :

“ The Secretary-General is requested to report to the Bureau as soon as possible, from the records of enquiries already made :

“ (1) What is the state of expert opinion as to the practicability of prohibiting the *preparation* of gas as distinguished from prohibiting its use in warfare ;

“ (2) Whether there is any sufficient reason why the preparation and possession of *machines and instruments* for the use of gas should not be forbidden ;

“ (3) The same as to training in use of gas.”

The draft resolution was adopted.

II. SUPERVISION.

The CHAIRMAN reminded the Bureau that the question of supervision was one for examination by the Bureau, in view of its pre-eminently political character, and that it would be for the Bureau to define “ the extension of powers ” which was referred to in the resolution, and also the composition of the Permanent Commission, its jurisdiction and its competence. He mentioned that an explanatory document would be distributed to the members of the Bureau before the next meeting.

M. LITVINOFF (Union of Soviet Socialist Republics) doubted whether there was any advantage in discussing the question of supervision, in view of the fact that up to the present no one had assumed any obligations. No supervision was, therefore, possible. As M. Beneš had pointed out, this was a pre-eminently political matter and one depending on the nature of the obligations which the Governments considered acceptable and on the extent of disarmament to which they submitted. It was not possible to speak of supervision before taking decisions regarding disarmament.

M. DE MADARIAGA (Spain) preferred, on the other hand, to follow the procedure suggested by Mr. Wilson and to deal with the subjects concurrently. It might be accurate to say that it was difficult to discuss the question of supervision without knowledge of the extent of the obligations assumed by the Governments, but personally he preferred not to discuss the extent of the obligations without knowledge of the possibilities of supervision.

M. PAUL-BONCOUR (France) entirely supported the remarks of M. de Madariaga.

The CHAIRMAN replied that M. Litvinoff appeared to be convinced that the Conference would never reach the stage referred to in the resolution adopted by the General Commission on July 23rd, 1932. If M. Litvinoff, who had quoted a portion of the President's speech, had continued this quotation, he would have also quoted the words in which the President expressed his confidence in the desire of the Powers which had adopted the text of the resolution to bring into force this text in its entirety.

SIXTEENTH MEETING (PUBLIC)

Held on Thursday, September 22nd, 1932, at 11 a. m.

Chairman : Mr. HENDERSON.

12. SUPERVISION (*continuation*).

The CHAIRMAN, in opening the discussion, recalled that since the last meeting the Secretary-General had caused to be distributed a short note showing the present state of the question of supervision.

The note read as follows :

" 1. The question of supervision is dealt with in Chapter A of Part VI of the Preparatory Commission's draft Convention, Articles 40 to 50 (document C.687.M.288.1930.IX). These articles bear on the constitution, the working and the competence of the Permanent Disarmament Commission. There are, too, certain other articles in the draft which refer to the Permanent Disarmament Commission, in particular Articles 8 and 13 dealing with the communication of certain information, Article 50 with derogations, Article 52 with procedure regarding complaints, and Articles 58 and 59 with the revision of the Convention.

" The Preparatory Commission's report contains certain comments and explanations with regard to these various articles. See, in particular, paragraphs 232 to 250, 263 and 264, 275, 287, 288, 296 (document C.690.M.289.1930.IX).

" 2. Certain delegations have, moreover, laid before the Conference proposals concerning supervision. A list of these proposals is given on pages 25 and 26 of the Coordinating Table (document Conf.D.102). The text of each will be found in the Survey of Proposals (document Conf.D.99).

" 3. On the subject of supervision the General Commission adopted the following text, which appears in its resolution of July 23rd :

" ' There shall be set up a Permanent Disarmament Commission with the constitution, rights and duties generally as outlined in Part VI of the draft Convention submitted by the Preparatory Commission for the Disarmament Conference, with such extension of its powers as may be deemed by the Conference necessary to enable the Convention to be effectively applied.'

" An interpretation of this text was given by M. Beneš, Rapporteur, at the twenty-third meeting of the Commission. (See Minutes of the General Commission, page 158.)

" Having decided itself to deal with this question on account of its eminently political character, the Bureau will have to define the significance of the words : ' with such extension of its powers as may be deemed by the Conference necessary to enable the Convention to be effectively applied.'

" It appears, moreover, that the work of the National Defence Expenditure Commission may have some influence on the system of supervision to be set up by the Conference."

M. BENEŠ (Czechoslovakia), Rapporteur, said that the only question to be discussed was the extension of the powers of the Commission entrusted with the duty of supervision.

When, as Rapporteur, he had submitted to the General Commission the draft resolution which the latter had adopted on July 23rd last, he had made a speech which had been recognised as an authorised commentary on the text under discussion. With regard to the question of supervision, he had said :

“ The second part of the resolution proposes, lastly, a third important principle—namely, supervision over the execution of the Disarmament Convention to be concluded. It provides for the setting up of a Permanent Commission whose powers and prerogatives, generally speaking, would be on the lines contemplated in the draft Convention framed by the Preparatory Commission. The resolution employs the term, ‘ generally speaking ’. It is clear, then, that the details of the constitution and powers of the Commission will form the subject of further discussions and decisions. I do not think it necessary therefore, at the moment, to analyse the constitution and powers of the Commission as provided for in the draft Convention framed by the Preparatory Commission, especially as the resolution which I am now submitting makes it clear that the Conference will decide to extend its powers to the extent that may be necessary for it to ascertain in practice that certain provisions of the General Disarmament Convention are being applied. What I do wish to stress, however, is the following capital fact : the constitution of such a Commission makes it impossible in future that there should be competition in armaments such as is found under present conditions. All armaments will in future be under the direct or indirect supervision of the Commission ; any increases will have to be brought to the knowledge of the contracting parties and will, indeed, have to be approved by them. The absolute liberty which exists to-day will disappear and, for the first time in the history of the world, the nations—thus following the principle already adopted at the Washington Conference—are about to bind themselves in regard to their armaments.

“ I do not propose to examine at the moment how this machinery which is to be set up will work ; I simply desire to note the tremendous progress in the relations of States, one with another, which is now being placed on record by a decision on these lines.

“ That is all that I wish to say in order to indicate the importance of the points on which agreement has been reached in our work up to date—points which are recorded in the second part of the resolution on which you will have to vote. If we decide to stop there for the moment, that does not signify by any means that the first stage of disarmament will go no further. It means that, as regards the questions to which I have just referred, the first phase of the Conference has achieved practical results on which we can take a decision immediately, and that the second phase of the Conference will have to deal with all the other questions which we placed on our agenda at the beginning of the Conference’s work.”

He had merely desired to show that the Bureau ought to examine the general aspects of the principle of extending the powers of the Permanent Disarmament Commission. There were two ways in which the Bureau could discuss the matter : it could take, point by point, the text of the preliminary draft Convention prepared by the Preparatory Commission—a method he held to be somewhat unpractical. The second way—which personally he advocated—would be to open a general discussion on the extension of the powers of the Commission.

M. PAUL-BONCOUR (France) thought it was absolutely indispensable in the first place to define the exact subject of the discussion. Had the Bureau been called upon to examine texts and, if so, were these texts contained in the preliminary draft drawn up by the Preparatory Commission ? If so, the Bureau would have to consider whether the texts appeared to be adequate. He would then have to explain why the French delegation, which had regarded these texts as adequate during the discussions of the Preparatory Commission, now thought that they were no longer satisfactory. He argued that the General Commission had, by implication, agreed that these texts were inadequate, because in its resolution it mentioned the possible extension of powers which had previously been defined.

M. BOURQUIN (Belgium) thought that the Bureau ought to decide what should be the starting-point of its discussion. He reminded his colleagues of the terms of the resolution of July 23rd with regard to supervision, which was, in fact, the decision that the Conference had taken in July. So far as procedure was concerned, it was for the Bureau to decide on the details of that decision. He therefore thought that the Rapporteur had rather narrowed down the scope of the discussion by limiting it to a definition of what was meant by “ extension of powers ”.

In reality, the General Commission’s resolution had a wider meaning. It first stated that a Permanent Disarmament Commission would be set up. It then said that the powers and duties of this Commission would be those outlined in Part VI of the draft Convention. This, then, was one question which the Bureau was called upon to discuss. Finally, the resolution referred to an extension of the Commission’s powers. In other words, it regarded the indications in the draft Convention as an acquired minimum and raised the question whether it might not be possible to go further.

The problem was therefore a complex one, and, if it were to be solved, it would have to be separated into its essential elements.

The first element was the question of the composition of the Commission. The Preparatory Commission's draft already contained definite indications on this point, but these indications could be modified : first, because the Conference had full powers ; secondly, because, in the course of the discussion which had occurred in the Preparatory Commission itself, several reservations had been made with regard to these indications, and the text had only been adopted on a majority vote ; and, finally, because, since the beginning of the Conference's work, a number of formal proposals for amending these indications had been submitted.

Then came the question of powers. That was a very important question which itself possessed two aspects. The first point to be considered was the jurisdiction of the supervisory body and the duties to be entrusted to it. The substance of the Preparatory Commission's proposal was that the supervisory body should follow the manner in which the Disarmament Convention was being carried out and should give a decision if complaints were made. In this connection also the Conference had received new proposals from the Swiss and Norwegian delegations to the effect that the Permanent Disarmament Commission might be entrusted with the task of preparing the future stages of disarmament. That would obviously be a task different from the work of mere supervision.

There was another aspect of the question of the Commission's powers : What means would it possess for the fulfilment of its duties, and, in particular, what means of supervision would be provided ? On this subject the Preparatory Commission's draft contained a whole series of clauses which he did not propose to analyse in detail at present. Nevertheless, these clauses showed that the Preparatory Commission did not admit the idea of investigations on the spot. That was another point on which formal proposals had been submitted with a view to extending the Commission's means of action by allowing it to carry out investigations locally. In this connection, mention should also be made of the Soviet proposal to organise supervision through the workers.

Finally, the Bureau would have to examine the question of the way in which the Commission would operate. This aspect of the problem, though of some importance, was of a secondary nature as compared with the question of the Commission's composition and powers.

This brief survey showed that the problem was by no means a simple one. He thought it would not be sufficient to discuss the matter briefly and then refer it to a Drafting Committee. The whole problem ought to be very carefully studied and prepared before it was submitted to such a Committee. He therefore proposed the following procedure : the Bureau might instruct one of its members to study the problem and submit a report. The Bureau of course possessed in M. Beneš a distinguished Rapporteur who could carry out this task admirably, but M. Beneš was already overburdened with work. Consequently, M. Bourquin proposed that this new task should be entrusted to another member of the Bureau, who would get in touch with the various delegations, would collect their opinions, would ask them to define those opinions in the form of definite texts and would finally submit a report to the Bureau. The Bureau would then be able to discuss the substance of the matter with some hope of arriving at practical results.

M. MOTTA (Switzerland) entirely approved M. Bourquin's exposition of the question and agreed with him that the Rapporteur-General, in his desire to facilitate the discussion, had perhaps somewhat minimised the complexity of the problem.

When, at the previous meeting, the Bureau had examined the programme of work submitted to it, it had admitted that agreement had been reached on the first three questions. During the discussion, however, it had transpired, for instance, that the question of chemical and bacteriological warfare was made up of several separate parts on all of which full agreement had not been reached, and that outstanding differences of opinion must be eliminated. The situation was the same with regard to the problem at present before the Bureau.

The first question to be settled was whether the Bureau desired to take up this problem and discuss it with a view to submitting proposals to the General Commission and finally to the Conference. As the problem was a pre-eminently political one, M. Motta thought the Bureau was called upon to deal with it. Nevertheless, there were various aspects of the question, and he wondered whether it would be possible for a Rapporteur to achieve any useful results until a discussion between the members of the Bureau had thrown some light on the matter for his guidance. M. Motta therefore thought it indispensable that, in the first place, there should be an exchange of views.

Chapter VI of the draft Convention drawn up by the Preparatory Commission contained definite indications but left several questions open. The first of these was that of the actual character of the Permanent Commission. Would this Commission simply be concerned with supervision or would it have wider terms of reference ?

M. Bourquin had reminded the Bureau that the Swiss delegation had proposed that this Commission should be entrusted with the preparation of the future stages of disarmament. Switzerland, in fact, had always considered that disarmament should be carried out by successive stages. It was therefore necessary to ascertain, in the first place, whether the Commission would merely have to supervise the execution of the measures decided upon, or whether it would also have to study the manner in which these measures could be subsequently extended.

The second question was that of supervisory procedure. Ought the Commission to be provided with very wide, or limited, powers of investigation ? On this subject rather sharp differences of opinion had been noticeable at the beginning of the Conference, and the

examination of the question had been postponed till later, the idea being that it might be taken up again in the form of the extension of the Commission's powers—in other words, in correlation with the degree of supervision.

The third question was the method of appointing the members of the Commission. According to the draft Convention, they were to be appointed by the Governments. That system might not meet with universal approval: they might, for instance, be appointed by the Council of the League, always taking into account the fact that certain Powers were not Members of the League. The draft Convention also laid down that the members of the Commission, although appointed by the Governments, would not represent those Governments. That was an illogical concept which ought not to be allowed to remain. In view of the delicate and important nature of the work they had to do, it seemed indispensable that the initiative of the members of the Commission should not be limited by the desires or anxieties of the Governments concerned.

Finally, there was the question of the number of members of the Commission. In this connection, there were naturally two tendencies: some desired a small Commission, while others preferred a Commission including representatives of all the States. Personally, M. Motta felt that the latter alternative was undesirable—so large a Commission could not work properly. He preferred a small Commission which would include, for instance, all the Great Powers—that was to say, seven States to whom nine others might be added by some system of rotation.

Having thus expressed his opinion on the problem, M. Motta warmly supported the Belgian representative's proposal to the effect that a member of the Bureau should be appointed to study the matter and submit a report. He thought that no one was better suited for this task than M. Bourquin himself.

M. PAUL-BONCOUR (France) entirely agreed with M. Motta both as to the desirability of selecting M. Bourquin as Rapporteur and as to the need for a preliminary discussion. The Rapporteur would find it easier to consult the delegations if he already possessed some general indications concerning this vital problem.

Personally, he felt that the question of supervision was the very axis of the draft Convention. M. Litvinoff had said at the previous meeting that it was paradoxical for a body to discuss supervision before it knew what was to be supervised. He did not share that view. He believed with M. de Madariaga that the attitude of the various delegations might be strongly influenced, at the time of the adoption of the various provisions for limitation and reduction, by the guarantees they would be able to obtain as to the manner in which these provisions would be observed. Both as regarded its form and its extent, the question of supervision had a decisive influence on the attitude adopted by States in the matter of the reduction of armaments.

When the problem of supervision was studied, the first question which arose was obviously that of the composition of the supervisory body. Nevertheless, M. Paul-Boncour thought it would be preferable to consider first of all the question of its terms of reference. The draft Convention prepared by the Preparatory Committee had already defined some of the future duties of the Permanent Commission: (a) it would have to examine at least once annually the conditions under which the Convention was being applied; (b) according to Part VI of the draft, it would have to decide on the exemptions requested by certain States in view of special circumstances. That was obviously a very delicate task; (c) finally, it would have to take a decision regarding complaints made to the effect that some nation was not complying with the provisions of the Convention it had signed. M. Paul-Boncour thought, moreover, that there would be very close correlation between these last two elements of the question and that requests for exemption would constitute a sort of set-off to complaints. If, for instance, the Commission failed to remedy certain failures reported to it, it might very likely receive a request for exemption on the part of the complainant State.

These, then, would be the three duties of the Permanent Commission as provided in the preliminary draft Convention.

During the discussions of the Conference it had become clear that a new and still more important task would devolve upon the Commission. Several delegations, including the Swiss and Norwegian delegations, had proposed that the Permanent Commission should be instructed to prepare the later stages of the reduction of armaments. This suggestion was entirely justified, because, seeing that it had been decided that disarmament was to be effected by progressive stages, some organ would certainly have to be responsible for their preparation. In this connection, however, he wished to observe that, if the future mechanism were to remain within the framework of the Covenant, it would, under Article 8 of the Covenant, be the duty of the Council of the League to prepare plans for such reduction. The Permanent Commission could therefore, in this sphere, only act under powers delegated to it by the Council. But, just as the Council had appointed Committees to study certain other questions, it would find that, in preparing plans for future disarmament, it would be unable to carry out its mission under Article 8 without the help of the Permanent Commission. Accordingly, there opened out before the Commission a new vista of activity.

M. Paul-Boncour wished it to be clearly understood that it was the opinion of the French delegation, and probably of several other delegations, that, in view of the direction taken by the work of the Conference, the powers of the Permanent Commission would necessarily have to be extended. He reminded the Bureau that the question of the creation of a Permanent Commission had been raised for the first time in 1927 by the French delegation. At that date

the suggestion had not been well received, but, by the time the work of the Preparatory Commission was drawing to an end, the French delegation had had the satisfaction of noting that several important delegations had been won over to its view. Naturally, it had only been possible to reach agreement on the basis of a compromise to the effect that, although the Permanent Commission would be entitled to conduct enquiries with regard to complaints concerning the non-observance of the Convention, such enquiries could only be conducted on the basis of documents and not on the spot.

Under the draft Convention drawn up by the Preparatory Commission, which only referred to total limitation and total effectives, it could be argued that the powers of the Commission as thus defined were adequate. Now, on the proposal of several delegations, the Disarmament Conference had entered upon the path of more definite limitations, including qualitative disarmament. This form of disarmament had been discussed at great length both in public and in private. If the principle of such disarmament were accepted, it would be impossible, if the security of those who had accepted it were to be adequately assured, to limit enquiries simply to the sifting of documentary evidence. The Commission should be given the possibility of verifying the information supplied to it. It therefore appeared necessary that its powers should be extended—namely, that it should be allowed to carry out investigations on the spot. Evidently some method would have to be found for safeguarding the dignity and independence of countries against which complaints were launched, but the Permanent Commission must in some way or other, he thought, be accorded the necessary powers to allow it to pursue its investigations on the spot.

M. LITVINOFF (Union of Soviet Socialist Republics) was still convinced that all consideration of the question of supervision was premature at present. He had no desire to return to Moscow and be obliged to report that the question of supervision had been settled, though no decision had been taken regarding the reduction of armaments. He would have understood the attitude of M. de Madariaga and M. Paul-Boncour if any difference of opinion had existed as to whether there should or should not be supervision. On that point, however, opinion was not divided; the need for supervision was unanimously admitted. Differences of opinion only arose as to the degree of supervision to be instituted and as to the composition of the controlling organs. The Soviet delegation insisted that very rigorous supervision should be established. It asked that, contrary to the stipulations of the draft Convention, the members of the Commission should not be chosen by Governments, but by legislative bodies, trade unions and peace organisations. It also desired the institution of dual control by the creation of local workers' committees.

However, in dealing with the question of the Commission's duties, one could not fail to note that these duties depended on what decision would be taken concerning the reduction and limitation of armaments. M. Paul-Boncour had maintained the same argument as he himself had done, because the former had said that, in view of the present tendency of the Conference to look towards a more specific reduction of armaments, the powers of the Commission might have to be modified. Was not that the very argument of the Soviet delegation? Did not the Soviet delegation maintain that, until the question of the reduction of armaments had been settled, it would be impossible to define the duties of the Permanent Commission?

He was opposed, for the present, to all discussion of the problem of supervision, but, since the Bureau had decided to consider this question, he asked the Rapporteur, when submitting his conclusions to the Bureau, to take into account the proposals set out in detail in Part VII, Articles 39 to 46, of the general plan for disarmament submitted by the Soviet delegation, (document Conf.D.87). He wished to draw special attention to the fact that under the Soviet proposals there would be no military members of the Commission. The members of the Commission should be civilians who would seek the advice of military experts on technical points. Similarly, persons directly interested in war industries should have no seat on the Commission, and arrangements should be made for the participation of trade unions and workers' organisations.

M. DE MADARIAGA (Spain) warmly supported the proposal to appoint M. Bourquin as Rapporteur for this question.

He felt some doubt as to the advisability of the present title of the supervisory body. This body was called the "Permanent Disarmament Commission". He thought it would be preferable to call it the "Permanent Disarmament Organisation", which would be more consonant with what must actually be set up in the future.

He thought that the body could not possibly be composed solely of Government representatives, though the presence of such representatives was essential. It might therefore be preferable to contemplate a tripartite system including a Government Commission which would shoulder responsibility and take decisions. Side by side with this Commission would be organs free from Government control, and in this direction he supported M. Litvinoff's proposal to accord a large share to workers' organisations, without the help of which it would be impossible to obtain information regarding preparations for war in the innermost recesses of factories. In addition, provision should be made for military experts. While paying all due tribute to the experience, disinterestedness and tenacity of the military experts, he thought it would be undesirable to set up a committee of experts. It would be preferable to draw up a list of experts who would be constantly at the disposal of the Commission for special duties.

As regarded the powers and organisation of the Commission, he agreed with M. Paul-Boncour that these powers should be extended as the French representative had suggested. A clear distinction should, however, be drawn between the Commission's powers and its jurisdiction. It could already be foreseen that the Commission would possess, not only the jurisdiction already defined, but also that accruing to it under the various chapters of the Convention, particularly as regarded the supervision of private manufacture and private trade in arms, the accounts rendered for stocks of material, the utilisation of chemical factories with a view to chemical warfare, the transformation of commercial and civil aviation into military aviation, naval questions, etc. There would, in fact, be in the Convention a series of chapters in which recourse would be had to the Permanent Commission. It was therefore indispensable to examine the question of supervision immediately, because, during the ensuing discussions, numerous questions of substance would arise which it would only be possible to settle by adequate supervision.

Finally, M. de Madariaga would emphasise the importance of public opinion in this question of supervision. In the last resort, whatever mechanism might be set up at Geneva, the truth could only be known and the work only carried to its logical conclusion if it were supported by a public opinion which was perfectly free to express itself.

The CHAIRMAN proposed that, in accordance with M. Motta's suggestion, which had been supported by various other speakers, M. Bourquin should be asked to study the problem of supervision and submit a report to the Bureau when the latter resumed its work after the close of the session of the Assembly.

The proposal was adopted.

SEVENTEENTH MEETING (PUBLIC)

Held on Thursday, September 22nd, 1932, at 3.30 p.m.

Chairman : Mr. HENDERSON.

13. a (1) : COMPLETE PROHIBITION OF AIR ATTACKS AGAINST THE CIVIL POPULATION ;
b (1) : ABOLITION BETWEEN CONTRACTING PARTIES OF ALL AERIAL BOMBARDMENT, SUBJECT TO AGREEMENT WITH REGARD TO MEASURES TO BE ADOPTED FOR THE PURPOSE OF RENDERING EFFECTIVE THE OBSERVANCE OF THIS RULE.

The CHAIRMAN reminded the Bureau of the decision it had reached to examine together questions a (1) and b (1) of its programme of work. According to the procedure followed in connection with other questions on the Bureau's agenda, he proposed that M. de Madariaga, President of the Air Commission, should be requested to explain his suggestions with regard to the procedure to be followed in connection with these questions, and in particular the latter question.

M. DE MADARIAGA (Spain) said that he was called upon to speak on this question in his capacity of President of the Air Commission. He had already explained the attitude of the Spanish delegation with regard to air attack. The Spanish delegation had, from the beginning of the Conference, attached particular importance to air bombardment. The question of the complete prohibition of air attack against the civilian population constituted, in his opinion, merely a platonic recommendation of little interest from a general point of view. Only fear of being accused of exaggeration restrained him from saying that the civilian population had no claim to any particular sympathy, because nations only made war if they wished to do so. Moreover, it was unlikely that a prohibition of the kind indicated would produce any results in war time, because war was governed by its own objective rules and it was certain that belligerents would never agree, when once at war, to refrain from employing any methods which might ensure victory.

Fortunately, the second question embodied a more effective prohibition. Several ideas were contained in the wording of this question, which first of all implied a restriction, since prohibition was limited to the contracting parties. He would point out later the disadvantages of such a restriction.

The second idea was that prohibition should be subject to agreement with regard to the measures by which the application of this rule might be rendered effective. Nevertheless, if aerial bombardment were not prohibited absolutely and without reservation, the States would still be at liberty to maintain machines for air bombardment, which might be carried out under conditions subjected to reservations. It was obvious to all who had studied the question of air bombardment that, so long as certain operations only were forbidden, while the employment of the machines used in such operations and the training of personnel to use

those machines was not forbidden, no tangible result would be obtained, owing to those objective rules of war to which he had already referred.

Reference was made to the steps which could be taken to render the observance of such prohibition effective. In this connection it seemed necessary to have a safeguard, which could not exist unless means were discovered for rendering the potential resources of civil aviation unutilisable for purposes of war. Those who had studied the question had come to the conclusion that it would be necessary to go so far as to internationalise, or at any rate to internationalise the supervision of, civil aviation. One delegation however—the German delegation, whose absence once more he must deplore—had stated that this would be going too far and that prohibition should be limited to air bombardment and the training of personnel.

M. de Madariaga thought that the Bureau would realise in these circumstances the difficulty of achieving a result in this domain without taking into account the concomitant questions. It would be impossible to achieve quantitative and qualitative disarmament without certain measures which would make it possible to ensure that the factor of aggressiveness, eliminated from military, should not crop up again in civil, equipment. In view of the attitude of the German delegation, and precisely because it was so strongly opposed to the view of the Spanish delegation in particular, M. de Madariaga would ask the Bureau to reflect carefully before it undertook the examination of these questions. He would strongly urge it to postpone that examination until all the members of the Bureau were present.

The CHAIRMAN, in view of the absence of one delegation particularly interested in this question and in view of the suggestion for postponement which had been put forward, proposed that the examination of these questions should be postponed to a later meeting of the same session.

The Chairman's proposal was adopted.

The CHAIRMAN proposed that the following questions on the agenda should be examined in the order indicated :

- (1) Heavy artillery,
- (2) Tanks,
- (3) Effectives,
- (4) Trade in and Manufacture of Arms,
- (5) Chemical and Bacteriological Warfare,
- (6) Violation of the Provisions concerning the prohibition of chemical, bacteriological and incendiary warfare.

14. HEAVY ARTILLERY AND TANKS.

The CHAIRMAN proposed that these two questions should be examined together. The technical discussions on these points had been practically completed. He suggested that the best procedure would be, as had been done at the previous meeting in the case of supervision, to appoint a special Rapporteur, whose task it would be to get into touch with the various delegations in order to ascertain whether they had any definite proposals to make which might serve as a basis for the decisions of the Bureau as regards fixing the figures. The Bureau might possibly be called upon to begin the discussion of certain aspects of these questions if the negotiations conducted by the Rapporteur showed that such a discussion was necessary.

He proposed that this duty might be entrusted to M. Buero, President of the Commission on Land Armaments, who had already had occasion to deal with the questions of heavy artillery and tanks.

The Chairman's proposals were adopted.

15. EFFECTIVES.

The CHAIRMAN reminded the Committee that Mr. Hugh Wilson, representative of the United States of America, had on the previous day made a suggestion which, as far as he was aware, had not met with any opposition. Mr. Wilson had suggested that the question of effectives should be studied by a special committee consisting of delegates of the countries represented on the former Committee on Effectives, and including also delegates of those countries which were members of the Bureau but were not represented on the former Committee. Unless he were mistaken, Mr. Wilson had also suggested that, in view of the practical character of the problems raised by this question of effectives, the members of the special committee should be Government delegates and not experts.

Mr. Wilson had further suggested that the members of the new committee should themselves decide the scope of their mission and their programme of work, subject to the approval of the Bureau. The latter, after confirming the Committee's mission with such changes as it might deem necessary, would request the Committee to proceed rapidly with the study of its programme and submit a report to the Bureau.

M. PAUL-BONCOUR (France) thought that it should be definitely stated that the new Committee, like the earlier one, would be allowed to receive the delegates of countries not represented thereon, when questions of particular interest to those countries came up for discussion.

The CHAIRMAN said that he had made it quite clear on the previous day that M. Paul-Boncour's request applied to all the Commissions of the Conference.

16. TRADE IN AND MANUFACTURE OF ARMS.

The CHAIRMAN thought that the best procedure in this case would be to appoint a special Committee which might consist of delegates of the following countries : Union of South Africa, Belgium, United Kingdom, China, Denmark, France, Italy, Japan, Mexico, Persia, Poland, Spain, Union of Soviet Socialist Republics, Turkey, United States of America.

The Chairman's proposal was adopted.

17. CHEMICAL AND BACTERIOLOGICAL WARFARE.

The CHAIRMAN reminded the Bureau that it had decided to examine this question in the light of the supplementary information provided by the Secretariat, in accordance with the desire expressed by certain members of the Bureau, and also in the light of the resolution adopted on the previous day by the Bureau on the proposal of Sir John Simon.

He had been informed that the Chairman of the Special Committee on Chemical and Bacteriological Warfare was at Geneva. He therefore suggested that, after the preliminary discussions which the Bureau might consider necessary, M. Pilotti should be requested to submit a report on this subject.

The Chairman's proposal was adopted.

18. VIOLATION OF THE PROVISIONS CONCERNING THE PROHIBITION OF CHEMICAL, BACTERIOLOGICAL AND INCENDIARY WARFARE.

The CHAIRMAN said that this question was intimately connected with that of the strict observance of the measures laid down under the Convention regarding chemical and bacteriological warfare. He therefore proposed that M. Pilotti should also be requested to submit a preliminary report on this subject. It was understood that, in preparing his report, he could rely on the assistance of the Secretariat and of the members of the Bureau.

The Chairman's proposal was adopted.

19. GENERAL AND POLITICAL QUESTIONS.

The CHAIRMAN invited the members of the Bureau to make suggestions regarding the general questions to which the resolution of July 23rd referred, and in particular as to the manner in which the study of these questions should be prepared. As stated in its paragraph VI, the resolution of July 23rd, 1932, "in no way prejudged the attitude of the Conference towards any more comprehensive measures of disarmament or towards the political proposals submitted by various delegations".

M. LITVINOFF (Union of Soviet Socialist Republics) thought that, as the Bureau had terminated the examination of the secondary questions included in its agenda, the time had perhaps come when it should begin to consider the vaster problems with which the Conference was faced. He had bowed to the Rapporteur's objection that it was preferable to settle the easier questions first of all. Now that result had been attained, he would be glad if the Bureau could discuss the proposals made by the Soviet and United States delegations, which were entirely in accordance with the terms of the resolution of July 23rd, 1932, because they referred to more comprehensive measures of disarmament. If there were any measure more comprehensive than that advocated by the Soviet delegation, he would be only too happy to accord it priority.

Sir John SIMON (United Kingdom) did not wish to occasion any delay in the examination of particularly important questions, but, on a point of procedure, he would point out that Part III of the resolution, which dealt with the preparation of the second phase of the Conference, definitely limited the questions which the Bureau was called upon to study during the period of the General Commission's adjournment. There was no suggestion anywhere in the resolution that certain questions of very great political importance should be entrusted to the Bureau for examination, particularly as the Bureau did not include all the members of the General Commission and only acted as an executive organ. He had never understood that the Bureau would be entitled to take the place of the General Commission and itself commence the study of questions which had not been submitted to it.

M. PAUL-BONCOUR (France) supported Sir John Simon's views. There could be no doubt that the resolution clearly distinguished from other questions those which, having been dealt with by the General Commission, could be put into final shape and had been submitted to the Bureau for the purpose of the drafting of texts on which agreement might be reached. He thought that the general provisions in Part IV of the resolution meant that the partial solutions obtained could in no way prejudice the possibility of more complete solutions, not merely in the matter of disarmament but in the political sphere, in conformity with the proposals submitted by certain delegations, and in particular the French delegation—plans which were still on the agenda and which the French delegation would always be prepared to discuss before the competent body, when this was considered necessary.

M. BENEŠ (Czechoslovakia), Rapporteur, opined that Sir John Simon had correctly defined the extent of the Bureau's terms of reference resulting from the resolution of July 23rd. The Bureau had to prepare texts which would be submitted to the General Commission when an agreement had been reached. That, moreover, was the manner in which the various items on the agenda had been dealt with.

The CHAIRMAN hoped that the Bureau would not interpret too rigidly certain opinions which had been expressed during the meeting, because he did not believe that it was absolutely precluded from commencing the consideration of certain highly important questions before the meeting of the General Commission. It should be remembered that the Bureau was called upon to give a month's notice before the General Commission was convened. There were certain questions connected with the correspondence exchanged between the Chairman and the German Government which the Bureau ought, he thought, to examine.

He was, moreover, rather surprised to have heard one delegation argue that the major questions should be settled by the General Commission only, whereas the same delegation had previously seemed to admit that certain of these questions ought to be discussed, not by the General Commission, but by the Political Commission.

EIGHTEENTH MEETING (PRIVATE, THEN PUBLIC)

Held on Monday, September 26th, at 3.30 p.m.

Chairman : Mr. HENDERSON.

20. QUESTION OF FIXING A DATE FOR THE MEETING OF THE GENERAL COMMISSION.

The CHAIRMAN explained that the purpose of this private meeting was to see if it was possible to fix a date for the meeting of the General Commission. He recalled that one month's notice must be given of such a meeting. With the single exception of that relating to aviation, all the questions on the Bureau's programme had been referred to Committees or Rapporteurs. He hoped that the latter would be able to make proposals to the Bureau at its meeting of October 10th. The necessity of again interrupting the work for the Christmas holidays made it rather difficult to fix a date for the meeting of the General Commission, which ran the risk of being unable to devote enough time to examining the questions which would be submitted to it. Two dates had been suggested for the General Commission's meeting, November 1st and November 10th. November 10th had been proposed, owing to the fact that important elections were about to take place in two countries and that these elections might have an influence on the development of the Conference's work.

M. DE MADARIAGA (Spain) thought that the choice of a date for the meeting of the General Commission depended on the Bureau's conception of its own work. What kind of report did it intend to submit to the General Commission? Would it constitute a general survey of all the questions examined by the Bureau—that was to say, a sort of preliminary draft convention, or would it be a series of individual reports? In the second case, the General Commission could meet at quite an early date. In the former case, however, it could hardly meet before Christmas.

The CHAIRMAN thought that the reports could be examined as and when submitted, as soon as the Bureau had resumed its work, and could then be referred to a Drafting Committee which would be appointed to embody their suggestions in a text. In his opinion, it would be a mistake to try and collect all the reports in a single document of the Bureau for the use of the General Commission. He pointed out that, if it were decided to convene the General Commission for November 10th, no results might by then have been achieved in the study of two particularly important questions, that of security and that of equality. Personally, the Chairman was very much in favour of a meeting of the General Commission in November. As regards the two questions he had just mentioned, if it were thought that they could be brought to a stage which would bring back to the Bureau the delegation of a country which was at present absent, it might be an advantage to consult the General Commission as to this eventuality.

Mr. WILSON (United States of America) begged the Chairman not to consider the Presidential elections of the United States as an essential factor affecting the future of the Conference's work, particularly as the Hoover proposal had been generally accepted by the American people.

Mr. Wilson's opinion as to the date of summoning the General Commission differed according to the point of view from which this convocation was envisaged. If political reasons militated in favour of a comparatively early meeting, the United States delegation would have no objection. If it were only a question of examining the reports submitted, he must

express doubt as to the wisdom of this procedure, for it might cause fresh delay through the reference of questions to the higher body by the Bureau which had the task of examining them, etc.

They had pledged themselves at this Conference to effect a substantial reduction in armaments and reduce the offensive power of States. This was the Bureau's present task. It should now endeavour to determine whether such a result could be attained or not, and Mr. Wilson thought that this question ought to be dealt with at once, as this definite mandate had been placed upon the Bureau. If any progress were made, the Bureau should then give the proper notice to the General Commission, but, at the present time, Mr. Wilson would greatly hesitate to decide on the date of summoning the General Commission for the mere purpose of receiving reports on the other aspects of the Bureau's work.

M. PAUL-BONCOUR (France) naturally shared the Chairman's desire to avoid loss of time owing to a mere question of procedure. This would be the case if the General Commission could not be summoned in due time to sanction, as M. Paul-Boncour hoped, the results of the preparatory work entrusted to the Bureau by the resolution of July 23rd, when that task was completed. But he also fully agreed with Mr. Wilson that, if the General Commission were to meet before the Bureau's work had been concluded, time might be lost instead of gained by once more opening the door to old discussions, which would again call in question the whole task of the Bureau. The various problems thus reopened would infallibly be referred back to the Bureau and to the competent Commissions, and the result would be the opposite of what the Chairman desired.

In any case, he was sure that it was useless to fix a date now. The Bureau would meet frequently, and, when it found that a sufficient number of questions had been settled, it could easily judge as to when the General Commission could be summoned.

Moreover, the question which the Chairman had raised was whether political problems might not arise exceeding the scope of the mission entrusted to the Bureau and for the examination of which the necessity of giving notice might prove a difficulty. M. Paul-Boncour pointed out that the Bureau could always have recourse to the Political Commission, which consisted of the same countries as the General Commission and hence represented the whole Conference. As regards the summoning of this or any other technical commission, the Bureau was not bound by any procedure as regards giving notice.

The French delegate therefore proposed that, at its forthcoming meetings, the Bureau should judge the degree of maturity of the questions appearing on its programme of work and then only should decide upon the summoning of the General Commission.

Sir John SIMON (United Kingdom) did not think there was any fundamental difference between the opinions which had been expressed. All the members were trying to find the best procedure. What was the object in view? The Bureau was in the first place endeavouring to obviate the drawbacks caused by the necessity of giving notice to the General Commission before convening it. In the second place, all the members of the Bureau agreed with Mr. Wilson and M. Paul-Boncour that it was undesirable to invite the General Commission to resume its work at an inopportune moment. One way out of the difficulty, however, was for example, to give the General Commission notice on October 10th to meet on November 10th, while giving the Chairman the right to postpone this meeting until later, if he thought it necessary. The difficulty would be evaded since the notice would have been given. In this way, the necessity of giving a month's notice would not lead to delay, and, at the same time, the Bureau would not be obliged to convene a meeting of the General Commission before the work to be submitted to it was ready.

The CHAIRMAN thought that the Bureau could also decide to place the question on the agenda of the private or public meeting which it would hold in the week beginning October 10th, and could then see how nearly the reports were ready.

The Chairman then outlined the communication he was going to make at the public meeting of the Bureau. He would recall that the study of questions *a* (1) and *b* (1) of the programme of work had, for the reasons already stated, been judged inopportune for the moment, and he would ask M. de Madariaga to undertake to prepare a report for October 10th on the best procedure to be followed in regard to these two questions. He would also ask a member of the Bureau to prepare a report on the naval questions which arose in connection with the resolution of July 23rd, and requested Sir John Simon to undertake this task.

Sir John SIMON (United Kingdom) said that this request placed him in an awkward situation owing to the calls on his time. He was naturally anxious to give the Conference all the help he could, but he wondered whether the negotiations now taking place would be in any way advanced by making a report on them.

The CHAIRMAN said that there was no intention of going into details. The idea simply was to keep the Bureau and, through it, the General Commission, informed of the progress made.

Sir John SIMON (United Kingdom) said that, in that case, he could accept the task entrusted to him if it were simply a case of transmitting to the Bureau the information he had obtained.

(The Bureau went into public session.)

The CHAIRMAN said that the Bureau had just held a private meeting, during which it had studied the question of the date on which the General Commission might be asked to resume its work, the resolution of July 23rd requiring that the convocation of the General Commission should be preceded by one month's notice. After an exchange of views it had been decided that the question should be re-examined at a meeting to be held by the Bureau on or about October 10th, by which date the Bureau would be in a position to judge the state of the questions which had been entrusted to Committees or to Rapporteurs.

The Chairman further recalled that the resolution of July 23rd invited the Powers parties to the Naval Treaties of Washington and London to confer together and to report to the General Commission, if possible before the resumption of its work, as to the further measures of naval reduction which might be feasible as a part of the general programme of disarmament. At the same time, the Conference invited the Naval Powers, other than the Powers parties to the above Treaties, to make arrangements for determining the degree of naval limitation they were prepared to accept in view of the Washington and London Treaties and the general programme of disarmament envisaged in the resolution. Lastly, this resolution added that the Bureau would be kept informed of the progress of these negotiations which it would be its duty to co-ordinate within the framework of the General Convention in preparation for the comprehensive decisions of the Commission.

The members of the Bureau had accordingly proposed that a representative of a naval Power should be requested to see to the execution of the Commission's resolution in this connection and should report to the Bureau. Sir John Simon had agreed to inform the Bureau of the progress of the negotiations undertaken in conformity with this article of the resolution of July 23rd.

The questions of the complete prohibition of aerial attack against the civil population, and the abolition as between the contracting parties of all aerial bombardment, subject to agreements on the measures adopted to enforce the observance of this prohibition, were, according to the resolution adopted at the last meeting, to be examined at the Bureau's next meeting. For the reasons stated by the Chairman himself, and the Chairman of the Air Commission at the meeting of September 22nd, it seemed inadvisable to open the discussion on the question for the moment. Meanwhile, the Bureau would request M. de Madariaga to make such enquiries as he might deem likely to facilitate the submission of a report, when the Bureau resumed its discussions, with regard to the best procedure to be followed in regard to these questions.

The Chairman added that he had met the German Minister for Foreign Affairs, that he hoped to have a further interview with him in two days' time, and that it was for this reason that he urged the Bureau to accept the suggestion he had just made. M. de Madariaga had already accepted the task which was to be entrusted to him.

M. PAUL-BONCOUR (France) had no objection to the procedure proposed by the Chairman. He asked whether it would be better to wait until M. de Madariaga had made his report before submitting the definite proposal for the internationalisation of civil aviation which the French delegation intended to put forward, or whether it should do so now.

The CHAIRMAN hoped that this plan would be submitted to M. de Madariaga as soon as possible in order that he could take it into account in his recommendations.

The Chairman's proposals were approved.

The CHAIRMAN said that the Bureau's next meeting would take place, so far as could be foreseen, on Monday, October 10th. He hoped, moreover, that the Committees and Rapporteurs who had been appointed would by then have concluded the difficult task entrusted to them, and that their reports could be circulated by the Secretariat by that date.

NINETEENTH MEETING (PUBLIC)

Held on Thursday, November 3rd, 1932, at 3.30 p.m.

Chairman : Mr. HENDERSON.

21. ACTION TAKEN BY THE CHAIRMAN SINCE THE LAST MEETING OF THE BUREAU.

Question of the Representation of Governments at the Disarmament Conference and at the Monetary and Economic Conference.

The CHAIRMAN said it would be remembered that, at the private consultation which took place on October 13th, the Bureau had seen the possibility of the General Commission having to work in January at the same time as the Monetary and Economic Conference. The Chairman had been authorised to communicate to the President of the Organising Committee of the Monetary and Economic Conference a suggestion that a request should

be sent to Governments that their delegations should not be composed of their delegates to the Disarmament Conference.

In a letter from the British Foreign Office, dated October 25th, it was stated that the Secretary-General of the League of Nations had been requested to send the necessary communication to the Governments concerned.

Meeting of the General Commission.

The Members of the Bureau were no doubt aware that on October 15th, acting on a decision of the Bureau, the Chairman had sent one month's notice to the members of the General Commission in accordance with the resolution of July 23rd, 1932. Although the Bureau had authority to convoke the General Commission during the week commencing November 21st, the work seemed likely to require that the actual date of meeting should be somewhat later. The Bureau would shortly have to consider the exact day for which the Commission should be summoned and prepare the agenda of the session.

Committee for the Regulation of the Trade in and Private or State Manufacture of Arms and of Implements of War.

By a letter dated October 31st, M. de Scavenius, Chairman of the Committee for the Regulation of the Trade in and Private or State Manufacture of Arms and Implements of War, had communicated to the President of the Conference a questionnaire elaborated by that Committee, together with the extract of the Minutes of the meeting at which that question had been discussed. M. de Scavenius had requested the Bureau to send out as soon as possible the questionnaire and the relevant Minutes to all the Governments participating in the Conference in the hope that the replies would reach the Secretariat before the end of the year.

As the Bureau had not been in session and the matter had seemed to the Chairman to be urgent, he had ventured to send out circular letters to all the delegations in accordance with the request of the Chairman of the Committee for the Trade in and Manufacture of Arms, in the hope that the Bureau would approve of the procedure he had followed for reasons of expediency.

Armaments Truce.

The Bureau would remember that, in accordance with the resolution adopted on July 23rd by the Conference for the Reduction and Limitation of Armaments, its President had requested the Governments represented in the latter to inform him before November 1st, if possible, whether they were prepared, in accordance with the resolution, to agree to the renewal for a period of four months as from November 1st, 1932, of the Armaments Truce proposed by the League Assembly on September 29th, 1931.

Up to date, the following forty-seven countries had sent in replies, which have been duly distributed :

Afghanistan, Union of South Africa, Albania, United States of America, Australia, Austria, Belgium, United Kingdom, Bulgaria, Canada, Chile, Colombia, Costa-Rica, Cuba, Czechoslovakia, Denmark, Egypt, Estonia, Finland, France, Greece, Guatemala, Haiti, Hungary, India, Irish Free State, Italy, Japan, Latvia, Liberia, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Poland, Portugal, Roumania, Siam, Spain, Sweden, Switzerland, Turkey, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

An examination of the replies showed :

That none of the Governments that had so far replied were opposed to the renewal of the truce and that all declared themselves willing to accept it ;

That some Governments made their acceptance conditional upon reciprocity ;

Lastly, that some of the replies renewed the interpretations and observations made last year on the same subject, but those interpretations and observations seemed to be in keeping with the resolution and the report originally adopted by the Assembly.

In these circumstances, the Chairman ventured to think that the best procedure would be to consider, unless and in so far as Governments did not forthwith intimate any objection to this course, that the Armaments Truce was, under the conditions laid down in the resolution and the report adopted by the Assembly in September 1931, renewed for four months as from November 1st by the Governments participating in the Conference. This procedure followed the precedent set by M. Briand in November 1931 when, as Acting-President of the Council, he interpreted in the same manner the replies then received to the Assembly's invitation.

M. MASSIGLI (France), said that, while he had no objection to the Chairman's proposal, he would like to remind the Bureau of the terms of the letter in which his Government, on October 30th, 1931, had accepted the truce, and to which he had referred when expressing his readiness to agree to its renewal. The French Government had stated that it was prepared to accept the truce, provided it was observed by France's neighbours. He understood that one of those countries had not yet replied to the Chairman's communication. Consequently, while accepting the truce, the French delegation was obliged to draw the Conference's attention to the fact

that a situation might arise for which the French Government could not accept the responsibility.

Finally, he pointed out that the truce was not the result of the initiative of the Conference. It had been proposed by the Assembly and it was the Council which, last year, had submitted it to all the Governments invited to the Conference for their acceptance.

The CHAIRMAN noted the French delegate's statements and took it that the procedure which he had proposed was adopted.

Agreed.

22. PROGRESS REPORTS.

Special Committee on Effectives.

The CHAIRMAN recalled that the work done by the Effectives Committee had already been brought to the knowledge of the Bureau by the Secretary-General's memorandum (document Conf.D./Bureau 26).

That memorandum recalled the circumstances in which the Committee had been created, and submitted to the approval of the Bureau its decisions as regards its terms of reference and its programme of work. The members of the Bureau had received the Minutes of the proceedings of the Committee, and were therefore acquainted with the manner in which the latter had interpreted the mandate given to it by the Bureau on September 22nd.

He thought that the Bureau would endorse the procedure established by the Committee.

Agreed.

Committee concerning the Manufacture of and Trade in Arms.

The Rapporteur of this Committee would shortly circulate to the Bureau a report on the work of the Committee.

National Defence Expenditure Commission.

The National Defence Expenditure Commission had also continued its meetings, and had made progress with its work, as the Bureau was aware from the memorandum circulated by the Secretariat (document Conf.D./Bureau 25).

Statement by the French Delegation.

Having been informed of the French delegation's desire to make a statement to the Bureau on the constructive plan (which was to be communicated to the Bureau during the coming week), the officers of the Bureau suggested that Friday morning's meeting should be devoted exclusively to the hearing of that statement.

Reports on: (a) Supervision, (b) Air Forces, (c) Chemical and Bacteriological Warfare, (d) Heavy Artillery and Tanks.

The Bureau had received the reports of M. Bourquin, M. de Madariaga and M. Pilotti respectively on the questions of (a) supervision (document Conf.D.140), (b) air forces (document Conf.D.141), (c) chemical and bacteriological warfare (document Conf.D.142).

The report on heavy artillery and tanks could not be distributed, as M. Buero had not yet concluded the necessary consultations with the various delegations.

These reports would be discussed one by one in the order just mentioned.

23. QUESTION OF SUPERVISION: REPORT BY M. BOURQUIN (BELGIUM).

M. BOURQUIN (Belgium), Rapporteur, did not consider it necessary to summarise the whole of his report (document Conf.D.140). In his opinion, the various questions dealt with in it should be examined one by one and it would be simpler and more practical for him to indicate, in due course, the solutions which were suggested to the Bureau for each of those questions.

He desired to explain the circumstances in which his report had been drafted and its rather special character. The report did not represent the results of a discussion, as the debate on supervision was not yet finished. That matter had been discussed by the Preparatory Commission, by the Plenary Conference, by the General Commission and by the Bureau, but, as regards a decision properly speaking, there was only the resolution adopted on July 23rd last by the General Commission which was, though very important, incomplete. The General Commission had asked him, as Rapporteur, to complete this part of the work, and he was

therefore submitting to the Bureau proposals and ideas which had not yet been sorted out. Some of them it would no doubt be desirable to utilise, while discarding others. The duty of the Rapporteur was to prepare for the forthcoming discussion.

He would next state the reasons for the method he had followed in drafting his report. His colleague, M. Pilotti, who was in a somewhat similar position, had succeeded in incorporating in his report a series of conclusions which, as they stood, constituted a definite project. The method M. Pilotti had adopted had given excellent results, but it would have been unsatisfactory in the case of supervision. Had M. Bourquin attempted to submit concrete proposals, they would, at the present stage, have been too subjective in character to be of any practical value. The question of supervision contained an important political element, and it was essential to agree in advance upon certain principles and tendencies. Only when such agreement had been reached could there be any idea of formulating rules or drafting precise texts. If he had adopted any other method, he would only have complicated the discussion. He was not therefore submitting any conclusions, but had merely carried out a work of documentation and classification.

On one fundamental point a definite decision had already been taken : in the resolution of July 23rd it was expressly stated that there was to be a Permanent Disarmament Commission, and that fact must constitute the basis of the Bureau's discussions. Hence four questions remained to be determined :

- (a) What would be the attributions of that Commission ?
- (b) What means would it have at its disposal to exercise them ?
- (c) What would be its composition ?
- (d) How would it function ?

The last question was of secondary importance and really one of procedure, which would be easily solved when the time came. The three other questions were important and involved questions of principle. As regards each of those questions, he had aimed at presenting the various proposals and suggestions which had been put forward, between which a choice would have to be made, and to indicate the arguments advanced for or against each of them.

In conclusion, he proposed to discuss the substance of the problem, question by question and point by point.

The CHAIRMAN said that the question of supervision as a whole had been submitted to the Bureau. The Rapporteur desired to obtain the Bureau's assistance on the questions of principle before continuing his work. The Chairman hoped that the members of the Bureau were ready to begin the discussion.

Mr. WILSON (United States of America) was sure he was interpreting the feelings of all in congratulating M. Bourquin on his very clear presentation of a very complex problem. There was hardly any other problem before the Conference which had so many facets and ramifications. He was particularly glad that M. Bourquin, in his report, appraised at what Mr. Wilson felt to be its real value, the work of the Preparatory Commission as it appeared in the chapter dealing with the constitution of the Permanent Disarmament Commission and its powers. Those who had taken part in the formulation of those chapters would realise, as he did, the amount of laborious negotiation which they represented, and recognise, as he did, the real effort at conciliation which had been made by the various countries there represented to reach that result. When that result had been reached, the people of America were of opinion, and Mr. Wilson knew that they were not alone in that opinion, that a very far-reaching step had been taken in the direction of supervision and control. They had been convinced at that time, and they were still convinced, that the establishment of such a body with the functions attributed to it in the draft Disarmament Convention, would constitute for the future one of the most important and continuing contributions to the disarmament movement.

Feeling as it did in regard to those chapters of the draft Convention, the United States delegation would have preferred to concentrate its efforts at that time upon the problem of figures, which, in its view, were the essence of a disarmament treaty. There arose in that connection, as so often happened in any of the questions attacked, the old debate of which was the cart and which the horse. The United States delegation believed that the horse was reduction of armaments and that the cart was the control and machinery for its application which should come after. It would have infinitely preferred to concentrate on the realisation of that portion of the resolution of July 23rd which "decides forthwith and unanimously, guided by the general principles underlying President Hoover's declaration, that a substantial reduction of world armaments should be effected . . .".

The United States delegation recognised, however, that the views of any one delegation as to procedure, however sound they might seem to that delegation, must sometimes be subordinated to the views of the majority, if any advance was to be made in the work. The views of the majority of the Bureau seemed to be clearly indicated in the debates on this subject—namely, that the matter of supervision should now be examined before the final results of the Conference could be seen, and before other delegations could commit themselves on those results. The delegation of the United States was therefore ready to enter into that discussion

with its colleagues and to examine the problem of the extension, if any, which should be made to the powers of the Permanent Disarmament Commission beyond those attributed to it in the draft Convention.

Mr. Wilson assured his colleagues that the United States delegation would discuss that question with them most earnestly, but he must ask them to bear in mind its position in the matter. For the sake of clarity, he must restate the United States position. The extension which his delegation might be willing to give to the powers of the Permanent Disarmament Commission, as provided in the draft Convention, was directly dependent upon the measure of achievement of the Conference, and, until that definitive achievement was visible, a final acquiescence on the part of the United States delegation in the extension of such powers was contingent upon the contents of the final convention, specifically in relation to the accomplishment of substantial reduction.

The CHAIRMAN opened the discussion on the first question raised in M. Bourquin's report.

Attributions of the Permanent Disarmament Commission.

M. BOURQUIN (Belgium), Rapporteur, entirely shared Mr. Wilson's opinion that the work performed by the Preparatory Commission was such that it must not be forgotten. Mr. Wilson had also expressed an idea which should underlie all the Bureau's deliberations—namely, that the draft Convention should be taken as the point of departure in examining the various problems to be solved. Indeed, it was on the basis of that consideration that M. Bourquin had drawn up the list of proposals contained in his report. He first recalled the suggestions contained in the Preparatory Commission's draft and then mentioned new proposals.

With regard to the attributions of the Permanent Commission, the draft Convention stated the Commission would have a general function of supervision and control. Under Article 40 of the draft, the Permanent Commission was entrusted with the duty of following the execution of the Convention. The draft gave effect to that idea in two ways :

(1) Under Article 49, the Permanent Commission was enjoined to furnish regularly and, so to say, automatically, reports on the manner in which the Contracting Parties had carried out their undertakings. Those reports were to be made at least once a year and might be made more frequently, if circumstances required. Such reports, which did not imply any special incident, were addressed by the Permanent Commission to the Council and the Governments and were to be published. That was the normal action of the Permanent Commission under the draft Convention.

(2) Then there was the case of a complaint being directed by one State against another State. That was a special incident. Article 52 of the draft provided for the intervention of the Permanent Commission, which investigated the affair, heard the explanations of the parties and drew up a special report on the subject of the complaint. This report also was communicated to the Council and the Governments and published.

The draft also contained other articles providing for the intervention of the Permanent Commission in other cases : temporary derogation (Article 50) and the convening of Revision Conferences (Articles 58 and 59). Nevertheless, as M. Bourquin had said in his report, he was of opinion that it would be difficult to deal at the present stage with Articles 50, 58 and 59, because, although they certainly involved action by the Permanent Commission, their essential object was to be found elsewhere. The question of derogations and that of revision were bound up with other problems such as the duration of the Convention and another problem raised by Article 60—that of the right of denunciation. In short, there was a complicated series of interrelated questions which it would be difficult to deal with separately. Consequently, he had merely inserted those questions in his report and drawn the Bureau's attention to them.

As regards the other points, the Bureau's only task was to formulate proposals for transmission to the General Commission. In that connection, he agreed with Mr. Wilson that, if the question of supervision were taken up at the present stage, as that question was closely bound up with other problems and, in particular, with that of disarmament properly speaking, the final decision would only be taken when the other problems had been cleared up. The only thing the Bureau could do for the time being was to indicate its general ideas on that aspect of the problem.

To keep to the draft, there were only two questions on which the Bureau should pronounce :

(1) The Permanent Commission was to supervise regularly and automatically the execution of the Convention, publish reports, etc. ;

(2) In the event of a complaint, the Commission would deal with it, investigate it and communicate reports under the conditions laid down.

The Rapporteur had received no proposal for restricting the attributions of the Permanent Commission under the draft Convention. Consequently, all seemed agreed as to that minimum of powers. He wondered whether, with a view to facilitating the discussions, it would not be better provisionally to stop there and, before going further, examine the question whether there was real agreement as to the minimum fixed in the draft Convention.

M. MOTTA (Switzerland) congratulated the Rapporteur on his excellent work. He understood that the Bureau would now discuss paragraphs 8 to 14 of the report, as there was to be a separate discussion of the chapter on Attributions from paragraph 14 onwards.

He desired to submit some observations on paragraph 10. Article 49 of the draft Convention provided for the despatch of annual reports to the Council and Governments. Would it not be right and desirable to indicate in that part of the Convention that the Assembly also must have a say in that connection? He did not suggest that the Permanent Commission should submit its annual reports direct to the Assembly, but he thought that it might be provided that the Council should send the Assembly regular communications, so as to give it an opportunity to discuss those questions. It was, of course, not desirable that several bodies should deal with the same matter, as there was a tendency in such cases for them to trespass upon one another's provinces. Nevertheless, it seemed, to some extent at least, improper that, while the Assembly could deal with communications, health, economic and humanitarian problems, etc., a question of such essential and vital importance and one which lay at the very centre of the League's work should be taken out of its hands. He therefore thought it would be desirable to formulate—the form of words would have to be considered—a clause to the effect that the Council, after receiving the Permanent Commission's reports, should itself submit a report to the Assembly, so that the latter might also be able to discuss it in due course.

M. POLITIS (Greece) was glad M. Motta had raised this question, as any possibility of a misunderstanding could now be avoided. He thought that the present general rules of the League, as normally applied, gave satisfaction to M. Motta's wish. There was another branch of its work with which a permanent commission dealt—that of mandates. The report of the Permanent Mandates Commission was communicated to the Council, which mentioned it in its annual report to the Assembly. The problem was therefore laid before the Assembly, and the latter was able to decide whether it should be referred for examination to one of its Committees.

There was also the problem of minorities. In that case, there was no permanent commission, but the Council devoted to this question a special section of its report to the Assembly, and on numerous occasions the Assembly had decided to refer the question to its Sixth Committee. When the Permanent Disarmament Commission had been constituted, when its reports had been addressed to the Council, and when the latter had mentioned these reports in its own annual report to the Assembly, that body could decide to refer the report to its Third Committee, which could undertake the necessary discussions.

M. BOURQUIN (Belgium), Rapporteur, entirely appreciated M. Motta's idea and his desire that the Assembly should be kept informed of all work in connection with armaments, particularly as regards the execution of the Convention. M. Politis' reply was perfectly correct. The problem was one which offered a remarkable parallel with that of mandates. In the case of mandates, the Council received the reports under Article 22 of the Covenant. It then made an annual report to the Assembly on its activities, including this question. Similarly, as regards disarmament, the Covenant, in Articles 8 and 9, assigned special powers to the Council. Article 8 referred solely to the Council. Article 9 was still more significant, at any rate for purposes of comparison, since it said that the Permanent Advisory Commission was to advise the Council on military, naval and air questions. Consequently, no departure was made from the Covenant. On the contrary, there was complete conformity with that instrument, and, as the tradition had grown up that the Council should report every year to the Assembly on its activities as a whole, there was no doubt that the Assembly would be kept informed on this subject also. The Rapporteur was doubtful whether it would be helpful to add a provision recommending the Council to make a report to the Assembly on this question. This was a matter of internal procedure for the League. As regards the substance of the question, there was complete agreement.

M. MOTTA (Switzerland) thanked M. Politis and M. Bourquin for their explanations, which he thought correct. He was nevertheless glad that he had raised the question. Notwithstanding the tradition which had grown up that the Assembly was entitled to examine every part of the Council's report, even those dealing with questions which the Covenant had assigned rather to the Council than to the Assembly, all those who were familiar with the Assembly's habits and methods knew that doubts often existed as to the Assembly's right to pronounce on a particular question. There must therefore be an absolute understanding that the disarmament questions which went to the Council through the normal channel of the Permanent Commission's reports were to be dealt with in a chapter of the Council's report to the Assembly; in this way, the matter would be duly laid before the Assembly.

M. POLITIS (Greece) said that these various observations, which would be recorded in the Minutes, might also be mentioned in the report to the General Commission. There would therefore be a record of M. Motta's very valuable suggestion and of the replies made to it, the corollary being that the Conference desired that the practice followed in other directions—such as mandates, for example—should be continued in the case of disarmament.

M. Politis added that this examination of the disarmament question by the Assembly would depend on the initiative being taken by a delegation ; it would not be automatic. It was to be hoped that there would be good years without incident, and that the delegations, after taking cognisance of the Permanent Commission's reports and of the Council's report, would not think it necessary to raise the question in the Assembly.

The CHAIRMAN noted that there was general agreement on the first point raised by M. Bourquin's report, and he requested the Bureau to discuss the second point.

Preparation of Revision Conferences.

M. BOURQUIN (Belgium), Rapporteur, said that the supplementary proposals that had been made arose in this connection. In the first place, there was the preparation of the later stages of disarmament—that was to say, of the revisions of the Convention. A formal proposal had been made, in particular by the Swiss and Norwegian delegations. The Permanent Commission was to be given competence to prepare revisions of the Convention. In the conversations which the Rapporteur had had with a large number of delegations, he had acquired the conviction that this idea would be favourably received everywhere. Such a proposal had been found natural, and it had even been considered strange that it had not been thought of when the draft Convention was prepared. Evidently, the work would be very important and it would sometimes be of a very technical character. Undoubtedly, the most suitable organ for this purpose would be the Permanent Commission.

There was a second supplementary proposal connected with the first, and conceived in the same spirit. Many delegations, more especially the Soviet in its 1928 draft, which it had brought forward again at the Conference, had thought that the Convention would probably require certain supplementary agreements as to its execution, the object being to ensure its loyal application. In examining the problem, it would probably be seen that certain difficulties would arise in this connection. The forthcoming Convention would be a somewhat theoretical instrument so long as it had not stood the test of facts. When it had to be applied, it would be found that on certain points it would need further definition. For example, if it were decided to enter upon the path of qualitative disarmament—that was to say, the abolition of certain implements of war—these weapons would have to be designated by certain technical characteristics. What would undoubtedly happen would be that the definition adopted would arouse the ingenuity of the experts, and the latter, by a slight technical readjustment, would soon find a means of evading the accepted definition. Provision should therefore be made for an agreement, not to modify the Convention, but to permit of its loyal application. Who would be better qualified to prepare such agreements than the Permanent Commission ? The delegations in favour of this idea thought that the Commission would not have to take a decision on this subject, but only to do preparatory work, the drafts being submitted to the Governments, which would pronounce upon them.

Lastly, there was the draft submitted by the Soviet delegation which, in Article 39, defined the Permanent Commission's powers as follows :

“ Within three months from the date of entry into force of the present Convention, a Permanent International Commission of Control shall be organised, with the following duties :

“ (a) The supervision, control and general co-ordination of the measures relating to the application of the present Convention, and the notification to each State of breaches of the provisions of the present Convention ;

“ (b) The preparation of an agreement concerning the pressure to be brought to bear upon States which may fail to carry out the provisions of the present Convention and of the supplementary conventions and technical arrangements completing it ;

“ (c) The selection of the places, the procedure and the technical conditions for the destruction of material, and the preparation of all the necessary supplementary technical agreements ;

“ (d) The study of questions relating to further reductions of armaments and the preparation of international Agreements relating thereto ;

“ (e) Communication to the contracting States and the public of information concerning progress in the work of reducing armaments.”

This text therefore contained several elements, but it was, apparently, already covered by the text of the draft supplemented by the two proposals which the Rapporteur had already mentioned. As regards two points only there might be some doubt :

(1) Sub-paragraph (b), concerning measures of pressure, raised the problem of sanctions, a question which clearly could not be dealt with at present, and was not on the Bureau's agenda. Nevertheless, if special sanctions were provided for, they would have to be contained in the Convention itself. This was a serious and delicate matter which would also call for executive agreements, but here again the previous formula applied and it would be for the Permanent Commission to prepare these agreements ;

(2) Sub-paragraph (c) dealt with the destruction of material. The details would have to be settled by the Convention itself, but this subject was also outside the Bureau's agenda for the moment. Possibly, supplementary executive agreements would again be necessary, and here again it would be for the Permanent Commission to prepare such agreements.

The Rapporteur had endeavoured to understand the Soviet delegation's idea, and he definitely believed that the provisions provided for by the Preparatory Commission in its draft, combined with the proposals concerning the preparation of supplementary agreements by the Permanent Commission, would answer to that delegation's requirements.

Mr. EDEN (United Kingdom) associated himself with the tribute paid to the Rapporteur for his admirable work. Everyone who had had conversations with M. Bourquin had been struck by the impartiality with which he had taken the different opinions into account.

As regards the paragraphs under discussion, the United Kingdom delegate was rather in the same situation as his United States colleague, and he shared his opinion as to the relative positions of the cart and the horse. He would certainly have preferred that an attempt should first be made to determine the extent of the disarmament measures and only then deal with the method to be followed. For these reasons, Mr. Eden felt some doubts as to paragraph 16 in M. Bourquin's report. In its conversations with the Rapporteur, the United Kingdom delegation had probably failed to make itself clear, for in reality it found some difficulty in pronouncing on the point whether the Permanent Disarmament Commission should be entrusted with the work of revision. In his opinion, it would be necessary first to know what the composition of the Permanent Commission was going to be. It was said that it might be composed of independent persons, and would then include no Government representatives. In any case, although the task of revision would certainly be important, the first Convention itself would be much more important, and the United Kingdom delegate had only wished to draw the Bureau's attention to the question so that it might bear these different considerations in mind when deciding on the composition of the Permanent Commission.

M. SATO (Japan), after associating himself with previous speakers' appreciation of the Rapporteur's efforts, said that the Japanese delegation also would have preferred to begin with the examination of disarmament proper and deal with the question of supervision only later. It acquiesced, however, in the urgent desire expressed by other delegations to examine M. Bourquin's report immediately.

The Japanese delegate felt some doubt as regards paragraphs 15 and 16 of the report. His colleague on the United Kingdom delegation had said that it would be difficult for him to discuss the powers of the Permanent Commission until he knew what the composition of that Commission was to be. The Japanese delegate thought the Permanent Commission would have to ensure the due observance of the various articles of the Convention. It was now suggested that the Commission should be given further duties—namely, to prepare for any revision of the future Convention and for future Disarmament Conferences. In virtue of these new powers, the Permanent Commission would express its opinion as to the revision of the Convention and would then itself be entrusted with the duty of supervision in regard to the Convention as thus revised. There seemed to be some inconsistency there. If a Disarmament Convention proved defective on this or that point, the question would have to be studied by Government delegates, whose duty it would be to decide on its revision or amendment, and then to prepare for future Conferences.

Under the terms of Article 48 of the draft Convention, it would be for the Permanent Commission, not only to take note of opinions submitted to it by Governments, but itself to submit opinions or criticisms and even recommendations. All the Governments would thus know, at any given moment, what criticisms and observations the Permanent Commission had to put forward in regard to the execution of the Convention. On the basis of that material, they would be able to judge how the Convention was being carried out, to consider, if necessary, the most suitable methods and to remove any difficulties. The duties of the Permanent Commission should be limited then to what was laid down in Article 48, and questions of revision should be considered by some organ other than that Commission. The Japanese delegate was not offering objections, but merely a few observations. His delegation would wait until the position was clear before adopting a definite attitude.

M. BOURQUIN (Belgium), Rapporteur, noted a certain similarity between the observations of Mr. Eden and M. Sato. The United Kingdom delegate had said that it would be difficult for him to express an opinion immediately on paragraph 16 of the report without knowing what the composition of the Permanent Commission was to be. The Japanese delegate thought that it would be preferable not to entrust the Commission with the preparation of revisions of the Convention, as that work must be done by Government delegates. Accordingly, the question of the composition of the Permanent Commission arose again in that connection.

The Rapporteur quite agreed that there existed obvious and inevitable connections between the powers and the composition of the Permanent Commission. Its composition would depend on what it was intended to do and *vice versa*. It was the old story of the cart and the horse which had been cropping up ever since the opening of the Conference. At the same time, a start must be made somewhere; it was impossible to settle all the various problems simultaneously, and any one solution was always conditioned by other solutions that might be arrived at later. That fact had to be admitted, if anything were to be accomplished.

When preparing his report, M. Bourquin had himself wondered where to begin. He had considered dealing first with the composition of the Permanent Commission, but had felt that the fundamental point was to determine what was expected of it. It was like planning a house : it was necessary to know to what use the house was to be put before deciding what materials to use. It had accordingly seemed to him only logical first to consider the powers and duties of the Permanent Commission. The attitude of delegations towards that problem would undoubtedly affect their attitude as regards the composition of the Commission. That point was brought out clearly, moreover, in the passage in his report setting forth the arguments of those delegations which were in favour of a Commission consisting of Government delegates (paragraph 45 (b) of the report).

As regards the procedure suggested by the Japanese delegation for preparing the future stages of disarmament, the Rapporteur felt that it might be somewhat difficult of achievement. According to his colleague, the Permanent Commission would supervise the execution of the Convention, would note any shortcomings, any defects and any gaps, and in its report to the Council and to Governments would suggest this or that amendment ; that should be the extent of its duties. Then would come the moment to prepare for revision. But if, as the Japanese delegate suggested, that work were entrusted to another body, would not the latter's first care be to convene the Permanent Disarmament Commission itself, as being the body best qualified to express an authorised opinion ? M. Bourquin explained that at this point he was speaking, not as Rapporteur, but as a delegate. It seemed to him much more practical to simplify the operation, and, seeing that the Permanent Commission was the body best qualified by reason of its actual functions, he thought that the preparatory work for any revision should be entrusted to it. That solution, subject, of course, to the decision that might be taken as regards the composition of the Permanent Commission, would, he thought, offer supporters of a Commission consisting of Government delegates a very powerful argument.

M. MOTTA (Switzerland) had two observations to submit as to the reasons which appeared to him decisive in favour of the proposal of the Norwegian and Swiss delegations. He quite understood the astonishment which had been expressed that the Preparatory Commission, when framing its draft, should not have thought of entrusting to the Permanent Disarmament Commission, among the other duties devolving upon it, that of preparing for the later stages of disarmament. That was explained by the fact that, at the time of the Preparatory Commission, the idea of the stages to be followed by disarmament had not been brought out as clearly as had since been done. It was, however, one of the fundamental ideas embodied in the resolutions of the Conference. Any man taking thought for the future must realise that it was impossible to demand too much to begin with. Obviously, it was necessary to go as far as possible at once, but there must be no discouragement if the final goal could not be reached forthwith. That idea had now impressed itself on people's minds. It was only natural to provide for a body which would be responsible for preparing the various future stages, and no body could be better qualified than the Permanent Disarmament Commission.

M. DOVGALESKI (Union of Soviet Socialist Republics) did not propose to dwell on the Soviet delegation's standpoint, which had already been explained by M. Litvinoff at the meeting at which M. Bourquin had been asked to prepare the report. M. Bourquin had alluded to a certain point in the Soviet delegation's proposals concerning the powers of the Permanent Disarmament Commission. That special point, however, formed an integral part of the whole scheme embodied in the Soviet delegation's proposal. M. Dovgaleski regretted that he had not been able to study M. Bourquin's report sooner. He had only just read it. He would, if necessary, revert to M. Bourquin's observations in the course of the discussion.

M. SATO (Japan) thanked M. Bourquin and M. Motta for their explanations. He had had in mind the analogy of the Public Prosecutor in any country ; it was that official's duty to follow and see to the proper execution of the law, but not prepare that law. The Permanent Disarmament Commission would be in the same position as a Public Prosecutor ; it would, within the limits of its powers, follow the execution of the Convention and that, in the Japanese delegation's view, would be its chief rôle, but it ought not to have the duty at the same time of preparing for revisions of the Convention. He might perhaps have been wrong in suggesting such an analogy. He would not insist on it and was prepared to accept the part of the report under discussion.

The CHAIRMAN felt sure that he would be expressing the unanimous opinion of his colleagues in thanking M. Bourquin for his most valuable work.

The continuation of the discussion was adjourned to a later meeting.

TWENTIETH MEETING (PUBLIC)

Held on Friday, November 4th, 1932, at 11 a.m.

Chairman : Mr. HENDERSON.

24. FRENCH PLAN : EXPLANATORY STATEMENT BY M. PAUL-BONCOUR.

The CHAIRMAN announced that the meeting would be entirely devoted to the statement concerning the French plan.

M. PAUL-BONCOUR (France) spoke as follows : I warmly thank the President of the Conference for being good enough to summon this special meeting, and I beg the Bureau to excuse me for interrupting its normal agenda for a few moments. But France, on her own initiative and to give further proof of her ardent desire for the success of this Conference, had agreed to a meeting and given a promise. Nothing could prevent her from being punctual and from keeping that promise, and in the absence of the French Prime Minister, whose duties detain him elsewhere, it is to me—the Permanent Delegate of France to the League of Nations—that the great honour has been entrusted of explaining to you summarily, yet as completely as I can, the general lines of the plan which we shall place on the table of the Conference.

It has been called the French plan. However honourable and flattering that title may be for my country, it is not quite correct.

It is certainly a French plan in that it expresses the profound aspirations of a people which, each time it expresses its opinion, gives evidence of its renewed confidence in the League of Nations and its attachment to the policy of organising peace, such profound aspirations that the French Prime Minister had desired first to explain, while reserving, as was right, the details for you, the general outlines of the plan before the French Chamber ; thus the plan comes to you with the authority of the large majority which gave it approval. But it is not, properly speaking, a French plan, and we should be gravely failing in our duty if, for reasons of personal or even collective pride, we did not fully realise that we have jointly here to seek for the common element that may exist in the proposals that have been formulated, in order to avoid the catastrophe of gravely disappointing the hopes which the peoples still place in us.

The fact is that at all times during the elaboration of this plan the French delegation has kept in contact with many other delegations. It has sought for, and not merely welcomed, the suggestions which the most qualified persons—the general Rapporteur of the Conference, its Vice-President, M. Politis, and many others, have been good enough to make. Above all, it has drawn its inspiration less from its own ideas than from those which, during the first six months of our work, seemed to emanate from the various proposals made to the Conference. For we think that at the present moment our main task is to measure exactly the difficulties with which we have met in order to endeavour together to overcome them.

These difficulties are of two kinds : some relate to a general problem—one which in the present stage of the League's evolution is encountered, sometimes tragically, in all the fields of its activity ; others relate more especially to the purpose of this Conference—the limitation and general reduction of armaments. The first of these general difficulties, which we have encountered during recent years and this year in particular, has been met in all fields ; it is that the League of Nations, universal in principle and in purpose, must, to be effective, measure and vary its solutions according to the different requirements of the various parts of the world. How much truer does this need for diversity and variety appear when applied to this field of mutual assistance, which is the purpose of all our work, lying as it does at the root of Article 8 and of the Covenant as a whole ! If we would succeed, how can we possibly insist on applying rigid solutions to the whole surface of the world when, especially at this Conference, we have the inestimable advantage of counting amongst us great nations which have come to give us their constant support without themselves being bound by the provisions of the Covenant of the League of Nations ?

It is for this reason that the first guiding idea in the proposals which we lay before the Conference is the diversity of the pacts therein proposed. If I may make a comparison, which might be unfortunate if we only remembered the successive circles of the *Hell* of the great Italian poet, I will say that we conceive of a number of pacts forming concentric circles. The widest might include all the nations represented here ; they would simply transpose into public international law and give full legal significance to that great moral affirmation to which two statesmen of two great countries have attached their names : the Briand-Kellogg Pact.

In this first very general circle it would simply be stated—to employ almost textually the words used by the Secretary of State of the United States on two occasions—that, since all civilised nations have agreed in banishing war, that party which makes war cannot continue to reap the advantages and secure the legal recognition formerly granted to belligerents. War being outside the law, it is logical that he who makes war shall be deprived of that economic assistance without which, with the nature and extent of modern wars, operations of force cannot attain success.

It is at the same time necessary for it to be known beforehand that any territorial or other result that might be secured by this violation of the Briand-Kellogg Pact could not be recognised by civilised nations as a whole. It would be a very wide agreement in its extent and in its provisions; for, to use the well-chosen expression of the French Prime Minister and Minister of Foreign Affairs, it would lay down nothing more than what has already been proposed. But from its extent and from the participation of the Great Powers which would give it their invaluable support, that pact would have its effect on the two other pacts of which I am going to speak.

The second circle would consist of what exists and—for the nations that have signed it, of course—of the Covenant of the League of Nations, and, at the same time, of the treaties resulting therefrom, such as the Locarno treaties.

But you well realise that, in this conception, although the legal texts remain unchanged, there would exist a quite different atmosphere for the application of this Covenant—and in particular of Article 16—if the contracting States, as the result of the large general consultative pact, were assured that there was no risk of meeting on the oceans great nations that stood apart from the provisions which we are endeavouring to draw up.

Again—and this is one of the most striking and novel characteristics, while still treading the path already marked and following the work of the Committee on Arbitration and Security, which drew up a series of very valuable provisions—which one would think should not merely lie sleeping in a pigeon-hole—we would propose that, although not universal—desirable as universality would be—a Pact of Mutual Assistance should be concluded between a certain number of nations which, from their situation as neighbours and continental Powers, feel themselves more particularly exposed to certain risks, and are more anxious to be able to meet such risks in the shortest possible period; this Pact would be very specific because more limited, for it would be concluded between nations which are, as regards this problem, really in a similar position, in that they are not separated by wide seas or vast distances, which of themselves are an effective protection. On the contrary, these nations of continental Europe, which have throughout history been accustomed to the manning of land frontiers so often transgressed, these nations—supposing that, contrary to what is to be hoped, other nations cannot join with them—would insert in this Pact of Mutual Assistance all the details which we have so often vainly sought in more general pacts, which, just because they were more general, could not contain the necessary details.

It is clear that I can only give an outline of the scheme; I cannot and do not wish to go into the details so as not to delay your work, details which you will learn when the written proposal is laid before you. One of the details of the scheme, however, is that, in connection with a pact of military reduction concerning the strictly defensive national armies of which I am going to speak presently, it would be understood that States participating in such a pact would maintain, apart from their national armies, specialised forces, though very small ones, to be solely at the disposal of the League of Nations, not to pursue the chimerical idea of holding in check by their own strength a whole nation that had risen against the Covenant or against an arbitral award, but to fill an urgent need, to be immediately ready to prevent any forcible attempt, and to guard the League of Nations from what would be for it—let us make no mistake—the danger of destruction if its procedures were to operate only when the territory of a country had already fallen a prey to force.

The first object of this close and definite pact between certain nations, whose number and importance would have to be decided, would therefore be—apart from the transformation of the national armies which I shall come to later—the organisation of contingents constantly ready for service, but strictly limited in numbers, to be furnished in equal proportions by countries in corresponding situations, and to form a special force in the service of the League and enable it to give prompt aid to a country attacked.

But the other forces? Yes, the others; for it is quite certain that these specialised forces I have mentioned, which would be very limited in numbers, could not suffice for countries which, from their geographical situation, from their history, from past conflicts, or from conflicts of which they may still see the possibility or the menace—I say it is certain that these very limited forces could not suffice for such countries to defend the integrity of their territory if, unhappily, the League were unable to enforce its authority.

We are therefore obliged, while still seeking for a reduction of armaments, to look, apart from these specialised forces for common action, for that form of national army which best corresponds to the circumstances, to the period of history through which we are passing, an intermediary period in which it cannot yet be said that conflicts are sufficiently appeased or settled, or that the League of Nations is sufficiently strong to bring about total disarmament; a period, however, in which we feel the necessity of adopting such form of armies as may permit of equitable, mutual and equal reductions, capable of ensuring equality in security. But what form of armies? We should undoubtedly have shunned or, at any rate, have recoiled

from this arbitrary choice if we had not been faithful to the method I mentioned at the outset and had not looked to the work of the Conference itself for the ideas which have slowly come to light, to which ideas we are endeavouring to give synthesis and harmony instead of replacing them by our own ; if we had not found an idea which, expressed already in the preparatory disarmament work, had grown clearer during our discussions, and taken full shape in June last when the Hoover proposal was placed before us by the United States delegation.

I would remind you that the reception given by the French delegation to that proposal exactly showed our views in regard to it : a respectful and sympathetic reception in which the very reservations made showed the desire of my country not to express mere verbal approval but sincerely to seek for the methods of accomplishing a proposal which had awakened such profound hopes in the hearts of the peoples.

We sought. We realised as soon as the Committee on Effectives came to deal with the question that there were almost insuperable difficulties arising from the diversity of armies in the principal countries of continental Europe, and that these difficulties were a hindrance to the extensive reductions so justly demanded in the United States proposal ; for such reductions are in accordance with the desires of those who have sent us here. It was very quickly realised that there was a great difficulty in reducing effectives, equipment and expenditure fairly equally, and that this difficulty lay in the choice of the terms of comparison.

Owing to the Peace Treaties, owing to the evolution of military institutions, or as the result of this quite new post-war element, the forces of a nation no longer lie in its armies properly so called, but extend by gradual and very varied shades of difference from regular forces to semi-political, semi-military autonomous organisations. If, in such circumstances, the rule so justly formulated in the United States proposal is to be applied—and I reproduce the rule textually when I say that the forces, being relative, reductions to be made in them are equally relative—we are obliged, for the purpose of judging this relativity, to take account of all the *de facto* elements, of all the real elements involved.

No doubt the United States proposal was eminently clear from the fact of its initial discrimination between certain categories of forces—police forces, oversea forces and, lastly, those to which the proposed reductions more especially applied, which are the defensive or aggressive forces. It is this category which raises the question of relativity of which I spoke just now. The discrimination we fully accept. We even think that it is impossible to arrive at methodical, equitable or even sensible measures of reduction of armaments if account is not taken of this essential discrimination : police forces, oversea forces and forces forming what are called sometimes defensive and sometimes aggressive forces, according to the use that may be made of them.

But for this third category, to which the effort for reduction must in particular apply, the discussions in the Committee on Effectives showed—excuse me for insisting on the point, but it lies at the root of our proposals—the almost inextricable difficulties arising from the lack of terms of comparison. In particular (I must insist on this or my ideas would lack in clearness and in frankness, and we are here to speak clearly), it is certain that countries cannot agree to purely mathematical comparisons and will never, for instance, be able to admit that a soldier with twelve years' service is the equivalent of a recruit with six months' ; or that a reservist who, after his first military training, only performs very rare periods of service, should, twenty-four hours after he has rejoined his unit, be considered of the same value as those reservists who, on the contrary, have obtained in permanent military or semi-military formations a constant training and cohesion which may be of value from the outset of mobilisation.

In order to make calculations on the lines of the United States proposals and to give these proposals their full scope—you realise how tragically important such calculations may be—and in order to advance progressively towards this equalisation of status which the Conference deeply desires, we have thought that those nations that might be bound by a more precise pact could agree to proceed by the necessary stages to a unification of their type of army in order to arrive at more substantial and at the same time equitable and equal reductions.

Then the following question arose : If armies are to be reduced to a uniform type, at any rate for the great continental military Powers which are linked by a closer solidarity or by more definite anxieties, towards what type of army should we look ? The choice would have been very difficult and very arbitrary if one nation alone made it. But all that has come to light since the beginning of this Conference has given us valuable data to go on, and these data were fully utilised in the United States proposal when it used the formula of which I shall remind you, which formula we accept as our own, having made it the centre of the proposals we place before you.

Still less is there any question, in fact I might say there is above all no question, of reducing all armaments without discrimination and uniformly. That might lead to false and unjust results. The question is, above all, to use the expression of the United State proposal, that of increasing the forces of defence and proportionately decreasing those of aggression.

We first endeavoured to attain that end in the field of material and qualitative disarmament. I do not forget the very interesting speech made at the beginning of our work by M. Grandi, delegate of Italy. I remember the day when, in this same place where we welcome our United States colleagues, Mr. Gibson rose to read a draft which he did not

immediately table, but which he wished to serve as a guide, which draft has an undeniable connection with the Hoover proposal. Then Sir John Simon, in the name of the United Kingdom delegation, handed in a very detailed proposal on the same subject. If I enumerate these proposals, it is not merely to take my hat off to them, and to express perfectly legitimate sentiments of gratitude for the assistance given. I want you to be convinced that, at the present moment, it is not so much a question of putting forward new proposals as of endeavouring to extract from what has been done or proposed material which will enable us to succeed.

At that time, we were dealing solely with qualitative and material disarmament. What was the result ?

No difficulties arose as regards that form of warfare which is universally reprobated : chemical and bacteriological warfare. M. Herriot was right when, speaking from this very place in July last, he told the Conference that it was not negligible that, amongst the points on which agreement had already been reached, there should appear the absolute prohibition of chemical and bacteriological warfare : not negligible, provided an effective control is exercised over the actual preparation for it. I need not say that this is one of the points in the proposal which I am laying before you, but it is nothing new. I repeat, it merely confirms an agreement already reached in July last.

Nor are there any insuperable difficulties as regards the air, where death's destructive work was quick to seize on a recent and marvellous achievement of human genius. It is certain that aerial bombardment from a long distance and with heavy bombs has essentially that offensive character against which we are endeavouring to discriminate. It is certain that this form of warfare brings us back to bygone days, that it even accentuates the horrors of bygone days ; for at that time, before the population of a whole town were put to the sword, they were at least offered the chance of surrender.

As it is difficult to distinguish the characteristics of aerial bombardment, the Technical Commissions were led to propose its total abolition. I would remind you that, with the twofold authority attaching to their personalities and their offices, M. Painlevé, the French Air Minister, and afterwards Prime Minister Herriot, in the name of the whole French delegation, accepted this prohibition of aerial bombardment with the reservation that measures would, of course, be taken for internationalising at least those machines of which the characteristics exceeded those laid down for military aircraft, and that there should be a general control of civil air services, in order that they might not, in the day of battle, do precisely what military aircraft are forbidden to do.

This much is accepted, and we must not be led by too easy a discouragement or too unjust criticism to undervalue its importance. It is accepted, and France has already agreed to it, and it is the subject of a part of our proposal, over which I pass rapidly for the simple reason that, when you have before you M. de Madariaga's report, my colleague M. Painlevé will give you all the necessary explanations on the subject.

I would add—and this is an important point, one that is connected, moreover, with the very summary remarks I made just now concerning this definite pact which we contemplate and which would involve the maintenance, in the service of the League, of reduced national contingents to be used for resisting the first onslaught of war—that, in the matter of aviation, it seems to us that it would be possible to organise an organically international force ; in this we are interpreting certain exchanges of views, certain proposals even, which have not yet assumed an official character but which have, we are entitled to say, already created the atmosphere of the Conference. Such an organically international air force, by its mobility, by its facility for rapid movement and by the indisputable superiority which it would confer on a State the victim of an aggression, if placed at its service, takes its place within the framework of this idea of international assistance through the League, whose organisation can be made more thoroughgoing, more complete and more organically international where aviation is concerned.

This distinction between the defensive and the offensive, which has so rightly been made the basis of the United States proposals and to which expression was given in the earlier proposals and speeches to which I referred just now, is plain to everybody, when the question is that of chemical warfare and aerial bombardments, but to what discussions and difficulties it seems to give rise when we come to the question of the calibre of artillery or of the tonnage of tanks. I believe that, notwithstanding all the goodwill and fine diplomacy he has employed, my colleague, M. Buero, who was specially entrusted with the drafting of the report on this subject, has not yet been able to arrive at any definite proposals. Above what calibre does a gun cease to be defensive and become offensive ? Above what tonnage does a tank, the infantry's buckler, built to protect the bare breast of the foot-soldier against the fire of automatic weapons, become instead a menace and a possible instrument of aggression ? That is an extremely difficult matter to analyse, once we depart from the lucid idea sketched in Sir John Simon's proposal and reproduced and defined in rather more detail in the United States proposal and its commentaries — namely, that any arm sufficiently powerful to constitute a menace to the permanent defensive organisations set up by a country on its frontiers is indisputably offensive. That was Mr. Gibson's idea when, at the beginning of the General Commission's work, he gave notice of this scheme, which clearly inspires the United States proposals. This clear idea, one which, while manifestly open to discussion with regard to the scale of calibres or tonnages, does yet enable a practical distinction to be drawn, this fruitful

and essential idea we have taken from the United States proposal and made one of the principal parts of the plan we are submitting to you.

This idea has two aspects : one is that material sufficiently powerful to be a menace to the permanent defensive organisations must be reserved for use, without any restriction, by these fixed organisations themselves, whether they be designed for coastal defence or the defence of land frontiers ; the other aspect is that this material must be forbidden to the general body of the national forces, which we will define in a moment and which each country will be allowed to keep so as to enable it to defend its territory in case the League proves powerless. The material forbidden to these forces would be reserved to the League, which alone would have the right to use it, regardless of whether it was the armament of very small, permanent contingents held in each country at the League's disposal to meet the first shock of war, or stored under the control of the League so that it might, when necessary, be placed by the League at the disposal of the State victim of the aggression.

I clearly foresee one objection which may be raised—and this is not a fanciful objection, but one that was actually put forward when we took up the problem. Why not destroy the arms forbidden to the national forces ? That is an attractive idea, because it seems so simple. I venture to say, however, that it may be too simple, and even illogical and inconsistent with the aims we are pursuing here. Reduce them ; yes, and very considerably, for, in virtue of such a distinction and of the system I have just indicated, which is the logical outcome of that distinction, the reductions will be extremely important ; but would it not be illogical, by such destruction, to deprive the League of one of its means of action, when we are endeavouring, by proposing this more definite pact, to strengthen the League so that the nations which had signed such a pact—and especially those which are most exposed to conflicts, or believe themselves to be so—may receive the collective and efficacious aid which they require ? It seems even more illogical, when we remember that one of the most valuable pieces of work carried out and brought to completion by the League—for we have had some successes, and not only failures—is that we have organised in advance the financial assistance to be given to a State victim of an aggression. How illogical to provide for financial assistance designed in part to enable such a State to purchase or have manufactured any material which it might need in case of aggression and not to keep at least part of the existing material so that the League may be able to give it without delay to the State victim of the aggression.

Those are the ideas on which, as regards material, our proposals have been based. I will complete them by saying—and I am sure you will all appreciate the significance of this point—that our plan mentions, besides the necessary stages to be followed in accordance with the principles of Article 8, which, in one of our first resolutions, was taken as the basis of our work, the gradual standardisation of material in the armies of the various countries which would be bound by the pact. But although the question of the distinction still presents difficulties—difficulties which are not insurmountable—I hope I have shown, in spite of the relative brevity of my remarks, how striking and simple the discussion based on the formula of the United States proposal which I mentioned just now becomes, when we leave the question of material—for material varies in character according to the intention with which it is employed and according to the use made of it—and consider the actual type of army, that is to say its spirit. What are the armed forces that respond to the distinction in question ? How are we to strengthen the forces of defence by reducing the forces of offence ?

I should like to say at once that I am only examining this question from the point of view of the home forces of the continental Powers. I am not saying this merely as a rhetorical precaution or even out of deference—in itself perfectly legitimate—for the established traditions of nations which are opposed to conscription or which at least only introduced it in those days which, I can assure them, we have not forgotten. I shall deliberately confine my analysis to the continental Powers precisely on account of what I said at the beginning of my remarks with regard to the necessity of adapting the improved guarantees of security, international security, to suit each of the different regions of the world. It may be as well to repeat, because we are still constantly misunderstood, that, when we say security, we mean international security and the organisation of peace, and not our own individual security, which we should be perfectly well able to ensure with our own resources were it not that we have come here to seek for the means of obtaining international security, so that the individual national safeguards of individual national security may be reduced.

In agreeing upon and proposing to you a more definite pact between a certain number of continental Powers more particularly concerned—without, of course, excluding any other—we have done so because, as I have already said, there are certain special situations which make the need for mutual assistance both more definite and more imperative ; and also because—and quite apart from the obviously pacific intentions of the countries in question, a factor which dominates everything—if we deliberately rule out all considerations of foreign policy and look at the matter purely from the technical point of view, there can be no doubt that, if an army, be it a professional army or one of any other kind, be it a home army or a colonial army, is, in regard to the nations to which it might be a menace, stationed overseas, it cannot be a real menace to such countries, or, if it is so, the question is a naval rather than a land one. Even so, as our experts are fully aware, even given the mastery of the seas, the success of an attempted landing would be very problematical or very much lessened in the circumstances of modern warfare, especially if it were agreed, as it is in the United States proposals, in Sir

John Simon's and in our own, that, in the case of the coastal as of the land frontiers, no fixed defences will be subject to any form of limitation, precisely because such defences have no offensive characteristics.

But for the countries on the mainland of Europe, separated only by frontiers which, in the course of history, have been crossed so often and so easily in either direction, the question of the type of army becomes of decisive importance, and it is not, I think, open to question that a professional army may present—and I am not attributing evil intentions to any country, but giving you a purely technical analysis—if the country wishes to use it to that effect, greater facilities for aggression and greater possibilities of rapid aggression than any other type, by reason of the fact that it maintains, not only permanent effectives, but permanent effectives which are thoroughly trained, thoroughly organised and immediately able to act in combination, just because of their period of service. The converse is equally true; an army with a very short term of service, in which, consequently, all the permanent and immediately utilisable troops were abolished except for the small nuclei of specially trained men and cadres intended for training purposes, would, so to speak, compel the nation to mobilise itself, with the consequence that it would only mobilise for some big undertaking that affected its vital interests and, first and foremost, for its own defence, since such an army, though it might possibly cover the frontiers and prevent incursions into its territory, could not, at any rate, carry out large-scale operations menacing another country except after the very long interval which would be necessary to ensure that its mobilised forces possessed the requisite cohesion and training.

I have no wish to make improper comparisons or to harrow your feelings with too many pictures of war. We are discussing peace. But we must begin by facing things squarely. When States are not separated by the sea or by wide territories belonging to new countries, when they live side by side in a state of tension and anxiety behind frontiers that are often menaced, it is unquestionable that, if they were to agree to adopt certain types of army with a very reduced period of service, and to abolish all permanent effectives except for the cadres, so compelling the nation to mobilise itself in its own defence and consequently giving the League the necessary time to bring into operation its procedures which, it must be admitted, are inevitably slow, it is unquestionable that that would constitute an indisputable guarantee of peace. A guarantee of that sort cannot be given by a force which in itself presents, at any time it may choose, a possibility of aggression and a possibility, if I may add an epithet and a conception which are fundamental in all our work, of sudden aggression, because such an army can thwart the efforts of the League, and that—I press this point particularly—altogether apart from the spirit by which such a force may be animated and the pacific or bellicose intentions of the State employing it.

France firmly believes in the relief which would follow in the relations between a certain number of countries, were they to conclude the definite pact of mutual assistance which I described at the beginning of my statement, from the standardisation of their armed forces and from their reduction to the type I have just defined. She believes that that would relieve anxieties and that the consequence might be large reductions in effectives, since in conscript armies the effectives are reduced *ipso facto*, if the period of service, material and expenditure are reduced. That is why, in the proposals which France submits to you—and in them she makes a gesture the seriousness of which it is not for me to emphasise and the significance of which you cannot in all fairness underestimate—France states that, notwithstanding the reductions she spontaneously carried out at the close of the war, and those she effected as soon as the Locarno Agreements had established certain measures of greater security, she is ready to make further reductions as a result of which her land forces in the home country will conform to the type I have just summarily described. She does so in the clearest possible terms, but, of course, subject to certain categorical conditions :

First, that the same applies to all countries acceding to this definite pact, since it is obvious that a type of army of that kind, useful as I believe it to be, indeed extremely useful and efficacious in defence, cannot be accepted unless neighbouring countries accept it too ;

Secondly in the armies thus reduced to a uniform type, the period of service should, in order to make the reductions contemplated, more particularly in the United States plan, practicable and equitable, take account of everything that in any way at all effectively constitutes military training—that is to say, pre-military training and training resulting either from periods of instruction in regular formations or from membership of political formations or others imparting military instruction.

Finally, to use M. Herriot's phrase, countries with large populations should not constitute a possible menace to the others, and conscript armies, with a reduced period of service, should be limited in number in strict accordance with the provisions governing their recruitment.

I make, of course, no claim to have exhausted the details of a scheme which will be submitted to you in a more precise form in writing and which you will have all the necessary time to consider before—and here we are in the Chairman's hands—the General Commission takes it up along with the other proposals that have been laid before it.

I do not desire to delay any longer the work on the Bureau's agenda and that which we have begun on the report of our colleague, M. Bourquin, concerning a question which we may well term the keystone of our proposition, as indeed of all the other proposals of the same kind—namely, international supervision. It is quite plain that radical reforms of this kind and reciprocal reductions of this sort cannot be carried out unless each State has an assurance that, whether as regards effectives or material or expenditure, there will be some effective supervision able to satisfy itself on the spot of the reality of these essential changes.

I am speaking more especially for those countries which may be bound by the more restricted, more definite pact I have just described, this pact of mutual assistance with all the various aspects of it I have defined. You are now discussing this international supervision. I sincerely hope that your discussion will be successful, for it is quite obvious that any reductions, changes or reforms which may be carried out by the different countries will be carried out more easily because such supervision gives them the certainty that any conventions adopted will be observed by all.

That is an additional reason for concluding a statement that is already very long. It will not suffice to inform you in full, but I hope that, in the main lines I have sketched out, it does suffice to convince you, without the need of further phrases from me, of my country's unquestionable goodwill in the organisation of peace.

The CHAIRMAN thanked M. Paul-Boncour for his statement and announced that, at its next meeting, the Bureau would resume the discussion of M. Bourquin's report on supervision.

TWENTY-FIRST MEETING (PUBLIC)

Held on Friday, November 4th, 1932, at 3.30 p.m.

Chairman: Mr. HENDERSON.

25. QUESTION OF SUPERVISION: REPORT BY M. BOURQUIN (BELGIUM) (continuation).

Question of Procedure.

Mr. WILSON (United States of America) before continuing the discussion of the report (document Conf.D.140) wished to know how the Rapporteur viewed the Bureau's work at the present stage. Did he intend, at the end of the discussion, to draw up another report containing definite recommendations or merely a statement for the General Commission concerning the main lines of the Bureau's discussions? The United States delegation's attitude would depend on the Rapporteur's reply.

The CHAIRMAN thought that the discussion in the Bureau was intended to help the Rapporteur to draw up another text which would be submitted to the Bureau and would contain certain conclusions based on the statements made during the discussion.

M. BOURQUIN (Belgium), Rapporteur, wondered if this was not another example of the problem of the cart and the horse. It was very difficult at the moment for him to say what conclusion he was likely to draw from the discussion. That would depend on its results. If there were unanimity on all points, his job would be, so to speak, done, and he would only need the help of a Drafting Committee in preparing another text, but if there remained certain differences of opinion which could not be reconciled, it would be necessary to consider what method should be followed: but that method would, he thought, be closely conditioned by the result of the discussion. For the moment, he would have difficulty in expressing an opinion.

M. MOTTA (Switzerland) emphasised the importance of the question raised by Mr. Wilson, which, while it was a matter of procedure, might influence the conclusions reached on points of substance. The Chairman's remarks left M. Motta somewhat doubtful as to the Bureau's future procedure. The object of the present meetings was, as he understood it, to make a joint effort of conciliation and understanding so as to reach an agreement of principle on certain fundamental points. The present discussions did not, of course, commit the Governments to which the members of the Bureau belonged, in particular M. Motta himself, who had had the honour to be invited in a purely personal and friendly capacity; but he could hardly suppose that on the resumption of the General Commission all these questions would be raised afresh, without the Bureau having made an effort to solve them itself.

In his view, the present discussion should lead the members of the Bureau to form a common opinion, at least relatively, on certain fundamental questions, concerning which it might be possible to say: "This is the Bureau's opinion". Every member had naturally the right to make reservations but, if the Rapporteur had to inform the General Commission that the Bureau had found it impossible to reach even an agreement of principle on certain fundamental points, the Bureau's discussions would become practically useless.

Mr. EDEN (United Kingdom), at the risk of leading the Rapporteur to think that the question of the cart and the horse was an Anglo-Saxon obsession, felt it essential to emphasise the importance of the point raised by Mr. Wilson. Much time would be gained if an immediate decision were taken as to procedure. He fully supported the Chairman's suggestion that, as a result of the Bureau's discussions, the Rapporteur should submit to the Bureau a new report containing certain conclusions. The Bureau would, of course, then have the right to discuss those new conclusions. That would be the speediest method of procedure.

The CHAIRMAN thought that M. Motta had misunderstood his suggestion. His idea had been that the Bureau should attempt to reach an agreement on the lines suggested by M. Motta himself. As Mr. Eden had proposed, when the new report came before the Bureau, its conclusions would be examined before the report was finally sent on to the General Commission.

M. BOURQUIN (Belgium), Rapporteur, supported the Chairman's formula. If the members of the Bureau succeeded in agreeing on a series of principles, the second report would be a very simple matter and would consist purely of an extract from the Minutes. The present report was merely a preliminary document intended to prepare and facilitate the Bureau's discussions with the object of obtaining certain concrete results at once. If these results were satisfactory, the final report to the General Commission would be quite simple. Accordingly, the procedure suggested by the Chairman could, he thought, be approved by all the members of the Bureau.

Attributions of the Permanent Disarmament Commission (continuation).

M. BOURQUIN (Belgium), Rapporteur, considered that the result of the Bureau's discussions on the attributions of the Permanent Disarmament Commission was that the Bureau agreed to make two additions to the Preparatory Commission's draft. The Permanent Commission would be entrusted with the preparation of the subsequent stages of disarmament and also with any executive agreements which might appear necessary to ensure the loyal application of the Convention, it being understood that several delegations took the view that this extension of the Commission's competence should be subject to the decisions to be taken concerning its composition.

Means of Supervision.

M. BOURQUIN (Belgium), Rapporteur, said that in this matter also the basis to be taken should be the Preparatory Commission's draft which, in suggesting the means of supervision to be conferred on the Permanent Disarmament Commission, laid down in Article 49, paragraph 1, that the Commission "shall receive all the information supplied by the High Contracting Parties to the Secretary-General of the League in pursuance of their international obligations in this regard". Part IV of the draft described in some detail the particulars to be forwarded each year by the contracting parties to the Secretary-General for communication to the Permanent Commission. The information, therefore, would emanate from the Governments themselves and be sent in regularly and compulsorily. That information would in fact be the replies to the questionnaire in Part IV of the draft.

At this point, an initial question of practical importance arose: What was the information that the contracting parties were to communicate in this way? Clearly, the Bureau could not discuss the matter at that stage, since it was impossible to determine that information, so long as it was not known what obligations the States would undertake. That matter could only be settled at the end, when the whole disarmament problem had been solved and the various obligations assumed by the Governments were known.

According to the draft Convention, the data mentioned above would form the normal and principal source of information available to the Permanent Commission; but in the same Article 49, paragraph 2, the draft stipulated that the Commission could report upon "any other information that may reach it from a responsible source and that it may consider worth attention". The Rapporteur had thought it advisable to include in his report (page 4) comments on this provision in the Preparatory Commission's draft.

Finally, Article 46 of the draft said:

"Each member of the Commission shall be entitled on his own responsibility to have any person heard or consulted who is in a position to throw any light on the question which is being examined by the Commission."

That was the third source of information suggested by the Preparatory Commission.

During the conversations he had had with various delegations, the Rapporteur had noted that none suggested curtailing the sources of information proposed in the draft. On the contrary, the new proposals rather increased those sources by the addition of new ones. Those mentioned in the draft Convention constituted a minimum which was apparently acceptable to all. It would be advisable to make certain immediately whether that was so.

M. Rosso (Italy), before examining point by point the section of the report on the means of supervision, wished to set forth certain general considerations which would show the spirit in which the Italian delegation considered the different questions of supervision taken as a whole. This was an especially important part of the report; the points so clearly and

impartially analysed in paragraphs 19 to 38 were so important and so intricate that, before entering into details, it would be desirable to devote a few minutes to the matter as a whole.

With regard to the means of supervision, M. Rosso wished to repeat an observation he had made at the previous meeting. The Italian delegation could, *à la rigueur*, accept the view of those who looked on supervision as a pre-condition to disarmament. It was none the less convinced that the nature and extent of supervision and the system of its application depended on the nature and magnitude of the disarmament measures to be adopted. The Italian delegation also would have preferred to begin with the examination of the measures for the reduction of armaments. That would have been the more logical procedure, but, in order not to waste time, his delegation agreed to the present discussion, although it would ask permission to explain its views on the interdependence of the various parts of the problem.

It was a well-known fact that, in the Preparatory Commission, the idea of supervision had met with greater opposition than any other. Those who had followed the Commission's work would remember the courteous but sometimes warm discussions raised by the mere mention of the word "supervision". It was not therefore surprising that the idea of supervision had not met with spontaneous sympathy. Governments had been asked to abandon certain fundamental conceptions and traditional views inspired by considerations of national sovereignty. If the word "supervision" no longer roused the same hostility, that was because it was being discussed with reference to concrete measures of disarmament. Everyone had now accepted the principle of supervision because it was expected that it would be accompanied by such measures, and Governments were prepared to sacrifice their traditional ideas on the subject if there were strong enough reasons to make them do so. Supervision would form a counterpart to, and would be commensurate with, the degree of disarmament achieved. If it were desired that the delegations should be ready to examine certain very drastic measures, they must be satisfied that the sacrifice asked of them was worth while and that in this way the Conference could achieve substantial and important measures of disarmament, since that was the Conference's precise aim.

The Italian delegation wished to suggest certain criteria which should guide the Bureau in examining the question of the means of supervision, especially with reference to paragraphs 25 *et seq.* The means of supervision should answer to the following conditions :

(1) They must be practical—that was to say, academical conceptions which would immediately give rise to insurmountable difficulties in application and methods which it was known in advance would not work effectively should be disregarded.

(2) They must not be vexatious, or liable to cause offence or unnecessary irritation. Care must be taken not to sow the seeds of dissension in a convention the object of which was the maintenance of peace. Anything likely to give rise to misunderstanding, friction or dispute must be avoided.

(3) The means of supervision must not be such that they would be liable to be employed frivolously or misused. The complainant must openly assume responsibility for his action.

(4) They must be of such a nature that they would apply uniformly and equally for all.

(5) The examination of the means of supervision should start from the assumption of the signatory Governments' good faith. Any other hypothesis would end in a blind alley.

This was the spirit in which the Italian delegation was prepared to examine in detail the questions involved in Section II of the report.

Mr. WILSON (United States of America) warmly sympathised with M. Rosso's observations. He wished to suggest another criterion by which the Bureau should be guided in examining this problem. Apparently it was thought that, in the event of an emergency, the Permanent Commission would have all the time necessary to hear the Governments concerned and to proceed to a full enquiry. It might, however, be supposed that the actual case would be quite different. In the conditions in which the Commission was to exercise its supervision, speed was a factor which might prove to be indispensable and the absence of which would mean a gap in the work on which the Bureau was engaged. The possibility of a dangerous and urgent situation must be taken into account.

M. SATO (Japan) understood that, as M. Bourquin had furnished explanations only on paragraphs 19 to 23 of his report, the examination of the following paragraphs, "Other Proposals", was excluded for the moment. The Rapporteur had given no explanation on the other points, whereas the Italian delegate had treated the problem as a whole. M. Sato wished to know whether the members of the Bureau could examine the question as a whole or only as far as paragraph 23.

The CHAIRMAN thought that, for the time being, it would be better to concentrate on paragraphs 19 to 23; the following paragraphs would be examined later.

As no further observations were offered, he took it that the contents of paragraphs 19 to 23 were approved by the Bureau and he called upon the Rapporteur to comment on the later paragraphs.

M. BOURQUIN (Belgium), Rapporteur, had listened with great interest to M. Rosso's general observations and agreed with him entirely. He wished to emphasise one point which had been brought out by his colleague and which appeared to him reassuring. Since the beginning, considerable progress had been made, and the Rapporteur's conversations with various delegations had confirmed this impression. The Minutes of the Preparatory Commission's first meetings showed that there had been two opposing camps: those for and those against supervision. Now there was no opposition, except in regard to the question of methods. Generally speaking, the present position might be summed up as follows. Some delegations said: "We can give you supervision if you give us disarmament; others; "We can give you disarmament if you give us supervision". The psychological standpoint was not quite identical, but the two formulæ might be superimposed on one another when the two denominators of the problem were known.

To revert to the subject of the observations made by the delegates of the United States of America, the United Kingdom, Italy and Japan, the various elements of the disarmament problem necessarily held together, but hitherto the discussions had been clouded by uncertainty on this point. No delegation suggested a separate convention regarding supervision. The sole object at the moment was to carry out certain preparatory work which was to be utilised by the General Commission, and which would be incorporated in a general convention, the other sections of which would be devoted to disarmament proper. At the present stage, the members were advancing general ideas, suggestions and objections, because all were collaborating in the same work; but there need be no anxiety lest they might find themselves bound by any immutable commitments assumed now, supposing later they were deceived in their hopes with regard to disarmament proper.

He would deal next with the other proposals concerning the means of supervision available to the Permanent Disarmament Commission.

The first proposal did not seem likely to raise objections, since it was a corollary of the draft itself and merely made good an omission in the draft, which was doubtless due to inadvertence. If, in keeping to the terms of the draft concerning the despatch of information by the Governments the Permanent Commission would be entitled to nothing but the Governments' written replies to the questionnaire, it would in many cases be unable to utilise such material. A questionnaire was often interpreted in different ways by the national administrations responsible for the replies, and the particulars received by the Permanent Commission would not even be comparable. There had been numerous examples of this at the Disarmament Conference itself. There was also an occasional tendency to inertia and negligence on the part of some administrations, so that these particulars which, according to the draft, would form the principal data at the Permanent Commission's disposal, might be of no use to it at all, unless—and this was the aim of the new proposal—the Permanent Commission had the right to ask Governments for supplementary information, either in writing or verbally, and always subject to the undertakings which they had signed.

The CHAIRMAN noted that the members of the Bureau agreed to accept paragraph 25 of the report.

M. BOURQUIN (Belgium), Rapporteur, passed next to the paragraphs concerning "Local Investigations". None of the delegations consulted by the Rapporteur had stated that it rejected systematically and *a priori* the idea of local supervision. Nevertheless, various delegations were reserving their attitude on this point until all the conditions for the working of the system of local investigations were fixed. Three questions arose:

- (1) In what cases shall local investigations be permitted?
- (2) Who is to decide that they shall be undertaken, and how will the decision be arrived at?
- (3) How will the Commission of Enquiry be constituted?

On the first point, a number of suggestions had been submitted, which were enumerated in ascending order of severity in the report.

1. There was first the theory expounded before the Preparatory Commission by several delegations which approved of local investigations, but only at the request or, at the very least, with the consent of the country on whose territory the enquiry would be conducted. That was the least objectionable suggestion.

2. Local investigations might be conducted without the consent of that country, but only if a complaint were lodged. That was the proposal underlying the preliminary draft (document C.P.D.45(d)) submitted in 1927 to the Preparatory Commission by the French delegation, in which the idea of a Permanent Commission originated. The advocates of this formula believed that the fact of subordinating the local investigation to the existence of a formal complaint—that was to say, to the obligation on one State to assume the grave responsibility of accusing another State, would invest the local investigation with an absolutely exceptional character. In such a case, the local enquiry would be, not a normal, but an exceptional method of investigation. It should only be resorted to in very rare instances, if, even, any such occurred, but the mere possibility of its employment would constitute a guarantee.

3. The Soviet delegation's draft (Article 43) did not even insist that there should be a complaint. For local investigation to be decided upon, it would be sufficient if there were "reasonable suspicion of a breach", a point which would be left to the Commission's discretion. There were obvious resemblances between this proposal and the preceding one. In the Soviet delegation's view also, local investigations would only be resorted to exceptionally.

4. The last suggestion was a far wider one; the underlying idea was that, if the local investigation were bound up with a complaint or a reasonable suspicion, it would be liable to cause particular annoyance to the country concerned. The better way would be to provide for regular automatic investigations on the spot. This was a quite different approach to the question: local investigations would be made periodically and automatically in all countries and would no longer be bound up with a definite complaint. Clearly, in such cases the investigations would have to cover the whole series of treaty obligations and they would be much wider in scope. A local enquiry instituted on the basis of a complaint or a reasonable suspicion would have to deal with one particular point, but, under the fourth suggestion, the purpose of the inspection would be to ascertain how the Convention was being applied generally, and the Commission of Investigation would have to be given a field of action co-extensive with the limits of the Convention itself.

He had confined himself to describing the four proposals submitted. While he felt that, on the other points, he had discerned certain main trends of opinion, and mentioned these in his report, on this particular question opinions differed, and he could not at first sight single out any proposal which would be supported unanimously.

M. POLITIS (Greece) asked for an explanation. The Rapporteur had submitted four solutions in ascending order. It might seem at first sight that they were alternative solutions. Could they not be regarded as cumulative? For instance, could the system of periodical investigations not be supplemented by that of exceptional enquiries when a complaint was lodged or reasonable suspicion arose?

M. BOURQUIN (Belgium), Rapporteur, thought that the first suggestion could not possibly be reconciled with the others as, according to it, an investigation could only be held with the consent of the country concerned, and that ruled out the other solutions. He believed, on the other hand, that there was no incompatibility between the suggestion to hold investigations in the case of a complaint or reasonable suspicion and the proposal to have regular periodical and automatic investigations. Regular inspections would mean that they were held at specific times, but it was not said that at a given moment, when no provision was made for inspection, an incident might not arise which would justify a complaint or a suspicion of a breach and would therefore lead to an investigation.

M. MORESCO (Netherlands) thought it would be advisable for the delegation responsible for the suggestion in paragraph 32 (regular and periodical investigations) to give additional explanations of the system and of the motives underlying its suggestion. It appeared that the problem would not have been examined under all its aspects if this method also had not been suggested. As the Rapporteur had said, it did not exclude the use of the two other systems (the cases of a complaint and reasonable suspicion).

The chief advantage of regular and periodical supervision would be to convince the nations of the sincerity and efficacy with which the Convention was applied. There were objections to the proposal, particularly that mentioned by the Rapporteur—namely, that an investigation of that kind might assume excessive proportions. But a solution could undoubtedly be found. There were, nevertheless, other advantages, secondary perhaps, but still weighty. In the first place, the normal character of the inspections would remove from them the irritation caused by local investigations; there was, secondly, the practical advantage that a definite procedure would from the outset be established for carrying out the local investigations. If a complaint were lodged at a moment of tension and the procedure had to be improvised, many difficulties would arise and the country concerned might take refuge behind formal objections. If, on the other hand, regular local investigations had been conducted for some years past and a system had thus been established and accepted, loss of time would be avoided; this would meet Mr. Wilson's wish.

Undoubtedly, regular investigations would be attended by practical difficulties, but there would be time to find practical, simple and inexpensive solutions. Such investigations would make it possible to judge whether the documentation provided for in the Convention achieved its purpose—that was to say, allowed of effective supervision. A measure of uniformity would be achieved in the methods of compiling the statistics, for, at the beginning, different methods would clearly be employed. This had been particularly noticeable in the Technical Committee of the National Defence Expenditure Commission. Regular investigations would make it possible to unify these methods. Only in certain countries would regular local investigations be held annually. The choice of subjects would have to be limited, and possibly the Permanent Commission itself might decide on such limitation. These various points would be discussed later. For the time being the principle was all that need be considered. If the Bureau received it favourably, the Rapporteur or a Drafting Committee might prepare a formula defining its practical application.

General BURKHARDT-BUKACKI (Poland) thought that the powers of the Permanent Disarmament Commission, as outlined in the draft Convention, were too narrow and that they should be considerably extended. On this point, M. Bourquin's report contained certain

interesting suggestions which would make good certain deficiencies in the draft and could be unanimously accepted by the members of the Bureau.

Among the suggestions made, the Polish delegation noted in particular that referring to regular and periodical investigations. Local investigation should be the central point in the supervision of armaments as limited by the Convention. His delegation would be sorry if no provision were made on this subject, as otherwise the powers of the Permanent Commission would be very restricted and less effective than they might be. If the Permanent Commission were merely to use information supplied by Governments or obtained more or less fortuitously under the circumstances specified in Articles 47 and 49 of the draft, it would be unable to secure the faithful and loyal execution of the Convention. The Commission would be extremely embarrassed in examining controversial cases if it had merely to accept the statements and rejoinders of the Governments concerned and could not obtain information on the spot. It should be in a position to go to the fountain-head and obtain information in entirely objective circumstances.

After studying the four solutions proposed, the Polish delegation was in favour of the last, that which went furthest, in making investigation the normal wheel in the machinery of supervision. On the point whether such regular investigation should cover the whole or part of the execution of the Convention, it would be better to give the Permanent Commission itself considerable latitude. Knowing the position on the basis of the reports, the Commission could specify the points calling for regular supervision. This system, naturally, would be supplemented by local investigations held as a result of a complaint or because there was reasonable suspicion of a breach.

M. MASSIGLI (France) felt that, after the Rapporteur's explanations, there could be no doubt that local investigation was the crux of the problem of supervision. The French delegation had already pronounced in favour of local investigation. Since, during the discussions in the Preparatory Commission, it became evident that no agreement could be reached as regards measures which went very far in the direction of disarmament, it had been admitted that it was possible to adapt supervision to the material to be supervised and consequently to have recourse only to general supervision. The idea of supervision on the basis of documentary evidence had therefore taken the place of local investigation. Since then, the qualitative reduction of armaments having been contemplated, the situation had been reversed; the question of supervision on the spot had regained its importance and the Conference had included this principle in its resolution of July 23rd.

How could this supervision be applied? The explanation was given in M. Bourquin's report which offered a choice between two easily reconcilable positions. It was desirable, however, to discuss in the first place a previous suggestion whereby local investigation could only be undertaken with the consent of the country concerned. He was gratified to note the deference which this proposal showed for the principle of national sovereignty, but he did not believe that logically a country could be asked to permit supervision, as it would make arrangements so that, when the Commission arrived, everything had been put in order. It must be borne in mind that, when they agreed to a drastic limitation of their right to arm, nations would also have to accept other limitations of their sovereignty and allow commissions of enquiry to carry out the necessary investigations on the spot.

There remained, therefore, two cases to be distinguished: (1) the case of an exceptional investigation, (2) the case of a periodical—say annual—investigation as suggested by the Netherlands delegation. There were two proposals regarding the exceptional investigation: an investigation opened on the ground of a complaint lodged by a Government and an investigation decided upon by an ordinary vote of the Commission, in accordance with the Soviet proposal. These two formulæ, as a matter of fact, were similar, but M. Massigli would support rather that of the Soviet Government. If it were necessary to make a complaint in order to justify an investigation, what would be the actual position? On this point, paragraph 30 of the report should be read in conjunction with paragraph 33. Would the investigation be opened immediately a complaint was lodged? Clearly not. It would first be necessary to make sure that the indications given were substantiated; the investigation would then be finally decided upon by the Commission on a majority vote.

There was only one difference between the two suggestions: when a complaint was lodged, there would be two opposing States, in other words a political dispute would be created. Under the second proposal, there would be no conflict between two countries between whom stood a commission. The suspect State would be faced with the Commission which considered it necessary to clear up a point and went to the spot to do so. That was why he preferred the second solution; it deprived supervision of any political character and would have the advantage of causing less excitement in the country where the supervision was carried out.

The idea of supervision based on a complaint originated from the uncertainty which still existed as to the composition of the future Disarmament Commission. If the latter consisted of independent individuals, it was clear why a complaint would be necessary, but if it were composed of Government representatives, each of whom brought his own documentation, the whole aspect of the question changed. The source of the request for investigation certainly would be known, but it would seem much more natural, and that was another reason why he would prefer the Commission to be composed of Government delegates. The distinction between the two proposals was very slight, and it would certainly be possible to reach agreement on them.

Periodical investigation had great advantages. There might be apparently insignificant facts which might not appear to justify sending a commission of enquiry, but which, by their

recurrence, tended to give rise to a breach of the Convention. If such facts could be established only by an exceptional enquiry, there would be some reluctance in undertaking it. If, on the contrary, it were agreed that a commission could periodically hold a general investigation, it would be easier to rectify the omissions, which, by their recurrence or multiplication, might lead to a dangerous *de facto* situation.

The principle of periodical investigation was a new one, an idea to which several Governments were not yet accustomed, but M. Massigli wondered whether it might not be possible in this matter also to have a graduated system of obligations. Alongside the obligations applying to all Powers, there would be regional obligations, the result of conventions which were also regional, under which States would accept in their relations with one another the principle of a periodical investigation every year or every two years.

It would also have to be decided whether the investigation should cover the whole system of obligations or whether the Disarmament Commission would be required each year to state the point with which the investigation would deal. As M. Politis had pointed out, there was no real incompatibility between the principle of regular and that of special investigation. The latter would clearly always be necessary, but he thought it was both desirable and possible to organise a system of periodical investigation also, at least for any States which might accept closer obligations towards one another.

Mr. EDEN (United Kingdom) wished to explain his Government's attitude to this specially important section of the report.

His Government took the view that, if an itinerant permanent commission were given unlimited rights of investigation in the different countries, difficulties and possibly even dangers might ensue. It would therefore be unwise to support this proposal, for the following reasons. Much of the work of an itinerant commission of enquiry of this kind would be superfluous and cause unnecessary friction. It would mean a loss of time and consequently of money. Delegates who had attended the proceedings of the Fourth Committee of the Assembly would probably not be anxious to encourage the League to adopt such a method.

An alternative proposal which had been made was that supervision would operate automatically when a complaint was lodged with the Disarmament Commission. The drawback of such a procedure was that it might encourage the lodging of complaints which were insufficiently justified, but precautions could be taken against such abuses. The United Kingdom Government would prefer this method to that of periodical and regular investigation.

Although it was hardly the moment for making proposals, Mr. Eden could say that his Government's idea was that an authorised body should have the right to decide whether or no it was necessary to open an investigation on the complaint lodged. An opinion could hardly be expressed on this point so long as the composition of the Disarmament Commission was unknown. If it consisted of independent individuals, the United Kingdom Government thought that in that case there would have to be an appeal to a higher authority consisting of Government representatives. This point would have to be decided when the composition of the Commission itself was under consideration.

The CHAIRMAN inferred from certain of the statements that this portion of the report needed closer examination and suggested adjourning the matter until the next meeting. Meanwhile, members of the Bureau would have time to discuss with one another and with the Rapporteur the difficulties mentioned.

The continuation of the discussion was adjourned to the next meeting.

TWENTY-SECOND MEETING (PUBLIC)

Held on Monday, November 7th, 1932, at 3.30 p.m.

Chairman : Mr. HENDERSON.

26. QUESTION OF SUPERVISION : REPORT BY M. BOURQUIN (BELGIUM) (continuation).

Means of Supervision (continuation).

M. KUNZI-JIZERSKY (Czechoslovakia) observed that the last meeting had been devoted to a study of the possibilities of direct investigation and an attempt to determine the most suitable form of enquiry. As a former member of the Permanent Consultative Commission appointed by the Council, eight years previously, to establish the procedure for military investigation, he was conversant with all the difficulties that had had to be surmounted then. The procedure finally drawn up formed the basis of the Council resolution of October 1926. If he were not mistaken, that procedure of investigation had been resorted to in one case only, a very difficult case it was true, and on that occasion it had been obvious that political

factors played a preponderating part in the question. The Bureau should be guided by that experience, for its task was very similar to that of the Consultative Commission. He was in favour, therefore, of commissions of enquiry paying regular visits to the territory of all the contracting States in turn and as part of their normal duties; that would solve the question of the absolute equality of the contracting States and would make it possible for the League to ascertain the actual state of armaments and the spirit prevailing among the population. Should a State possess information entitling it to say that any other contracting party was not complying with its obligations under the Convention, it would be able, through the competent organs of the League and with due discretion, to direct the attention of the Commission of Supervision which, on the occasion of its periodical visit, could ascertain, while obviating any friction or avoiding exciting one State against another, whether, and, if so, to what extent, the information in the possession of the applicant State was in accordance with the facts. Judging by past experience, he was very much afraid that, unless there was a system of regular periodical investigation in all States, any enquiry decided upon in isolated cases would always be of a highly political character, would irritate the nation concerned and its allies, and might thus cause international relations to become strained.

In that connection, it was essential also to clear up the question of the right of any Member of the Council and of the Government of any State Member of the League to apply to the Council to exercise the rights of investigation conferred upon it by the Treaties of Peace. Provision had already been made for a local enquiry in the case of a complaint and that enquiry could take place even without the consent of the defendant State. M. Kunzl-Jizersky considered that, in view of the principle that all Members of the League enjoyed equal rights, these various possibilities should be extended further.

He declared himself in favour then of regular supervision, to be carried out periodically in the territory of all the contracting States. Should peace be threatened, special local investigations would also be carried out at the request of the State concerned.

M. SANDLER (Sweden) desired first to stress the importance attached by the Swedish delegation to the proposal in paragraph 32 of M. Bourquin's report that commissions of enquiry should be entitled to visit the territory of all the contracting States in turn and as part of their normal duties. Without reverting to the reasons adduced in the course of the discussion in favour of that proposal, he would simply point out that the adoption by the Conference of provisions such as the one to which he referred would help to confer on the system of supervision a very high degree of efficacy and would to a large extent deprive it of any vexatious character.

As he understood the proposal, the local investigations would be carried out in each country in turn—that was to say, the Permanent Commission would be bound to carry out its investigations in every country once within a given period to be decided—every two or three years, for example. On the other hand, it would be a mistake, he thought, to contemplate investigations to be carried out according to a pre-established plan and in an order known and published in advance, as the measures of supervision would thereby lose much of their efficacy.

Again, everyone seemed to be agreed that the system of permanent regular supervision should, when necessary, be supplemented by *ad hoc* supervision in special cases. The question then arose as to the conditions under which special supervision should be allowed. Must there be a formal complaint before the investigation could be carried out or would a spontaneous decision of the Permanent Commission suffice? The case of complaints should, in M. Sandler's opinion, be provided for in the future Convention. Apart, however, from any formal complaint, the Permanent Commission should, he thought, have the right itself to order local investigations, *proprio motu*. The Soviet delegation, in its proposal, had made the right to institute local investigations contingent on there being a reasonable supposition that there had been an infringement of the Convention. M. Sandler very much doubted the expediency of inserting such a restriction in the Convention. It would have the disadvantage of conferring on the measures of supervision a character which would render them much more difficult to carry out. The fact that the right to institute local enquiries was made subject to the conditions suggested by the Soviet delegation would be tantamount to announcing in advance, to the world in general, that this or that State was the object of suspicions deemed by the Permanent Commission to be well founded, a situation which, in M. Sandler's view, would stress the gravity of the measures of enquiry contemplated.

If, on the other hand, the Permanent Commission were left, without being bound by explicit stipulations, to institute local enquiries as might be necessary, those enquiries could be carried out much more easily and in a less sensational manner. The framing of rules for the exercise of the right of supervision would be sufficient safeguard against possible abuses. Any decision, more particularly in regard to the exercise of that right, would be contingent on an adequate majority vote by the Permanent Commission. M. Sandler laid special emphasis on the importance of making the rules for supervision really effective and added, with reference to an observation submitted some days previously by Mr. Wilson, that the idea of efficacy necessarily implied that of rapidity.

M. SATO (Japan) was among those who were anxious for a practical and equitable system of supervision to be applied generally in all the countries signatories to the future Convention. The Permanent Disarmament Commission was of course the body pre-eminently fitted to exercise such supervision. As regards local investigations, he could not express an opinion

until all the relevant details, such as the extent of the investigations, the means to be employed, etc., had been fully decided. He desired, however, to take advantage of the opportunity, in order to give his opinion briefly on the question of local investigations.

The proposed Convention being of a general character, it had seemed essential to emphasise the necessity for the general application of the system of supervision designed to ensure the proper execution of the Convention. He could not question the efficacy or the possibility of the world application of such a system of supervision.

In his statement concerning the French plan, M. Paul-Boncour had pointed out the necessity for adapting this or that international regime to the requirements of this or that part of the world. M. Sato thought that the position was the same as regards local enquiries, since, if it were to be practicable and equitable, such a system of supervision must take into account the requirements and circumstances of the region to which it was applied. It seemed superfluous to say that different portions of the globe, such as Asia and Europe, were situated in very different circumstances and faced by very different requirements.

It might perhaps be objected that there could never be a system admitting of universal application, since the same requirements and the same conditions were not found all over the world. M. Sato would reply that this was possible; that the provisions of the draft Convention represented a practical and equitable system of supervision of general application and that there should be added to those provisions others which were their natural corollary.

He added that the Japanese delegation would reserve its opinion with regard to local investigations until all the relevant details had been decided.

Mr. WILSON (United States of America) agreed with M. Bourquin that it was the view of the majority of the delegates that the outcome of all the discussions on supervision would depend on the type of supervision adopted. M. Bourquin had been at great pains to reassure the delegates, and Mr. Wilson thought that it was possible to be perfectly frank regarding the forms of supervision proposed in the report.

Periodical supervision had met with some favour among a large number of countries which felt that it offered advantages as regards both themselves and their neighbours. Mr. Wilson did not think that what they had in mind was a measure of absolutely universal application since, in view of the geographical remoteness of certain countries, supervision carried out in their territory would not be of any great value and would, moreover, be very expensive. On those grounds, it would not be justified.

Paragraph 29 (a) of the report provided that local investigations would only be possible at the request, or at the very least, with the consent of the country whose conduct was called in question and on whose territory the enquiry would be conducted. That provision obviously did not go far enough to allay the apprehensions of States represented at the Conference. One solution would be for the investigations to be carried out at the instance of a particular State, or on the Commission's initiative and responsibility. He admitted that, before the discussion, he had been entirely in favour of the system of complaints, but that first impression had been somewhat shaken after the explanations given by the various delegations, particularly the French and Polish. The advantages of the system consisted mainly in the fact that, before any request for an enquiry could be agreed to, it must be properly grounded. That would involve a series of formalities which would bring home to the applicant State the responsibility it was incurring, and would constitute a guarantee that the Commission would not have to deal with frivolous complaints; there was, however, the risk of creating between countries a feeling of hostility, which the Press would not be slow to foster.

The second system, whereby the Commission would itself have the power to decide whether an enquiry should be instituted, also offered advantages, but he wondered whether it would not involve the same procession of Press campaigns and hostility between the countries concerned. In his view, then, the complaint system offered the fullest guarantees. In any case, it would be necessary to contemplate some procedure preliminary to the opening of the enquiry, on the lines of the United States procedure under which the grand jury proceeded to a rapid examination of the cases and decided whether adequate reasons existed for an enquiry.

One point did not seem to have been studied as attentively as it should have been—namely, the position of the country against which the complaint had been lodged, the country in regard to which the Commission had decided to institute an enquiry. During the intermediate period, that country would be the object of all sorts of accusations both in the Press of the applicant State and in the Press all over the world. There was a saying "no smoke without fire", and some vestige of those charges, however false, would stick. It was essential then that a country whose conduct was called in question should have some means of protecting itself. Every State must have the right to ask for an investigation to be carried out in its territory, and such a request must be complied with immediately. He would go even further and say that, if any country thought that the Press of another country was carrying on a defamatory campaign against it and publishing facts calculated to lead to the belief that it was not complying with the clauses of the Convention, it must have the right to demand that a commission of enquiry be sent immediately to its territory, in order to establish its innocence.

M. BOURQUIN (Belgium), Rapporteur, said that, judging by the trend of the discussion, it seemed that agreement might now be possible in regard to supervision. Opinions had matured and drawn closer to one another—for instance, on the particularly thorny question of local investigations which seemed now to have been agreed to in principle, though various secondary details still had to be settled.

To expedite the discussion, he thought he could define a series of propositions on which agreement had been reached.

The composition of the Permanent Commission was one of the central points, and agreement appeared to have been reached in favour of a Commission consisting of Government delegates, on which all the contracting Powers would have one representative, but which would set up sub-committees to prepare its work. The plenary Commission would thus simply have to express an opinion on the reports submitted by its sub-committees.

The Commission would have power to decide to institute local investigations. Its decisions would be taken by a qualified majority.

There had been two formulæ between which to choose. Was an enquiry to be instituted as the result of a complaint or on the Commission's own initiative? In point of fact, the two solutions were very similar, since, if the Commission consisted of Government delegates, the initiative for a local investigation would in any case have to be taken by an applicant Government. The complaint would simply add to the solemnity of the request for an enquiry. The Rapporteur would himself prefer to adopt the principle of a spontaneous decision of the Commission. He had the impression, however, that the complaint system was more in keeping with the views of certain delegations. He accordingly suggested the following text:

“ If a complaint is lodged, local investigations may be decided upon by the Commission by a two-thirds majority. ”

He would further add, as Mr. Wilson had proposed, a provision recognising the right of any contracting State to ask for an enquiry in its territory in order to dissipate an atmosphere of suspicion. In the last-named case, no majority would be necessary. It would simply represent the exercise of a right belonging to the Member States, and the Commission would be bound to comply with such a request. To the text which he had just proposed, he would therefore suggest adding:

“ Local investigations shall be organised by the Commission, if the State in whose territory they are to be carried out so requests. ”

Those texts, it was understood, would be universal and would be incorporated in the Disarmament Convention, due account being taken of M. Sato's reservation.

Consideration would also be given, as M. Paul-Boncour had suggested, to the possibility of establishing additional conventions which would enable the original Convention to be supplemented by regional pacts open to all States and providing for local investigations to be carried out periodically and automatically, as part of a normal procedure, in accordance with the formula proposed by the Netherlands delegation.

M. MORESCO (Netherlands) thought that, in submitting proposals to the General Commission on this subject, the Bureau should avoid linking up the idea of local investigations too closely with the idea of regional agreements; it was not yet possible to tell exactly what part such agreements would play in the general system.

The principle had been accepted of periodical enquiries for States which would have agreed to such enquiries beforehand. The Convention would contain a clause similar to Article 36 of the Statute of the Permanent Court of International Justice, which provided that a State might recognise the jurisdiction of the Court in advance for certain specific disputes. That provision would not preclude the possibility of regional agreements whereby the States would agree to submit to periodical enquiries.

M. MASSIGLI (France) was gratified to note that the Bureau was nearing agreement. Naturally, the delegates were not required to commit themselves definitely, and reserved the right to revert to any particular point.

As regards periodical supervision, he thought that the same result could be achieved by one or other of the two formulæ proposed by M. Bourquin or M. Moresco. Nevertheless, whatever might be the advantages of the system of complaints, thanks to the guarantees it offered, he thought it would be inconvenient to lay down the principle that the procedure of local investigation could only be instituted as a result of a complaint. Under the Convention, the Commission must be left free to decide on an investigation on its own initiative, in order to make sure that all the signatories were equally interested in the observance of the Convention. While any Government which felt itself menaced must be entitled to set the procedure in motion, the Commission itself, as the guardian of the Convention, must be allowed, on its own responsibility, to instigate local investigations. He proposed then that M. Bourquin's text be modified as follows:

“ . . . if a complaint is lodged by a Government or if the Commission considers it necessary. ”

M. Massigli thought further that the two-thirds majority suggested for invalidity of decisions represented a maximum. The proposed general Convention would bind a large number of States; all the Governments would be represented on the Permanent Commission, but it was probable that only a small number would be regularly represented at the meetings. It would therefore be seriously inconvenient to require that decisions should be passed by a large majority. The abstentions might paralyse all action. He proposed accordingly the following text:

“ Decisions shall be taken by a two-thirds majority of those present. ”

Mr. EDEN (United Kingdom) appreciated the Rapporteur's efforts to meet the views of the United Kingdom delegation. The original proposal had been that the Disarmament Commission should consist of independent experts. That was what the Preparatory Commission had had in mind. It would have been difficult for the United Kingdom Government to agree to the proposal that the decision regarding the opening of investigations should be left to the experts, as it considered that a Government should take the responsibility of requesting an investigation. As the Commission was to consist of Government delegates, the position was considerably altered, but he could not say what would now be the attitude of his Government and could not make any statement until he had consulted it. The question of the majority required to enable the Commission to take a valid decision depended upon the procedure agreed upon in this respect.

He was still in favour of the principle of a complaint being lodged by one or more Governments, although he recognised that this procedure might give rise to Press hostility, etc., in the countries involved. Any complaint, whether official or unofficial, would always bring the same difficulties in its train, and he did not think, therefore, that this was a sufficient objection. He emphasised the necessity for guarding against complaints on insufficient grounds and against the consequences of a clash of personalities on the Commission. For that reason, he thought it preferable for the complaint to emanate from the Governments themselves.

He had no objection to the suggestion that certain States should be permitted to agree among themselves to organise a periodical investigation in their territories. Full freedom should be allowed in this matter. Similarly, he thought that the proposal to allow, as Mr. Wilson had requested, a State to ask for an investigation in its territory, in order to dispel a certain atmosphere of suspicion, was a necessary safeguard.

M. PILOTTI (Italy) thought that the composition of the Commission, as contemplated in the Rapporteur's last proposal, was calculated to allay any misgivings felt by States and made the question of the complaint much less important, since it was now proposed that the Commission should consist of Government representatives.

He did not agree with M. Massigli as to the majority required for a valid decision. The two-thirds proportion which M. Massigli regarded as a maximum, was, he thought, liable to considerable variation according to the angle from which the matter was approached. If, as in the Preparatory Commission's draft, a quorum of two-thirds of the members was required to enable the Commission to transact business, the majority would be progressively reduced. Everything depended upon the rules laid down for the transaction of business. The qualified majority was a mathematical function of the number of members constituting a quorum. He would therefore reserve his Government's opinion on this point.

On the other hand, he approved the suggestion that a State might invite an enquiry. Neither had he any difficulty in accepting the suggestion that, by a special convention, certain States should agree to a periodical investigation in their territories, although he doubted the advisability of including in the general structure of the Convention a provision whereby certain States would undertake an obligation, from which other States, the number of which could not yet be determined, would be free. The system of periodical supervision was of no value unless it was general and in that case the difficulties already mentioned would arise; if the idea were simply to have an agreement between certain States, of what use would it be and what weight would it have, particularly in the eyes of public opinion?

It was true that M. Bourquin had endeavoured to obviate this difficulty by providing for another convention to be concluded between certain States. These States might conceivably accept this more severe system of supervision, but, if the whole system were adopted in the form described by the Netherlands delegate, he could not help asking what would be the use of this additional obligation.

M. BOURQUIN (Belgium), Rapporteur, thanked the members of the Bureau for the way in which they had received his proposals. He thought there was now a sufficient measure of agreement to enable him to sum up the position. On the first proposal—namely, that relating to the composition of the Commission—the members were agreed. As regards the second proposal, supplemented by Mr. Wilson's suggestion that any State should have the right to ask for an enquiry in its territory, no objection had been raised.

With reference to the third proposal, agreement also appeared to have been reached, apart from Mr. Eden's reservation, which he hoped would be withdrawn. A supplementary convention or a special provision in the general Convention, similar to Article 36 of the Statute of the Permanent Court of International Justice, would make it possible for certain States to accept a periodical investigation. In this connection, two suggestions had been made; that of M. Moresco to the effect that this possibility might be expressly provided for in the Convention, and another that it should take the form of a separate provision. He thought that no decision should be taken at the moment, as this might be premature. When there was a clear idea of the general structure of the Convention, and if the principle of superimposed conventions was accepted, such a provision could, of course, be inserted in one of those conventions. If, on the other hand, it were decided to adhere to the principle of a single convention, it would then doubtless be possible to adopt M. Moresco's suggestion, but the time had not yet come to take a decision on that point.

The fourth proposal was that the Committee might decide by a qualified majority to open an investigation on the spot, either on a complaint being lodged by a Government or

on the initiative of the Commission itself. If the question were analysed, it would be found that all delegates agreed that the Commission had the right in certain circumstances to decide to open local investigations in a certain country. It still had to be decided whether those investigations should be based solely on a complaint.

Moreover, what was to be the qualified majority by which a decision to carry out investigations could be taken? Was this to be two-thirds of the members or two-thirds of those present? He would like to have time to think over this question. He thought, however, that, at the present juncture, the fact that agreement had been reached on the principle that the Commission, by a qualified majority still to be determined, would be competent to organise local investigations should be placed on record. When the question was re-examined, it would be seen whether the word "complaint" should be retained or whether it should be replaced by the term "at the request of".

In view of the progress that had been made in regard to these various fundamental proposals, he had no doubt that agreement would also be reached on the secondary provisions, if the delegates were given a few days to think the matter over.

The CHAIRMAN thought that, as sufficient agreement in principle had now been reached in regard to the four proposals submitted by the Rapporteur, M. Bourquin might proceed with the preparation of his draft which would again be submitted to the Bureau later.

M. BOURQUIN (Belgium), Rapporteur, added that the Bureau would be called upon to take a decision on certain less important points. Among the means of supervision mentioned was workers' supervision referred to in paragraph 35 of his report, the organisation of which in certain factories was provided for in the Soviet draft. Moreover, in paragraph 36, mention was made of the addition to the draft Convention suggested by Count Carton de Wiart, to the effect that all contracting States should undertake to refrain from inflicting penalties upon persons disclosing infringements of the Convention.

The decision taken by the Bureau as regards the composition of the Commission solved the problem as a whole, but there still remained one or two points of detail, in particular the question of incompatibility, which he thought could easily be settled, now that it was proposed that the Commission should be composed of Government delegates. Another less important question was that of experts and substitutes.

M. STEIN (Union of Soviet Socialist Republics) explained the proposal for workers' supervision mentioned by M. Bourquin in paragraph 35 of his report. In 1928, the Soviet delegation had, in its draft Disarmament Convention, made certain proposals concerning labour control over the observance of the Convention, as it was convinced that this was the most effective and reliable form of control. These proposals should be regarded as a proof of the interest taken by the Union of Soviet Socialist Republics in control. The supervision exercised by the workers in certain factories, as laid down in Article 44 of the Soviet draft, would afford an assurance that there were no secret arms concealed from public knowledge. No one could be better informed than the workers employed in the factories and no one had greater interest than they in preventing another war.

M. SANDLER (Sweden) noted that the main idea underlying the Soviet draft was to obtain the collaboration of the workers, of their organisations, in order to ensure the strict application of the Convention. He thought also that collaboration on the part of the workers should be organised on a voluntary basis. It was desirable to discover the best means of utilising public opinion for the purpose of strengthening control. The workers played an important part in the formation of public opinion, and he thought that this matter should be considered again when paragraph 47 of the report was discussed.

M. BOURQUIN (Belgium), Rapporteur, agreed with M. Sandler's suggestion. During the conversations which he had had with the various delegations before drawing up his report, he had acquired the impression that the idea of workers' supervision should not be rejected, but that certain difficulties would be involved. It was not easy to express that idea in an organic formula which would work well in practice. It would be possible to adopt the formula in the Soviet proposal and to contemplate the organisation of workers' supervision by the workers' factory committees or by other organs of the trade unions, but it would be necessary for these workers' committees to exist, to be organised, officially recognised and to have some official status. The international obstacles which had already been encountered in attempting to obtain the collaboration of labour organisations in the administration of the International Labour Office would probably be encountered here too. The appointment of employers' and workers' delegates had given rise to insurmountable difficulties, because trade unions differed in the different countries. In order to find a formula capable of international application, it had been necessary to have recourse to Part XIII of the Treaty of Versailles and to provide that delegates should be appointed by Governments in agreement with their labour organisations. The same difficulties would arise in regard to the organisation of a specifically labour control. Nevertheless, the idea of utilising this control on behalf of disarmament had received the attention of certain delegates, and some general idea of the means of doing so should be evolved. He would point out in this connection that the Convention already contained an appropriate provision. It had been laid down that the Commission could examine information

received, not only from Governments, but from any other source. This provision would to some extent meet the wishes of the Soviet delegation.

M. Sandler's suggestion might also be helpful, but it must not be forgotten that the solution must be sought as it were on a side track, since, as he had just pointed out, the main road was blocked.

M. STEIN (Union of Soviet Socialist Republics) pointed out that, in the case with which the Bureau was dealing, it was not called upon to decide details but to agree upon a question of principle. The Soviet delegation had proposed that supervision should be exercised by the workers who were in a position to obtain first-hand knowledge, because such supervision would be exceptionally effective. It would not be difficult in his opinion to pronounce upon the principle, leaving the details of application on one side.

M. PEDROSO (Spain) said that it would be illogical for him not to support the Soviet proposal, since workers' supervision had originally been advocated by M. de Madariaga in the Committee on the Private Manufacture of Arms. It was chiefly from the point of view of the private manufacture of arms that workers' supervision was essential.

MR. EDEN (United Kingdom) desired to know what was the principle under discussion. What were the Governments asked to do? It had been suggested that workers' supervision should be organised. For the most part, the delegates represented the Governments of countries where labour was already organised. There would be no doubt that, if the trade unions objected to the manufacture of certain articles, their voice would soon be heard. Did the question apply solely to countries where labour was not organised? Was it suggested that Governments should discuss the establishment of organisations such as those proposed by the Soviet delegation in countries where they did not yet exist? This point must be cleared up before any decision could be reached. In the United Kingdom, the workers' organisations mentioned were already in existence and he wondered what more could be done by the United Kingdom Government in this matter.

M. MASSIGLI (France) said that, while he did not wish to discard the suggestion out of hand, he would like to stress the difficulties involved. The Bureau was discussing international supervision. The Soviet proposal, however, referred to national supervision. Moreover, he wondered whether workers' organisations in all countries would be free to exercise, even in defiance of their own Governments, the proposed supervision.

The Soviet proposal referred in particular to the factories for the manufacture of arms and the chemical factories. Those were special aspects of the problem of supervision. As provided in paragraph 38 of M. Bourquin's report, there was no doubt that the Convention would contain a provision referring to the supervision of chemical weapons and the manufacture of arms. It was, however, the duty of the organs dealing with these problems to study the question. The Bureau, therefore, might request the competent Committees to prepare a report on the particular aspects of supervision in so far as it is related to the questions with which they dealt.

In any event, M. Massigli thought it impossible at the moment to reach a conclusion upon the principle embodied in the Soviet proposal.

The CHAIRMAN thought that a misunderstanding had arisen regarding the meaning of the word "supervision". The Bureau had decided in principle that the Commission should consist of Government representatives. Was another form of supervision contemplated? Personally he did not see how two forms of supervision could exist side by side. That would not preclude a provision that labour organisations should have free access to the Governments and that a complaint made by them could be submitted to the Commission. This right should be inserted in the Convention. By exercising it, labour organisations would be playing their part in the work of supervision. For instance, it might be laid down that organised workers or their representatives could appeal to the Commission if they had knowledge of any breach of the Convention.

M. BOURQUIN (Belgium), Rapporteur, wished to add that Count Carton de Wiart's proposal, which was designed to guard against the infliction of penalties on persons disclosing infringements of the Convention, had the same object in view and would give rise to no difficulties in practice. It had already been approved by many Governments.

He also drew M. Massigli's attention to the special forms of procedure for supervision referred to in paragraph 38 of his report for the purpose of ensuring the observance of the Convention in certain respects, particularly in the matter of the manufacture of arms. If the competent committees considered it expedient to introduce any practicable methods of technical supervision, the door was not closed to their suggestions by the provisional decision taken by the Bureau. The latter would also request the special committees to give careful attention to these special methods of supervision.

M. PILOTTI (Italy) felt obliged to make a reservation in this connection. It was true that the special committees could examine the most appropriate procedure for supervision in connection with their technical specialities, but they had met with two difficulties relating to certain more general questions which they could not settle themselves and which would have to be settled by the Bureau and the General Commission. There was, for example, the question of stocks. In regard to these matters, special committees could only make suggestions for certain means of action.

M. BOURQUIN (Belgium), Rapporteur, said that there were still a number of minor points to be examined before the Bureau could be said to have completed its discussion of the question of supervision. He proposed that these various points should be studied at the beginning of the next meeting—in particular the question of incompatibility and that of experts and substitutes.

The CHAIRMAN was happy to note the great progress made in regard to the question of supervision as a result of the discussion of the report. Certain conclusions had emerged from this discussion, which the Rapporteur would again submit to the Bureau before they were transmitted to the General Commission.

The continuation of the discussion was adjourned to the next meeting.

TWENTY-THIRD MEETING (PUBLIC)

Held on Tuesday, November 8th, 1932, at 3.30 p.m.

Chairman : Mr. HENDERSON.

27. QUESTION OF SUPERVISION : REPORT BY M. BOURQUIN (BELGIUM) (continuation).

Composition of the Permanent Disarmament Commission.

M. BOURQUIN (Belgium), Rapporteur, pointed out that, in addition to the questions of incompatibility (paragraphs 54 to 57 of the report; document Conf.D.140), experts and substitutes (paragraphs 58 to 60) and internal organisation, the Bureau had to deal with paragraph 47, concerning a proposal for a small Committee consisting of independent persons. In the course of conversations with various delegations, the Rapporteur had noted that the proposal, originally submitted by several of them, was fairly sympathetically received. The proposal was not incompatible with the decision adopted by the Bureau on the previous day that the Permanent Commission should consist of Government delegates,¹ since the suggestion now was to set up, side by side with the Permanent Commission, a Committee entirely independent of Governments. The small Committee's powers would be quite distinct from those of the Permanent Commission. It would consist of from eight to ten persons and would have no part in the exercise of the powers entrusted to the Permanent Commission. The Permanent Commission's reports, it would be remembered, were to be addressed to the Council and to the signatory States. They would also be addressed to the small Committee which would be, to some extent, an organ of public opinion and whose duty it would be to direct the Permanent Commission's attention to any fact that might enlighten the latter in the exercise of its task. It would not therefore take part in the actual supervision.

If the principle of that small Committee were adopted, the Bureau would have to settle two questions : the number of its members, and the authority by whom they were to be appointed. As they would be independent persons, they could not be nominated by Governments. Various suggestions had been put forward : that the members should be designated by the Disarmament Conference itself, or by the League Council, or by the Governing Body of the International Labour Office, or by the two last-named bodies jointly. Both those questions, however, were of secondary importance, and the first point to be settled was the actual principle of the setting up of a small Committee on those lines.

Mr. WILSON (United States of America) observed that, in the Preparatory Commission, when the question of the Permanent Commission had been under consideration, it had first been agreed that the latter should consist of independent, impartial persons, remote from any suspicion of being subject to Government influence or of being moved by ambition to remain long in office. The Permanent Commission then was not to be composed of Government representatives. After more exhaustive examination, that suggestion had appeared to be impracticable, and a return had been made to the idea of official Government representatives. The original idea was now being taken up again in a different form. It was at first sight an attractive proposition, but the question arose as to whether anything would really be added to the value of the Permanent Commission by setting up a small Committee on the lines proposed, or whether, on the contrary, the result would not be to hamper the Permanent Commission in its work.

The Permanent Commission was to be entrusted with very grave duties. It would have to watch over the working and application of the future Convention, to prepare for revision,

¹ See page 48.

when necessary, and to deal with any complaints that might be lodged. In short, it would have in actual fact to decide at times between peace and war. The Bureau must therefore carefully weigh any decision it might take in the matter.

The work of the small Committee would have the same publicity as that of the Permanent Commission. While possessing an official status, the Committee would bear no responsibility. It would watch over the activities of the Permanent Commission and might submit criticisms and destroy the effect of any decisions taken by that body. Again, it had been said that the smaller Committee would afford a means of concentrating public opinion on the activities of the Permanent Commission. But would not the Permanent Commission itself also be in contact with the rest of the world? It was difficult indeed to see how the Committee would add to the effectiveness of the Convention, and the United States delegate was afraid that a decision to set up such a body would only mean adding a fifth wheel to the coach.

Mr. EDEN (United Kingdom) shared Mr. Wilson's doubts as to the desirability of the suggestion under discussion. The setting up of a further Committee seemed to him superfluous. If the object was to allow for the representation of public opinion, did not any Government elected by the people represent that people, so that a Committee, appointed by Governments, *ipso facto* expressed the opinion of the peoples? He would prefer to leave the question to the Permanent Commission to decide. If the machinery were to work satisfactorily, it could never be too simple. If the Permanent Commission thought it necessary to double itself in that way, it would certainly be wise enough to say so, but it would be better to avoid any duplication of machinery, unless that was manifestly necessary. Experience would no doubt show that it was safer to adhere to the method adopted on the previous day.

M. SANDLER (Sweden) thought that the suggestion in paragraph 47 of the report deserved special attention. It implied setting up an organ of public opinion. Without the constant organised support of public opinion in every country it would, in point of fact, be difficult to ensure the application of the Convention. He accordingly entirely supported the main idea put forward by the Rapporteur.

M. PEDROSO (Spain) also emphasised the importance of the suggestion in paragraph 47. That suggestion was in the nature of a compromise solution, based on the fact that several delegations had proposed supervision by the workers. In his opinion, the presence of a small Committee of that kind, side by side with the Permanent Commission, would make it possible to concentrate any useful information. Undoubtedly a large part of public opinion was concentrated in the activities of the workers' organisations.

M. MASSIGLI (France) appreciated the considerations underlying the suggestion referred to by the Rapporteur and supported by the last two speakers. Personally, he would like to know a little more clearly what was expected of the small Committee proposed, what its rôle would be and the extent to which it would be entitled to intervene in the work of the Permanent Commission. The reports and documentary material of the Permanent Commission would be communicated to it, but supposing, for instance, that a complaint had been lodged with the Permanent Commission and that the latter had closed the affair, would the smaller Committee have the right to demand that the case should be reopened? In other words, would that Committee constitute, as regards the Permanent Commission, a supervisory organ over and above the Governments which appointed the members of the Permanent Commission, or would it simply constitute a fresh source of information in the meaning of the provisions of Part VI of the draft Convention?

M. BOURQUIN (Belgium), Rapporteur, pointed out that the suggestion had not been submitted by the Rapporteur. As M. Pedroso had said, it represented something in the nature of a compromise between the suggestions made by some of the delegations he had consulted. Several of those delegations had clung to the idea of a Permanent Commission of independent persons and had been *a priori* entirely opposed to the idea of a Commission of Government delegates. That, moreover, had formerly been M. Bourquin's own attitude, and he had voted on those lines in the Preparatory Commission. After reflection, however, he had lately come to realise that it was impossible to pursue that course and that it would be necessary to enter unhesitatingly upon the course adopted by the Bureau on the previous day. In his conversations with the delegations, he had endeavoured to demonstrate the preponderating reasons in favour of a Commission of Government delegates, and in this way had arisen the possibility of setting up, side by side with the Permanent Commission consisting of Government experts, a small Committee of independent persons. That was really an additional measure, and was regarded as a compromise by those who were in favour of a Permanent Commission of independent persons.

The question raised by M. Massigli was very important from the standpoint of the attitude to be finally adopted by the Bureau. If the Rapporteur had rightly interpreted the views of those with whom he had spoken, the small Committee would simply constitute a source of information and nothing more. It would take no part in the exercise of the powers conferred on the Permanent Commission, nor would it supervise the latter's activities in the legal sense.

It would do no more than might be done by anyone, since any private individual would have the right to submit to the Permanent Commission a petition, which the latter might or might not take into consideration according to whether it judged it to be of a serious or frivolous character. The small Committee would have the advantage of concentrating to some extent the documentary material at the disposal of the Permanent Commission and of directing the latter's attention to facts which it thought should be noted. The Committee's work would, it must be assumed, be performed with all due conscientiousness. The setting up of such a body would thus constitute a guarantee as regards the working of the Permanent Commission, but legally the latter would not be required to attach greater importance to the information it received through the Committee than to that from other sources.

M. MOTTA (Switzerland), while recognising the interest and importance of the suggestion referred to by the Rapporteur, felt that he could not regard it as of really fundamental importance. Personally, if he found that there was a general movement in favour of the idea, he would have no difficulty in supporting it, but the discussion appeared to show that there was a quite definite divergence of views. He wondered then whether the best solution would not be for the Rapporteur simply to mention the question in his report. The General Commission would decide. He was afraid that it might be one of those questions on which it was not easy to arrive at unanimity in the Bureau, and it was essential in his view that, on all fundamental points, the whole Bureau should aim at mutual comprehension and conciliation.

He desired to submit a few comments of an objective nature. In the first place, the Rapporteur had said that the question of the composition of the small Committee and the number and choice of its members were still to be discussed, though he had not adopted any very definite attitude in this respect. The report, however, spoke of independent persons appointed either by the Conference or by the workers' and employers' groups of the Governing Body of the International Labour Office. M. Motta did not quite see how the Conference, which was not a permanent organisation, could appoint the members of the Committee. It might be possible to consider leaving it to the Permanent Commission itself, but the question would have to be discussed further. It was quite admissible that the two groups in question represented on the Governing Body of the International Labour Office should be authorised to appoint the members of the Committee. The point was not one of vital importance.

Secondly, as regards the composition of the Permanent Commission, M. Motta had at first been in favour of a Commission of independent persons, relatively few in number, to be appointed by the League Council. Reflection had subsequently led him to adopt the conclusions which had been decided upon by the Bureau the previous day, but he thought that it could hardly be maintained that there was not a certain measure of incompatibility between the two ideas. The Rapporteur had said that the suggestion regarding the setting up of a small Committee represented as it were the residue left over from the original idea. If the Committee were set up and constituted a source of information of a special kind, a means, in short, of filtering certain information, what would happen when a dispute arose between the small Committee and the Permanent Commission? Such a dispute would arise directly the small Committee raised a specific question with which the Permanent Commission decided not to proceed. Inevitably, the Committee would cast a kind of suspicion over the Permanent Commission. Was that desirable? M. Motta would not venture to answer that question. He simply wished to point out that, in his view, it was not one on which unanimity could be achieved in the Bureau. The latter should accordingly confine itself to mentioning it in the report and refer it to the General Commission.

M. PILOTTI (Italy) wished to submit an observation of a purely legal nature connected with the question with which M. Motta had dealt under its moral aspect, or, if that were preferred, from the angle of expediency.

From a legal standpoint, seeing that the Bureau had, on the previous day, adopted the system of a Commission of Government representatives, that system should be logically followed up, implying as it did a whole series of consequences. It entered the sphere of inter-State relations, since the body in question was one whose members would cause decisions to be taken by submitting requests as emanating from their Governments. Admitting for the time being that every delegate would be free to utilise this or that source of information, he wondered whether an entirely different notion could be admitted.

It had been possible to conceive of a Commission of a more or less judicial character, consisting of a small number of eminent persons appointed by the Council and acting, as it were, as a tribunal. If a Commission thus constituted were allowed to avail itself of the assistance of a special Committee consisting of workers and employers—that was to say, of representatives of industrial groups, there would be no departure from that system. If, on the other hand, a small Committee were set up side by side with a Commission of Government delegates, M. Pilotti wondered whether that would lead to satisfactory results. Inevitably, the bounds of inter-State discussions would thereby be overstepped, discussions which would, moreover, certainly be on a friendly footing, one delegate, for example, calling the attention of another to some particular point. M. Pilotti did not see what contribution representatives of industrial groups could make towards such a discussion.

The Rapporteur had explained that the draft Convention already provided that the Permanent Commission could utilise any authorised source of information. It would be well to define what was meant by that. The small Committee contemplated might of course constitute one of those authorised sources of information, but it would feel itself to be invested with

some measure of authority, and it seemed likely that rather than be of use to the Permanent Commission it might disturb the latter in the regular performance of its duties.

M. Motta had pointed out that it did not seem likely that unanimous agreement would be achieved on this proposal. M. Pilotti hoped that it would not be thought that he was opposing an idea to which certain delegations seemed to attach importance. He only urged that the matter should be duly weighed and that it should not be forgotten that a simple system based on one certain class of ideas was always preferable to a system compounded of the residue of other ideas.

M. BOURQUIN (Belgium), Rapporteur, supported M. Motta's proposal. He agreed with him that the question was not one of vital importance, and felt that it could be left in suspense for the time being, since that would not, of course, prevent the Bureau from working out the questions on which agreement had already been reached, so as to submit concrete proposals to the General Commission. He felt then that the Bureau should refrain from any decision on this question, which should simply be mentioned in the report. It was very probable that, after reflection, unanimity would ultimately be achieved.

There now remained to be examined only the question of experts and substitutes.

The question of incompatibility no longer arose, once it had been decided that the general framework should be that of a Commission of Government delegates. That problem then, if not definitely settled, was at all events to be referred to the General Commission together with the question of the small Committee.

M. SANDLER (Sweden), while reiterating the importance he attached to the setting up of a Committee which would be, as it were, an organ of public opinion serving to tighten up the application of the Convention and to concentrate the indispensable voluntary efforts in each country, supported the provisional solutions suggested by M. Motta and the Rapporteur.

M. BOURQUIN (Belgium), Rapporteur, observed that the draft provided that members of the Permanent Commission might be assisted by technical experts. The question had been raised whether it might not be expedient to form a "college" of experts which would remain, in that capacity, at the disposal of the Permanent Commission itself. The members would no longer be experts belonging to the different delegations, but a Committee of Experts of the Permanent Commission. Again, if the members of the Permanent Commission had the right to be assisted by technical experts, it seemed essential to provide that the latter could act as substitutes. The Permanent Commission would certainly have to split up into sub-committees, and each Government would have to be represented simultaneously on those various sub-committees. The system of substitutes would be the best solution in the circumstances.

M. PFLÜGL (Austria) said that, while it was true that the organisation of the Permanent Commission would depend largely on the nature and contents of the Convention itself, it was none the less true that the acceptance by the delegations of the institution of supervision would clearly depend to a large extent on the composition and internal organisation of the Permanent Commission. Consequently, the Austrian delegation, while supporting the decisions taken on the previous day, would reserve its final attitude until the discussions in the General Commission. While the composition of the Permanent Commission as already adopted was in the main perfectly acceptable, since all the contracting parties would be represented on that body, it was essential that all the States represented on the Permanent Commission should be able to take an equal part in the execution of supervision. From a technical standpoint there appeared to be difficulties, but those were more apparent than real. The Austrian delegation reserved the right to submit proposals during the discussion in the General Commission.

M. MASSIGLI (France) felt that the two questions raised by the Rapporteur lost much of their importance if the Permanent Commission were composed of Government representatives. It was for each delegation to decide whether it required the assistance of experts on any point. As regards the question whether there would be a "college" or simply a list of international experts, it would be better to leave the matter to the Permanent Commission to settle. If a more elastic formula than the existing one could be found for Article 42, and the Permanent Commission could be given greater latitude as regards its own procedure, so as to enable it to take such measures as might be necessary to ensure its satisfactory working, it would be unnecessary either in the Bureau or in the General Commission to decide technical questions which it would be very difficult to settle so long as it was not possible to have a general view of the future Convention.

M. DOVGALESKI (Union of Soviet Socialist Republics) said that the Rapporteur had been good enough on several occasions to refer to articles taken from the Soviet proposal put forward in 1928 and renewed at the Disarmament Conference. He would like to take the opportunity to pay a tribute to the masterly and impartial manner in which M. Bourquin had carried out the delicate and difficult task entrusted to him.

The Chairman, with the assent of the Rapporteur, had told the Bureau at its twenty-first meeting that the present discussion was merely a preliminary exchange of views, at the conclusion of which steps would be taken to prepare a new report, the object of which would

be to formulate conclusions. Those conclusions, after having been discussed by the Bureau, would be carefully sifted by a Drafting Committee, whose task it would be to draft the rules for the Permanent Supervisory Commission; those rules would then be discussed by the General Commission. The Soviet delegate thought he was right in suggesting that the stages through which the rules of the Permanent Commission would have to pass were not entirely completed by that procedure. As a result of the method adopted by the Bureau of discussing supervision before the matter to be supervised had taken shape, there would, even after these numerous stages had been covered, be work to do before the rules for the Permanent Commission could be finally completed. It might be anticipated that the Conference would certainly return to the chapter dealing with supervision in order to bring it into conformity with the reduction of armaments, after the method and extent of this reduction had been defined.

The delegations therefore had a very long and sometimes broken road to follow in their joint efforts to put the Permanent Commission on foot. It was largely for that reason that the Soviet delegation felt that it could safely reserve its opinion on the various proposals mentioned in the report or brought forward during the present discussion.

M. Dovgaleski would, however, take advantage of the goodwill of the Chairman and of the members of the Bureau in order to make a few general remarks.

The Soviet delegation's point of view as regards supervision was familiar enough to the Conference. Though, as the delegate of Italy had recently reminded the Bureau, it was true that opinions on the subject of supervision were at first divided, and that supervision had its supporters and its opponents, it was none the less true that the Soviet delegation had not at any time been among those opponents. On the contrary—and M. Bourquin had been good enough in his report to emphasise that point—the Soviet proposals as regards the form and organisation of supervision often went much further than those of the other delegations. The Soviet delegation had aimed at a reduction of armaments which should be as effective and extensive as possible—even at disarmament pure and simple—and had endeavoured to provide for the observance of the provisions adopted by as efficient and workable a system of supervision as could be devised. Such was the Soviet delegation's attitude from the beginning, and such it would always remain.

Having made this clear, M. Dovgaleski was inevitably led to put a question which, it would seem, should logically not arise—namely, should the means for ensuring the proper working of a system be discussed before or after the discussion of the system itself? It was and always had been the Soviet delegation's conviction that this question admitted of only one reply, and he had been pleased to observe, during the earlier meetings of the Bureau, that several delegates were of the same opinion. To do good work, it was necessary first to agree upon what it was desired to achieve, and then to consider how to provide the best means for attaining the end in view. Only a few days previously, the Bureau had noticed in similar circumstances the justifiable objection raised by the Rapporteur when one of its members had proposed to open his report by a discussion of the composition of the Permanent Commission and to proceed subsequently to an enquiry into its duties and powers. M. Bourquin's sturdy logic had won him on that occasion the assent of the members of the Bureau. But was not the position the same as regards the whole work of the Conference?

The Soviet delegation could, therefore, only regret that the Bureau had decided to proceed in the reverse order. It was said that when the first limited liability companies were formed, notices were often published asking well-disposed persons to become shareholders in a limited liability company, the objects of which would be subsequently revealed. Was there not some risk of the action of the Bureau resembling to some extent that of the simple-minded persons who had swallowed that bait?

However that might be, and while maintaining its point of view, the Soviet delegation had always been anxious not to hold up the Conference by adopting an uncompromising attitude. It was none the less true that it found it difficult, while taking part in the current exchange of views, to do so to good effect. Not only was it difficult for the Soviet delegation in the present circumstances to express a definite opinion upon the various paragraphs in the report, but the same was the case also as regards certain of the Soviet delegation's own proposals which, as in the case of M. Bourquin's report, had been taken separately and unsystematically. As M. Dovgaleski had had occasion to say on previous occasions, the Soviet proposals formed a harmonious and organic whole, the various parts of which were intimately connected. The powers and methods of supervision as conceived in the Soviet plan were only a natural and logical corollary of its views on the general problem of disarmament.

The Soviet delegation was influenced by an earnest desire for peace and by the unshakable conviction that the outlawry of war could only be achieved by complete disarmament, or at least by as considerable a reduction as possible of armed forces, and it had endeavoured to achieve this disarmament by as practical and effective a system of supervision as possible. But a system of supervision could not be considered *an und für sich*. The benefits of supervision did not reside in itself. On the contrary, a supervisory system might well become the cause of serious disputes, if it was not in harmony with the matter to be supervised. For those reasons, the Soviet delegation was compelled to adopt an attitude of reserve, and to avoid expressing a definite opinion on the various questions regarding the constitution of the Permanent Commission until the extent and the system of the reduction of armaments had been defined a little more clearly.

(At this stage, M. Politis took the Chair.)

M. BOURQUIN (Belgium), Rapporteur, agreed with M. Massigli that it was better to leave to the Permanent Commission the regulation of the question of the "college" of experts. In general, he was of opinion that it would be advisable to make the rules of the Commission as elastic as possible.

Internal Organisation.

The CHAIRMAN said that there still remained the question of the internal organisation of the Commission, but there did not appear to be any great advantage in discussing this matter. It was understood that, in the final report, M. Bourquin would retain this chapter of the present report and complete it in the light of recent discussions.

He observed that the Bureau had now completed the examination of M. Bourquin's report. In the name of all his colleagues, he wished to express his sincere thanks to M. Bourquin, whose unremitting search for clarity, combined with his zeal and conciliatory spirit, had undoubtedly enabled very great progress to be achieved.

28. PROHIBITION OF CHEMICAL WARFARE AND VIOLATIONS OF THE PROHIBITION T USED CHEMICAL, BACTERIOLOGICAL AND INCENDIARY WEAPONS: REPORT BY M. PILOTTI (ITALY).

M. PILOTTI (Italy), Rapporteur, proposed to comment very briefly on his report (document Conf.D.142), and to deal more particularly with its conclusions.

The report began by a historical sketch of the question. It was to some extent the result of the work of the Special Committee summoned in May to enquire into the question of what uses or methods of chemical and bacteriological warfare could be included in the definition of qualitative disarmament, already adopted in principle by the General Commission. The Special Committee had drawn up a definition of this nature, and its conclusions had been adopted by the General Commission in its resolution of July 23rd, 1932. On September 22nd, 1932, the Bureau had instructed M. Pilotti to submit to it a report on the action to be taken on the proposals of the Special Committee, and also on a point which that Committee had not considered—namely, what sanctions should be provided for any violation of the provisions prohibiting the employment of these weapons and methods of warfare.

Some general considerations followed. It was perhaps important that the Bureau should have in mind during the discussion the distinction drawn by the Special Committee between appliances and substances which might be totally prohibited as such, and, on the other hand, appliances and material of which it was possible to prohibit only the employment.

The report contained, further, the four following chapters :

- I. Absolute or Relative Character of the Prohibition;
- II. Prohibition of Preparations for Chemical, Incendiary or Bacteriological Warfare ;
- III. Supervision of the Observance of the Prohibition of Preparations for Chemical Warfare ;
- IV. Sanctions in the Event of the Use of Chemical, Incendiary and Bacteriological Weapons.

To each of these chapters, there was a corresponding conclusion.

The Rapporteur proposed to examine in order each chapter together with the relevant conclusion.

(Mr. Henderson reoccupied the Chair.)

I. Absolute or Relative Character of the Prohibition.

M. PILOTTI (Italy), Rapporteur, pointed out that the 1925 Protocol regarding the prohibition of chemical warfare did not formally lay down any condition of reciprocity on which such prohibition should be dependent. This condition had, however, been expressly mentioned by some of the States which had ratified the Protocol, and it was also mentioned in the Preparatory Commission's draft. Nevertheless, some doubt had been expressed both in the General Commission and in the Special Committee as to the advisability of laying down any such condition. If any country desired to reserve the right to use chemical warfare against an opponent which employed it, it would evidently be necessary for such a country to make preparations therefor; this would prevent any decision upon the prohibition of preparations for chemical warfare. As the general opinion seemed to be in favour of such a prohibition, the Rapporteur had thought that he might come to a provisional conclusion in favour of absolute prohibition—that was to say, prohibition unaccompanied by the condition of reciprocity.

The effect of the introductory section to the various paragraphs in Conclusion No. 1 was that the contracting parties would undertake not to employ chemical or bacteriological weapons, even against an enemy which was not a party to the Disarmament Convention. The object of the prohibition thus laid down, as was clear from the various subsections in the first section of Conclusion No. 1, was in accordance with the definition given by the Special Committee, which was necessarily general in character, although sufficiently precise. It did not specify the appliances or substances which were prohibited or whose use was prohibited, but simply stated that prohibition covered substances which produced certain effects. The Rapporteur had not thought it necessary to suggest that the Special Committee should be

asked to draw up a list of such substances, as such a list must necessarily become incomplete very soon, owing to the technical progress made in industrial chemistry. It might be advisable to insert in the Convention, purely for purposes of illustration, a list of the principal appliances and substances in existence at the present time. Such a list could only be drawn up by the Special Committee which would have to be summoned for the purpose, if it were considered desirable, as this Committee included the best qualified persons from the technical point of view. In the Rapporteur's opinion, such a list would be of no very great use, and its only result would be to attract the attention of the public ignorant of chemical matters.

M. MASSIGLI (France) expressed his appreciation of M. Pilotti's report, which contained the original opinions and proposals as regards Chapters II, III and IV. The general formula at the beginning of Conclusion No. 1 was dependent upon the decisions to be taken, if not on Conclusion No. 2, at least on Conclusions Nos. 3 and 4. It was stated at the end of Chapter I that penalties would have to be effective. If such a result unfortunately proved impossible, it would undoubtedly be necessary to discuss afresh the principle of absolute prohibition. Provisionally, and subject to any observations which he might have to make on Conclusions Nos. 3 and 4, M. Massigli gladly accepted the Rapporteur's proposals.

Mr. EDEN (United Kingdom) agreed with the French delegate. The provision at the beginning of Conclusion No. 1 depended to some extent on Conclusions Nos. 2, 3 and 4. If no practical agreement could be reached on the questions of sanctions and supervision, it was understood that the discussion on Chapter I would be reopened.

The CHAIRMAN was of the opinion that the matter might be regarded as still open. The observations of M. Massigli and Mr. Eden were entirely legitimate and should be borne in mind when the Bureau discussed the other conclusions.

M. PILOTTI (Italy), Rapporteur, was in entire agreement with the delegates of France and the United Kingdom. It was, in fact, with this idea that he had inserted the following paragraph at the end of Chapter I :

“ I should perhaps add that, in my view, if the absolute character of the prohibition is to be respected, and if the States are to regard it as a settled principle governing their conduct, the forms of control provided for must be as satisfactory as possible, and, above all, the penalties must be effective.”

Mr. WILSON (United States of America) expressed the hope that the Chairman and his other colleagues on the Bureau would be good enough to excuse him from taking part in the discussion for the time being. Communications between his Government and his delegation were difficult at this time and he would be glad if he might have permission to return, if he so desired, to Chapter I of the report after having got into touch with his Government.

He might perhaps make a suggestion to the Rapporteur. In the list of gases mentioned in paragraph 1 of Conclusion No. 1, mention was made of tear gases. The United States representative had pointed out to the Special Committee the advantages of the employment of this gas by the police, for whom it was an effective and humane weapon. There was no question of its use in time of war, but the United States delegation would have difficulty in undertaking to give up the preparation and employment of this gas for local police purposes.

The CHAIRMAN thought that the observations made by M. Massigli and Mr. Eden on the point of procedure would satisfy Mr. Wilson also.

M. MOTTA (Switzerland) quite understood the reservations made by the delegates of France and the United Kingdom, and by the Rapporteur. Subsequent discussions must lead to a satisfactory solution of the question of supervision and sanctions. Nevertheless, he was grateful to the Rapporteur for having drawn up the first part of his conclusions in the form adopted in the report. This was an absolutely vital problem from every point of view, and M. Motta was pleased to note that the Rapporteur and his colleagues, subject to the legitimate reservations that had been made, had taken up a definite position in favour of absolute and unconditional prohibition. If this principle were accepted, it would be a great advance in human welfare. He was glad to observe that the definitions and exceptions which were proposed raised no objection among the members of the Bureau. It was thanks to the Rapporteur and to all those who had already dealt with this matter that the Bureau had reached that stage to-day. The essential point was that it should become a principle of international law supported by the conscience of the whole world that chemical and bacteriological warfare was outrageous and barbarous.

The CHAIRMAN observed that the first recommendation of the Rapporteur was provisionally accepted.

The continuation of the discussion was adjourned to the next meeting.

TWENTY-FOURTH MEETING (PUBLIC)

Held on Wednesday, November 9th, 1932, at 4 p.m.

Chairman : Mr. HENDERSON.

29. PROHIBITION OF CHEMICAL WARFARE AND VIOLATIONS OF THE PROHIBITION TO USE
CHEMICAL, BACTERIOLOGICAL AND INCENDIARY WEAPONS :
REPORT BY M. PILOTTI (ITALY) (*continuation*).

I. *Absolute or Relative Character of the Prohibition* (*continuation*).

Mr. WILSON (United States of America) said that he wished, not to go back on the decisions taken on the previous day, but to obtain an explanation concerning the interpretation to be given to them. In Section III of the first part of his report (Previous Developments), M. Pilotti admitted that the prohibition of chemical, incendiary and bacteriological warfare involved other technical and legal questions. Moreover, on the previous day, the Bureau had decided in favour of the absolute prohibition of chemical warfare. It was consequently faced with certain difficulties. If the prohibition was of an absolute character, but did not extend to all States, there was reason to fear that very great difficulties would be encountered when the time came to take decisions on Chapters II, III and IV of the report, since the possibility of chemical warfare would have been allowed to remain. If, on the other hand, the principle of the absolute and universal prohibition of all chemical warfare were accepted, the situation would then be quite different. In that case, as M. Motta had stated, the Conference would be affirming a new principle of international law, which encouraged the hope that humanity would enter upon a brighter era. In any event, the final consideration of this question by the United States delegation depended upon the universal application of such a prohibition.

M. PILOTTI (Italy), Rapporteur, was under the impression that the question had been settled exactly in the manner indicated on the previous day by M. Motta—that was to say, that the prohibition should be regarded as absolute and universal. As no objection had been submitted, he had concluded that this view was accepted by the other members of the Bureau.

M. MOTTA (Switzerland) was strongly of opinion that the prohibition should be universal, a character which it would retain, even if one or two States did not accept it. He had pointed out on the previous day that what was being done in regard to chemical and bacteriological warfare simply represented the solemn confirmation of international law, which bound even those who did not accede to the Convention. In the Peace Treaties, this form of warfare was considered to be condemned by the conscience of mankind; the prohibition was therefore regarded as existent prior to the Peace Treaties. Further, the 1925 Protocol had already obtained a certain number of signatures, and merely confirmed this virtually pre-existing principle.

The Swiss Government had doubted whether it was necessary to submit the Protocol to the Federal Assembly, as it was a matter of confirming a pre-existing principle; for practical reasons alone the Federal Council had decided to bring the Protocol before the Federal Assembly, by which it had been unanimously approved. Even if it were not possible to carry out the principle in its entirety, that principle would none the less remain a living fact. The reservations put forward on the previous day by the representatives of France and the United Kingdom were certainly inspired by good intentions, but his own feeling was that the principle remained in any case, because it was already implanted in the conscience of mankind.

M. MASSIGLI (France) wished to make it quite clear that, in his opinion, there could be no doubt in the matter. As M. Motta had stated, this was a rule of international law which it was proposed to formulate. Any other course would be an actual reversion to a stage preceding the 1925 Protocol, in which bacteriological warfare had been purely and simply condemned. It was because he had believed the matter to be settled that M. Massigli had made his reservation on the previous day. The General Commission's resolution of July 23rd, 1932, stipulated that "rules of international law shall be formulated in connection with the provisions relating to the prohibition of the use of chemical, bacteriological and incendiary weapons and bombing from the air, and shall be supplemented by special measures dealing with the infringement of these provisions". Consequently, there could be no doubt as to the intention of the Conference to formulate a rule of international law. He was anxious to make this point quite clear, so that it should not be thought that France's acceptance was conditional. He had simply wished to point out on the previous day that the decision taken must have weighty consequences which would necessarily present themselves in connection with Chapters II, III and IV of the report.

M. SATO (Japan) recalled that, on the previous day, the first point of the Rapporteur's conclusions had been accepted, after discussion, on the understanding that other questions would be studied first, and in particular the question whether the prohibition should be absolute or relative. As the question had again been raised by the United States delegate, he would like to define the Japanese delegation's point of view. M. Sato had noted in M. Pilotti's report certain points of paramount importance, such as the detailed study of the prohibition of preparations for chemical warfare and the enforcement of this prohibition accompanied by appropriate sanctions. The suggestions put forward showed that very great progress had been made as compared with previous proposals.

This fact had given him great satisfaction, but his delegation was of the opinion that even the guarantee furnished in the report would not give satisfactory results. The prohibition to import and store chemical substances referred to in Section I of Chapter II of the report would not be as effective as was hoped in the case of a country where the chemical industry was highly developed. Such a country could always produce the prohibited substances in a very short space of time and in large quantities. If training for defence were allowed, as provided for in Section II of Chapter II, each contracting State would be led to study the means of attack, so that the stipulations of the Convention would lose much of their value.

Moreover, it should be noted that the same argument applied to the provisions relating to sanctions in time of war, notwithstanding their complexity. It was stated in Chapter IV, with reference to sanctions in the event of the use of chemical, incendiary and bacteriological weapons, that the State which was the victim of a violation of the prohibition against the use of those weapons was entitled to have recourse to chemical warfare by way of reprisals. He was afraid that these stipulations, like those concerning preparation and training for defence, would produce an opposite effect to that desired, since they would involve in peace-time preparations for chemical warfare and training for attack in case it should be necessary to make reprisals.

As it was firmly convinced that the majority of the countries represented at the Conference desired to establish a system which would effectively guarantee the application of the prohibition of chemical warfare, the Japanese delegation proposed the absolute prohibition of this type of weapon without any exception. It was anxious that not only defensive material and training but also recourse to the use of chemical weapons should be prohibited even by way of reprisals.

As regards sanctions in the event of the infringement of this prohibition, the Japanese delegation was aware of the difficulties which their establishment would involve. It nevertheless desired a careful study of the question with a view to finding sanctions which would be sufficiently severe and effective to achieve the object in view.

Mr. EDEN (United Kingdom) was anxious to avoid any misunderstanding in regard to what he had said on the previous day. He had had no intention of making a reservation concerning Chapter I of the report, but had wished to point out the importance of discussing Chapters II, III and IV before a final decision was taken on Chapter I, if it were proposed to retain any form of chemical warfare. His suggestion, therefore, simply referred to the proper order of discussion.

The CHAIRMAN said that he had understood the reservations made by the representatives of France and the United Kingdom exactly in the sense which they had now indicated.

M. BOURQUIN (Belgium) emphasised the importance of the problem under discussion. Like M. Motta, he was convinced that there existed a principle of international law prohibiting recourse to chemical weapons in time of war. This was a principle the existence of which was independent of any convention and which it was advisable to reaffirm. The purpose of the Convention was to organise and add something to this principle : in the first place, by prohibiting preparations for chemical warfare, which was logical, and by providing a system of sanctions which, according to the form in which it was established, might have profound repercussions in the domain of reprisals. Before signing a Convention which was intended to add something to the existing provisions, it was natural to consider whether the prohibition in question should be universal, or whether, on the other hand, the sanctions contemplated would afford adequate protection to the signatories of the Convention against defaulting States. Hence the necessity for discussing the later chapters in the report first.

II. *Prohibition of Preparations for Chemical, Incendiary and Bacteriological Warfare.*

M. PILOTTI (Italy), Rapporteur, explained that, in connection with this chapter, the question raised by M. Sato—namely, that of preparations for defence—immediately arose. In his report he had provisionally admitted, after consulting the various delegations, that prohibition should not go so far as to prevent States from protecting themselves against the use of gases by a possible enemy. Defensive measures (manufacture of masks, drill, utilisation of masks, etc.) had accordingly not been prohibited in the report, but the use of those defensive appliances presupposed the possibility of manufacturing gases for experimental purposes. It was true that this manufacture would be on such a small scale, being confined to laboratories,

that it would not be necessary for the Convention to deal with it. However, in view of the new light thrown on the question by M. Sato's proposal, it became necessary for the Bureau to take a decision.

Another question was whether the rule of international law prohibiting chemical warfare should be regarded as of such a radical character as to prohibit the training of troops in the use of means of defence. For his part, he agreed with M. Sato that the prohibition should be as radical as possible, and he would even go so far as to say that defence should not be contemplated and that the same attitude should be adopted towards chemical warfare as towards bacteriological warfare, the possibility of which had not even been admitted. The Bureau must take a decision on this point.

He thought that there was very little to say about the prohibition of offensive material, and that conclusion No. 2 proposed at the end of his report would meet with unanimous approval.

It should be noted that, in the report, he had stated that it might be expedient again to convene the Special Committee to draw up a list of appliances and substances designed solely for the purposes of chemical warfare. This list would not be final but would merely serve as an example. It would allow measures to be taken against certain patented appliances and would make it known that the manufacture of such appliances was illicit. The list in question could only be drawn up by the experts on the Special Committee, who had special qualifications for the purpose.

The prohibition to manufacture, import, export or be in possession of chemical appliances and substances designed solely for the conduct of chemical, incendiary and bacteriological warfare thus raised no difficulty. But the prohibition to manufacture, import, export or be in possession of chemical appliances or substances suitable for both peaceful and military purposes, with intent to use them in war should occasion arise, might lead to certain difficulties of interpretation. It was provided in the conclusion which he was suggesting that "the contracting parties shall declare the quantities of such appliances and substances required by the armed forces for purposes other than that of injuring an adversary (*e.g.*, disinfection)". It had been pointed out in the Special Committee that certain appliances which might be used in chemical warfare were commonly used in the army for purposes other than that of warfare. An exception must accordingly be provided for some of those appliances and for quantities appropriate to the requirements of each army, whence the necessity of the declaration mentioned in the proposed conclusion.

In M. Pilotti's view, it was self-evident that any provisions relating to organisation could apply only to the contracting parties. That, however, was not the case with sanctions, for in such cases it was the laws of war that applied, and it was a matter of course that those laws should apply even to States which were not signatories to the Convention. There could thus be no question of limiting sanctions to the contracting States. It would have to be decided what sanctions could be applied both to signatory and to non-signatory States guilty of violating the prohibition to employ chemical or bacteriological weapons.

M. POLITIS (Greece) asked the Rapporteur to explain what practical importance he attached to that part of his report. On studying, in Chapter II, the passages relating to defensive organisation, some of the provisions seemed to be such as to cast doubt on the practical value of the prohibition. Measures were to be taken, for example, to prevent preparations for chemical appliances and substances suited exclusively to the conduct of chemical, incendiary and bacteriological warfare. It seemed, however, from the explanations given in the report itself that, even if applied *in toto*, such provisions would not constitute a serious obstacle to chemical warfare. It was the same also as regards the prohibition relating to chemical appliances and substances suitable for both peaceful and military purposes, with intent to use them in war should occasion arise. That prohibition would be somewhat difficult to apply, since it depended, after all, on the use for which the substances and appliances in question were intended. It was very difficult to say in advance what might be the intentions of those in whose possession the substances and appliances happened to be. Of the three prohibitions embodied by the Rapporteur in his conclusions to Chapter II, there remained thus only the third, relating to the instruction and training of armed forces in the use of chemical, incendiary and bacteriological weapons and means of warfare.

M. PILOTTI (Italy), Rapporteur, said that he was well aware of those difficulties. In proposing the various prohibitions in his report, he had argued that, as a number of weapons, such as guns of a specific calibre, was covered by certain articles of the Convention, it was permissible to consider prohibitions of a like character relating to substances and appliances intended for chemical warfare. Personally, he was in favour of an explicit prohibition of all appliances and substances connected with chemical warfare. He had, moreover, made a point of warning the Bureau against any illusions in regard to the practical scope of the various prohibitions.

He had pointed out more particularly that the prohibition relating to appliances exclusively suited to the conduct of chemical, incendiary and bacteriological warfare did not constitute a serious obstacle to chemical warfare, since the appliances in question could be very rapidly constructed if the country did not already possess them. He thought, however, that it was desirable, as a guide to public opinion, to declare that States were not entitled to possess appliances of that character.

The situation in regard to substances suitable for both lawful and illicit use was somewhat different. He certainly had not meant that the prohibition should apply to any intention to use such substances for warlike purposes ; but what he had meant to make plain was that it was unlawful to be in possession of the appliances and substances in question if they were intended for purposes of war. One means of strengthening the prohibition was to require States to declare what quantities of such appliances and substances they required for current army purposes.

M. SATO (Japan) observed that he had very little to say on the subject of the provisions relating to offensive material. On that point he endorsed the terms of the report.

As regards defensive material, the Japanese delegation, as he had already said, was in favour of the absolute and universal prohibition of all noxious gases. That did not mean, however, that populations should be left without any means of defence against possible gas attacks. But the fact of studying the means of defence against gases necessarily involved a study of the methods of attack. If some way could be found of restricting the scope of such studies to defence without studying the methods of offence, the Japanese delegation would have no objection. It wondered, however, whether that was feasible and entertained very grave doubts on the subject. The Rapporteur had suggested that the testing of defensive material might be carried out on a restricted scale, in the laboratory, for example. M. Sato realised that tests would first be carried out in the laboratory, but pointed out that many experts were of the opinion that laboratory tests were not sufficient when studying the question of protection against dangerous gases. The Japanese delegation had, moreover, come to the conclusion that tests of that kind inevitably led to a study of methods of attack and that abuses were probable. That was why it was in favour of prohibiting even the use of defensive material. If such a prohibition were really strictly enforced and if it were made universally compulsory, it would be unnecessary to consider even the study of the means of defence.

M. MASSIGLI (France) thought that M. Politis' question and the Rapporteur's reply made clear the gravity of the problem. He entirely agreed with M. Pilotti that provision should be made in the Convention for the prohibition of all preparations for purposes of chemical warfare. He wondered, however, whether, before approving the Rapporteur's conclusion as it stood, the Bureau should not make an effort to come closer to the problem. It might perhaps be expedient to consider whether, by a technical examination of the question, the difficulties could not be further circumscribed.

M. Sato had said in his impressive statement that the Conference should go the whole way and prohibit even defensive preparations. M. Massigli wondered whether that was feasible ; he would be glad to have a competent opinion on the subject. He recalled, as an illustration of his point, that some years previously an incident had occurred which had stirred the whole of Europe : the whole of one district in a certain city had been poisoned by toxic gases emanating from the stocks of a manufacturer of chemical products, who, for reasons which he would not examine here, sold at the same time protective masks. It was possible—no doubt it was still possible—to obtain at one time, and for a modest sum, a mask and samples of the principal gases. Could such practices be tolerated ?

Without going so far as to prohibit all preparations of defensive material, M. Massigli wondered whether it would not be possible to prohibit private manufacture, which might lead to such surprising results. The indiscriminate manufacture of defensive appliances and experimental material for those appliances—no matter where, no matter by whom—could hardly be admitted. It would be desirable to provide for strict Government supervision and international supervision.

Nor must there be any illusions as to the scope of the prohibitions. Bacteriological warfare had been totally prohibited, but in this field also a practical impossibility existed. In one country represented at the Conference, experiments had been carried out, for purely scientific purposes, necessitating the preparation of tuberculosis bacilli by tens of kilogrammes in order to permit of a chemical analysis of the bacillus. What would happen if the mass production of dangerous bacilli took place in a number of countries ?

Again, the appliances peculiar to chemical warfare differed very little from others. Gas shells were very like other shells. Gas reservoirs were quite ordinary receptacles. The form of projector used was very similar to that of appliances for the release of non-poisonous smoke. When it came to the question of prohibiting material which could be used for peaceful or for warlike purposes, alike, the difficulty became even greater. In this connection, reference might be made to one big firm which had placed on the market a fire-extinguishing apparatus which, it declared itself, would serve excellently as a flame-projector.

Finally, was there any difference between instructing a unit in the release of non-toxic smoke for purposes of cover and training the same unit in the release of toxic gases ? In both, the same considerations as regards wind direction, the humidity of the air, etc., would be taken into account. As a matter of fact, no special training was needed for releasing gases.

His purpose in submitting those various observations was not to criticise the principle of the prohibition of preparations for chemical warfare, but because he wondered whether it would not be possible to make it less illusory ; the consequences would be clear when the question of the sanctions provided for in Chapter IV arose. He urged that the Bureau, while accepting the Rapporteur's conclusions, should refer the question to the Special Committee and ask it whether it would be possible to formulate more definite rules in the matter, so as to ensure more effective prohibition.

Mr. WILSON (United States of America) observed that the Bureau was reverting to the discussions which had claimed its attention at the beginning of the session. He was glad to know that all the members of the Bureau concurred in the United States delegation's opinion as regards the question of the universality of prohibition. The final test would be the verdict of the General Commission, which, he hoped, would realise that the law underlying prohibition should apply throughout the world.

The United States Government, as he had already declared in connection with Chapter I, was, as regards the prohibition of the use of chemical methods of warfare, entirely in favour of the principle of universality. Whether or not that could be accomplished was a question which must be determined in the future and on which they should have guidance from the discussion in the General Commission.

However, whether universal prohibition as an accepted tenet of international law were recognised or whether there was a general renunciation on the part of a large number of States, the Bureau had to face certain questions in regard to Chapter II of the report upon which Mr. Wilson very earnestly desired the opinion of his colleagues. He realised that he was touching on the same technical aspect of the problem as M. Massigli. Chapter II provided for the prohibition of preparations, but Mr. Wilson was very doubtful as to just what was the scope of that chapter. All the delegates had been concerned with the effects of the unrestricted use of means of chemical warfare, and the Rapporteur had recognised in his report that the prohibition of preparations would not apply to means intended for the protection of individuals against its effects. Mr. Wilson felt that it was extremely important to ascertain whether sufficient consideration had been given to the matter of preparation, and wished to express some of his doubts in the hope that they might be removed.

When considering the problem of protection against the unlawful use of means of chemical warfare in violation of whatever agreement was ultimately reached under Section I, the question immediately arose as to whether the means provided—*i.e.*, gas masks—for the protection of the individual were sufficient. Was it not necessary to go further and provide for group protection? If so, that immediately raised, not only the question of training individuals and groups for immediate protection, but also the question as to the means provided. Were the means for the resanitation of gas areas to be wiped out? If not, by what means might those areas be resanitated? For that purpose, could groups of men be trained and material maintained for doing away with the effects of gas which had been illegally used? If not, under what authority should those people be trained? By whom would the material be provided? Where and how would the necessary experimentation be made to provide for such action? Was it proposed to do away with gas hospitals and with the specialised training of doctors to handle what were commonly known as "gas casualties"? If not, where and how should those doctors get their training? What limits should be placed upon laboratory experiments for training purposes?

Mr. Wilson raised those questions because, as far as he knew, they had not yet been discussed, and personally he felt very strongly that they should be freely and completely discussed before an attempt was made to consider the advisability of accepting the prohibition of preparations as indicated under Chapter II of the report. The question was so serious, and action which might be taken at the Conference might have such far-reaching effects, that he believed, as a matter of sound judgment, that the whole subject should be considered in detail.

He felt that the Special Committee, as indicated in the report, had confined itself primarily to the question of the prohibition of the use of chemical warfare and had not examined, as being outside its competence, questions such as he had raised. It appeared to him, however, that, in considering the subject of protection from gas, the field of that protection must be defined. That being done, it was necessary to determine the means within that field by which protection could be afforded, and the means, of course, embraced the consideration, not only of material, but also of personnel. Having determined the field of protection and the means, it was then necessary to decide how those means might be utilised and the steps in preparation for such use that could be authorised. It was not, he felt, until those questions had been discussed and solutions found that the Bureau could really take final and definitive action upon the report, which dealt primarily with the use of chemical warfare.

Lastly, Mr. Wilson had raised the question of tear gas on the previous day, and asked the Rapporteur if he could not insert in paragraph 2 of conclusion No. 2 a reference to the use of such gas for local police purposes, and in paragraph 3 a provision authorising the training of the police in its use. The question was of great importance to the United States delegation, but the method of preserving this principle was one, he thought, which might well be left to the Rapporteur to handle.

He was prepared to support M. Massigli's suggestion that the Special Committee be asked to carry out a technical study of the question, since it was difficult to take any decision until it had been exhaustively studied.

Mr. EDEN (United Kingdom) agreed with Mr. Wilson that, to be really effective, the prohibition must be general. That aspect of the problem would have to be examined in due course.

On behalf of his Government, he accepted the basic principles which had just been under discussion, but he had been very much impressed by the French delegate's comment on the technical aspect of the question. He was prepared to support the Rapporteur's first recommendation, but confessed that he did not know what were the chemical appliances and

substances suited exclusively to the conduct of chemical, incendiary and bacteriological warfare. In order to form an opinion on the subject, the assistance of the Special Committee referred to by the Rapporteur was essential. It was probable, indeed, that the Bureau would require that assistance on more than one occasion, at various stages in its work.

Paragraph 2 of the Rapporteur's recommendation seemed likely to lead to difficulty, more particularly in connection with the words "with intent to use them in war should occasion arise". It was difficult to form an exact idea of what was meant, despite the explanations and definitions given by M. Pilotti in his report. As Mr. Eden understood that passage, the prohibition of substances not suitable for peaceful purposes would apply to the possession of those substances, even for defensive purposes. Subject to the observations he had submitted, his Government accepted all the conclusions proposed by the Rapporteur in this matter, though he thought it essential to consult the Special Committee.

M. MOTTA (Switzerland) felt sure that everyone must realise the extreme complexity of the problem. It was exceedingly difficult to translate the principle of prohibition into reality and a technical examination of the question was indispensable. The Rapporteur had drawn a distinction between material exclusively intended for warfare and material suitable for both peaceful and military purposes. All the delegates felt that even substances which were at present intended exclusively for warlike purposes might, in time, be used in a different way. There was thus practically no real distinction between the two categories. There, again, the assistance of the Special Committee was indispensable.

On one matter, however, he felt that the Bureau should reach agreement, as it would serve as a guide to the Special Committee. He had been very much attracted at first by M. Sato's suggestion that provision should be made for the radical prohibition of all offensive or defensive material for chemical warfare, the purpose being to prevent any possible offensive action. On reflection, however, he had wondered whether it would not conflict with the moral sense, conflict with human nature, to claim that an individual or a State should cast prudence to the winds and renounce the idea of self-defence simply because the notion of surrender might lead to the danger of attack. He could quote the case of a General Staff which at first had fully shared M. Sato's opinion, and of a Government which, after adopting the same principle, had realised that it was impossible to renounce all defensive preparations. If international relations were entirely pacific, by following M. Sato's suggestion a danger would be eliminated, but it would be long before that state of lasting peace occurred, and that was why he thought that it would be well to consult the Special Committee, informing it at the same time that the Bureau felt that defensive material and defensive methods could not come within the scope of prohibition.

M. BUERO (Uruguay) agreed with M. Motta, Mr. Wilson and M. Massigli. The Bureau did not possess the technical information which would enable it to decide what should be embodied in the Convention. M. Sato's allusion to the possible abuses arising out of an authorisation to manufacture defensive material reminded him of something that had happened at the League on the occasion of the Conference in 1925. One delegate had made a survey of the expenditure included in the budgets of the principal States for preparations for chemical warfare, and had stressed the magnitude of the sums devoted to those particular studies. One after another, the representatives of each of the nations in question had risen and stated that the studies relating to chemical warfare were for defensive and not for offensive purposes. The difficulty of deciding, in that sphere, what was offensive and what was defensive was so great that M. Buero felt that the Bureau should not settle the question for the moment, but should leave it open pending the opinion of the technical experts.

The CHAIRMAN noted that, as a result of the important discussion which had just taken place, the Bureau was unanimously of opinion that it should apply for assistance to the Special Committee. He hoped, however, that it would not think of referring the matter to that Committee before deciding definitely what questions were to be referred to it. He would ask the Rapporteur to draw up a list of the questions and to submit them to the Bureau at its next meeting.

He added that Mr. Wilson had raised a number of important points and had asked that they should be carefully examined. The passage in Mr. Wilson's speech giving a survey of those various points would be distributed to the members of the Bureau.

The Chairman drew special attention to the magnitude of the programme which had thus been drawn up. It would, he thought, have to be examined with some caution, since, in view of the close relationship which existed, as the Rapporteur had noted, between prohibition in time of peace and prohibition in time of war, it was essential not to give back with one hand what had just been taken away with the other.

M. PILOTTI (Italy), Rapporteur, agreed with the Chairman. He noted that the meeting, which had opened in an atmosphere of optimism, was ending in an atmosphere heavy with doubt and scepticism. He desired accordingly to reassure the delegates. His report had stressed the difficulties of the question and also brought out its full gravity. But it had been conditioned by the resolution of July 23rd, 1932, and the Rapporteur had been bound to stress the point that, in this matter, the Bureau was faced with the desire expressed by the General Commission that the Protocol of 1925 should be completed by rules of international law. That fact was not without importance in determining the measures to be taken in a case of violation in time of war and the sanctions to be applied. M. Pilotti was convinced that a further advance on the

Protocol of 1925 was possible, particularly in the matter of sanctions; he hoped that that Protocol would be supplemented by rules relating to preparations for chemical warfare. It remained to be considered what those rules would be.

The first question which arose, as M. Sato had pertinently remarked, was whether, and if so to what extent, preparations for defence against gases should be allowed. In that connection, M. Massigli had proposed, and the Bureau had agreed, that the Special Committee should be asked whether any technical means existed which could allow of defensive preparations being admitted without simultaneously allowing preparations for attack. On that point, the Bureau could not come to any decision before ascertaining the Special Committee's opinion.

M. Massigli and Mr. Eden had further stressed the difficulties arising out of the case of appliances and material exclusively suited to the conduct of chemical, incendiary and bacteriological warfare. M. Pilotti proposed to ask the Special Committee for a list of such appliances and substances. He had applied to the Red Cross, which had studied those questions in the previous year and had been able to give him examples. Cases of appliances and material exclusively suited to the conduct of chemical, incendiary and bacteriological warfare were somewhat rare, but they did exist and must be taken into account.

The question of chemical materials kept in stock with the intent to use them in war, should occasion arise, had been raised again. In that connection, he wished to point out that it was not the actual intention that was to be prohibited and that such intention, if it were to be covered, must be proved by external evidence. The evidence would refer, for example, to the quantity of material in stock, the nature of that material, etc.; evidence of that kind was indispensable, for mere intention could not be made subject to measures of compulsion.

Mr. Wilson's suggestions must be closely examined at the next meeting, as some of them might help to define the points at issue; others would have to be referred to the Special Committee. As regards tear gas to be used by the police, the reply was already embodied in M. Rutgers' report to the General Commission, as follows:

“ While admitting the validity of these reasons against permitting the use of certain gases in international warfare to the exclusion of others, one delegation desired to point out that tear gas, considered separately, did not, in fact, answer to the third criterion of the resolution of April 22nd, 1932: that the use of this gas for police purposes could not be open to any objection; and that, in some circumstances, such a use of this gas would even be preferable to other methods which involved bloodshed. This point of view was accepted by the Committee, although it was still of opinion that tear gas should not be considered separately from the point of view of its use in warfare, since there were serious practical objections to any discrimination between gases.”

The technical experts had stressed the difficulty of establishing a definite line of demarcation between tear gas and poison gas. The Convention would not exclude the use of tear gas by the police.

The continuation of the discussion was adjourned to the next meeting.

TWENTY-FIFTH MEETING (PUBLIC)

Held on Thursday, November 10th, 1932, at 4.15 p.m.

Chairman : Mr. HENDERSON.

30. PROHIBITION OF CHEMICAL WARFARE AND VIOLATIONS OF THE PROHIBITION TO USE CHEMICAL, BACTERIOLOGICAL AND INCENDIARY WEAPONS : REPORT BY M. PILOTTI (ITALY) (continuation).

M. PILOTTI (Italy), Rapporteur, proposed that, pending the distribution of the questionnaire he had drawn up, the Bureau should examine the question of sanctions (Chapter IV and Conclusion No. 4 of the Report (document Conf.D.142)).

M. Pilotti's proposal was adopted.

IV. *Sanctions in the Event of the Use of Chemical, Incendiary and Bacteriological Weapons.*

M. PILOTTI (Italy), Rapporteur, explained that he had divided the matter into two sections, one dealing with the establishment of the fact of infringement and the other with the effects of the establishment of that fact.

As regards the establishment of the fact of infringement, he himself and the persons he had consulted had endeavoured to find as rapid a procedure as possible for establishing without

delay such acts as might have occurred. The Permanent Commission would be notified by the State claiming to be a victim of the use of gas. At the same time, this State would apply to the doyen of the diplomatic corps accredited to it. The convenience of this procedure was obvious: there was always a doyen of the diplomatic corps present. Moreover, being a physical entity he was easier to reach than any college of persons. It would be for the doyen of the diplomatic corps to carry out the necessary investigations as soon as possible by the means at his disposal—that was to say, primarily through the military attachés of neutral countries to whom, relying on his authority as doyen, he could apply. He would ask them to form, as it were, an emergency commission which would be prepared to proceed immediately to the spot. It should also be possible for him, if necessary, to apply to experts, who in the gravest and most doubtful cases would constitute a commission with powers to decide whether gas had been used or not. The report might be amplified in this respect. As soon as he was in possession of the various reports which would be sent to him, the doyen would himself immediately draw up a report and submit it within twenty-four or forty-eight hours to the Permanent Commission, which would, of course, remain the legally competent organ. The Permanent Commission would have more extensive powers, and its competence would be recognised in advance by the State accused of having employed gas, if it were a contracting party, and, in any case, by the contracting parties as a whole. The Commission might, if necessary, extend the enquiry to the territory of the State which had made use of gas. M. Pilotti was ready to answer any question which might be put to him to supplement what was stated in the report on this matter.

The next question was that of sanctions, in other words, the effect of the establishment of the fact that gas had been employed. These sanctions were based on an idea that was more or less implicit—namely, that the use of gas warfare would not be very difficult to establish. There would probably be doubtful cases, but they would not constitute the majority. If a State resolved to infringe the Disarmament Convention, it would obviously endeavour to obtain from that act the best possible results and would make such ample use of the prohibited weapon that it would be a comparatively easy matter to establish the fact of its use. It was not likely that any real difficulty would arise unless the other State immediately retaliated by using the same weapon or if they both accused each other of having violated the Convention. It would, M. Pilotti thought, be better not to deal with such a contingency at the moment in the hope that it would not arise, or, if it did so, only very rarely.

What would be the effects of the establishment of the fact of infringement? The Permanent Commission, having declared that chemical weapons had been used, would communicate this declaration to all the contracting parties. As the Rapporteur had said the day before, in this part of the conclusion no distinction was made between contracting parties and other States. It would be for the Permanent Commission to ascertain how it could get into touch with other States. The contracting parties would have a definite obligation—namely, to bring about the termination of the infringement of the Convention by every available means—that was to say, by using every measure by which pressure could be brought to bear upon a State; diplomatic representation, threat of rupture of relations, actual rupture, threat of economic retaliation, etc. It did not seem necessary to lay down a regular gradation of these means of pressure, which would vary according to the seriousness of the case and the general circumstances. Each of the contracting parties having fulfilled this obligation, there was another obligation resting on the contracting parties as a whole—namely, to meet together, though not necessarily all of them, as the summoning of a Conference would involve delay and in the interval the evil might become final.

The contracting parties would therefore meet together, or would send representatives, for a consultation. In certain private discussions which the Rapporteur had had with various delegations, the League Council had been suggested. It would, however, be difficult to contemplate this solution in a Convention which would include States not represented on the Council; it was true that the Council could add to itself representatives of States other than its own members. M. Pilotti had merely wished to mention this possibility in order to give an example of a rapidly summoned meeting other than the Permanent Commission itself. The contracting parties, having been thus summoned for the purpose of deciding on some modification of their neutrality with a view to exerting pressure upon the culprit State, might be summoned through a small body in the shortest possible time. This meeting would have full powers—that was to say, the participants would be able to concert together with a view to doing something more than certain of their members had already done. It was, moreover, possible that a single State might have already taken steps which were sufficiently effective in themselves. This might, for instance, be the case of a neighbouring State, or one with which was carried on the greater part of the export trade of the guilty State, and which would thus be able to exercise more effective pressure than all the other States. A final consultation would, however, be necessary, at least in the case of certain steps of a general nature, which, it would seem, could only be taken by common agreement.

Without going into detail regarding means of pressure, as to which the Rapporteur was ready to answer any questions put to him, he proposed next to deal with a very serious problem which had already been raised in the Bureau—namely, whether a State attacked should be entitled to employ gas by way of immediate retaliation. The Rapporteur had endeavoured to reduce to a minimum any possibility of retaliation by laying down, first, that gas could not be used for retaliatory purposes during the interval between the complainant State's first application and the final and binding declaration of the Permanent Commission. The second limitation was that both the Permanent Commission and the meeting of the contracting parties summoned to confer on collective measures could intervene with the complainant

State and urge it to abstain from retaliation. The reason for the first limitation was obvious. It was essential that there should be no hasty retaliation before the facts had been proved. Furthermore, there might in a given case be such a strong likelihood of preventing the continued use of gas by the State which had begun to employ it, that it would seem to be entirely unnecessary to give permission to the attacked State to use that non-human method of retaliation, gas. It might be possible that, when once the contracting parties had met, they would find that a little pressure, economic pressure for instance, would be sufficient to induce the authorities of the aggressor to abandon the use of gas.

These considerations showed that the Rapporteur himself had no great sympathy for the idea of retaliation, and he had endeavoured to reduce this possibility to a minimum. He wished to submit to the Bureau the question whether it was possible to go still further and to abolish completely any right of retaliation. There would be this advantage in such a decision, that it would bring out still more plainly the anti-social character of gas warfare.

All warfare might, of course, be anti-social from the point of view of its effects on the civil population, but chemical warfare had such inhuman characteristics that it revolted the public conscience. Could distinction be made between bacteriological warfare, in which any possibility of retaliation was excluded, and chemical warfare? On these various points, it would be for the Bureau to give the reply which it considered most suitable for suggestion to the General Commission.

M. MASSIGLI (France) thought that all his colleagues realised, as he did, that they were now dealing with a fundamental part of the report. The very difficulties which the Bureau had encountered on the previous day had shown that, whatever supplementary proposals might be brought forward, it would not be possible to build up an entirely effective system of prevention; the question of sanctions in all its gravity therefore arose. It was all the more urgent because scientific warfare would confer an incontestable advantage upon those taking the initiative. Unless therefore it were possible to discover a means of making it clear to a State wishing to employ such methods that the mere fact of doing so would expose it to very serious consequences, it was to be feared that such a State, which had already accepted the responsibility of breaking the covenants it had signed, would not hesitate to violate one international agreement more and employ so effective a weapon. The question of sanctions was therefore of supreme importance, and M. Massigli thanked the Rapporteur for having dealt with this problem separately, differentiating it from that of the establishment of infringement.

As regards such establishment, M. Massigli had no objection to the principle laid down. The Rapporteur had insisted upon the importance of speed. He had pointed out the necessity of ensuring that the declarations should be made by a neutral and impartial authority, and of preparing them in advance. He thought it would be easy to reach agreement on these fundamental principles. There was one question to be examined—it might perhaps be submitted to the Special Committee—namely, whether the measures proposed were adequate for the achievement of the aim in view. Would it be easy for the leader of the *corps diplomatique* to arrange for an enquiry on the spot unless the details were settled in advance? Subject to this reservation, M. Massigli did not think that there was any disagreement on the principle.

The question of sanctions was very much more serious, and in this matter the evil should be balanced against the remedy proposed. It was not to be imagined that, once chemical and bacteriological warfare had been branded as an international crime, any State would lay itself open to the reproach of committing such a crime unless it had decided to bear the consequences of its act. The facts must be faced. There would be no question of purely localised emission of gas. There would be a large-scale use of gas in order to obtain the advantage of a decisive surprise. Such being the risk, M. Massigli doubted whether the scale of sanctions laid down by the Rapporteur would really be very effective. Among other measures of pressure the Rapporteur mentioned the severing of diplomatic relations, but would that be a matter of very great importance to the offending State? It was said, moreover, that there should be an immediate consultation of the other States, which would decide on the measures to be adopted, but those consultations would take time; in the interval, the offending State would pursue its advantage. What would become of a small State which had been attacked by a great Power possessing vast industrial resources?

M. Massigli came next to the third paragraph in the second part of the Rapporteur's conclusions, the grave character of which must not be overlooked. In that paragraph it was stated that the State against which chemical and bacteriological weapons had been employed would have the right to use them in retaliation. In these circumstances, what would be the position? On the one hand, if no effective sanction were provided, there would be very great temptation for an attacking State to secure a decisive advantage by the use of chemical weapons. On the other hand, if individual retaliation on the part of the attacked State were permitted, it would be impossible to apply the rules for the prevention of the preparation of chemical warfare, and there would be a reversion to the condition of reciprocity in the 1925 Protocol, so that no advance would have been made.

In M. Massigli's opinion only one solution was possible, the gravity of which he realised and which, up to the present, many had refused to accept. He referred to recourse to collective retaliation. It would not be the attacked State that would have the right to take justice into its own hands, but, as in civilised societies, it would be the community of States, which would act on its behalf. The only retaliation which could be admitted must be decided upon by the community of States, under conditions to be laid down. Would chemical arms be used in retaliation? M. Massigli did not think so, but it was necessary to follow the lines he had indicated

if it were desired to find an effective solution. The problem was, moreover, not one which arose only in chemical warfare. States must realise that, as soon as they employed any forbidden weapon, they would expose themselves to the use by the community of States of weapons which were not at their own disposal. In other words, it was necessary to make preparations for international punitive action. It was not in connection with the particular point under discussion that the matter could be settled, but, until it had been so settled, no effective sanction could be found against the use of chemical and bacteriological weapons.

Mr. EDEN (United Kingdom) agreed with the Rapporteur and with the French delegate as regards both the importance and the difficulty of the problem under discussion. He thought that all the members would be able to agree unreservedly to the principle of the establishment of infringement of the Convention. Provision for this was essential to any agreement, and Mr. Eden had good hopes that his Government would support any measures which would permit the facts of such infringement to be established. The provisions of practical means for bringing this about was an essential condition for achieving useful results. Unless the machinery could act very rapidly, it would be unavailing. In this respect, some very useful suggestions had been made by the Rapporteur, and it might be well to enquire whether, later in the work, other means could not be suggested for speeding up the procedure for the establishment of infringement.

This point led Mr. Eden to the question of sanctions. Should retaliation be prohibited or not? In his opinion, that would depend greatly on the machinery provided for the establishment of infringement, and on the efficiency and rapidity of its working. It must be realised that, if a Government decided to violate the Convention, the violation would not be a slight one. The Government in question would have weighed all the risks, and if it decided to commit an act which had been declared to be an international crime, its attack would quite certainly develop on a vast scale. That being so, was it possible to say to any country thus attacked that it had no right to make reprisals? The reply to that depended entirely on the machinery provided. It would appear that no country really anxious to observe the Convention would be in a position to undertake immediate reprisals. It was therefore essential that the machinery provided for the establishment of infringement and the denunciation of the aggressor should be able to come into operation even before the attacked country could consider the possibility of reprisals. This matter required very careful consideration. A country which was the victim of a breach of the Convention must not be allowed to see its cities laid waste and its population decimated and finally find itself in an impossible position owing to prohibition against reprisals and to a delay in the intervention of other States.

Methods of intervention on the part of other States were considered by the Rapporteur, not in his conclusions, but in Chapter IV of his report. The French delegate considered these measures somewhat vague. The report spoke of "measures of gradually increasing pressure". In Mr. Eden's opinion, the Rapporteur had been right in using a vague expression. The measures in view must include all means of pressure from moral pressure to active pressure. The United Kingdom delegate, and this was no doubt the case with other delegates, was not at all in a position to say on behalf of his Government what sanctions it might decide upon in certain given circumstances, or what sanctions it would have to reject. It was therefore necessary to avoid any rigid definition.

There was another side to the problem. The French delegate had said that, in certain circumstances, the existence and availability of an international force would make it possible to avoid retaliation. There were cases in history in which the mere existence of such an external pressure had proved ineffective. That also showed the extreme difficulty of any rigid definition. In this matter, as in the case of the Pact of Paris, the instrument to be found could only be effective to the extent to which it had moral force behind it. It would be useless to set up a machine unless there was the determination to make use of it. Efforts should be made to discover the formula which would be most likely to make impossible the use of prohibited weapons, while strengthening the determination of the peoples not to make use of them.

M. SATO (Japan) reminded the Bureau that on the previous day he had made a definite statement in favour of the prohibition, not merely of the use and preparation of chemical warfare, but also of all preparation of the means of defence, because such preparations would inevitably lead to the preparation of the means for waging chemical warfare. The Japanese delegation was in favour of the strictest and most severe sanctions, but it was not in a position to lay down the extent of the sanctions or the method to be followed for bringing them into play. The arguments which the Japanese delegate had used on the previous day applied equally to the question of retaliation. If, in such cases, the use of poison gas were to be permitted, that would clearly amount to permitting training for chemical warfare and the preparation of such warfare in time of peace. To admit such a possibility would be laying the way dangerously open to the employment of such methods of warfare. For this reason, the Japanese delegate was definitely opposed to the employment of gas as a retaliatory measure.

What other sanction could be taken into consideration? That was a matter on which he was not yet able to make any definite suggestion. The French delegate had stated that a collective sanction would be effective. That was M. Sato's opinion also, but was that the only possible method? Other methods might perhaps be sought. Were collective sanctions always reliable? They depended very much on political circumstances and, even if there was the

possibility of enforcing them, they would, in some cases, be ineffective. In his opinion, all these considerations and all these possibilities should be carefully studied. He proposed that a Committee of Jurists should be asked to study this matter and prepare a solution for the problem of the organisation of sanctions.

The CHAIRMAN said that the paragraph of the recommendations dealing with retaliation had at first caused him some surprise, but that, after hearing the Rapporteur's explanations, and the various statements which had been made, he considered that M. Pilotti had been right in adopting a cautious attitude in this matter. If the right to retaliate were admitted, all the work accomplished for the prohibition of the preparation of chemical warfare might be brought to nought. The paragraph in question was one of the utmost gravity, and the Chairman thought that the Rapporteur would himself be glad to see it disappear from his report. If, after first stating that all preparation of chemical warfare was prohibited, the right of retaliation were admitted, it went without saying that States would have to prepare for the exercise of that right—that was to say, for chemical warfare, by manufacturing poison gases, getting ready the necessary appliances, training personnel, etc. The only result would be to facilitate the perpetration of an act which had been declared an international crime. The Chairman thought that it would be wiser to adopt the position taken up by Mr. Eden and to rely rather on moral force and on its development throughout the world. The essential point was to spread the conviction that chemical warfare was an abomination. The declarations of the Bureau should therefore encourage the Rapporteur to reject any idea of retaliation, and to confine himself to the prohibition of chemical and bacteriological warfare and its preparation in all forms.

M. PILOTTI (Italy), Rapporteur, was quite prepared to change his report with regard to the question of retaliation if the Bureau agreed to accept the Chairman's suggestions.

He reminded members that he himself had no sympathy for the idea of direct retaliation. For the reasons put forward by Mr. Eden, it seemed to him difficult to exclude such an idea entirely, but he would raise no objection if the Bureau wished to go to the length of omitting any mention of the right of retaliation, thus leaving the solution of the question to the course of events. It appeared to him that, in the silence of the other delegations, there could be discerned a tendency against the right of retaliation. He had stated what were his own personal leanings, and these were based upon conversations which he had had with others. The report was, indeed, not entirely his own work, and he was anxious to take this opportunity of thanking those who had been good enough to assist him in this task. He would, however, be glad if it could be definitely indicated either that he should omit the reference to retaliation altogether or include one in less strong terms.

He wished, on the other hand, to point out that, in his report, he had stated that sanctions should be severe, as M. Sato had demanded, and they should be all the more severe if the right of retaliation were not admitted. Following the line of Mr. Eden's suggestions, if it were desired that the right of retaliation, though not excluded in theory, would never in practice have to be exercised, it was essential that the States should be able to rely upon rapid consultation and decision on the part of the other contracting parties. He was inclined to go to the furthest possible limit in this direction, more particularly as the problem was of a general nature and was not confined merely to the question of chemical warfare. If, for instance, a State employed artillery of a calibre prohibited by the Convention, the two cases would from the theoretical and legal points of view be almost identical, but the reaction of public opinion would naturally be stronger in the case of the use of chemical weapons. For these reasons, M. Pilotti did not think it possible to anticipate in too definite a manner the conclusions of the Conference on the matter of general prohibitions. When the work was sufficiently advanced to afford a bird's-eye view of a general disarmament scheme, it would be possible to examine whether further advance could be made in the particular matter of chemical warfare.

The Rapporteur desired to reassure the French delegate. He pointed out that the sanctions which he had mentioned were certainly not negligible. It would undoubtedly be a serious matter for a State to expose itself to the breaking off of diplomatic relations as the result of a general decision of the signatory States. It would be the duty of all the contracting parties to take this decision. According to the procedure suggested in the report, when once an infringement had been established, each State would be bound by an obligation to all the others to proceed to the most effective methods of pressure. If these had not been specified by the Rapporteur, the reason was that they might vary from one State to another. There were States which were so favourably placed with reference to certain belligerents that the despatch of a simple telegram would suffice to bring chemical warfare to an end. Those were the States which supplied the State in question with its foodstuffs. This was not a frequent case, but it was not possible to go into every detail. The Rapporteur was entirely of opinion that the consultation between the various contracting parties must be as rapid as possible.

He wished to add that, in drawing up his report, he had started from the Preparatory Commission's draft. As all States would now be represented on the Permanent Disarmament Commission, this Commission might perhaps, when the case arose, be used as an organ of consultation. In his report he had assumed that a small committee would be set up. The measure since adopted was perhaps an improvement from this point of view, and might be taken account of in view of the consideration that a Permanent Commission thus composed would perhaps facilitate consultation.

The French delegate proposed collective retaliation in the widest sense of the word—that was to say, either economic or military reprisals. The Rapporteur was in entire agreement

with his French colleague ; moreover, that was the result which the consultation was intended to achieve. It was, however, difficult to state *a priori*, either in the report or in the conclusions, that the object of consultation would be to reach any specific solution. It might be possible to find some formula which would make it clear that the collective action of the States should take the place of individual action by each one of them.

It was also important to remember that collective retaliation was of enormous importance in cases in which the guilty State was not a contracting party. In such cases, the entire body of the signatory Powers would rise against that State with the object of compelling it to show greater respect for the rules of international law which the other States had thought it necessary to adopt in obedience to the dictates of the universal conscience.

As he had stated in his report, the problem was particularly one for Members of the League. Article 16 of the Covenant already provided for the application of certain sanctions in a certain manner ; the Rapporteur did not wish to make any further remarks on that subject at the moment in view of the differences of interpretation to which this article had given rise, some wishing to extend and others to restrict its meaning, while others again desired to retain it in its present form. In any case, the Rapporteur observed that the system applied to cases in which war broke out contrary to the provisions of the Covenant. It was explained in the report that, so far as concerned merely the Members of the League, there was no difficulty in stating that, if a war broke out, even in conditions such that it was possible to regard it, not as lawful, but as having no bearing on the Covenant, the fact that a belligerent employed the chemical arm would be regarded as sufficient to enable the other Members to decide to break off relations with it. This was a general obligation for the Members of the League and, as regards chemical warfare, a still closer bond could be established between them.

The Japanese delegate had spoken of severe sanctions, and the Rapporteur was in agreement with his view. If any member of the Bureau would point out to him any sanction which was not already clearly implied in the report, he was quite ready to include it in his conclusions. Nevertheless, a graduated system of sanctions going from the rupture of diplomatic relations up to a complete rupture, and, he would frankly say, even to war, seemed to him to cover the entire series of possible sanctions. His Japanese colleague had proposed in addition that a committee of jurists should be consulted. The Rapporteur had already enquired into this matter on his own account, as one of the delegations which he had consulted had replied to him in writing that it was in favour of severe sanctions. M. Pilotti had therefore got into touch with five or six jurists selected for their eminence. The only result of long discussions over some ten days had been the measures enumerated in the report, and it had not been found possible to suggest any others.

Should the violation of the Convention not occur in a form such as to impress public opinion, the reaction of the contracting parties might be immediate and serious, but it would always be of the nature indicated in the report, and he did not see how it was possible to go further. The report, without saying so explicitly, actually alluded to a war agreed on collectively, and he did not see how it was possible to do more than allude to it. If, however, the Bureau thought otherwise, the Rapporteur was prepared to acquiesce. On other points, he thought that it would be easy to come to an agreement by adopting somewhat stricter, though not necessarily more rigid, formulæ, for he agreed with Mr. Eden that a rigid formula was not advisable. He asked then that the Bureau should come to a decision on the question of the right of reprisal.

M. MASSIGLI (France) observed that, in his previous speech, he had already ruled out any idea of reprisals, even on collective lines, by the use of the chemical arm. If the deletion of the paragraph in question simply had the effect of suppressing the use of chemical weapons in reprisals, he would be prepared to agree, but that was not the case. The report only referred to consultations between the contracting parties, bringing pressure to bear, etc. Those formulæ were really too vague. At the tenth meeting of the General Commission in the previous April, the Yugoslav delegate had raised the question of chemical warfare in unambiguous terms. His draft resolution, which had been referred to the Bureau, contained the following paragraph :

“ Prohibition of the use and preparation of air bombardment and chemical and bacteriological warfare, even in case of legitimate defence. If, in case of hostilities, one of the parties transgressed this obligation, the Council of the League of Nations would have to pronounce its outlawry from the civilised world. In such case, all the signatory States would be obliged to render military assistance to the State victim of the transgression.”

M. Massigli did not think it possible to declare that the use of the chemical weapon was an international crime and, at the same time, be content with moral sanctions or vague formulæ. The facts must be faced. It might be quite a long time before the world conscience was roused, and, in the meantime, a small country would be reduced to ashes. That was why he wished to introduce in the third paragraph the idea that the collective repression of the use of the chemical weapon was a duty incumbent upon the contracting parties.

The CHAIRMAN urged how important it was that the Bureau should reach agreement on the proposal to delete the third paragraph of the Rapporteur's conclusions. The formula employed in the second paragraph seemed to him more energetic than the French delegate appeared to think. It referred to punitive action (in French : *sanctions*). If third States agreed

to employ such collective action, their intervention would be very forcible. He thought that it would be preferable to retain the conclusions up to the second paragraph inclusive and to delete the third paragraph.

M. PILOTTI (Italy), Rapporteur, agreed entirely with the Chairman. He wished to give the French delegate an explanation regarding the facts. The reason why he had not adopted the Yugoslav delegation's formula was that he had had to consider, not only that proposal, but other proposals from other delegations. Moreover, the Yugoslav formula, which was apparently the safest, was not really so. It mentioned the Council of the League, but, in so doing, took up a standpoint outside the general Disarmament Convention; the matter became one for the League. Within the terms of Article 16, States Members of the League might find reason to invoke that article in the event of resort to chemical warfare. The question immediately arose, however, whether such warfare was lawful or not, under the terms of the Covenant as it stood, and irrespective of any idea of bringing the Covenant into line with the Pact of Paris. It had not been possible to overcome the difficulty arising from the fact that, under the terms of what was necessarily a general legislative provision, it might be admitted that chemical warfare should be employed by a State the victim of aggression. It might perhaps be said that it was a very unlikely hypothesis that a State would thus take advantage of the fact that it had been attacked, but provision must be made for all possible contingencies. That was what had prevented the Rapporteur from proceeding on the lines indicated by the Yugoslav delegation.

Again, he had received another suggestion from a French source. The reason that he mentioned it was to show how scrupulously he had acted in his capacity as Rapporteur. Under the terms of that proposal it would be an obligation incumbent on every State—and not a right—to see that each contracting party put a stop to the use of chemical warfare. There was no longer any question of discussing whether such warfare might be lawful or not; the purpose was to put a stop to chemical warfare, and it was that obligation that the French delegate, when consulted by the Rapporteur, had endeavoured to define in a suitable form, which the Rapporteur had tried to codify in the report in the formula regarding bringing pressure to bear. It would, of course, be possible to employ more energetic terms, but that actually was how the report came to mention the question of bringing pressure to bear.

M. POLITIS (Greece) thought that there was danger of a serious misunderstanding. An attempt was being made to find general formulæ to indicate the tendencies in the Bureau. It was clear from the various statements and from the report that the crux of the problem lay in the framing of a system of sanctions sufficiently serious to supplement the inadequacy of the preventive measures. The report contained a very explicit passage on that point. It stated that "the inadequacy of the preventive action should be offset by provision for more drastic penalties"; that was the main idea. The whole system depended on repressive action and the accentuation of such action.

The Chairman had shown that for very good reasons, if the system was to be effective, right of reprisal must not be conferred, and the Bureau had gone on to consider the deletion of the paragraph in the conclusions which concerned that right of reprisal. In M. Politis' view, however, the mere deletion of the paragraph was not sufficient. To avoid all possible misunderstanding, it was not sufficient to enquire whether a State the victim of aggression by chemical warfare did not possess the right of reprisal, but it must be stated explicitly in paragraph 3 that there could be no possible justification for any such right. But, in that case, there arose the irrefutable argument set forth by the Rapporteur on page 8 of his report, as follows:

"It is desirable that the State which is the victim of the breach of the prohibition should not require to retaliate by employing the chemical weapon, and that the assistance given it by third States should compensate it, and more, for the disadvantage resulting from the fact that the chemical weapon has been employed against it; if, however, the State which is the victim of the breach is not assured of receiving such assistance, and, in particular, if the assistance is not immediate, but conditional on a consultation between States, which may take some time, the State in question cannot be forced to refrain from the use of the chemical weapon."

Accordingly, if members of the Bureau agreed to accept the principle of the prohibition of the right of reprisal, they must have courage to say that accentuated measures of repression were essential, as was also noted in the report, and that it was not sufficient to state (as in the second paragraph of the conclusions) that there would be a consultation of third States. In the arguments set forth by M. Pilotti one of the reasons advanced against the right of reprisal was the consultation of third States, and that might involve disastrous delays. Again, it might not lead to the adoption of effective measures. On the other hand, if it were declared that it was incumbent upon the contracting parties to take specific measures, and if those measures were definitely stated, the system would work out quite differently. That no doubt was the idea embodied in the report, but it was not expressed sufficiently clearly. The whole economy of the system set forth in the report would be upset if the question of the right of reprisal were passed over in silence, and the duty devolving upon the contracting parties to take as rapid and effective measures as possible in defence of the prohibition of the right of reprisal were not defined more clearly than was done in the second paragraph.

M. MASSIGLI (France) said that he had little to add after the very decisive demonstration which M. Politis had given. He asked his colleagues to re-read the second paragraph as it was drafted and not an interpretation of it. How would such a provision be understood by the man in the street? Imagine the case of a powerful State suddenly resorting to chemical warfare against a weaker State? The cowardice of peoples and governments must be taken into account. It was stated that the third States would have to decide, *if necessary*, on the punitive action to be taken and to address injunctions *or recommendations* to the States at war. It was greatly to be feared that all that would simply result in a recommendation being addressed to the weaker State to yield in the face of force. The proposed text was inadmissible. It was essential to impose a clear obligation on States. He did not propose to insist on the point for the moment; but he reserved his delegation's right to bring up the question in its entirety in the General Commission.

The CHAIRMAN pointed out to the French delegate that it must not be forgotten that there would no doubt be a general system of sanctions. Further, it was not proposed to abolish the sanctions laid down in the Covenant of the League, and in the course of the discussion the Bureau had already contemplated certain kinds of sanctions connected with the provisions of the Covenant. Obviously they would not wait until war broke out. Everything would have to be prepared, with a view to organising the necessary consultations and ensuring that no time was lost. At the same time, as the French delegate appeared to think that the discussion had not been exhaustive enough and suggested reverting to the subject in the General Commission, the Chairman thought that it would be preferable to adjourn the discussion for the moment and hoped that it might be possible subsequently to achieve some degree of unanimity.

The continuation of the discussion was adjourned.

TWENTY-SIXTH MEETING (PUBLIC)

Held on Friday, November 11th, 1932, at 3.30 p.m.

Chairman : Mr. HENDERSON.

31. PROHIBITION OF CHEMICAL WARFARE AND VIOLATIONS OF THE PROHIBITION TO USE CHEMICAL, BACTERIOLOGICAL AND INCENDIARY WEAPONS : REPORT BY M. PILOTTI (ITALY).
(continuation).

IV. *Sanctions in the Event of the Use of Chemical, Bacteriological and Incendiary Weapons*
(continuation).

The CHAIRMAN said that, after the discussion at the previous meeting, which had dealt more particularly with point 4 of the conclusions of M. Pilotti's report (document Conf.D.142), it was clear that nearly all the members of the Bureau were opposed to the recognition of the right to retaliate by the use of chemical weapons against a State which had itself had recourse to them.

Opinions, however, varied considerably as to whether, if all reprisals were excluded, provision should be made, in the Convention to be concluded, for definite sanctions against a State which violated the prohibition to make use of chemical, incendiary or bacteriological weapons.

On the one hand, it was urged that the Conference should make detailed provision for collective measures of repression, while, on the other hand, some of the delegates were of opinion that their Governments might have some difficulty in arriving at a decision with regard to the sanctions which they were prepared to accept, and that the Paris Pact and the Convention itself would be valueless unless they rested upon moral force. The discussion had been adjourned without any conclusion being reached on that point and was to be resumed at the present meeting with a view to finding, if possible, a unanimous solution.

M. PEDROSO (Spain) declared himself absolutely opposed to the recognition of any right to retaliate by the use of chemical weapons, and said that he had nothing to add to the arguments already put forward by the Rapporteur. It was impossible to recognise (in a Convention which subjected to legal provisions the events of war, an institution which had already been outlawed by most of the States) a criminal act which could, under no circumstances, be said to be dictated by the common right of legitimate self-defence.

The question of collective sanctions, raised by M. Massigli, was of the highest importance, and could not have come as a surprise to the States signatory of the Paris Pact and of the League Covenant. The Rapporteur had fully recognised the value of M. Massigli's contentions when, in his final remarks on the effects of the application of the Covenant and the Paris Pact, he had said that the States Members of the League would be free to decide among themselves by some appropriate means (special Protocol, amendment to the Covenant) that the use of the chemical weapon should produce the same effects as a breach of Article 16 of the Covenant.

The French suggestion, which the Spanish delegation supported and desired to see approved by the Bureau, provided for the extension of the principle of that obligation to all the Powers signatories of the Covenant and the strengthening of the sense of collective responsibility, the only method of making the Convention effective, since it would show that the prohibition of chemical warfare was a serious measure and not a mere recommendation, as were so many prohibitions. The threat of serious sanctions was, of itself, capable of producing that moral effect the importance of which had been emphasised the day before by M. Sato and the Chairman himself. The Rapporteur seemed to be of the same opinion when he said (page 8 of his report) : " It is certain that, if the States agreed to enter into such undertakings, the prohibition would be accompanied by powerful safeguards and would run little risk of being infringed ". The Spanish delegation attached the greatest importance to the French delegation's proposal and hoped that it would be approved by the Bureau. It was most particularly desirous that the prohibition of the right of reprisals should not be doomed to failure by an attempt to find a hard and fast formula for sanctions. It would agree to any proposal for rapid, effective and collective sanctions.

M. Pedrosa submitted the following suggestion, not as a formal proposal, but as a general guide to the discussions :

" If a signatory State has recourse to the use of chemical, incendiary or bacteriological weapons, it shall be, *ipso facto*, considered as having committed an act of war against the other States parties to the Convention ; and the said other States shall take repressive action against the State violating the prohibition, which action shall be progressively accentuated with a view to inducing the State in question to forgo the use of chemical, incendiary or bacteriological weapons, or preventing it from continuing the use of them, in the last resort employing military sanctions to enforce respect for the obligations under the Convention.

" The Permanent Disarmament Commission will organise such action in accordance with the obligation assumed by the signatory States.

" The right of retaliation against the use of chemical, incendiary or bacteriological weapons is formally forbidden. Any State having recourse to reprisals will thereby place itself outside the Convention."

General BURHARDT-BUKACKI (Poland) had not intended to take part in the debate, as he was persuaded that the Bureau would only be able to solve the serious problem of sanctions in all its aspects and in full knowledge of the facts after the special Committee of Experts had furnished it with the necessary information on the questions raised at previous discussions. In view of the turn taken by the discussions, however, he was obliged to intervene, especially owing to the very definite attitude adopted by the Polish Government on that question and to the initiative taken by the Polish delegation on the Preparatory Commission in the matter of sanctions and of assistance to the victims of chemical aggression.

In that connection, he quoted an article by M. Politis entitled : " The Future of the ' Convention ' Law of War ", in which he described the position which had arisen on the Preparatory Commission as follows :

" On the termination of the work of the Preparatory Commission (meeting of December 5th, 1930), the Polish delegation, supported by six other delegations (Belgium, Finland, France, Roumania, Czechoslovakia, Yugoslavia), stated that it reserved the right to have the question of sanctions examined by the League of Nations. It pointed out that the development of science and the growth of the chemical industries constituted a temptation to make use of them in a future war. A simple prohibition was not sufficient to eliminate that danger, but should be followed by appropriate measures designed to enhance its practical value and to render its violation more difficult, by increasing the risks to an aggressor.

" The system of collective reprisals would certainly be more effective, especially in the direction of prevention, but it did not seem possible to bring about at the present time. In the circumstances, all that could be obtained was an undertaking on the part of the contracting States to give a country which had been the victim of aggression suitable sanitary and medical assistance and to place their scientific resources at its disposal so as to enable it to take the most effective measures to protect itself.

" That change of attitude on the part of the delegations, which had hoped at the outset to create a movement of opinion in favour of the system of collective reprisals, is very characteristic."

General Burhardt-Bukacki added that the Polish delegation had reserved the right to bring up the question of sanctions again, as it was convinced that only a solution covering every aspect of the problem could sufficiently allay the legitimate and increasing apprehension felt by all those who considered that chemical warfare was a threat to the future of the whole of civilisation. He did not desire to anticipate the replies of the Committee of Experts, but he feared that they would force the Bureau to the particularly disquieting conclusion that any control in the sphere of chemical warfare was inadequate, as the great chemical factories could always take refuge in the pretext that they were safeguarding themselves against so-called economic espionage. It followed that, in the matter of reprisals, the first thing to seek was the methods of prevention and repression. The resolution of July 23rd, 1932, on which the investigation by the Bureau was based, tended to facilitate the work in that direction. M. Pilotti's report was an interesting attempt to find a solution, opened up far-reaching perspectives

and would no doubt be invaluable to the Committee of Experts. Nevertheless, some of the statements made on the previous day indicated that certain concrete proposals were necessary if ambiguity and uncertainty were to be avoided. In 1914, thirty noxious gases were known, while at the present time more than one thousand were known. It was no doubt important to establish a system of supervision, but the main thing was to give a State which had been attacked the certainty that the whole of humanity would back it up by inflicting on the aggressor State effective sanctions which could be applied immediately without any delay or restriction. Poland had signed the Protocol without the condition of reciprocity, but hoped that a complete solution of the problem under discussion would be found by the Conference.

Mr. WILSON (United States of America) said that the criticism of the Rapporteur and the observations of various members of the Bureau had given to the debate a scope and a depth which he had not, at the start, anticipated. Having had the benefit of expressions of opinion by his colleagues, which gave greater clarity to the problem of sanctions, both particular and general, his delegation agreed with those speakers who believed that there must be an establishment of the fact of violation. It agreed also that that establishment must take place, to be efficacious, with the utmost rapidity. He had some doubts as to exactly the procedure to be followed to establish that fact, and feared that the text proposed might prove to be an intolerable burden upon the doyen of the diplomatic corps, particularly if he were the representative of a small neutral country lying next to one of the great belligerents. The method, although a detail, was, however, of high importance and must be worked out in the light of the general Convention. All the members were agreed that there must be the establishment of the fact of violation and that such establishment must take place with a high degree of rapidity. That that establishment of fact should be followed up by a consultation of the signatory Powers seemed to him to be a reasonable and natural corollary to Article 52 of the draft Convention, which dealt with peace-time complaints. It would appear that a complaint made during a war should be followed by similar procedure, always taking into account the immensely increased urgency of action. His Government's views would be necessarily influenced by the final form of Article 52 and analogous provisions.

Beyond that point, he confessed that his ideas were not fixed. It seemed to him that the debate had shown clearly the vastness of the field which the Bureau was now investigating, and the difficulty for anyone at that moment to say clearly what his final attitude might be on that highly important but very delicate problem. In approaching any problem which endeavoured to cover future events, and which was not the application of a mathematical formula applied to the facts as they were, there was an inevitable difference of method between those whose training was based on the Code Napoleon, and those whose training was based on the evolutionary processes of common law. The tendency of the former school was to build a series of steps based on often irrefutable logic which endeavoured to provide machinery for the future, and prescribed in considerable detail its action. The latter school endeavoured to set up a machine to which it gave the greatest possible power, but which it bound as little as possible on detail, trusting to evolution and to the momentum which that machine would gain as it functioned in the future and established precedents.

It was an interesting speculation whether some notion of that contrast was not in the mind of M. Paul-Boncour when he envisaged concentric circles capable of moving even in different directions without upsetting the harmony of the whole. It was perhaps with the thought of conciliating those divergent philosophies that he made use of the simile. Naturally, Mr. Wilson, with his training, found more sympathetic the second school of thought and was inclined to leave to the future the development of the task of the Permanent Disarmament Commission. He realised that those who thought differently had an equal right to their conceptions and he hoped that some method of harmonising the two would be found.

He had not anticipated that the discussion would take on such breadth, and had assumed that it would be possible to examine the problem of chemical warfare as one piece of a broad mosaic into the pattern of which it could be fitted. He had not thought that at that moment it was essential to extend the conception of what should be the sanction set up by the treaty to the breadth which had been suggested, a breadth which, to his mind, it would only be right to discuss when the treaty was considered as a whole. He wondered whether, in concentrating upon that particular problem, the Bureau was not failing to see the wood for the trees. Either the Bureau or the General Commission must enter shortly into a discussion of that broad and thorny question. They must give due consideration to those suggestive conceptions sketched by M. Paul-Boncour, and in the light of the developments which followed such a discussion, would they not see more clearly what they could do on the general question of sanctions? Also it must be remembered that this subject would presumably have to apply, at least in a general way, to many other portions of the treaty. There might be prohibitions applied to guns and there might be prohibitions applied to types of aeroplanes. There might conceivably be other prohibitions in that treaty. Were there to be compartmentised discussions on sanctions each time one of these problems was approached, or would it not be better constantly to bear in mind the necessity of so shaping the work upon that particular question that the ultimate result would be a broad and harmonious whole?

Mr. Wilson then offered an observation on the Chairman's suggestion that mention of retaliation in kind should be eliminated from the text under discussion. He was obliged to go back to his original conception of a rule of international law of universal application. He felt sure, as he listened to the debate, that the thoughts of the members of the Bureau were running more and more in the direction of such application. If such were the case, and they were not contemplating a renunciation of limited scope, but an application of universal scope, then it would seem to him wise to follow the Chairman's suggestion and to eliminate, at least provisionally, mention of retaliation in kind.

Mr. Wilson added that that observation was a personal one, and his Government had not yet expressed itself on the subject.

M. WESTMAN (Sweden) stated that the Swedish delegation was in favour of the suppression of the right of retaliation. The admission of the right of retaliation by the use of chemical weapons would be a backward step from the position already taken up by the Conference in its resolution of July 23rd, 1932.

Before taking a definite decision, however, the Swedish delegation would be glad to see further progress in the direction of the mutual assistance suggested in M. Pilotti's report. The idea that the attacked State would be able to obtain immediate assistance from the other States was of the very greatest importance for small countries, particularly those whose chemical industry was undeveloped. M. Westman was glad to see from the draft questionnaire¹ that it was proposed to ask a special committee to make suggestions regarding the sanctions to be applied to a State which infringed the prohibition of the use of chemical arms. He was also glad to see from the observations on Chapter IV, Section I, of his report that the Rapporteur had already contemplated a body entrusted with the task of establishing infringements of this prohibition. This was, in his opinion, a matter worthy of the most careful study. The idea seemed to him so good that it should be retained with a view to its extension to other spheres; and efforts should be made to entrust this special body with other duties than those suggested in the present text of the report.

M. PILOTTI (Italy), Rapporteur, leaving on one side the question of the establishment of infringement of the Convention by the use of gas, which had been raised afresh by Mr. Wilson and by the Swedish delegate, gave the reasons which had led him to suggest that the victim of an infringement should apply to the doyen of the *corps diplomatique* in the country in question in order to secure the establishment of this infringement. The point was to find someone of importance with whom the State attacked might be able to get into touch without loss of time. There might be certain disadvantages in the system which he had suggested, but it had the advantage of enabling action to be taken for an enquiry on the spot, in the hospitals and on the front, by the doyen of the *corps diplomatique*, who was always at the disposal of the Government in the very capital of the State which alleged that it had been the victim of a gas attack.

On the question of retaliation by the use of chemical weapons, M. Pilotti fully realised the importance of Mr. Wilson's remarks; but thought it possible, in view of his own Italian and Romanist legal education, to find some common ground between the two legal schools to which the United States delegate had referred. Looking at the question in the form raised by the Chairman at the conclusion of the previous meeting, he wondered whether it might be possible to drop the right of retaliation and to introduce into the Convention certain provisions dealing with the individual action open to the signatory States, and the common action which might be taken by all the States for the purpose of bringing chemical warfare to an end. With this object in view, he had drawn up the following alternative text for Section II of Conclusion No. 4 in his report:

" II. The declaration of the Permanent Disarmament Commission establishing the fact of the use of chemical, incendiary or bacteriological weapons shall have the following effects:

" 1. The State against which chemical, incendiary or bacteriological weapons have been employed shall *in no circumstances* retaliate by the use of the same weapons.

" 2. It shall be the right and duty of third States *individually* to bring pressure to bear upon the State which has used the chemical, incendiary or bacteriological weapons to induce it to give up the use of the said weapons or to deprive it of the possibility of continuing to use them.

" 3. A consultation shall be held among third States at the earliest possible moment to determine what *joint* steps shall be taken, to decide if necessary on the *joint* punitive action of every description to be taken and to address injunctions or recommendations to the States at war.

" 4. *Third States situated in a given region may further undertake to undertake jointly, and as rapidly as possible, severe punitive action against the delinquent State, and for this purpose to create beforehand a joint police force.*"

The conclusion of the report might be improved by the proposal put forward by M. Pedroso, and for that reason he would be glad if that suggestion might also be distributed to the members of the Bureau. He would also be glad if the Chairman could appoint a

¹ See below.

sub-committee which, on the basis of the various texts already drawn up, would endeavour to define the question of sanctions starting from the fundamental principle that the right of retaliation was not admitted. The draft questionnaire to be submitted to the sub-committee¹ should finally be examined by the Bureau and forwarded as soon as possible to the delegations. It was not impossible that an agreement might be reached without much difficulty, once the conclusions of the Co-ordination Committee which he proposed were known.

The CHAIRMAN shared the views of the Rapporteur, and proposed that the suggested sub-committee should be composed as follows : M. Politis, as Chairman, and the delegates of the following countries : Austria, Belgium, United Kingdom, France, Italy, Spain and Sweden. The two points of view would thus be represented. The sub-committee would be requested to report on Monday, November 14th.

This proposal was adopted.

32. PROHIBITION, AND SUPERVISION OF THE PROHIBITION, OF THE PREPARATION OF CHEMICAL, INCENDIARY AND BACTERIOLOGICAL WARFARE : CASE OF A BREACH OF THE PROHIBITION TO USE CHEMICAL, INCENDIARY AND BACTERIOLOGICAL WEAPONS AGAINST AN OPPONENT :
DRAFT QUESTIONNAIRE PROPOSED BY M. PILOTTI (ITALY).

M. PILOTTI (Italy), Rapporteur, presented the following draft questionnaire :

“ A. *Prohibition of the Preparation of Chemical, Incendiary and Bacteriological Warfare.*

“ I. *Defensive Material.*

“ 1. Should the preparation of material intended for individual protection (masks, protective clothing, etc.) be prohibited ?

“ If not, can it be laid down that this preparation should be entrusted :

“ (a) To the Governments, under international control ?

“ (b) Or to an international body (for example, the Disarmament Commission) ?

“ 2. Should the preparation of collective protection be prohibited ? If not, should this preparation be regulated (for example, that of underground shelters) ? Should it be carried out under international supervision ?

“ 3. Does the testing of protective material necessitate the use of poisonous substances ?

“ If so, what measures should be taken to prevent this giving rise to abuses ?

“ Should it be made compulsory to declare the quantities of poisonous substances produced with a view to testing protective material ? Should these quantities be restricted ? Should the results of the tests be made public ?

“ 4. Should the preparation of the treatment of victims of chemical warfare be prohibited ?

“ Should the specialisation of hospitals with a view to the treatment of victims of chemical warfare be prohibited ?

“ If not, how should the work of doctors, attendants and rescuers and their training be regulated ?

“ II. *Offensive Material.*

“ 1. How can the preparation of bacteriological warfare be prevented ?

“ 2. Is it practicable to prohibit the manufacture, importation, exportation and possession of implements and substances exclusively suitable for use in chemical and incendiary warfare :

“ (a) Are there such implements and substances ?

“ (b) What are they ?

“ (c) Are they of genuine importance ? If the above-mentioned prohibition can be pronounced, would this constitute an effective obstacle to the preparation of chemical warfare ?

“ 3. Is it practicable to prohibit the manufacture, importation, exportation or possession of implements and substances capable both of pacific and military utilisation ?

“ If not, can the armed forces be forbidden to possess certain stocks of these substances or implements, or can States be obliged to declare these stocks ?

“ 4. Can the training of armed forces in the use of chemical weapons be prohibited ?

“ What would be the practical effect of this prohibition ?

“ 5. Can the Committee suggest other practical forms of prohibiting the preparation of chemical, bacteriological and incendiary warfare ?

* * *

¹ See below.

Appendix.

Special case of lachrymatory substances.

" 1. Can the production and possession of lachrymatory substances be authorised for police purposes ?

" 2. Should lachrymatory substances be included in the category of substances exclusively suitable for use in chemical warfare ?

" 3. If so, should they be treated separately ?

" Should the quantities capable of being produced, imported or possessed be limited ?

" Should any other form of regulation be introduced ?

" Is the application of a special treatment to lachrymatory substances liable to lead to abuse ?

B. Supervision of the Prohibition to make Preparations for Chemical, Incendiary and Bacteriological Warfare.

" (1) (a) Can the prohibition of such preparations be supervised by consulting commercial statistics of the movements of chemical industries in all countries ?

" (b) Can this supervision be exercised by entrusting to national bodies the inspection of chemical factories and by having the following data published :

" The nature of the products manufactured therein ?

" The existing stocks of manufactured products ?

" The output capacity of the factories ?

" Is it sufficient to do this for certain factories ?

" (c) Should this supervision be entrusted to an international body ? If such supervision is introduced, what will be its practical effect ?

" (2) From what facts will it be possible to deduce that the prohibition to make preparations has been violated ?

" First system : Supervision based on the existence of regulations concerning production.

" (a) Limitation of the chemical output capacity of States, or, at any rate, of a certain number of States, so that the chemical warfare potential of certain States should not be too unequal (quotas, industrial agreements, etc.).

" (b) Limitation of the quantities of chemical products in stock.

" Practical value of this system ?

" Second system : The freedom of manufactures, imports and stocks is, in principle, complete, but the intention of using these substances for chemical warfare is alone prohibited.

" From what facts can this intention be deduced ?

" (a) From the character of Government intervention in the management of production ?

" (b) From abnormally large outputs ?

" (c) From abnormal stocks ?

" (d) From other facts ?

" Practical value of this system ?

" (3) Can the Committee suggest other practical forms of supervision ?

C. Case of a Breach of the Prohibition to use Chemical, Incendiary and Bacteriological Weapons against an Opponent.

Determination of such a Breach.

" How should the determination of a breach be technically organised ?

" Who should determine such a breach ? Should specialised experts be compulsorily attached to the authority responsible for determining the breach ?

" Should these experts be designated in advance ?

" Should two expert investigations be provided for—viz., by the experts of the country attacked and by international experts appointed in advance ?

" How should the determination of the breach be organised so that it should take place as rapidly as possible ?

Penalties.

" Has the Technical Committee any suggestions to make as regards the penalties to be applied to a State committing a breach of the Convention ? "

M. Pilotti added that, in drawing up the questionnaire, he had requested the assistance of certain members of the Special Committee. The questions were to be examined by that Committee from a purely technical point of view, and it was not asked in any way to anticipate the decisions of the Commission or to adumbrate any general solution extending beyond the sphere of chemical warfare.

The questions had been drawn up in very detailed form in order that the Committee might be able to reply as far as possible by a simple "Yes" or "No". Several questions might seem unnecessary in so far as the reply could be foreseen. M. Pilotti had thought it well, nevertheless, that these questions should appear in the questionnaire, which would thus be complete and would make it possible to quote the opinion of competent experts on the whole question. The draft questionnaire followed the same lines as the reports. It was based upon the distinction between offensive and defensive material, and followed as far as possible the discussion which had taken place on the subject.

A. *Prohibition of the Preparations for Chemical, Incendiary and Bacteriological Warfare.*

I. *Defensive Material.*

M. PILOTTI (Italy), Rapporteur, explained that it had originally been proposed to entrust the Red Cross, in the capacity of an international body provided for in paragraph 1 (b), with the preparation of material for individual protection. There had been certain objections to this proposal, particularly on the part of the Red Cross itself, which was not sufficiently equipped to undertake this manufacture. The Committee might consider the possibility of providing for enquiry by an international body acting in the interests of humanity.

With reference to Question No. 2, he emphasised that States could scarcely be expected to carry the abandonment of the right of retaliation to the length of giving up the construction of shelters. It would be for the Special Committee to say whether such constructions might possibly give rise to abuse.

Questions 3 and 4 were of greater importance, as, in order to ascertain whether masks were efficient, it was necessary to produce gas, and certain delegations declared themselves for this reason opposed even to the manufacture of defensive appliances.

Mr. EDEN (United Kingdom) shared the opinion already expressed that the questions submitted to the Special Committee should be as precise as possible in order that the replies to them might be such as only experts were able to give. Some of the questions suggested by M. Pilotti seemed to him to go beyond the limits of a strictly technical enquiry. There were certain questions to which the Bureau should reply itself. Question No. 1, paragraph 1, for instance, would have to be settled by the Bureau in the light of information supplied by the technical experts. Mr. Eden would prefer that, in this case, they should merely be asked: Is there any material intended exclusively for protection against gas? If it is possible to exercise international supervision over the manufacture of this material or to centralise such manufacture, how could this be brought about?

He thought that the wording of Question 2 should also be modified. In his opinion, the experts should merely be asked whether there was any method of collective protection, whether this method had been adopted in the various countries and what developments might be expected from it. The remaining points were for the Bureau to deal with.

He had no criticisms to make on Question 3, but, with regard to Question 4, he remarked that it could not be the Bureau's intention to ask the Special Committee whether prohibition should extend to preparations for the care of the victims of chemical warfare, as it was not possible to think of forbidding care of the injured.

Mr. Eden therefore strongly urged that all questions of a political character should be reserved for the Bureau.

M. PILOTTI (Italy), Rapporteur, admitted that the formulæ employed in the draft questionnaire showed some signs of haste and were in some cases rather elliptical in nature. He wished to avoid any misunderstanding. In paragraph 1 (a), for instance, the question which he intended to ask was, in fact, the following: Is it possible not to make advance preparations for chemical warfare and not to possess masks for the protection of individuals? The possibility of an infringement of the Convention must always be borne in mind, and the technical experts should say whether they considered it necessary to keep a stock of gas masks for the protection of the population in the case of such infringement; the final conclusion would, of course, belong to the Conference. He wished to emphasise that there was no question of handing over to the Special Committee the responsibilities of the Bureau. The Committee would decide whether the advance preparation of masks was necessary, or whether such preventive preparation was entirely useless owing to the impossibility of saying what gas would be used for the attack. In the light of the Special Committee's replies, the Bureau would decide what articles it would propose for insertion in the Convention.

Question No. 2 referred to the utility of shelters and not to the right to construct them. The Special Committee would advise on the usefulness and advantages of shelters, but not on the relation of their construction to international law and agreements. It would say, for instance, whether it was impossible to provide defence without the construction of shelters or whether, on the other hand, it was possible to do without them.

Similarly, Question 4 was to be read in the light of the discussions which had taken place in the Bureau regarding research into defence material, research which might possibly be used for the preparation of an attack. On the other hand, there could obviously be no thought of prohibiting the training of doctors and nurses in the treatment of victims of chemical attack, but it must be considered whether such preparation could not be regarded as having a double purpose.

M. Pilotti was anxious to emphasise that there was no question of prejudging in any way the right of the Bureau, and of the Governments themselves, to decide such matters.

M. BOURQUIN (Belgium) had no doubt that the Rapporteur's replies would relieve Mr. Eden's anxieties. In view of the value of M. Pilotti's statement as an interpretation, he requested that an extract from the Minutes might be distributed to the members of the Bureau.

M. Bourquin's proposal was adopted.

M. MASSIGLI (France) stated that, if M. Pilotti's reply meant that, in every case in which the Special Technical Committee was asked to deal with a general question which exceeded its competence, the Committee should merely supply purely technical information enabling the Bureau to take a decision, with full knowledge of the facts, he was in entire agreement with the Rapporteur.

II. *Offensive Material.*

M. PILOTTI (Italy), Rapporteur, explained, in connection with Question 1, that the doctors on the Special Committee had given it as their unanimous opinion that there was no method of preventing bacteriological warfare. M. Pilotti had nevertheless put this question in order to ascertain whether any other developments were possible, more particularly in the sphere of protection.

Question No. 2 dealt particularly with incendiary and chemical warfare. He had been informed by specialists that there existed special appliances for carrying on warfare of this nature, and the question to be solved by the Special Committee was whether the prohibition of the employment of such appliances and material would help to prevent chemical and incendiary warfare.

There had been a long discussion in the Special Committee on Question 3, which dealt with the possibility of preparing in advance appliances and materials capable both of pacific and military utilisation.

Question No. 4 called for no comment, and on Question 5, which was general in character, the Special Committee was requested to say whether it could make any further practical suggestions.

The CHAIRMAN requested delegations desiring to propose amendments to the questionnaire to forward their suggestions to the Rapporteur direct. He understood the Bureau to agree that the questionnaire should be referred in its entirety to the Special Committee.

Agreed.

Mr. EDEN (United Kingdom) said that he was ready to submit his suggestions to M. Pilotti and added that, in his opinion, the work of the Special Committee would be considerably lightened if the questions addressed to it were drawn up in a purely technical form.

M. PILOTTI (Italy), Rapporteur, agreed on this point.

The CHAIRMAN added that, if, in the opinion of the Rapporteur, the questionnaire was best drawn up in a purely technical form, the Bureau would accept his decision on that matter.

TWENTY-SEVENTH MEETING (PUBLIC)

Held on Saturday, November 12th, 1932, at 11 a.m.

Chairman : Mr. HENDERSON.

33. PROHIBITION OF CHEMICAL WARFARE AND VIOLATIONS OF THE PROHIBITION TO USE CHEMICAL, BACTERIOLOGICAL AND INCENDIARY WEAPONS (*continuation*).

IV. *Sanctions in the Event of the Use of Chemical, Bacteriological and Incendiary Weapons : Text proposed by the Drafting Committee.*

The CHAIRMAN invited M. Politis, as Chairman of the Drafting Committee appointed on the previous day, to report on the work of the Committee.

M. POLITIS (Greece) said that the Drafting Committee, appointed to reconsider the text of Section II of Conclusion No. 4 of M. Pilotti's report (document Conf.D.142), had met on the previous evening and agreed in principle on the following new text :

" II. The declaration of the Permanent Disarmament Commission establishing the fact of the use of chemical, incendiary or bacteriological weapons shall have the following effects :

" I. Third States shall individually be under an obligation to bring pressure to bear, chosen according to circumstances, and notably according to the special situation in which they are placed in relation to the belligerents, upon the State which has used the chemical, incendiary or bacteriological weapons to induce it to give up the use of the said weapons or to deprive it of the possibility of continuing to use them.

" 2. A consultation shall be held among third States through the agency of the Permanent Disarmament Commission at the earliest possible moment to determine what joint steps shall be taken and to decide on the joint punitive action of every description to be taken.

" These decisions shall be taken by a majority vote (character of the majority to be decided by the General Commission). The minority shall not be bound, but it shall be under an obligation not to hinder the action of the majority.

" The Permanent Disarmament Commission shall be entitled to take in advance all preparatory measures with a view to the possible application of the decisions referred to in the foregoing paragraph.

" 3. Third States situated in a given region may further pledge themselves to undertake jointly and as rapidly as possible severe punitive action against the delinquent State and, for this purpose, to create beforehand a joint police force.

" 4. The State against which chemical, incendiary or bacteriological weapons have been employed shall in no circumstances retaliate by the use of the same weapons."

This new text was on the same lines as the old, and began with the same sentence—that was to say, it presupposed the establishment by the Permanent Commission of the use of the prohibited weapons. The Drafting Committee had not been called upon to reconsider the procedure by which the use of the weapons in question was to be established: but it had been led to take into consideration the capital importance of such procedure from the standpoint of the rapidity and certainty of results, and it thought that the Bureau might usefully draw the General Commission's attention to the possibility of speeding up the procedure for the establishment of the use of these weapons laid down in Section I of Conclusion No. 4 of the Rapporteur.

The object, therefore, of the new text, as of the old text, was to determine the effects of the Permanent Commission's finding when once that step had been taken. The Drafting Committee was unanimous in proposing that the power to retaliate by the same weapons should be prohibited, and that there should be a formal statement of such prohibition. The Committee proposed to insert such a statement as paragraph No. 4. It seemed desirable to place this statement at the end in order more clearly to indicate that the absolute prohibition of reprisals had its justification in the system of sanctions described in the three preceding paragraphs.

The sanctions proposed were of three kinds: individual sanctions, general collective sanctions and regional collective sanctions.

In the first place, it was recommended that what were called "third States"—he did not think the expression "third States" was a very happy one; it might be desirable later to find some other expression—should be under the obligation individually to take suitable action, each on its own account, in relation to the guilty State, with a view to inducing the latter to forgo the use of the prohibited weapons or to make it impossible for it to continue their use. What measures were possible in this sense? The answer was to be found in the text. The Drafting Committee had thought it desirable to enumerate the various individual measures to be taken by the States; but it was understood (and the Drafting Committee thought it would be necessary to specify as much in the Bureau's report to the General Commission) that any form of pressure was possible from simple diplomatic representations to military action, or intermediate measures of a financial, commercial or economic character. It was felt to be sufficient in the actual text to state that all would depend on circumstances and on the special position, in relation to the belligerents, of the State deciding to take action.

Side by side with individual sanctions, the text contemplated collective sanctions. The latter would have the same object of inducing the guilty State to forgo the use of the prohibited weapons or to make it impossible for it to continue their use. As, however, the sanctions in this case were to be collective, they would have to be decided by the whole body of States concerned. With this object, the latter would have to consult with one another on the Permanent Commission at the earliest possible moment, and it was desirable to state at that point that the words "at the earliest possible moment" were understood in practice to mean the moment when the Permanent Commission was called upon to establish the use of the illicit weapons. In other words, at the same meeting at which the Permanent Commission established the use of the illicit weapons, the members of the Commission would proceed to consult with one another with a view to deciding the joint action to be taken and the collective sanctions of all kinds to be applied. The wording of this passage in the new text was purposely left very elastic. It did not formally state that the different States were under obligation to undertake joint action. Those members who would have preferred a more strictly obligatory system operating more automatically had agreed in principle to the line taken, in view of the three following considerations:

- (1) The knowledge of the obligation to take individual sanctions;
- (2) The possibility of applying sanctions even without unanimity of the whole body;
- (3) The provision for regional pacts supplementing the general system of collective sanctions.

Thus the second sub-paragraph of paragraph 2 of the new text stated that the decisions were to be taken by a "majority". The minority was not to be bound by a decision—that was to say, it would not be bound to join in the action taken by the majority; but it would at any rate be bound to respect such action, and not to obstruct the measures decided on and

undertaken by the majority. What majority was to be required? The text did not say. It merely indicated that the character of the majority would have to be decided by the General Commission. It was possible to waver between different systems—a simple majority of all the members of the Permanent Commission present or absent, or a qualified majority if only the votes of those present were to be taken into account. The Drafting Committee had felt that the question was too complicated, and that it would be necessary to take time to consider the various concrete situations that might arise. Accordingly, it merely pronounced for majority decisions in principle, leaving the character of the majority to be decided by the General Commission. Consequently, it would be necessary in the General Commission to undertake a thorough examination of the different hypothetical situations which might arise with a view to settling the question with full knowledge of the facts.

The final sub-paragraph of paragraph 2 referred to the power of the Permanent Commission to take in advance all possible preparatory measures with a view to facilitating the application of such collective sanctions as might ultimately be decided. What preparatory measures? Such measures might take different forms. It had been pointed out in the Drafting Committee that the Permanent Commission would have to consider at leisure in peace-time the hypothetical situations which might arise, and have in readiness different systems of sanctions to be applied as and when required. In the event of violation of the Covenant and application of collective sanctions, the Permanent Commission would then not be taken unawares, its discussions would not involve any delay, and it would have a system of sanctions for application ready to hand.

The general collective sanctions contemplated in paragraph 2 might be supplemented by regional sanctions. Accordingly, paragraph 3 conferred power on the so-called third States of a given region to agree to undertake rigorous repressive action in common, as an urgency measure, against a guilty State, thus constituting a collective police force operating in advance.

The Draft Committee had endeavoured to reconcile the different tendencies which became apparent during the discussion of this delicate subject, and believed it had succeeded. The solutions proposed in the text submitted to the Bureau were not final in character; they would have to be reconsidered and amended and supplemented on more than one point. Such as they were, he thought they might be accepted by the Bureau, whose object (it would be remembered) was to provide the General Commission with a rough draft for the latter to complete.

General BURHARDT-BURACKI (Poland) said that the Polish delegation had warmly welcomed the definite prohibition embodied in paragraph 4 of the Drafting Committee's text. It felt that it would be essential later to define in greater detail the terms of the preceding paragraphs which formed a counterpart to that provision, since the Powers signatories to the Convention would thereby assume a very great moral responsibility towards the State which was a victim of an aggression of that nature. The question would no doubt be further elucidated by the work of the Special Committee and would then be examined by the General Commission. Such an examination was necessary in view of the very special importance of that aspect of the problem. Paragraphs 1, 2 and 3, in particular, as the Chairman of the Drafting Committee had emphasised, would have to be further defined and specially strengthened.

M. PILOTTI (Italy), Rapporteur, said that, as Rapporteur, he thought that he had exhausted the question in his report. He would simply add that it was a matter of gratification that further progress had been achieved in the direction of prohibiting the chemical weapon, since the conclusions now submitted to the Bureau—subject to what he was about to say—constituted an improvement on those which appeared in his own report.

Speaking then in his capacity as delegate of Italy, he stated that what concerned him was the paragraph 3 of the new proposal regarding regional agreements. It preoccupied him for several reasons. In the first place, as he had said on the previous day, when submitting his alternative text for Section II of Conclusion No. 4, in a matter such as this, which aroused universal reprobation and called for the proclamation of a principle of international law valid alike for the signatory Powers and against non-signatory States, it seemed to him somewhat questionable to talk of sanctions of a regional character. He doubted very much whether such a provision would add anything to the general punitive measures and even felt that it might tend to diminish their effect. It seemed to him that a meeting of all the States in the world, convened to take joint action against international crime, would be somewhat chilled by the fact that there was already a regional agreement providing for special intervention, which had been deemed more effective. He felt doubtful, moreover, as regards its efficacy, as he thought that really universal action, such as a blockade by all the States in the world, would be far more powerful than a demonstration of force on the part of any one group of States.

His doubts became even stronger, when he went on to consider a further aspect of the problem. It had already been stated that sanctions would be applied against non-signatory States. He felt that that was a very limited hypothesis, and hoped most earnestly that the Convention would be signed by all the States in the world. At the same time, it must be anticipated that there would be non-signatory States. What action was contemplated against them? The reaction of conscience in all the other States. There was no objection to that, and it was what was required when a principle of international criminal law was proclaimed. A regional agreement, however, backed up by the proposed police force only constituted in reality an alliance against a State which was not a party to that agreement. There could be no

question of a pact of mutual assistance, since the action contemplated would be taken against a third party ; it was simply an alliance and a characteristic form of alliance, a state of affairs which made the Italian delegation hesitate somewhat. It would have understood a proposal to add, in the report to the General Commission, that the idea of such agreements had been recommended, that there might be something in it and that several delegations, or indeed practically all the delegations, would give the suggestion a sympathetic welcome. He could not quite understand, however, that such a suggestion should appear in the form of a conclusion to be submitted to the General Commission. But since that was the case, he found himself unable to accept it on behalf of his delegation—for a very simple reason. The provision raised a problem of an essentially general character, far exceeding the scope of chemical warfare. The idea of regional pacts was perhaps a good one. It had been put forward for other quite general purposes at the present Conference. It might perhaps afford a solution of many difficulties which had hitherto proved a stumbling-block, but he saw no reason to allude to it or to recommend it in a special case such as that of chemical warfare.

The idea of regional agreements must be examined as a whole and with reference to all its possible applications. As put forward, however, in the present case, it was conditioned by the previous certainty of the existence of a police force. It did not really imply that addition. Mention had first been made of " third States "—that was to say, States other than the parties to the dispute. He was quite prepared to admit that third States should meet when the conflict had broken out, that they might act more rapidly than the Permanent Commission and arrive at constructive and more effective solutions, but that possibility was already implicit in Section I of his conclusion. If it were desired to state it more explicitly, he would have no objection, but in paragraph 3 of Section II there was a reference to third States situated in a given region. Such States then were no longer third States properly so-called, but States which regarded themselves as belonging to a given region and which thought it expedient to provide for the hypothesis of some other State employing chemical warfare against a State belonging to their group. That was prejudging the question of the expediency of constituting an international force. Incidentally, he did not care for the expression " joint police force ", since a police force would be incapable of arresting the use of gas on a big scale by countries possessing a powerful chemical industry. He would not stress the point ; it was only a question of words.

The idea of setting up an international force was worthy of consideration and would have to be examined, with all its consequences and all its possibilities, but he saw no purpose at the moment in considering it or speculating as to its future fate. The provision in question no doubt simply suggested a possibility rather than an obligation, since no State would be bound to become a party to a regional agreement, but there was no point in mentioning that possibility at the present juncture, when it must obviously constitute one of the chief points to be discussed in the later phases of disarmament. He would have agreed to a reference being made in the report, but he could not agree to the provision in question appearing as one of the conclusions to be submitted to the General Commission.

Mr. WILSON (United States of America) asked that M. Politis's lucid explanations might be reported in full in the Minutes of the meeting.

As regards the text proposed by the Drafting Committee he observed, as he had already done on the previous day, that the discussion had assumed proportions which had not originally been anticipated. He desired accordingly to submit a general reservation, on his Government's behalf.

Mr. EDEN (United Kingdom) said that he was in the same position as the United States delegate. The document submitted by M. Politis was the result of strenuous work on the part of the Drafting Committee, and Mr. Eden was convinced that all his colleagues would realise its importance. Before expressing a definite opinion, he would be obliged to consult his Government.

M. DOVGALESKI (Union of Soviet Socialist Republics) observed that that was the first time that the principle of punitive action had been quite so definitely raised at the Conference. The Italian delegate had made one capital objection to one of the points in the document. M. Dovgaleski was inclined to share the view expressed on the previous day by his United States colleague ; if he had understood Mr. Wilson aright, the question of punitive action ought not to form the subject of a partial discussion—that was to say, it ought not to be settled in connection with the prohibition of the use of chemical weapons. It constituted a problem which would have to be examined in all its complexity. The Conference would certainly have an opportunity of expressing its views on prohibitions regarding other weapons the use of which might appear incompatible with the objects of the Conference. As that was the first occasion on which the principle of sanctions had come up, it was impossible for the Soviet delegation to express a definite and final opinion at the moment ; it would have to refer to its Government.

M. MASSIGLI (France) said that, after the conciliatory efforts made both in the Bureau and in the Drafting Committee with the object of preparing a text on which agreement could be reached, he would have refrained from speaking, had not the reservations made obliged him in his turn to submit one. In the question under discussion, the French Government had always considered that the only means of abolishing chemical warfare was to impress in advance upon possible violators of the prohibition the certainty that they would be made to expiate the breaking of their word. That was why the French delegation had always considered that a system of automatic sanctions was necessary in that particular case ; this method, moreover,

appeared to it to be in conformity with the resolution adopted by the General Commission of July 23rd, 1932, in which it enunciated the principle of special sanctions in case of recourse to chemical warfare.

In the various negotiations and conversations which had preceded that resolution, it had been recognised that absolute prohibition, excluding the right of reprisal by the use of the same weapon, was only possible if the States felt sure that collective sanctions would take the place of individual sanctions. It was plain, however, that the text which was the outcome of the Drafting Committee's deliberations whatever the progress it represented, failed to give that certainty. The text provided only for mere possibilities, and the very principle of consultation contradicted that of automatic sanctions. If the French delegation was able to support the text, it was due to the additional paragraph admitting, on a regional basis, the application of a more rigid system which, moreover, would only be binding on States desiring to become parties to such agreements. In view of the declarations which had just been made, it was impossible to say what the fate of this provision would be. If the principles embodied in the text gave rise to reservations making the agreement inoperative, the position it had been desired to avoid would arise.

Could the right of reprisal be abolished without giving the State victim of the unlawful action the moral certainty that it would have the collective support of the other States? Until that point was settled, the French delegation would have to reserve its attitude.

For the time being, only provisional decisions could be taken. Chapters II and III had been referred to the Special Committee, which was also dealing with the question of establishing the fact of a violation. The French delegate declared categorically that this system was not sufficiently worked out, either in M. Pilotti's report or in the new text, to function rapidly or effectively; it would have to be examined afresh by the General Commission, or, rather, by the Bureau, when the latter had received the Special Committee's report. In any event, M. Massigli could not express an opinion without having a clear idea of the proposals as a whole.

M. BOURQUIN (Belgium) said that he had intended to make the same suggestion as the French delegate. The problem of chemical warfare was at the same time the simplest and the most complicated with which the Bureau had to deal. At first sight, it had appeared to be extremely easy to settle, since all were agreed in condemning the use of chemical weapons. The Bureau had next considered the necessity of condemning preparations, and it followed logically that a State must be prohibited from retaliating, in case of need, by the use of the chemical arm. It was realised then how serious such an undertaking was and how essential it was not to act lightly, since, if war broke out one day and a belligerent employed the chemical weapon, there would arise in the country victim of the aggression a movement of indignation so strong that the Government would find it hard to stand out against it. The suggestion now was that States should be asked to declare in advance that they would renounce the use of the chemical weapon, in any eventuality, as a means of reprisal. The Belgian delegate did not say that that should not be done, and thought, indeed, that it should be, as a logical corollary to the principle which had been adopted. It was necessary to recognise, however, the fundamental gravity of such an undertaking and the fact that it could not be conscientiously entered into without the certainty of being protected by other means.

What was the position at the moment? It would be misleading to disguise it. Agreement had not been reached on the question of guaranteeing the victim of an aggression the necessary means of protection. Doubts, hesitation and divergent tendencies were apparent. On the previous day, great efforts had been made in the direction of conciliation. A text, in the nature of a compromise, had now been submitted to the Bureau, but it could only be adopted subject to reservations which would weaken it. Before deciding, then, delegates must have further time for reflection. The Special Committee had been convened to examine a series of special points. The problem would thus come before the Bureau again. In the meantime, delegates would have time to consult their Governments, to think over the matter, to hold conversations with one another, and he hoped that, when the moment came for discussion, everybody's views would be clearer, and that a joint solution could be reached.

The CHAIRMAN thought that, in view of the reservations put forward at the meeting, it would be well to adjourn any further discussion on the Drafting Committee's report until the report of the Special Committee had been received. The whole problem thus remained open for discussion. As the Belgian delegate had said, every delegation would have an opportunity of consulting its Government. The Chairman felt sure that M. Pilotti would do his best to see the Bureau without delay. The question was one of capital importance and, as he had said on a previous occasion, it would be deplorable if the final result were to adopt a measure which would be equivalent to taking back with one hand what it had been agreed to give with the other. He accordingly urged that the question should be regarded as remaining open until the Special Committee's report had been received.

The continuation of the discussion was adjourned to a later meeting.

TWENTY-EIGHTH MEETING

Held on Tuesday, November 15th, 1932, at 3.30 p.m.

Chairman : Mr. HENDERSON.

34. HEAVY ARTILLERY AND TANKS : STATEMENT BY M. BUERO (URUGUAY).

The following statement by M. Buero was read :

" By its resolution of September 22nd last concerning heavy artillery and tanks, the Bureau instructed me, as Chairman of the Land Commission, to 'get into touch with the various delegations in order to ascertain whether they had any definite proposals to make which might be used as a basis for the decisions of the Bureau and for fixing the figures' .

" Since then, and in pursuance of these instructions, I have had an opportunity to consult the representatives of a large number of delegations, with a view to ascertaining whether they had proposals to put forward for the fixing of the figures relating to heavy artillery and tanks and whether such proposals were likely to be accepted unanimously, or at all events, to meet with the support of a large majority of the delegations represented at the Conference.

" I could, no doubt, have addressed myself direct to the delegations and have asked them to inform me in writing of any proposals that they might wish to submit, and I could then have compared those proposals and drawn the necessary conclusions. I preferred to adopt a less rigid method and one which, in my opinion, offered obvious advantages. It seemed to me that personal conversations would permit of a fuller comprehension of the various existing points of view and the possibility of an evolution in the attitude adopted by certain delegations.

" Further, I do not think that my work of ascertaining and comparing these various points of view has advanced far enough for me to be able to submit definite conclusions to the Bureau at this stage.

" For the moment then I can only express the hope that certain divergencies which had become manifest in the course of my conversations will disappear as a result of fresh negotiations which have already been begun. I hope that it will be possible for me very shortly to submit a report containing definite, practical conclusions.

" I will not disguise from you the fact that the difficulties I encountered in the fulfilment of my task are closely bound up with the solution of the two political problems of capital importance now engaging the serious attention of the Conference : the question of security and that of equality.

" I venture to proclaim here and now my firm conviction that the Conference can at present successfully solve these two questions, and that their solution will have a decisive effect in facilitating the difficult task with which you have entrusted me.

" I shall, I think, be interpreting the feelings of those of my colleagues whom I have consulted up to the present if I inform the Bureau that at the present stage of the negotiations it would be expedient, for the time being, to adjourn the examination of the questions relating to heavy artillery material and tanks.

" This short delay will, moreover, enable me to submit my definite conclusions on the subject at a later date."

M. BUERO (Uruguay), Rapporteur, said that he did not think that it was necessary to comment on his statement. The Bureau had had the impression that, at the present stage and in view of the negotiations opened with the object of providing, if not new, at all events more up-to-date bases for the guidance of the Conference, it would not be possible, for the time being, to come to an agreement on numerical data such as were mentioned in the General Commission's resolution of July 23rd, 1932. He had felt, after consulting the heads of delegations, that, if he were obliged to propose figures at that juncture, he would be unable to satisfy the majority of the delegates, and that was bound to create an impression of disappointment. He thought then that it would be well to let things take their course. If the Bureau would be guided by his experience, he would ask it not to open a discussion on the substance of the question, but to wait for the proposals which he hoped to be able to submit at an early date.

The suggestion of the Rapporteur was approved.

The CHAIRMAN hoped that the Rapporteur would keep in touch with the delegations, in order that the final report might be drawn up and discussed as soon as possible.

35. SUPERVISION : EXAMINATION OF THE SECOND REPORT BY M. BOURQUIN (BELGIUM).¹

M. BOURQUIN (Belgium), Rapporteur, explained that the new report simply reproduced the resolutions adopted by the Bureau, except as regards certain points to which he proposed to draw attention. He would read the document in question paragraph by paragraph, so as to make sure that he had rightly interpreted his colleagues' opinion.

¹ Document Conf.D./Bureau 36. For the final text of the report as approved by the Bureau see Document Conf.D.148.

I. *Permanent Disarmament Commission.*

No observation.

II. *Functions of the Permanent Commission.*

M. BOURQUIN (Belgium), Rapporteur, explained that paragraphs 1, 2 and 3 were a reproduction of similar articles in the Preparatory Commission's draft, and that Note 2 to paragraph 2 had been inserted in deference to an observation by M. Motta. Paragraph 4 had been reserved; paragraph 5 corresponded to a resolution adopted by the Bureau.

In reply to an observation by Mr. Eden, on the use in the English text of the words "investigate" and "investigations" in a sense other than that of "carrying out an enquiry on the spot", the Rapporteur agreed that it was important to distinguish clearly between the examination of the case and the investigations on the spot which were incidental to that examination.

M. PEDROSO (Spain) asked that paragraph 5 (a) should read: "such executive agreements and preparatory measures as may be thought necessary to ensure the practical, complete and loyal application of the Convention", on the ground that during a period of discussion in the Disarmament Commission it might be necessary to take preparatory measures which would not actually be executive measures.

M. BOURQUIN (Belgium), Rapporteur, understood that the suggestion was to establish a distinction between executive agreements which had been ratified by Governments and which were legally binding on those signatory Governments and preparatory measures which did not possess the same binding character and would only acquire it when Governments decided to employ them. The idea was simply to prepare a scheme that could be used when required. Such being the case, he agreed to M. Pedroso's suggestion.

The amendment proposed by M. Pedroso was adopted.

III. *Means of Supervision.*

M. BOURQUIN (Belgium), Rapporteur, pointed out that, after the second paragraph of Chapter III, should be inserted two other paragraphs which had been accidentally omitted (document Conf.D./Bureau 36 (a)), so that the paragraphs following would have to be renumbered accordingly.

The first four paragraphs simply reproduced Articles 49 and 46 of the draft Convention.

Paragraph 5 concerned the resolution, adopted by the Bureau, that the Permanent Commission, at the request of one or more members, might decide to conduct local investigations, that decision being taken by a qualified majority. Two questions had been left pending. Would the procedure of investigation be instituted as the result of a complaint, and further what would be the majority required? After conversations with various delegations, he had thought it expedient to propose the following more definite formula: "At the request of one or more members of the Commission acting in the name of their Government . . .".

In order to avoid any misunderstanding, he proposed to say that a decision would be taken by a two-thirds majority of the members present at the meeting, abstentions being regarded as negative votes. Instead of the word "complaint", which might appear somewhat irritating, he had preferred to use "request". Such a request would necessarily proceed from one or more Governments, since all the members of the Commission would be Government representatives. The formula which he was proposing seemed to him to admit of agreement being reached between the two contrary currents of opinion that had appeared in the discussions.

Paragraph 6 took into account the suggestion put forward by the United States delegation. Since, in that particular case, it was not a question of a decision taken by the Commission on its own initiative, but rather of the exercise of a right recognised for all the contracting States, the Commission would be obliged to accede to the request.

Paragraph 7 took into account the discussions of the Bureau. Paragraph 8 raised a principle accepted by the Bureau which would require to be worked out from a legal standpoint before admitting of practical application.

M. ITO (Japan) asked that the Japanese delegation's reservations on the question of local investigations, which the Rapporteur had mentioned in Note 1 to paragraph 7, might be interpreted in the light of the statement made by M. Sato at the twenty-second meeting of the Bureau.

He further emphasised the Rapporteur's remark as to the necessity of legal details regarding the principle of protecting from all repressive measures persons denouncing violations of the provisions of the Disarmament Convention. The Japanese delegation would not express an opinion on that point until it had all the facts before it and the legal details had been duly given; the question was indeed a delicate one, in view of the close connection between it and the penal law of the individual countries.

M. Rosso (Italy) desired to submit two observations, one of them in support of what M. Ito had said.

During the preliminary discussion, the Italian delegation, along with certain others, had put forward an express reservation in regard to the principle of immunity, on the grounds that it raised a very delicate problem of internal legislation. For the moment then he desired to associate himself entirely with the text of paragraph 8 of the report.

In connection with the fixing of the requisite majority at two-thirds of the members present, he observed that at the meeting on November 7th the Italian delegate had stressed the considerable variations which might occur according to the standpoint from which this two-thirds majority was considered. If the quorum were two-thirds of the acceding States and the majority required was two-thirds of those present, the proportion would be two-thirds of two-thirds, that was to say, four-ninths—a very low figure. The Rapporteur had left the question unsettled, but if the quorum were maintained at two-thirds, it would be necessary to increase the majority required, which might otherwise be less than one-half of the members acceding to the Convention. M. Rosso would propose that the question should be approached from a different angle; he did not think that in so doing there was any risk of impeding the system of local investigations, such enquiries being of necessity invariably proposed in particularly serious cases. It would be more prudent, in his view, to fix a majority such as to guarantee that any decision to institute an enquiry would be adopted in a really serious spirit; he asked that the question of fixing the quorum and the majority be left open, the last-named point being conditional on the decision taken in regard to the first one.

Mr. EDEN (United Kingdom) wondered whether the wording of paragraph 2 was not more comprehensive than that adopted by the Bureau during the discussion on the original report. The report seemed to contemplate the possibility of the Commission inviting all the contracting parties to give it supplementary information in addition to what they would be morally bound to supply under their treaty obligations. According to the present text of paragraph 2, however, the Commission, it appeared, would be entitled to request the States acceding to the Convention for explanations regarding the observance of any part of the Convention. He proposed, accordingly, that paragraph 2 be drafted as follows:

“ The Commission will be entitled to request the contracting parties to furnish it with any particulars it may consider necessary to complete the information which they have undertaken to give in virtue of their contractual obligations, or to furnish explanations regarding particulars already supplied if these should be the subject of any doubt or question.”

Like the Italian delegate, he had been glad to have it stated in paragraph 3 that members of the Commission would be acting on behalf of their Government.

Paragraph 8 raised further difficulties. True, the Rapporteur had reserved the question of further legal details that might be necessary for the application of the principle thus admitted. Though not a legal expert, Mr. Eden felt sure that a considerable number of legal details would be necessary. He felt sure also that no Government would agree to relinquish the right to take proceedings against a person making a denunciation which subsequently proved to be incorrect. He desired to reserve his Government's decision on that point.

M. BOURQUIN (Belgium), Rapporteur, wished to point out that the text which he had introduced in paragraph 8 of his report was not a new proposal. It was the text on which the Bureau had already decided. It had been observed, during the discussion, that the practical application of the principle of immunity in a text capable of being incorporated in the Convention implied the previous settlement of a whole series of points. The Bureau had accepted the principle but subject to a subsequent agreement on the text, designed to make that principle a practical possibility. To discuss it would be to go back on a decision provisionally adopted by the Bureau. Moreover, the wording proposed by the Rapporteur reserved every possibility. The Bureau was simply indicating a tendency, subject to subsequent agreement concerning the details of application.

As regards the amended text proposed by Mr. Eden for paragraph 2, the Rapporteur said that he would have no difficulty in accepting it, since it corresponded exactly to his own ideas and to the idea on which the Bureau's agreement had been based. In the first version of the report, the following sentence would be found in paragraph 25: “ Subject to drafting, the proposal which thus emerges aims at the incorporation in the text of a provision authorising the Permanent Commission to request the contracting countries to furnish it, either in writing or orally, with any additional explanations which it may require within the limits of the obligations which they assumed by signing the Convention ”. That was exactly in keeping with Mr. Eden's observation.

As regards the majority required for the Commission to be able to decide on local investigations, the Rapporteur recalled that the formula proposed was two-thirds of the numbers present. M. Rosso had directed attention to the importance of the quorum in fixing that majority. There was thus the double problem: could the Commission pass decisions whatever the number of members present and, if not, what was the minimum number required? The Rapporteur had not settled the question in paragraph 3 of Part III of his report, as it was dealt with in Part IV of the report relating to the operation of the

Commission. It had been decided a few days previously that it was preferable to hold over the question of the quorum in view of unforeseen circumstances that might still arise. Only when the picture of the powers and duties of the Commission was complete, could the question of the quorum be decided. He observed in that connection that the question had been held over at the request of M. Pilotti. The bureau could, however, decide at once that in the case of local investigations, decisions should in principle be taken by a majority of two-thirds of those present. When it had decided on the question of the quorum, it could consider whether it was desirable that decisions in regard to local investigations should be agreed to by a larger majority.

M. MOTTA (Switzerland) said that as regards the various points discussed, the explanations given by the Rapporteur had satisfied him. The question of the protection of persons denouncing their Government's violation of the provisions of the Convention was particularly delicate and extremely important. He did not share the fears of those of his colleagues who felt that they would be binding themselves unduly by accepting the text proposed by the Rapporteur. It seemed to him indeed that the introductory words: "Subject to an agreement as to the legal details . . ." should allay all apprehensions, since no final step would be taken pending such an agreement. The question of the conditions for the application of the principle thus remained open. All the Bureau had to do was to state the general trend of its opinion. States should not be allowed to institute judicial proceedings against any of their nationals who might tell the truth about armaments. He quite understood the fears expressed, which were all the more legitimate in the case of a new principle that was difficult of application. He thought, however, that the Bureau could accept a text which simply constituted the affirmation of a principle.

M. Rosso (Italy) thanked M. Bourquin for his explanations, but was not yet altogether convinced. On referring to the Minutes of previous meetings of the Bureau he had found nothing justifying the assertion that the members of the Bureau had formally agreed on the principle of immunity from all repressive measures for persons denouncing violations of the Disarmament Convention. On the contrary, a formal reservation on the point had been made by the Italian delegate on October 19th in the Committee on Trade in and Private Manufacture of Arms. The Rapporteur had said that all the Bureau was asked to do was to assert a tendency. M. Rosso agreed that it would be inadmissible for a Government to take repressive measures against someone who told the truth about armaments. But this principle raised a whole series of questions of law and jurisdiction which had not yet been settled by the Italian Government. He did not know whether the Italian delegate had tacitly accepted the principle in question, but he for his part was obliged to enter a reservation.

The question of the quorum, he gathered, was to be left open so long as that of the majority was not settled: but he wondered whether it would not be desirable to proceed in the opposite way, and to begin by determining the quorum, leaving the question of the majority open, so as to avoid the whole question being held over without solution. In this particularly difficult matter it was desirable that Governments which were prepared to accept supervision should have an assurance that supervision would only be exercised in a strictly legitimate manner, and that they should be certain that no attempt would be made to exploit the right of enquiry. The demand for a majority of more than two-thirds would not in any way diminish the possibilities of exercising supervision, while it would strengthen the guarantee regarded as indispensable. If, however, the question was to be left open, he had no objection to accepting M. Bourquin's report.

Mr. WILSON (United States of America) agreed with M. Motta in regard to paragraph 8. All the members of the Bureau were perfectly ready to admit that an honest man denouncing a violation of the Disarmament Convention and endeavouring to do his duty and watch out for any infringement of the law as established by the Convention deserved to be protected; but it was also necessary to guard against espionage. Accordingly he proposed to draft the end of paragraph 8 as follows:

" . . . The Bureau declares in favour of immunity for persons denouncing violations of the Disarmament Convention from all repressive measures arising from the act of denunciation."

M. BUERO (Uruguay) agreed with M. Motta and Mr. Wilson as to the principle involved. It would be well to reach an agreement at once as to the guiding principle, subject to such legal definitions as might later be made. It would be possible to enunciate the principle in such a form as to mitigate the apprehensions of the United Kingdom and Japanese delegations. For example, he suggested adding at the end of paragraph 8 the words:

" . . . in circumstances to be determined later."

On the question of fact raised by M. Bourquin in connection with the decision of the Bureau, he pointed out that at the end of the meeting M. Bourquin had referred to the subject of incompatibilities and denunciations. The latter point was regarded as being settled in a general way, since no one had any observations to make on the subject, though it had not been thoroughly discussed.

M. MASSIGLI (France) wondered if it was wise to embark on improvisations in the text on so important a subject, and, if that were done, whether the task of the Rapporteur would not be made more difficult. For the moment, the Bureau merely had to say exactly what it wanted, and, in consequence, to state clearly its desire that those who denounced a violation by his Government of the provisions of the Convention should be protected from repressive action. This was a new principle, the importance of which could not be contested. As regards its application difficulties arose: Was it necessary, above all, to protect those who had made it possible to ascertain the truth or, in general, all denunciators of good faith? The question deserved to be examined. The Bureau might ask the Rapporteur to outline the problem in his report and leave it to the Committee of Jurists to agree upon a text.

Mr. EDEN (United Kingdom) agreed with every word of what M. Massigli had said. The object was to protect persons of good faith against victimisation, without at the same time leaving the communities unprotected against possible abuses. He would leave it to the Rapporteur to give a clear exposition of the ideas of the Bureau on the point.

M. BOURQUIN (Belgium), Rapporteur, agreed with M. Massigli and Mr. Eden. The Bureau was concerned with a principle, in connection with which it would be dangerous to embark upon improvisations, in view of the reservations, distinctions and points of precision to which the principle gave rise. It would be for the Committee of Jurists to do the difficult work of putting the definition into its final shape. It would be enough for the Bureau to assert its conception, and to indicate that it desired to make a distinction between persons denouncing violations of the Convention who were of good faith and those who were not. He was grateful to M. Buero for his account of the circumstances in which the decision of the Bureau was reached on the principle of immunity at the end of a previous meeting. He added that the Italian delegation's reservations were not formulated in the Bureau, but in another Committee—namely, the Committee on Trade in and Private Manufacture of Arms.

M. MORESCO (Netherlands) thought there was no occasion for a hasty settlement of the difficult question of the majority required. It had been suggested that the question of the majority should be settled in connection with the question of the quorum. He did not think it was desirable to associate the two. The Disarmament Commission would have a whole series of questions to settle, some of which would be of little importance. It was not necessary to have a large quorum for decisions on the latter. He was inclined to have two standards. Enquiries, for example, might require a majority of two-thirds of those present as well as a majority of the contracting States. That would provide a guarantee that no decision could be taken without the consent of the majority of the contracting States. The question of the quorum he would prefer to leave to a later date.

M. MASSIGLI (France) was anxious that the real object of the discussion should not be forgotten. He did not think that M. Moresco's formula should be accepted. The Bureau must make practical suggestions and to that end it was desirable to read paragraphs 5 and 6 in relation with one another. Under paragraph 6 the enquiry would be held if a State asked for one to be conducted on its own territory. Supposing in the course of a discussion of the Permanent Commission one or two members called for the institution of an enquiry in a particular country. If that State was of good faith, it would desire to justify itself as rapidly as possible, and would accordingly ask for an enquiry to be held. The question of a majority would not arise in such a case, the State called in question exercising a right belonging to it. If, on the other hand, the State called in question put difficulties in the way of the admission to its territory of those who were to conduct the enquiry, that would be because its conscience was not clear. The question therefore was whether it was preferable to put States of good faith in a position to establish their good faith as rapidly as possible, or to allow a State of bad faith to object to light being thrown on the facts which had given rise to anxiety. The choice between the two courses must be made, and the French delegation for its part had made its choice. The Bureau was in process of enunciating a universal principle applicable to all States. All States were accepting a new limitation of their sovereignty. It was only logical not to put too many difficulties in the way of the institution of enquiries. If restrictions were carried too far, enquiries would in most cases be impossible and the suspicion aroused would persist. The Convention, instead of improving relations between the peoples, would merely envenom them. He urged therefore that the Bureau should adhere to the principle of the two-thirds majority.

The CHAIRMAN, noting that there were no further observations, said he considered this part of the report as approved, together with the amendments proposed by the Rapporteur.

IV. *Operation of the Permanent Commission.*

M. BOURQUIN (Belgium), Rapporteur, pointed out that the various paragraphs of this chapter corresponded to Articles 41, 42, 43, 45 and 47 of the draft of the Preparatory Commission. They dealt with the procedure of the Commission's operations. The Bureau had not yet discussed this procedure.

He read the articles in question of the draft Convention, indicating the various additions and changes which he proposed.

In the third paragraph of Article 41 it was provided that the Commission was to meet, if summoned by its President, in extraordinary session in the cases provided for by the Convention and whenever an application to that effect was made by another contracting party. This formula was well enough in the case of a small Commission such as the draft had contemplated: but it was otherwise in the case of a Commission of Government delegates. He therefore suggested that it should be left to the Bureau of the Commission to decide what action to take on applications for the summoning of the Commission in extraordinary session.

He had also made good an omission in the draft of the Preparatory Commission by a provision to the effect that the Permanent Commission should also be summoned in extraordinary session on application by the Council of the League of Nations.

It was desired that the Commission should have as much elasticity as possible. He had had this end in view in leaving it to the Commission to settle its own rules and regulations.

The proposal for a two-thirds quorum, which was again before the Bureau, was reasonable in the case of a small Commission; but it was too much to ask in the case of a Commission of some sixty delegates. He thought, however, it was preferable not to settle the question for the moment, but to wait until all the powers to be conferred by the Conference on the Commission were known. It was possible that the Conference would not lay down a single rule, but a number of rules to cover special cases. It was therefore preferable to hold the question over for the present.

He proposed to alter the second paragraph of Article 45 of the draft to read as follows:

“ All decisions of the Commission shall be taken by a majority of the votes of the members present at the meeting, save in the cases specially provided for in the Convention.”

Two questions which had not been settled by the Preparatory Commission would have to be regulated by the Convention. The first was that of the organisation which should form the secretariat of the Permanent Commission. There was every reason to suppose that this task should be entrusted to the Secretariat of the League.

The second question was that of the expenses. He had indicated in his report three fundamental principles for the reimbursement of the expenses of the delegates and the general expenses of the Commission.

M. Rosso (Italy) asked for an explanation with regard to the form of reimbursements of travelling and hotel expenses of delegates. According to the wording of paragraph 5 (a) it would seem that all delegates' expenses were to be at the charge of the Governments they represented. But the Bureau should also have in view the cost of enquiries on the spot. Was it admissible that in such cases the expenses of each member should be at the charge of his Government?

M. BOURQUIN (Belgium), Rapporteur, was glad M. Rosso had raised the question. Paragraph 5 (a) only dealt with the normal travelling and hotel expenses of delegates of the States. These were to be charged to the Governments concerned. It was preferable to hold over for the moment the question of the cost of enquiries on the spot, for it raised somewhat complicated considerations. There were all kinds of cases to be considered—the case of the State asking for an enquiry, the case of the State accusing another State and so giving occasion for an enquiry, the case of the State where the accusation was found to be accurate and that of the State where the accusation was found to be inaccurate, and so on. It would not appear to be easy to have the same financial regulations in all these cases.

Similarly, the question of regional agreements for the organisation of an automatic system of enquiries could not be settled offhand. He had confined himself therefore to laying down simple principles on which the members of the Bureau could arrive at immediate agreement. There was no question for the moment of covering all possibilities. Difficulties would be settled as and when they arose.

The CHAIRMAN noted that M. Bourquin's report had been accepted as a whole by the Bureau.

36. APPOINTMENT OF A DRAFTING COMMITTEE.

The CHAIRMAN observed that the Bureau seemed now to be called upon to take a decision as to how it proposed to deal with the other questions entrusted to it by the Conference in its decision of July 23rd, 1932, in which

“ the Conference requests the Bureau to continue its work during the period of adjournment of the General Commission, with a view to framing, with the collaboration (if necessary) of a Drafting Committee, the draft texts concerning the questions on which agreement has already been reached. Such texts will be communicated to all delegations as soon as they are drafted, and will then be submitted to the Commission.”

Agreement having been reached on a certain number of points, the Bureau had arrived at a stage at which it was desirable to appoint the Drafting Committee contemplated. It was preferable not to overwhelm the latter with work at the outset. It might be anticipated that it would shortly receive also the report on the prohibition of chemical warfare and on violations

of the prohibition of the use of chemical, bacteriological and incendiary weapons, as soon as the latter had been reconsidered by the Bureau in the light of the information furnished by the Special Committee.

He proposed that the Drafting Committee should be composed of jurists belonging to the delegations of France, the United Kingdom, Austria and the Netherlands, together with the Rapporteur, M. Bourquin.

He suggested that the Drafting Committee should draw up the texts on which it decided in a form suitable for insertion in the Convention itself. The texts should be submitted to the Bureau before being laid before the General Commission for its acceptance.

The Chairman's proposals were adopted.

TWENTY-NINTH MEETING (PUBLIC)

Held on Thursday, November 17th, 1932, at 10.30 a.m.

Chairman : Mr. HENDERSON.

37. GENERAL STATEMENT BY THE DELEGATE OF THE UNITED KINGDOM.

Sir John SIMON (United Kingdom) spoke as follows. — I must begin by tendering my warm thanks to you, Mr. Henderson, and to my colleagues in the Bureau, for affording to the spokesman of the United Kingdom Government this opportunity of making a statement on more general lines than the immediate programme of our discussions would normally permit.

This method has been usefully employed in earlier instances—for example, the speech made to the General Commission by Mr. Gibson on behalf of the United States expounding the striking proposals of President Hoover, and again the other day when M. Paul-Boncour outlined the French plan, details of which have now been circulated in a document¹ which is receiving, as it is entitled and bound to receive, the closest consideration from all of us.

I would make one observation in passing on the French proposals. The French proposals are of so elaborate and closely articulated a character as to make comment at short notice not only imprudent but impossible. They merit the closest study from every point of view, but it is no part of my purpose to deal with them to-day. I should like, however, at once to pay my tribute and the tribute of my Government to the thoroughness and sincerity with which the French Government has made its contribution to the solution of our problem. I think I may say that we all appreciate the spirit in which it has approached its task and we are truly grateful for it.

I must make plain at the outset the character of the contribution which the United Kingdom Government is seeking to make. We are not at this moment producing some further plan of our own in competition with or in comparison with detailed plans already submitted from other sources. We hope, however, that what we are putting forward may be helpful, in combination with suggestions already made by other Governments, in achieving the main purpose of the Disarmament Conference, which is the reaching of an international agreement to disarm. But our immediate concern is with a *preliminary* matter which, as it seems to us, must be effectively dealt with as a condition precedent to the adoption of any detailed plans. Our preoccupation is to find, if we can, the basis on which the claim to equality of rights can be dealt with. For it is this claim which is holding up the work of the Conference and we believe that the declaration which I am authorised on behalf of His Majesty's Government in the United Kingdom to make should help to clear away this preliminary difficulty and restore a situation in which all the members of the Conference may work out together a concrete scheme of international disarmament on a mutually satisfactory basis.

Let us face squarely the immediate problem and consider its objective elements. Its objective elements may be summarised under four propositions (for simplicity of statement, I will confine myself to the case of Germany, though, of course, corresponding considerations arise in the case of Austria, Hungary and Bulgaria).

What are these four propositions which I put forward as an objective analysis of the actual situation ?

(1) The Treaty of Versailles is a binding document ; like other treaties, it cannot be set on one side by unilateral action. It can be modified, but only by agreement. We are here

¹ See document Conf. D. 146.

concerned mainly with the articles with regard to disarmament and with the promotion of that confidence in the world which makes disarmament possible. Indeed, it will be the supreme test of international statesmanship that adjustments in regard to these matters should be reached by mutual goodwill and by common consent. It is worth noting in passing that the French plan (which I am not discussing to-day) in fact contains a proposal—that relating to the method of recruitment of continental armies—which would involve a modification of one of the clauses of Part V and which itself aims at applying the principle of equality. That is the first of the four propositions for which I ask your consideration and acceptance.

(2) On the other hand, the Preamble to Part V of the Treaty and M. Clemenceau's contemporaneous explanation on behalf of the Allies, unquestionably involve this, that the disarmament imposed upon Germany was intended to be and declared to be the precursor of a substantial measure of general disarmament. (I am not discussing legal niceties, which, as the British note of September insisted, do not go to the heart of the question; I am speaking of the broad intentions to be deduced from what was said and signed in 1919.) That is my second objective proposition.

(3) While I am far from underrating the extent of unilateral disarmament achieved by certain States since the Armistice—for example, my own country in recent years has effected immense reductions and cannot go further without general agreement—the facts remain (a) that while Germany continues under the perpetual restrictions of the Treaty of Peace, other nations of the world are as yet under no mutual contractual obligation to limit or reduce their armaments, save in the extremely important area covered by the Naval Treaties of Washington and London, and (b) other nations still permit themselves weapons of war which are prohibited by Treaty to Germany.

My colleagues will see that I am endeavouring to state the facts as they are in all their simplicity in order that we may examine the situation with which we have to deal.

(4) Meanwhile, Germany has become a full Member of the League of Nations and has, of course, the undisputed right to take her place as an equal here. Any hesitation as to what should be agreed upon does not proceed from any desire to impose or to imply an inferiority of status; it proceeds—and let me speak quite plainly—from anxiety as to the use which might be made of the new situation and from fear of the resulting dangers which might threaten the tranquillity of Europe. That consideration is directly relevant to the Disarmament Conference, for *disarmament is not pursued as an end in itself; it is pursued as a means to an end. The main purpose of disarmament is to help to achieve a lasting and secure peace.*

Here, then, are four objective propositions in which I have attempted to sum up the actual situation. It does not seem to me that any of them could be disputed in any quarter.

But if these four propositions are fairly stated and squarely faced, certain results follow, which His Majesty's Government outlined before the House of Commons last Thursday, and which I now formulate on its behalf for the consideration of the Conference. I formulate them, let me repeat, not as a rival plan but as the basic conditions by fulfilment of which the problem raised by the claim to equality of status can be solved.

These results, at which His Majesty's Government have arrived, can again be best expressed under four heads:

First, we advance this proposition—that *all European States should join in a solemn affirmation that they will not in any circumstances attempt to resolve any present or future differences between them by resort to force.*

It may be said that this would be nothing more than a reaffirmation of the Pact of Paris. Even if it were reiteration, it would in this connection be far from being vain repetition. Even though it goes without saying, it may be much better to say it. The barrier to further disarmament in Europe is fear, and Europe is entitled to ask that this fear should be assuaged by the most positive and precise declaration, not from one State alone, but from all the States of Europe in reference to all matters of controversy with their neighbours.

What the United Kingdom Government proposes is not in the least designed to exclude or to limit the use of methods of peaceful adjustment—by diplomatic means, or under Article 19 of the Covenant, or otherwise. But what we propose is designed to secure a formal repudiation of recourse to force, and that expression "recourse to force" is deliberately used to avoid controversy hereafter as to whether what might be done amounts to an actual state of war. We wholly repudiate the view that such an assurance solemnly given in these circumstances would be a worthless promise. The condemnation of the whole world would follow if it were disregarded. We cannot believe that the peaceful intentions which animate all who sincerely seek disarmament could be so belied as to cause any State to hesitate in giving such an assurance. The acknowledgment of the moral right to parity of treatment entails upon Germany, along with others, the acceptance of this corresponding obligation.

Secondly, the limitations on Germany's armaments to be arrived at as the result of our discussions should be contained in the same Disarmament Convention as that which will define the limitations on the armaments of others.

Our conception is that the limits imposed upon each State in the new Convention will be limits accepted by that State after negotiation with and in agreement with the other signatories. Thus, the articles in Part V of the Treaty of Versailles which at present limit Germany's arms and armed forces would be superseded, and Germany's limitations would be arrived at by the same process and expressed in the same document as those of all other countries.

Thirdly, the newly-expressed limitations in the case of Germany would last for the same period, and be subject to the same methods of revision as those of all other countries.

My colleagues will note that this will be a very far-reaching and very significant change. At present, the disarmament clauses of the Treaty of Versailles have an operation which is unlimited in point of time, whereas (except for the extremely important provisions of the Naval Treaties), no contractual limitations, even for a short period, restrict the armaments of other States. Now, we are trying to frame an international Convention for the limitation and reduction of armaments to be signed by all the States of the world. The principle of equality in status requires that there should be no distinction between States as to the period over which the Convention will apply. What that period should be is manifestly a matter for discussion hereafter, in which all the members of the Conference should have the opportunity of taking part. Neither am I now discussing what is to happen when that period comes to an end, for it is easy to conceive that, before this occurs, new arrangements will have been made at a subsequent conference. Or, again, clauses may be now negotiated which will provide for methods of revision hereafter. All this is for subsequent consideration. But, if we confine ourselves to the matter of principle, that principle must involve, as it seems to the United Kingdom Government, equality in regard to duration. And all the signatories to the new Convention must stand in the same position in regard to revision.

Fourthly, there remains the question of the list of arms. Germany has declared that she has no intention of re-arming, but that she desires that the principle should be acknowledged that the *kinds* of arms permitted to other countries ought not to be prohibited to herself. It is, of course, understood that in this connection I am speaking of kinds of arms and not of amounts, for this latter question must be separately and subsequently treated. If equality of status is to be conceded, the principle of qualitative equality must be acknowledged, and the United Kingdom Government declares its willingness, in co-operation with other members of the Disarmament Conference, to see this principle embodied in the new Convention. By what means and by what stages this principle can be applied must be the subject of detailed discussion here at Geneva, in which it is essential that Germany should join. The United Kingdom Government thinks it well to emphasise that it would be opposed to the premature discussion of these details, important as they are, for it considers that these matters can only be properly discussed and agreed upon by use of the machinery of the Conference.

In the meantime, the United Kingdom Government wishes to emphasise two points. First, the object of the Disarmament Conference—and we must never forget it—is to bring about the maximum of positive disarmament that can be generally agreed—not to authorise in the name of equality the increase of armed strength. Secondly, the full realisation, in practice, of the principle of equality cannot be achieved all at once, and for this reason it depends upon confidence. Confidence in the further application of the principle will grow as it is seen that the peace of the world has been made more secure by taking the first step. The United Kingdom Government, therefore, conceives that what is needed is a practical programme of stages, each subsequent step being justified and prepared for by the proved consequences of what has gone before. These are the four points which it is my duty to bring to the direct attention of the Conference.

Similar principles, as I have already said, should be applied and similar methods should be adopted for arriving at and expressing the limitations which will apply to the armaments of Austria, Hungary and Bulgaria.

While insisting that what is now needed is agreement upon the matters of principle already stated, and that the detailed application of these principles and the material content of the Convention to be based upon them are for future discussion and decision, the United Kingdom Government has authorised me to add something by way of explanation as to the way in which the suggestions it has made might work out. The completion in its entirety of such a scheme must necessarily occupy some time. Both practical and political considerations are involved. The conditions of the different nations in the matter of armaments vary widely according to their geographical situation and the responsibilities in respect of which their armed forces are required. For example, the needs of a nation with world-wide oversea responsibilities

must differ considerably from those of a self-contained continental Power. To equate these varying circumstances is no easy task. Moreover, economic considerations cannot be disregarded. Following the precedent of the Naval Treaties, time must be allowed to spread the cost of replacement where a nation's armaments have to be adjusted to a lower qualitative standard. The final result, therefore, can only be reached by stages. The immediate task of the Disarmament Conference is to settle the actual programme of the first stage, and, if possible, to establish the main outlines of the second stage, in order that nations may adjust their programmes thereto in the interval. So far as the political difficulties are concerned, a few years of good-neighbourly conduct during this interval will do much to prepare the way for the second stage.

In the light of these observations, His Majesty's Government considers that the following methods might be applied in the first stage :

A. *Qualitative Disarmament.*

1. *Naval Armaments.*

(a) His Majesty's Government is at present engaged in seeking agreement with the leading Naval Powers for substantial reduction in the size of the guns and tonnage of the capital ship and of the whole naval tonnage, and the principle of according to Germany equality of rights demands that Germany should be permitted to build ships of a type similar to that upon which the great naval Powers shall finally agree. Exhaustive investigation has shown that the arbitrary figure of 10,000 tons as the limit of a capital ship would fail to command general acceptance. The principle, however, that the reorganisation of Germany's fighting forces must be carried out in such a way as not to conflict with the limitation and reduction of armaments requires that any construction undertaken by Germany shall, subject to minor adjustments, not increase the total tonnage in any category to which her navy is at present restricted.

(b) His Majesty's Government has already expressed its willingness to limit cruisers to vessels of 7,000 tons, mounting 6-inch guns, a limit it may be noticed closely approximating to the limit now imposed upon Germany.

(c) His Majesty's Government has repeatedly urged that the submarine should be wholly abolished. It regards this as one of the greatest contributions that can be made to disarmament and world peace, and incidentally as the best way of meeting Germany's claims to equality of treatment in regard to this weapon.

2. *Land Armaments.*

(a) *Tanks.* — The large tanks which were used in the war were unquestionably offensive weapons—that is to say, their primary purpose was to break down and force a way through elaborately prepared positions. His Majesty's Government is in entire agreement with the proposals recently made on behalf of the United States Government in desiring that specifically offensive weapons should be prohibited. But we are bound to add this : the modern tank of a lighter type performs an essentially different function and cannot be regarded as an offensive weapon. Its comparatively light armour and its reduced capacity for crossing trenches render it unsuitable for the assault of highly organised defences. It furnishes an absolutely necessary protection against machine-gun fire and automatic rifle fire and, in a small voluntarily enlisted army like our own, constitutes an essential compensation for lack of numbers and a protection to human life which it would be impossible to surrender. Indeed a universal prohibition would inevitably involve, as far as the United Kingdom is concerned in view of its world-wide responsibilities, an increase in its present land forces in terms of man-power and would thus, as a measure of disarmament, tend to defeat its own ends. His Majesty's Government would therefore propose that—at any rate, as a first stage—all tanks should be abolished above a given weight, and that the weight should be fixed with a view to prohibiting those tanks which are specially suitable for offensive employment in battle. The admission of equal treatment would make it impossible to deny, in principle, to Germany the right to possess a limited number of such weapons, but the question whether this should be so in practice, and, if so, what number would be sufficient, depends upon a consideration of the purposes to be served by each national army. In any case, the point is one for negotiation and not for decision in advance of discussions at Geneva in which Germany would take part.

(b) *Large Mobile Land Guns.* — Under the Treaty of Versailles, the maximum calibre of large mobile guns permitted to Germany is 105 millimetres. This figure is obviously intended to limit these guns to a type which is suited for operations of defence. Examples of this type vary slightly in different armies—for example, the British 4.5 inch gun, which just exceeds 105 millimetres in diameter, is of the same type. The obvious way of according Germany equality of treatment in regard to this weapon, while at the same time making a great advance in disarmament, is to press for a general reduction to this figure. Discussions at Geneva on the limitation in size of mobile land guns have tended to revolve round the higher figure

of 155 millimetres. If, however, a maximum of about 105 millimetres were fixed by international convention for the future, it would secure that any replacement or new construction of guns should fall within the lower limit.

3. *Air Armaments.*

His Majesty's Government has already made it known that there is no aspect of international disarmament more vitally urgent than the adoption without delay of the most effective measures to preserve the civilian population from the fearful horrors of bombardment from the air. The Government of the United Kingdom has already stated that it would be prepared to go to any length, in agreement with other Powers, to achieve this object. In the House of Commons last week, my colleague, Mr. Baldwin, made a speech on this subject which not only riveted the attention of his hearers, but impressed the world. He pointed out the reality of the danger which threatens future civilisation and the impossibility of warding off this danger by half-hearted steps. I will not attempt to repeat Mr. Baldwin's description, which I hope everybody here has read, and which brought home so vividly what is in store for humanity if humanity cannot find a way of controlling the misuse of the instrument which, when peacefully applied, can contribute so much to the convenience of mankind.

Let me add a few words to indicate the full ambit of the problem. The proposal that all bombing-machines should be abolished has been made from several quarters, and it has been claimed that the world-wide adoption of this proposal would, in itself, guarantee the final abolition of bombing. This, however, is not the case; for machines not actually designed for bombing—any machine with sufficient lift and range—may nevertheless be adapted and used for that purpose. What would be involved, therefore, is the entire abolition, by international agreement, of military and naval machines and of bombing (apart from the use of such machines as are necessary for police purposes in outlying places), combined with an effective international control of civil aviation. It is no use disguising that the difficulties to be surmounted in achieving, by international agreement, such a programme are evidently very great, but His Majesty's Government is anxious to co-operate with the other chief air Powers in a thorough examination into the practicability of so extensive a scheme.

We are bound to face the immediate question that presents itself while the full examination of these wider conceptions is proceeding. Take the case of the United Kingdom Government. In spite of world-wide responsibilities, the Air Force of the United Kingdom has been reduced until it stands only fifth in size to-day, but His Majesty's Government is, nevertheless, prepared, if other countries will reduce their air forces, to go still further, and it suggests as a practical and immediate measure of disarmament (1) the immediate reduction of the air forces of the leading Powers to the level of those of the United Kingdom; (2) a cut of 33 $\frac{1}{3}$ per cent all round in the air forces of the world thus reduced, the United Kingdom included; (3) a limitation of the unladen weight of military aircraft to the lowest figure upon which general agreement can be obtained. The United Kingdom Government proposes that the figures thus arrived at should be subject to a further reduction at a subsequent stage so as to apply to air disarmament the principle of limitation by stages. Pending the examination of the more far-reaching proposals to which I have already referred and in which Germany, I hope, would take part, His Majesty's Government thinks it is not unreasonable that Germany should refrain from making any claim to possess military or naval aircraft.

B. *Quantitative Disarmament.*

The question of quantitative disarmament is one which will require long and detailed negotiations. I content myself at the moment with an observation on the subject of effectives. Here the admission in principle of Germany's claim to equality of treatment and freedom to readjust her fighting forces should be governed by the condition that readjustment is carried out in such a way as not to conflict with the principle of limitation and reduction of armaments. That is to say, if Germany wishes, for instance, to be free from the prohibition against compulsory military service at present incumbent on her, the numbers of men annually compulsorily given a militia training in Germany must be deducted, at a ratio to be agreed on, from the numbers of her long-service troops. Again, the reduction of the term of service of these long-service troops, from twelve to six years, if agreed to, would be conditional on the number of long-service reserves not being augmented—that is to say, in that case, the number of long-service troops with the colours must then be reduced from 100,000 to 50,000. Elaborate calculations as to the proper ratios would be required, but the guiding principle must remain—that is to say, reorganisation of the German forces or others must not involve an increase of Germany's powers of military aggression.

His Majesty's Government in the United Kingdom is favourably impressed by the Hoover proposals in regard to military effectives, and is prepared to accept them in principle as constituting a basis for discussion.

C. Disarmament Control and Supervision.

His Majesty's Government accepts in principle the resolution adopted by the General Commission of the Disarmament Conference on July 23rd, 1932, on the subject of supervision—that is to say :

“ There shall be set up a Permanent Disarmament Commission, with a constitution, rights and duties generally as outlined in Part VI of the draft Convention submitted by the Preparatory Commission for the Disarmament Conference, with such extension of its powers as may be deemed by the Conference necessary to enable the Convention to be effectively applied. ”

His Majesty's Government is convinced that it is essential to the working of the Disarmament Convention that effective supervision should be provided for, subject to agreed conditions to be accepted by all States represented at Geneva.

I believe that we have reached a turning point of the Conference. The mechanical pursuit of the details of disarmament will produce no effective result without the spirit which makes for peace. We are engaged in the planning of an edifice—the first of its kind in the history of the world—in which all the peoples of the earth may shelter against the dangers and the horrors of war. This vast edifice which we are planning will need to be buttressed by assurances and pacts of many kinds, but it will only be solidly built so as to withstand the strains that may be put upon it hereafter if it is based upon the firm and equal foundation of international goodwill.

38. EQUALITY OF STATUS : GENERAL DISCUSSION.

The CHAIRMAN. — The Bureau will agree, I am sure, that the proposals which Sir John Simon has made on behalf of the Government of the United Kingdom are an important contribution to the pool of ideas already before the Conference. I was particularly glad to note that Sir John Simon made it clear—as M. Paul-Boncour made it clear a few days ago with regard to the French plan—that these proposals are not put forward as a rival to those of any other delegation, but that they are intended to indicate the kind of basis upon which it is hoped that the Conference may now pursue its work. The spirit thus shown must clearly make the task of co-ordinating the proposals much less difficult than it would otherwise have been, and I am sure that the Bureau will be grateful to them. When the various proposals are considered together, with a view to a co-ordinated plan, there should be, in every domain of our work, an ample basis for arriving at a comprehensive and far-reaching agreement.

The Bureau will agree with me that this work of co-ordinating and of drafting the new Convention would be facilitated if Germany were to resume her seat at our Conference table. It is because I am sure the Bureau takes this view that I now venture to make some further observations with regard to the German claim for equality of right.

There will be, in my opinion, very great difficulty in bringing the Conference to any satisfactory and useful result unless the important question of equality of status is solved, and there cannot be any doubt in the mind of any member of the Bureau that the time has come for devoting all our energies to finding a solution of this question. I do not suggest that the Conference has ever refused to deal with it ; on the contrary, every delegation has always recognised that at some stage of our work it would be essential to find a solution for the problem which the German and other delegations have frequently brought to our notice. Moreover, every delegation has recognised that the restrictions imposed upon Germany and her late allies by the Treaty of Versailles were intended to prepare the way for a general reduction of armaments.

This morning and in recent days there have been Government statements, especially those of the French and Italian Prime Ministers, of the utmost importance in this connection. Sir John Simon has told us to-day that, on the assumption that every European Government is willing to declare in a solemn affirmation that it will not attempt in any circumstances to resolve any present or future differences by resort to force, the Government of the United Kingdom is prepared to recognise in the fullest way the principle of Germany's claim of equality of right.

Similarly, in the memorandum which the French Government circulated to us¹ a day or two ago we are assured that that Government is fully confident that the proposals which it has put forward should enable us to give an equitable solution to the problem of equality of rights, by the progressive equalisation of military status and by an equal participation of all the European signatory States in the burdens and the advantages of the organisation of a common action for the maintenance of peace.

¹ See Document Conf. D. 146.

These statements, I believe, represent the mind not only of this Bureau but, if I may say so, of the entire Conference ; and the acceptance, on the lines I have already indicated, of the principle of equality by the Powers principally concerned should provide a basis of discussion in the hope that agreement may be reached as to the method of giving such practical application to the principle as would permanently settle the question of equality of status. Any discussion with a view to settling the question should, in my opinion, be entered upon with a clear recognition that the appropriate means should be found so that the limitations of Germany's armaments and those of her former Allies would be—as in the case of all other signatories—contained in the new Convention. It is plain that many questions of practical detail must be considered, and for this purpose, as I understand him, Sir John Simon believes that the presence of Germany in the discussions is indispensably required.

I am bound to say that, in that view, I am in entire agreement with Sir John Simon, and, since the Governments principally concerned have gone so far as to declare publicly their desire to find a satisfactory solution of the question of equality of status, I should hope that the German Government would decide at an early date that its delegation would rejoin us in the work of the Conference.

M. Rosso (Italy). — To keep within the limits suggested by the Chairman, I will confine myself to a brief statement with a few additional remarks in explanation.

It was, Mr. Chairman, with the keenest interest that I listened to the speech which you have just made. You summed up the situation with the utmost clarity and your conclusions were in complete harmony with the views and feelings of my own delegation. I can, therefore, associate myself at once with your remarks.

We are indebted to the representative of the United Kingdom and also to our Chairman for having this morning reminded us of the question of equality of rights, while at the same time suggesting a possible solution such as may hasten the return of the German delegation to this Conference.

On this second point, I cannot see how we could fail to be in unanimous agreement. To imagine that, in the absence of Germany, we can usefully examine the highly important problems already before the Conference, together with those which have been raised in the last few days, and successfully solve them, would, in my opinion, be an idle and perhaps dangerous illusion.

As regards the question of equality of status, the remarks and proposals put forward a few moments ago by the eminent representative of the United Kingdom are of unusual interest. I was able to note that they were actuated by principles and prompted by motives which are shared by my own Government. It is for that reason that I can whole heartedly associate myself with the inferences drawn by the Chairman from Sir John Simon's remarks as well as from the evidence of goodwill on the part of other Governments. Among the latter, I too am gratified to single out that which is to be found in the Preamble to the French delegation's memorandum dated the 14th of this month.

Mr. Henderson alluded a moment ago to the opinion publicly expressed by the head of my Government last September when he stated that the Italian Government was prepared to recognise the principle of equality of rights claimed by Germany in regard to armaments. On that occasion, M. Mussolini was careful to make it clear that, in his view, it was through disarmament that that principle should receive practical application—that is to say, through lowering the level of armaments in the most highly armed countries and not by the rearmament of the others. He also stated that this equitable process of adjustment should be carried out—or at least that every effort should be made to carry it out—here at Geneva and if necessary by stages. He expressed the hope that this might be pursued in a spirit of justice on the one side and moderation on the other, and that all should endeavour to avoid any action which might further disturb the international atmosphere.

I am authorised to confirm these same ideas to-day and am thus able to give my support to Sir John Simon's suggestions, while at the same time associating myself most cordially with the hope expressed by our Chairman that this difficulty might soon be solved.

When that has been done, our first concern must be to urge the Conference's work along the path of practical achievement, I mean towards a conclusion.

We have been working latterly on the basis of the American scheme with which Italy was happy unreservedly to associate herself. Three days ago, we received the French plan, a far-reaching project which the Italian delegation is engaged in studying with all the attention, interest and objectivity which its authors are entitled to expect from us. This morning Sir John Simon has put forward a number of highly interesting ideas and suggestions which undoubtedly merit the fullest consideration.

We have been told that these various plans are not mutually antagonistic but complementary, which is most gratifying. The material for examination has, however, become so voluminous that I think that, in order to facilitate the progress of our work, an attempt at co-ordination is indispensable ; I consider that this task should be undertaken at the earliest possible moment.

M. MASSIGLI (France). — Without straying beyond the limits set for us in the present discussion by our Chairman, I hope I may be permitted to say, in the first place, with what interest I listened to the important statement made by Sir John Simon. I need hardly say

that the United Kingdom Government's declaration will be studied by my own Government with all the attention and goodwill which the author and those in whose name he speaks have the right to expect.

You will also allow me to thank Sir John Simon and M. Rosso for the terms in which they alluded to the plan laid before you by my Government on November 14th¹ and also for the tribute which they paid to both the sincerity and value of the effort thus made towards the organisation of peace.

Mr. Chairman, after hearing your own remarks of a few moments ago I may perhaps be permitted to make a brief statement. In a detailed memorandum dated September 10th and again quite recently in a most explicit document dated November 14th, the French Government made known its opinion on the questions before the Conference and more especially on that of equality of status.

As I have the honour to speak here in the name of the Government of the Republic, it is only natural that I should confine myself to confirming these texts in which its conceptions are publicly set forth and to which I may refer you.

At the end of your statement, Mr. Chairman, you voiced a hope and with that hope I beg to associate myself.

Mr. Norman DAVIS (United States of America). — I do not rise to comment on the very interesting and important statements made by the British Minister for Foreign Affairs, nor do I take this occasion to discuss the significant statement made by M. Paul-Boncour at a recent meeting of the Bureau. I merely rise now, Mr. Chairman, to associate the United States delegation wholeheartedly with the analysis which you have made of the problems that face this Conference.

We must not lose sight of the fact that this Conference was called for the express purpose of reducing and placing a limit on armaments. It is now almost ten months since the Conference opened. During that time, many technical questions have been threshed out, many differences of opinion have been reconciled, and agreements have been reached on some most important questions of principle. It has been agreed in principle that there must be a substantial reduction and limitation in all branches of armaments and yet we have not reached the point of the actual drafting of the general treaty giving concrete effect to the principles that are recognised.

It is generally recognised that the only legitimate and useful purpose for which a nation should maintain armaments is self-defence. It is also recognised that armaments may reach a point where they cease to give security. Instead they may create political tensions which promote insecurity. It is therefore evident that one of the most essential factors to genuine security is that the burden and menace of armaments shall be reduced.

When this Conference met, the depression from which the entire world is suffering seemed to be at its height. Unfortunately, there has been no appreciable improvement during all the months we have been here, and in some respects the economic difficulties have become more intense. While it cannot be said that the burden and menace of armaments were the primary cause of this depression, it is becoming increasingly evident that they were a contributing cause of conditions which brought on the depression and that a reduction and limitation of armaments would contribute tremendously to recovery from the depression.

In spite of the fact that Germany, Austria, Hungary and Bulgaria were to a large extent disarmed after the world war, the expenditure on armaments is greater to-day than before the war. The time has come, not only to call a halt, but to make substantial reductions. Although armaments may not have been the direct cause of all the misery in the world to-day, caused by the unbearable burden of public and private debt, the stagnation of trade and commerce and the unparalleled unemployment, we are not going to pull very far out of this depression unless we reduce armaments and make a genuine success of this Conference. If this depression from which every nation is suffering to-day is not cured, it will soon bring upon each and every nation further social, financial and economic difficulties which will be more of a menace to national safety and welfare than any fear to external military aggression.

The world is not in a condition nor are the people in a state of mind to stand a failure of this Conference. There is no nation that would not suffer from such a failure.

Preparations are now being made for calling a World Monetary and Economic Conference. It is important to have such a Conference, but its success will depend largely upon that of this Conference, and the world cannot wait much longer for this success.

While the United States of America are not disturbed by any danger of invasion nor so directly concerned as are many other nations in the removal of the dangers of armaments, we have a genuine and vital interest in the peace and prosperity of the world. We have accordingly worked conscientiously for the success of this Conference and expect to continue

¹ See document Conf. D. 146.

patiently and earnestly in such efforts in collaboration with all the other nations so long as there is reason to hope for success.

The plan presented some months ago by the President of the United States, that of the French Government, which we have just received, and the pronouncement made to-day by Sir John Simon, are all inspired by the determination to effect a substantial reduction in armaments. They have all helped to bring the Conference face to face with the real issues before us. With the impetus thus given to our work, it is doubly incumbent upon us to take advantage of this situation and to take the steps which are necessary to accomplish as rapidly as possible that progressive reduction of armaments to which we stand pledged in principle and which we must now put into practice. It is obvious that the successful accomplishment of this task will require the close collaboration of all nations and we trust that this will be so generally recognised as to facilitate regaining the co-operation of the representatives of Germany in this task in which they, in common with all nations, have such a legitimate and vital interest.

General BURHARDT-BUKACKI (Poland). — The Polish Government associates itself wholeheartedly with the statements which have been made to-day and in accordance with which we shall shortly proceed to discuss the important problem of equality of status—so ably propounded by Sir John Simon—in close conjunction with other problems concerning the organisation of peace.

The Polish Government will be happy to co-operate in the quest of solutions taking due account of the legitimate interests of all Powers with a view to ensuring international peace and co-operation.

M. BOURQUIN (Belgium). — I should like simply and briefly to associate myself with the remarks made by the previous speakers and to say that we too are most eager to see the Conference resume its activities at full strength.

The suggestions and proposals put forward by Sir John Simon in the name of the Government of the United Kingdom are most interesting. They will require to be examined thoroughly, but this we are not called upon to do at the present moment. I should, however, like to say at once that our first impression is that these proposals contain a series of promising ideas which, in conjunction with others, may lead us to the goal we all desire to attain. In this connection, I should like more especially to draw the Bureau's attention to the United Kingdom representative's remarks with regard to the organisation of peace. In this respect, I hope that we shall discover formulæ capable of winning general approval.

M. DOVGALEVSKY (Union of Soviet Socialist Republics). — It was with the keenest attention that the Soviet delegation listened to the appeal made by the Chairman in the course of his remarkable speech. I was gratified to note the effort which is being made to induce Germany to return to the Disarmament Conference through recognition of the principle of equality of status. My Government has always been convinced that disarmament can only be achieved through the co-operation of all countries. It is indeed plain that the more unmistakable the proofs which the Conference gives of its determination to achieve disarmament—or at least a substantial reduction of armaments—the greater will be the prospects that the German delegation will return. I should like to remind you that, at the Bureau's meeting of September 21st, the head of the Soviet delegation, M. Litvinoff, stressed that opinion in clear and definite terms. It is in this spirit that I associate myself with the remarks of our Chairman and of the various speakers who have preceded me.

M. MOTTA (Switzerland). — Owing to the conditions in which I was given a seat on the Bureau it is impossible for me to speak in the name of a delegation. I should nevertheless like to say, like all those who have preceded me, that we have listened with unfailing interest first to the speech of the Secretary of State for Foreign Affairs of the United Kingdom and secondly to the various other speeches which have been made this morning.

It was my impression that the central problem dealt with in all these speeches was that of equality of treatment in regard to armaments. I have always had the profound conviction that this question could only be solved during discussions at which Germany and the other countries in the same position would be present as members of the Conference. I thought I noted in Sir John Simon's speech, not merely a hope, but a hope which at one moment seemed to assume the guise and character of an appeal. For my own part, I associate myself with both the hope and the appeal.

M. KÜNZL-JIZERSKY (Czechoslovakia). — Being most anxious to see the Disarmament Conference achieve tangible results, Czechoslovakia is most gratified at the atmosphere created by to-day's speeches and sincerely supports the hope expressed by the previous speakers.

M. LEITMAIER (Austria). — My purpose in rising to speak is certainly not that of voicing my Government's desire to see Germany resume her place in this Conference. This desire is so natural that I hardly need give it expression. The object of my remarks is merely to thank, in the first place, the Secretary of State for Foreign Affairs of the United Kingdom and, in the second place, the various other speakers for the spirit of justice which has dominated the discussion to which we have just listened.

THIRTIETH MEETING (PUBLIC)

Held on Friday, November 18th, 1932, at 3.30 p.m.

Chairman : Mr. HENDERSON.

39. WORK OF THE COMMITTEE FOR THE REGULATION OF THE TRADE IN, AND PRIVATE AND STATE MANUFACTURE OF, ARMS AND IMPLEMENTS OF WAR : EXAMINATION OF THE PROGRESS REPORT SUBMITTED BY M. KOMARNICKI (POLAND).

M. KOMARNICKI (Poland), Rapporteur, thanked the Chairman for having devoted a meeting of the Bureau to the examination of the report for the Regulation of the Trade in, and Private and State Manufacture of, Arms and Implements of War (document Conf.D.145), and having thus enabled the Rapporteur to put before the Bureau the chief questions as to which the members of the Committee still differed in their opinions and on which they desired to be enlightened by a body possessing more extensive powers and possibilities than the Committee itself.

He then quoted the following passage from paragraph 3 of his report :

“ The Committee considered it desirable, furthermore, to draw up the present report in order to facilitate its future work and to inform the Bureau of the Conference of the difficulties which it had encountered, the problems for which a preliminary solution was desirable and the questions regarding which it desired further directions. The Committee trusts that this report will assist delegations in defining their point of view on the subject of trade in and manufacture of arms, so that members of the Committee may be in a position to discuss the various questions with full knowledge of all the factors in the case when the Committee meets again, and that the Governments whose delegations are not participating in the Committee's work may have an opportunity of submitting observations, should they so desire, and, if need be, new proposals.”

This passage showed that the Committee, after a preliminary discussion of the questions of the trade in and manufacture of arms, did not consider that it had at its disposal all the data which would enable it to ascertain the intentions and programmes in these matters of the various delegations represented at the Conference. This particularly delicate situation in which the Committee was placed was due to the fact that the Conference had not so far had an opportunity of discussing those questions in the light of the experience gained and the progress made during the last ten months.

The Committee accordingly requested the Bureau, on the one hand, to approve the procedure adopted by it for its future work and, on the other hand, to enlighten it as to the intentions of the various delegations concerning the problems which the Rapporteur would mention later.

Question of procedure : the Committee had decided to divide its task between two sub-committees. Was it expedient for these two sub-committees to get to work as quickly as possible for the purpose of examining the various aspects of the complex problems of the manufacture of and trade in arms ? He thought that the Bureau of the Conference, which was directing the whole of the work of the various Commissions, might be asked to state what it considered should be the duties both of the Committee and of its two Sub-Committees in liaison with the work of other Commissions and Committees of the Conference.

Taking as a basis the Committee's report, he defined the principal questions which might be discussed by the members of the Bureau as follows .

(1) First, there were the important questions of the abolition and internationalisation of the private manufacture of arms and munitions of war. He would refer to the passage in the report (paragraph 2) which stated that :

“ These delegations were not prepared to accept the radical proposals submitted, but were not opposed to their discussion in due course ; they also considered that the General Commission should take certain decisions of principle before the questions of manufacture and trade in arms could be usefully studied by the Committee.”

The Bureau of the Conference would therefore be called upon to state its views as to the best method of procedure, after considering, in accordance with the wishes of certain members of the Committee, whether the time had already come to broach these grave problems of principle and in what form they could most usefully be discussed with due regard for certain other decisions of principle which the Conference would have to take.

(2) Another problem on which divergent opinions were still held by the members of the Committee was that of supervision. In this connection the Rapporteur drew the Bureau's

attention to paragraph 20 of his report. Without going into the details of a discussion which had at times been of a technical nature in view of the very special aspect of the problem of supervision in this domain, he would like to stress the following passage :

“ Certain members were anxious to deal at once with the question of supervision which they regarded as their principal task, and pointed out that this procedure would be in conformity with the view expressed by M. Bourquin in reply to a letter on the subject from the Chairman of the Committee.

“ At the same time, other members of the Committee pointed out that the question of international supervision over the manufacture of arms was a particularly delicate matter, as it encroached on the domain of domestic legislation and that, therefore, it would be necessary to be content with supervision carried out by the States. Several members of the Committee asked also, as regards supervision, that the same rules should be laid down for State and for private manufacture ; moreover, emphasis was laid on the necessity of establishing similar supervision for manufactured material in service and in stock.”

In the conclusions of the report, it was stated that it was desirable that the Committee should, before the resumption of its work, be in possession of :

“VI (c) The reports on the question of supervision and the question of chemical, incendiary and bacteriological weapons and the resolutions that the Bureau and the General Commission may pass on the subject.”

Since the approval of his report by the Committee for the Regulation of the Trade in and the Manufacture of Arms, the Bureau had approved M. Bourquin's report (document Conf. D.148), paragraph 9 of Chapter III of which contained the following observation :

“ There is nothing in what precedes to prevent the Convention, in special cases, from adding to the means of supervision enumerated above other machinery better adapted to the special technical features of such cases. The question remains open and it is desirable that the competent Committees should give it their attention.”

Personally, he agreed with the Chairman that the questions of supervision and the prohibition of chemical weapons were sufficiently advanced to make it unnecessary to hold up the work of the Committee on the Trade in and Manufacture of Arms. He had, nevertheless, considered it his duty to draw the Bureau's attention to the serious differences of opinion on this matter among the members of the Committee ; certain delegations might possibly consider this question sufficiently ripe to enable certain aspects of the problem to be discussed by the Bureau itself.

(3) Opinions also differed as to the question of publicity, which presented several points of analogy with that of supervision (see paragraph 18 of the report).

M. Komarnicki concluded his general observations by drawing attention to the question of the connection which might be established between the provisions relating to the trade in and manufacture of arms and the future General Convention for the Limitation and Reduction of Armaments. This question had arisen several times during the deliberations of the Committee. It was a question, not only of the form of the legal instrument to be drawn up, but also of the unification of the methods to be applied to the various aspects of the problems connected with armaments. The Bureau might possibly consider it premature to deal with these questions at the present time, but it was the Rapporteur's duty to point out that certain important decisions would have to be taken by the Conference before the Committee could usefully complete its work on the regulation of the trade in, and private and State manufacture of, arms and implements of war. It was also his duty, without, however, taking a pessimistic view, to draw the Bureau's attention to the main difficulties which would have to be overcome in order to arrive at the necessary compromise between the different interests concerned, in an atmosphere of confidence and collaboration.

M. WESTMAN (Sweden) said that Sweden was one of those States which possessed a rather important private armaments industry. Consequently, the problems with which the Bureau was at present dealing affected his country very closely. Sweden was conscious of her responsibilities, the gravity of which she did not overlook.

Those responsibilities and those obligations were set forth in Articles 8 and 23 of the League Covenant, which constituted the starting-point of all the enquiries and discussions that had taken place in the League for many years past. As long ago as 1921, a report had been submitted by a Special Commission, in which the charges laid against the armaments industry were summarised. It could hardly be denied, after all that had been divulged since then, that the armaments industry of certain countries exercised, or endeavoured to exercise, at difficult moments a fatal influence on world events.

However, when efforts had been made to find the means of supervising private vested interests and to prevent the armaments industry from attempting to influence the policy of the various States, opinions had differed to a very marked degree. The report of the Special Committee, which the Bureau had before it, afforded a further proof of this. On various sides

opposition had been raised to the proposals to implement the stipulations of the Covenant by means of the nationalisation of the private armaments industry or by other effective methods of supervision. The armaments industry played an important part in the economic life of several countries and that industry had found to its satisfaction that its sales remained unaffected and plentiful even during periods of great economic depression.

It was true that, in 1925, it had been possible to draw up a Convention concerning the trade in arms. For lack of a sufficient number of ratifications it had never come into force. Sweden, however, had not waited for the entry into force of that Convention to carry out its provisions as far as she was concerned. A licensing system was, in fact, being applied in Sweden, which was in accordance with the stipulations of that Convention and which made it possible to exercise a certain supervision over exports of war material.

In this respect it was well to remember that the connection between the problem of the trade in arms and that of the manufacture of arms had already been affirmed in a formal declaration by the Conference which drew up the Convention. It had stated that the Convention concerning the trade in arms should be followed by another Convention providing for the supervision of the production of war material and for publicity in relation thereto. This latter Convention had never been signed.

In its resolution of July 23rd, 1932, the General Commission had decided to resume—through the Special Committee—the examination of the regulations to be applied to the trade in, and private and State manufacture of, arms and implements of war.

The report submitted to the Bureau explained the position of the work so far accomplished by that Committee. Many difficulties had arisen and the Committee had considered it advisable to bring the matter before the Bureau, to enable Governments not represented on the Committee to submit observations and suggestions, should they so desire.

He would like to point out that his Government had recently defined its attitude towards the manufacture of armaments. A few days ago the Swedish Government had decided to undertake a close study of the problems relating to the manufacture of arms and, in this connection, had made a declaration to the effect that Sweden was prepared to co-operate wholeheartedly in the attempts to establish an effective system for the supervision of the armaments industry on an international basis. If satisfactory proposals were submitted during the present Disarmament Conference, Sweden would support them. The Swedish Government had considered it advisable to take suitable measures without delay to enable the State to exercise complete supervision over the production of war material in Sweden. The fact that such measures might affect private interests should not be regarded as a decisive argument against the adoption of the measures required by a pacific policy consistently pursued.

The Swedish Government thought that the time had come to entrust the study of the problems connected with the manufacture of arms to a committee of experts. It would be the duty of those experts to consider to what extent and by what means the limitation of private production, which was desirable from the point of view of supervision, could be imposed. In this respect they should give special attention to the possibility and manner of establishing a Government monopoly. The enquiry should also cover the problem whether production with a view to export should not be limited for reasons of international policy—apart from the possible establishment of a Government monopoly. It was obvious that, in carrying out their work, the experts would bear in mind the importance from, the point of view of national defence, of the production of war material in the country itself.

The declaration of which M. Westman had just given a summary showed that the Swedish Government had not thought fit to await the result of the present work of the Disarmament Conference in order to prepare the ground and to seek, as far as it was concerned, the means of carrying out in the most effective manner and without unnecessary delay the decisions to which the discussions in regard to the manufacture of arms, which had lasted too long, might eventually lead.

Mr. WILSON (United States of America) congratulated the Rapporteur on the way in which he had managed to throw light on a particularly difficult question. He reminded the Bureau that, up to the present, the United States Government had made reservations in regard to the first four articles of the draft Convention for constitutional reasons. Those reservations had now been withdrawn.

He proposed therefore now to explain in a little more detail the views of his Government regarding Articles 3 and 4 of the draft Convention of 1929. His Government was prepared favourably to consider similar provisions for the control of private manufacture of arms on the condition that like measures be established for the control and supervision of State manufacture and on condition that substantial measures of reduction were inserted in the Geneva Convention.

The suggestions made with regard to chemical warfare had shown the difficulty of first considering proposals for control and supervision based upon a single factor. This question should first be discussed as a whole by the Bureau or the General Commission, and, when the main outlines of a system of control had been defined, special provisions, if any were considered necessary, could then be discussed.

He would like to give an example to prove the necessity for more accurate publicity in regard to the trade in arms. Arms exports for 1931 had been put at 64 million dollars as

against imports amounting to only 52 millions, while exports in 1932 had been given as 55 million dollars and imports had been shown as only 49 millions. There was, therefore, a discrepancy of 20 per cent between the estimated exports and the estimated imports, showing a large degree of evaporation between the countries of origin and destination.

Mr. EDEN (United Kingdom) also referred to the difficulty of the Rapporteur's task. The question of the regulation of the trade in, and private and State manufacture of, arms and implements of war was one of the first importance, and he welcomed the opportunity which the presentation by M. Komarnicki of the Committee's report gave for its discussion by the Bureau. He would like to make a few comments upon the general attitude of the United Kingdom Government on this matter.

He agreed in principle with the statements made by the delegate of the United States of America. Successive United Kingdom Governments had consistently maintained that, in any action which might be decided upon, it would be unjust to draw any distinction between the private and State manufacture of war material. The attitude of the United Kingdom Government had not changed in that respect; both must be treated alike. There were many reasons for this; the reason of equity was particularly clear. He would merely refer to the widely varying conditions, of which the members of the Bureau were aware, governing the manufacture of arms in different States. In some States the greater proportion—and this applied particularly to the United Kingdom—was private. In others the greater proportion was State manufacture. Yet other States had no resources whatever for the manufacture of war material and had to import their requirements from abroad. If there was to be regulation, and the United Kingdom delegation was of opinion this should exist, it was obvious that it could only be just and effective if it were applied to State and private manufacture alike.

The United Kingdom Government agreed emphatically in principle that private and State manufacture should be properly regulated. It had already on its own initiative taken certain important and, as it believed, effective measures, to secure the supervision of private manufacture. In 1920, as the result of certain experiences during the war and having in mind the reference made in Article 8 of the League Covenant to the private manufacture of arms, the United Kingdom Government had passed a Firearms Act (1920). The principal provisions of this Act as affecting arms manufacture were as follows:

(a) No one may manufacture, sell, repair or test firearms or ammunition unless he has been registered as authorised to do so.

(b) The Act provides for inspection of stocks and statutory registers by certain specified Government officials.

(c) Registration may be withdrawn under certain circumstances.

(d) A magistrate may order search, seizure and arrest and examination of books on sufficient occasion arising.

(e) The manufacture, sale or possession of any weapons designed for the discharge of any noxious liquid, gas, etc., is prohibited without Government authority.

In addition to the above provisions of the Firearms Act, it should be noted that, under the Board of Trade Regulations, firearms or ammunition could only be exported on licence, and such licences might be refused on any grounds which might seem sufficient to the Board of Trade.

He doubted whether any other country in the world—except possibly Sweden, according to the statement which had just been made—possessed at the present time regulations in the matter as elaborate as those from which he had quoted. The Bureau might possibly be interested to learn that these regulations had worked satisfactorily in all respects, and he ventured to suggest that they might be found useful as the basis of similar legislation elsewhere.

The United Kingdom Government had also been happy to assist in the drafting of the 1929 Convention, and, if it was generally accepted, they would be glad to see it applied. It was an important advantage of the 1929 Convention that it involved full publicity of private and State manufacture.

What was the work which the Special Committee might most usefully perform in the near future? In this connection it should, he thought, be remembered that a regime of full publicity for both private and State manufacture, combined with published statistics of exports and imports of arms, amounted in fact to full publicity for war material of all kinds. The Preparatory Commission for the Disarmament Conference had never been able to agree upon this. It might well be, however, that the Conference itself would, in the course of its deliberations, be able to reach an agreement which would modify the situation. He therefore suggested that it might be best to wait the outcome of the work of the Conference in this respect before seeking to make further progress with this particular branch of the Committee's work.

There remained the question of trade in arms, to which the United Kingdom Government attached some importance. It had signed the 1925 Convention and would be prepared to consider the possibility of its improvement. Although it had signed that Convention, the United Kingdom Government had quite frankly made its ratification dependent upon ratification by the principal manufacturing countries. It had to be recognised, however, that, even if all those manufacturing countries did ratify, it would be impossible at the present time to secure the adherence of a large number of non-manufacturing countries which, with some justification, maintained that they would not submit their purchases of war material to full publicity whilst those of manufacturing States escaped such publicity. How, then, was it possible to meet that situation so that the 1925 Convention might come into force? It was partly in an attempt to meet this difficulty that the 1929 Convention had been drafted. If agreement on the lines of the 1929 Convention could be secured, as the United Kingdom delegation wished to see it secured, the special apprehensions of the smaller States would be allayed, and progress could perhaps be made. But it seemed that agreement on the lines of the 1929 Convention could not be achieved before the Conference had come to a decision as to full publicity for war materials of all kinds. The members of the Bureau would, he felt sure, agree that the Conference would not have fully completed its work until it had reached a satisfactory solution for the regulation of the trade in, and private and State manufacture of, arms.

M. AUBERT (France) made the following remarks regarding the methods to be adopted.

On the question of the competence of the Special Committee, some delegations held the view that the Committee's task should be confined to modifying as little as possible the 1925 and 1929 Conventions. Others were of opinion that these Conventions represented the maximum obtainable at the time when they were drawn up, but no longer corresponded to the framework of the draft Convention and to present-day ideas.

The French delegation had been of opinion that the problem should be considered in its entirety, and that the Committee should not allow its hands to be tied by what had been done in the past. There was, for instance, one point on which the negotiations for the two previous Conventions had failed—namely, the equalisation of conditions as between producing and non-producing States, as the non-producing States refused to submit to a publicity which would not apply to producing States. To this question was added that of the application of supervision to State as well as to private manufacture. It was difficult to imagine a State exercising supervision over its own manufactures. Since that time the idea of international supervision had arisen, an idea which was not present to the minds of those who drew up the previous Conventions. This was an advance to which was added that embodied in the idea of a general Disarmament Convention, a proposal which seemed generally accepted at the present day, but had scarcely even arisen in 1929.

M. Aubert was convinced that yet other new ideas might emerge, thanks to which it would be possible to reach the equalisation of conditions between States, which had been regarded as a mirage at the time when the earlier Conventions were under discussion. In this connection, he referred to the French delegation's suggestion that certain mobile material should be kept in stock and placed at the disposal of the League. This provision, he thought, would remove all cause for anxiety, which had now no justification, on the part of non-producing States.

On this point M. Aubert considered that the Committee should, at the earliest possible date, resume its enquiry into the whole question of the trade in, and private and State manufacture of, arms and implements of war.

On the subject of supervision, certain delegations, among which was the French delegation, emphasised the fact that the axis of the whole machine was the supervision of the manufacture of arms. Other delegations had observed that this question had been submitted to the Bureau and the General Commission, and that it was therefore necessary for the Special Committee to await the decision of those bodies before examining it. It followed that certain methods of control which involved technical considerations had been regarded as unsuited for discussion by the Committee pending the decisions of the Bureau and the General Commission. This opinion had been supported by the delegations of the United States and the United Kingdom.

M. Aubert referred to the remark following in the second report submitted by M. Bourquin on November 14th, regarding supervision (document Conf.D.148) :

"There is nothing . . . to prevent the Convention, in special cases, from adding to the means of supervision enumerated above other machinery better adapted to the special technical features of such cases. The question remains open, and it is desirable that the competent Committees should give it their attention."

It would, he thought, be very difficult for the General Commission to take an effective decision on the general question of supervision, until it was acquainted with all the special requirements arising out of the individual methods of control suggested by the Technical Committees, since not all the various materials were equally susceptible of supervision. Supervision was not an end in itself, and would only be accepted by sovereign States if absolutely necessary and quite unavoidable. It was therefore important to urge the Special Committees to attack the problem at its heart and to consider it as a whole from the technical point of view.

M. Aubert therefore asked that the question should be sent back to the Special Committee as soon as possible, with a statement that this Committee should not regard itself as limited in any way by previous schemes which had been drawn up in entirely different circumstances.

M. PEDROSO (Spain) gave his entire support to the French delegate's statement, which was in agreement with that made by the representative of Spain on the Special Committee. M. Pedroso further wished to associate himself with the congratulations addressed to the Rapporteur, who had managed to make up a report out of nothing. The meetings of the Committee were, in his opinion, accurately described in the following passage of the report (document Conf.D.145) :

" Other delegations, on the contrary, considered that it would be inexpedient to digress unduly from the texts of the Convention and of the draft Convention already framed after long effort. These delegations were not prepared to accept the radical proposals submitted, but were not opposed to their discussion in due course ; they also considered that the General Commission should take certain decisions of principle before the questions of manufacture and trade in arms could be usefully studied by the Committee."

It might be concluded that the question had not, in fact, been discussed by the Special Committee. The Committee's terms of reference were, however, very wide. The General Commission's resolution of July 23rd, 1932, stated that :

" The Bureau will set up a Special Committee to submit proposals to the Conference immediately on the resumption of its work in regard to the regulations to be applied to the trade in, and private and State manufacture of, arms and implements of war."

Nevertheless, the Committee now came before the Bureau with empty hands, saying that it had not sufficient powers to deal with the question. It was therefore clear that a mistake as regards method had been made at the very beginning, in taking as a basis for discussion the Conventions of 1925 and 1929, which was a sure means of achieving nothing. The 1929 Convention was more than modest ; all it did was to provide for the granting of licences by Governments to their private arms manufacturers, and for the publicity of such manufactures. It could, moreover, be denounced. The Spanish delegation had in its proposals (document Conf.D.74) already expressed its opinion on this point, and its views were further set out in the minority report of 1924 quoted in the proposals submitted by M. de Zulueta at the Disarmament Conference. The Spanish delegation considered that the 1929 Convention was inadequate, because the supervision provided for therein was not international and did not extend to all manufacture of arms. Nor did it meet the requirements of the principle of limitation of manufacture and supervision of stocks. Should a producing State find it possible to evade the limitation provisions, the whole system erected by the Convention fell to the ground. The 1925 Convention was also inadequate in that the supervision which it set up was incomplete.

M. Pedroso concluded that the Bureau should take account of the 1924 minority report of the Preparatory Commission, which expressed the idea that the supervision of the manufacture of arms necessitated enquiry into the special problems associated therewith, and that these problems should be clearly defined. He supported the French delegate's suggestion that the Bureau should not attempt to take any decision on this question in advance, but should, on the contrary, request the Special Committee to resume work as soon as possible, in order to be able to submit suggestions on which the Bureau would be able to base its decision.

General BURHARDT-BUKACKI (Poland) considered it his duty to contribute on behalf of his delegation to this important discussion. He hoped that it would bring to light certain common ideas which would help to guide the Committee on Trade in and Manufacture of Arms in its deliberations. All those present would recognise the great importance of the questions referred to this Committee for examination and would realise the dangers of unregulated trade in and manufacture of arms from both the moral and political points of view. It was therefore superfluous to seek arguments in favour of international action in this sphere, as members were already unanimous on the subject.

Differences of opinion immediately began to emerge when an attempt was made to ascertain the means by which the international community might effectively take action for the elimination of the dangers inherent in such trade and manufacture. To judge by the Committee's report, certain delegations would prefer cautious and moderate measures intended to circumscribe the evil without causing any radical alteration in the present state of affairs. General Burhardt-Bukacki did not consider that such a course would be sufficiently effective. The evil was so serious and so pregnant with danger that the Polish delegation felt bound to support those delegations that were proposing measures which, though unquestionably more thoroughgoing, at least made it possible to look forward to palpable results. In his opinion, there should be no hesitation between action detrimental to certain private interests and the safeguarding of international order and peace. In this question of manufacture, and especially private manufacture, of arms, as in that of trade in arms, it was in his opinion peace itself which was at stake. There should therefore be no hesitation. The Conference must act, and act energetically.

Proposals had been made for the total eradication of the evil by the abolition of private manufacture. The Polish delegation had, from the beginning, supported this suggestion, which would afford the most complete solution of the problem. If, however, it could not for the

moment win unanimous approval, if it could only be applied by stages, Poland would support the most stringent measures for the international regulation of the trade and manufacture in question. Regulation should, of course, also apply to State manufacture ; it might, however, be stricter in the case of private trade and industry.

It would also appear that the system of regulation applied to trade in arms should resemble that to be applied to manufacture. This would be the only means of lessening the inequality which, in fact, existed between manufacturing countries and importing countries. If the importation of arms was to be subjected to strict international supervision, manufacture should be supervised to the same extent as, in certain countries, the part played by the importation of arms in the scheme of national defence was comparable to that of manufacture in others. Both, indeed, allowed of the constitution and renewal of the stocks which were indispensable for the purpose of preparing national defence against foreign aggression. There would, therefore, be no justification for not treating importing and manufacturing countries on a footing of complete equality.

In this connection, General Burhardt-Bukacki added, in reply to Mr. Wilson's remarks on the striking discrepancies in the statistics for the export and import of arms, that such discrepancies were due to the fact that exporting countries were better organised than the importing countries, and were therefore able to supply fuller statistics.

The statement that manufacture of and trade in arms played an important part in the constitution and renewal of stocks led him to stress the close connection between the Convention on the Limitation and Reduction of Armaments and the international instruments regulating the manufacture of and trade in arms. This connection was so obvious and so close that he could not conceive how any system of conventions and agreements could issue from the Conference unless it included also an agreement on this particular question. The Polish delegation considered that the regulation of trade in and manufacture of arms should form an integral part of the Disarmament Conference's work.

It was, he thought, unnecessary to dwell upon the fact that publicity would not in itself suffice to ensure effective regulation. It must necessarily be reinforced by strict international supervision, which was the only means of eliminating risks. After the important discussions which had taken place in the Bureau on M. Bourquin's report, the adoption of effective measures of supervision in regard to trade in and manufacture of arms could scarcely be expected to encounter serious difficulties. The Bureau had unanimously acknowledged the value of international supervision of armaments and the measures which it proposed for the practical operation of such supervision were very far-reaching. It would be sufficient that these general measures should be extended to the subject under consideration, provided that they were supplemented, if necessary, by other measures appropriate to the special conditions of trade in and manufacture of arms. Without going into details, General Burhardt-Bukacki drew attention, in passing, to the possibility of taking advantage in this connection of the local investigations of which the Bureau had approved as a means of general supervision.

The Polish delegation supported the suggestion put forward by various other delegations that, in the Conventions on trade in and manufacture of arms, a special section should be devoted to chemical weapons. As the use of such weapons was prohibited, it would appear impossible to deny the necessity of subjecting trade in and manufacture of all preparations and appliances capable of use in chemical warfare to international supervision.

A further problem which deserved consideration by the Bureau was whether the convention on trade in and manufacture of arms should not be suspended in favour of any State victim of an aggression and all States prepared to assist it. This question should be carefully examined in connection, of course, with the more general problem of security.

In order to leave no doubt as to his delegation's attitude regarding the methods to be employed in dealing with trade in and manufacture of arms, General Burhardt-Bukacki added that he favoured taking as a basis for discussion the various texts already in existence—that was to say, the 1925 Convention on Trade and the 1929 draft Convention on Manufacture. These texts, however, should be remodelled and reinforced by measures of a more radical and more effective character than those—notoriously inadequate—for which the two agreements at present provided.

Captain RUSPOLI (Italy) stated that, in general, the Italian delegation agreed with what had been said by the representatives of the United States of America and the United Kingdom. The question of the regulation of trade in, and private and State manufacture of, arms and implements of war had been under consideration for fourteen years. In 1919, it had been dealt with in the Convention of St. Germain. In 1925, a new Convention had been elaborated, but had not obtained the number of ratifications required for its entry into force, as the non-producing countries were unwilling to place themselves in a position of inferiority as compared with producing countries in respect of the publicity to be given to purchases of war material.

In 1929, a draft Convention had been prepared for the supervision of private manufacture and publicity in regard to the manufacture of arms, ammunition and implements of war. Nothing, however, had come of it for the reasons explained in connection with Article 5 of the 1929 draft Convention, where it is stated that "the Czechoslovak, French, Italian, Polish and Roumanian delegations could not accept the second paragraph of Article 5 (relative to the extension of publicity to material manufactured in State establishments). They consider, together with the Belgian delegation, that publicity in regard to State manufacture could only be determined in connection with the decisions to be taken by the Preparatory Commission for

the Disarmament Conference concerning publicity of material in pursuance of its resolution of May 4th, 1929." The Special Committee's report had been examined on May 20th, 1931, by the League Council, which had taken the following decision :

" The Council,

" In consideration of the reasons set forth in the present report :

" Decides to request the President of the Special Commission to defer convening that Commission until after the settlement of the question of publicity in regard to implements of war by the General Disarmament Conference."

The reason why these fourteen years of endeavour had yielded no results appeared to Captain Ruspoli to be that the cart had been placed before the horse and that an endeavour had been made to deal with secondary questions before solving the main problem. That was why the Italian delegation supported the view expressed by the United States and United Kingdom delegations regarding procedure. The 1925 Convention as it stood would have, indeed, sufficed to secure the application of Articles 23 and 8 of the Covenant, but any provisions regulating the question of supervision of trade in, and private and State manufacture of, arms and implements of war must be complementary to a general Disarmament Convention. Such being the case, the only effective method was to wait until the Conference had reached a stage in which the application of quantitative and qualitative measures of limitation to all classes of armaments could be regarded as assured. At the present stage, the division of armaments into categories and sub-categories had been prompted more especially by Customs considerations and not by considerations of armament limitation. If a different system of limitation were to be applied to the different categories, the various numerical specifications relating thereto would have to appear in the text of the Convention itself.

The Italian delegation therefore considered that it would be prudent to defer the final drafting of those articles of the Convention which dealt with trade in and manufacture of arms, pending the General Commission's decision on all the related problems at present under discussion.

M. LEITMAIER (Austria) said that, in regard to armaments, Austria was one of the countries bound by the Peace Treaties. The question which she had to consider was what effects a decision by the Conference to grant legal equality to such countries would produce on the trade in and manufacture of arms. In the absence of instructions from his Government on this subject—and M. Leitmaier did not think it had as yet examined the question—he would prefer to reserve Austria's right to state her point of view at some later stage in the proceedings.

M. SATO (Japan) said that, in principle, the Japanese delegation accepted the conclusions submitted by the Rapporteur. He felt bound, however, to stress paragraph III(c) of the Rapporteur's conclusions, which stated :

" . . . that it was already clear that the proposals which the Committee would have to submit regarding the regulation of the manufacture of arms would differ from the draft Convention framed by the Special Commission in 1929."

He realised that, in certain respects, the 1929 draft was incomplete. The Special Committee could, however, examine it and consider possible ways of modifying or improving it. M. Sato would accept such a procedure. It might, on the other hand, be wondered whether the paragraph which he had just read meant that the 1929 draft should be condemned offhand. That was a view which M. Sato would find it somewhat difficult to share. Moreover, he was unwilling to believe that such was the opinion of the Rapporteur and of the Bureau. In spite of its imperfections, the 1929 draft, which had been drawn up as the outcome of several years' arduous preparation, represented the utmost that a Convention could achieve. Hence M. Sato's insistence that this draft should be taken as a basis of discussion and should not be scrapped in advance. It only needed supplementing.

The same objections had been raised against the 1925 Convention. M. Sato hardly felt able to dwell on that point, since Japan, though it had signed the 1925 Convention, had not ratified it. That meant that it was indifferent as to whether the Conference decided to revise it. In this connection, M. Sato thought it his duty to point out that Japan would never rank among the great arms-exporting countries, a fact which made its attitude of indifference on this point still more comprehensible. Should the Conference think fit to bring the Conventions relative to trade in arms and private manufacture into harmony with one another, he would accept such a suggestion in advance.

The question of equality of treatment between State and private manufacture appeared to him extremely complicated, especially if an attempt were made to ensure equality of treatment between producing and non-producing countries. He was still of opinion that State manufacture differed from private manufacture and that, in consequence, it should not be subject to the same treatment. That point of view had been frequently expressed at the 1929 Conference, at which M. Sato had himself been present. As at the present Conference, Japan had always been of opinion that, in the very nature of things, State manufacture was already subjected to effective supervision. It was, indeed, given full consideration during the framing of budgets and during the budgetary discussions in Parliaments, etc. There was nothing at all comparable in respect of private manufacture, and it was for that reason that the issue of licences, publicity in regard to manufacture, etc., had been contemplated. The only result of insistence upon equality of treatment would be to add to these objections. There were, moreover, in this connection, essential differences between the various countries. Some

possessed only private manufactures ; others only State factories ; while in others, again, both systems were practised. Japan was one of those countries where the manufacture of arms was exclusively in the hands of the State. If the arguments in regard to supervision were to be carried to their logical conclusion, he would be entitled to request that regulation of manufacture should be confined to private manufacture. M. Sato would not lay undue emphasis on this point ; he even declared himself in favour of a certain measure of regulation of State manufacture.

As opinions were divided on this point, and as these opinions made it clear that it was impossible to contemplate subjecting State manufacture to supervision as strict as that to be applied to private manufacture, M. Sato stated that, if the Conference were to pronounce in favour of equality of treatment, he would support a system of regulation giving due weight to special circumstances and so conceived that States would be able to submit to it.

Finally, M. Sato assured the Rapporteur that Japan would wholeheartedly co-operate in the work of the Sub-Committees of the Committee for the Regulation of the Trade in, and Private and State Manufacture of, Arms and Implements of War ; it would sincerely strive to discover a basis for agreement which would make it possible to apply a system of regulation both to State and private manufacture, provided always that State manufacture was not subjected to any undue limitation or supervision.

The CHAIRMAN drew the Rapporteur's attention to the statements made by certain delegates regarding the precedence taken by general interests—in this case, the State—over private interests ; that was to say, private manufacturers. He further drew attention to the provisions of Article 8 of the Covenant, which he read. He added that it would appear that this article should be taken by the Committee as the guiding principle in its work.

As regards publicity, State manufacture should, in his opinion, be placed upon the same footing as private manufacture. Incomplete armament statistics would militate against any Convention designed to bring about disarmament. It would, on the other hand, be unjust to subject non-producing States to a system of publicity from which the producing States would be exempt.

The Chairman finally reminded the Rapporteur that the members of the Special Committee were free to submit any proposal—however bold in appearance—within their terms of reference, and that, in consequence, they should not allow themselves to be limited by the 1925 and 1929 Conventions.

The Bureau appeared to be of opinion that any agreement on trade in and manufacture of arms should form part of the General Convention and be incorporated in the same instrument.

The Chairman expressed the hope that the Special Committee would soon be in a position to put forward proposals. He urged the Rapporteur to remind the Committee that it was entirely free to propose any measures of supervision it thought desirable.

The Chairman further proposed that the Rapporteur should distribute to the members of the Bureau a summary of the points on which the Special Committee was to be consulted. The Bureau would examine this document at its next meeting on Tuesday, November 22nd.

THIRTY-FIRST MEETING

Held on Tuesday, November 22nd, 1932, at 4 p.m.

Chairman : Mr. HENDERSON.

40. REGULATION OF THE TRADE IN, AND PRIVATE AND STATE MANUFACTURE OF, ARMS AND IMPLEMENTS OF WAR : EXAMINATION AND ADOPTION OF THE DRAFT RESOLUTION SUBMITTED BY M. KOMARNICKI (POLAND).

M. KOMARNICKI (Poland), Rapporteur, thanked his colleagues for their appreciative references to his report (document Conf.D.145). At the Bureau's previous meeting, he had been glad to hear several important statements with regard to the work of the Committee for the Regulation of the Trade in, and Private and State Manufacture of, Arms and Implements of War. Nothing in his opinion could be more harmful to the work of disarmament than silence, and the Committee of which he was Rapporteur had suffered a great deal therefrom.

From the different statements made on November 18th, M. Komarnicki had found it possible to pick out certain points which he ventured to submit to the Bureau's approval in the form of a resolution. This draft resolution aimed at creating a more solid basis for the forthcoming discussions of the Committee and Sub-Committees. This had been rendered possible by the statements made before the Bureau, of which the resolution was merely a synthesis. It simply

contained a few guiding principles for the Committee and left the delegations free to pronounce on the results achieved by the Committee as its work progressed. The draft resolution read as follows :

“ The Bureau of the Conference,

“ Having taken cognisance of the report of the Rapporteur of the Committee for the Regulation of the Trade in, and Private and State Manufacture of, Arms and Implements of War and having heard the proposals and comments made by the various delegations at the Bureau's meeting on November 18th :

“ Approves the Committee's report and the methods of work adopted by it ;

“ (1) Requests the Committee and its Sub-Committees to resume work as quickly as possible in order that the Bureau may at the earliest possible moment have at its disposal all the necessary factors to enable it to submit to the Conference the proposals provided for in the General Commission's resolution of July 23rd ;

“ (2) Considers that the Committee has been entrusted with the examination of all the aspects of the problem of the regulation of the trade in and manufacture of arms, but that it must choose a practical method of work on the basis of the declarations made at the Bureau's meeting on November 18th ;

“ (3) Considers that it is already agreed that the provisions relating to the trade in and manufacture of arms and implements of war shall be included in the same legal instrument as the Convention for the Reduction and Limitation of Armaments ;

“ (4) Requests the Committee to examine in what conditions equality of treatment may be attained :

“ (a) Between producing and non-producing countries ;

“ (b) Between the different contracting countries, special zones, etc. ;

“ (c) Between State manufacture and private manufacture.

“ (5) In accordance with M. Bourquin's report approved by the Bureau, the latter invites the Committee to examine the technical procedure required for the application of international supervision to the trade in and manufacture of arms.

“ (6) As regards the Committee's conclusions concerning the questions of the limitation of, and publicity in regard to, war material, the Bureau considers that any final decision as regards these questions should be postponed until appropriate solutions have been reached by the competent organs of the Conference.

“ (7) The Bureau draws the Committee's attention to the desirability of collecting the necessary documentation with regard to the licence systems adopted by the different countries and of studying the possibility of framing an international licence system.”

M. Komarnicki commented briefly on the text of the resolution. It contained first an invitation to the Committee and its organs to resume work as quickly as possible. The Bureau here recognised the importance of the Committee's task within the framework of the Conference's work. This circumstance was still more emphasised by the decision contained in paragraph 3, according to which “ it is already agreed that the provisions relating to the trade in and manufacture of arms and implements of war shall be included in the same legal instrument as the Convention for the Reduction and Limitation of Armaments ”.

Paragraph 2 of the draft resolution dispelled certain doubts which might have arisen as regards the Committee's terms of reference. The Committee was at the same time recommended to adopt a practical method of work, since it was called upon to examine only concrete proposals connected with the manufacture of and trade in arms and must not lose time over general considerations.

Paragraph 4 referred to the problem of equality of treatment. This paragraph raised a whole series of particularly delicate questions, and the orientation of the Committee's work would depend on decisions taken by the higher organs of the Conference. The particular question of equality between producing and non-producing countries could not be dealt with independently of the measures which would be adopted as regards the different aspects of the problem of manufacture and trade. In connection with point (c) of paragraph 4, the Rapporteur wished to recall paragraph 7 of the Committee's report, which contained the following passage :

“ Questions relating to the private manufacture of arms and those relating to State manufacture were studied together. Several delegations asked that private and State manufacture should be treated on an equal footing. Some thought that private manufacture should be subject to a stricter supervision than that provided for State manufacture. The discussion was adjourned without any formal decision having been taken on this point, and certain delegations accordingly reserved the right to revert to this question during the second stage of the work.”

The positions of the different delegations still remained the same, and it would be necessary in the course of the technical work, to find certain formulæ taking into account [the legitimate interests of all the Powers.

As regards paragraph 5 the word “ supervision ” should be interpreted in the widest possible sense, and delegations could here discuss all forms of supervision, provided that they did so from the point of view of practical solutions.

The Rapporteur appreciated the preoccupations of those delegations which had proposed certain methods in regard to the examination of the limitation of, and publicity in regard to, war material. For practical reasons, in order not to delay the Committee's work, it had been decided "that any final decision as regards these questions should be postponed until appropriate solutions have been reached by the competent organs of the Conference".

During the discussion, very interesting statements had been heard with regard to the licence systems adopted by different countries. The Rapporteur thought that it would perhaps be useful, in accordance with the suggestions which had been made, to study these different licence systems and then to examine, in the light of the experience acquired by certain countries, the possibility of framing an international licence system so insistently demanded by certain delegations.

The Rapporteur's aim had been to find a ground for agreement and to encourage the Committee's work by a few decisions based on the statements made by the delegations on November 18th. It would no doubt be remarked that the resolution related rather to questions of method and procedure than to the essence of the problem. As M. Komarnicki had said in his previous speech, certain important decisions would have to be taken by the Conference before the Committee could usefully close its work on the regulation of trade in, and private and State manufacture of, arms and implements of war. The time had perhaps not yet come to define the attitude of each delegation as regards the substance of the problem. It was consequently to be anticipated that the Committee would again be obliged in the course of its work to lay before the Bureau or the General Commission certain questions requiring a solution.

Mr. CADOGAN (United Kingdom) had no objection to the draft resolution submitted by the Rapporteur. He had certain doubts, however, as regards paragraph 3. The idea embodied therein was an admissible one, but he did not remember its having been discussed thoroughly in the Bureau or any decision having been taken such as that recorded by the Rapporteur. It was possible that circumstances would make it necessary to frame separate conventions. He therefore hoped that the decision contemplated in paragraph 3 was not absolute and that the Bureau could reserve the possibility of framing special conventions for the trade in and manufacture of armaments should this be considered necessary. In fact the use of the word "considers" at the beginning of the paragraph seemed to admit of this possibility.

The CHAIRMAN explained that, in the summary he had made of the discussion and of M. Komarnicki's report, he had himself stated that he was convinced that the Bureau was in favour of including in the text of the General Convention for the Reduction and Limitation of Armaments a provision with regard to the trade in and manufacture of arms and implements of war, and he had emphasised in this connection how much easier it was to secure the ratification of one convention than of several. He therefore urged the Bureau to adhere to this decision.

M. Rosso (Italy) was not sure whether paragraph 5 of the draft resolution entirely fitted in with the idea of M. Bourquin's report. He thought that this paragraph prejudged the substance of the question. He would have preferred to say :

" . . . invites the Committee to examine whether, for the application of international supervision to the trade in and manufacture of arms, it would be advisable to consider other procedures better suited to the technical characteristics of the subject. "

Apart from this remark, the Italian delegation had no difficulty in accepting the draft resolution submitted by the Rapporteur, who had succeeded in reconciling the different opinions very skilfully.

M. DE MADARIAGA (Spain) associated himself with the tribute paid to M. Komarnicki's draft resolution, but regretted that this draft was perhaps not all that might have been hoped for at such an advanced stage of the Conference, especially if it were considered that the question had been under discussion for ten years.

Mr. Cadogan's and M. Rosso's observations related to a question of substance. Mr. Cadogan asked that the clause contained in paragraph 3 should be made less absolute, while M. Rosso asked that paragraph 5 should be modified so as to render possible, if not actually obligatory, a special system of supervision for the trade in and manufacture of arms. In M. Bourquin's report (document Conf.D.140) it was stated in paragraph 8 that :

" . . . everyone is agreed in assigning to the Permanent Commission a function of supervision and control. This is the idea expressed in Article 40 of the draft Convention, under which the Commission was entrusted 'with the duty of following the execution of the present Convention' . "

If it were proposed to have two conventions and to modify the general system of supervision in the case of the trade in and manufacture of arms, it was to be feared that such supervision would not yield the advantages expected of it, advantages which arose partly from the fact that the whole matter would be concentrated in the same hands. Such a provision would weaken the instrument itself, for it was essential that all supervision should be in the hands of the Disarmament Commission, it being understood that the latter's procedure would be adapted to the different objects of supervision.

In M. Bourquin's report it was also stated in paragraph 38 that :

" The means of supervision which have just been reviewed, and on which the Bureau will have to pronounce without delay, do not necessarily exhaust the possibilities. It is, indeed, quite conceivable that the examination of a special question such as that of chemical and bacteriological warfare, that of the manufacture of and trade in arms, that of limitation of national defence expenditure, etc., will subsequently reveal the desirability of resorting in such matters to other methods of verification more in keeping with their special technical aspects.

" It would appear essential that, when coming to a decision on the suggestions at present before it, the Bureau should make due provision for such a possibility."

M. de Madariaga hoped that it was agreed that, while special methods of supervision might always be provided for, the general system of supervision would be preserved intact, and he asked whether Mr. Cadogan and M. Rosso could not see their way to accept M. Komarnicki's draft resolution as it stood ; it did not perhaps satisfy everybody, but, in regard to it, the spirit of mutual concession by which the whole Disarmament Conference was guided was equally necessary.

M. Rosso (Italy) agreed with M. de Madariaga that the intention was to retain the greatest possible unity in the general system of supervision. He nevertheless pointed out that, in his report, M. Bourquin had adumbrated the possibility of introducing special forms of supervision, and the suggestion which M. Rosso had made with regard to the drafting of paragraph 5 aimed at securing a more accurate representation of the facts. The question whether it would be necessary to resort to special forms of supervision remained an open one, and it must not be prejudged. It was possible that an agreement might be reached on a general form of supervision, but it might also be found necessary to provide for special forms in order to adjust supervision to the technical characteristics of the subject. There was therefore only a shade of difference between his view and M. de Madariaga's.

M. DE MADARIAGA (Spain) did not think it possible, without breaking the unity of supervision, to provide for other procedures than those envisaged by the Rapporteur of the Committee on Supervision. He proposed the following wording for paragraph 5 of the draft resolution :

" . . . consider whether, within the general framework of supervision already adopted by the Bureau, it is necessary to provide a technical procedure better adapted to the international supervision of the trade in and manufacture of arms. "

M. KOMARNICKI (Poland), Rapporteur, replying first to Mr. Cadogan, said that the provision contained in paragraph 3, which he had criticised, in no way prejudged the ultimate decision of the Bureau and the General Commission. He had wished to make it clear that the agreements regarding the supervision of the trade in and manufacture of arms and implements of war would form a whole together with the General Convention for the Reduction and Limitation of Armaments—that was to say, that all these texts would be prepared by the Disarmament Conference.

As regards paragraph 5, he recalled a passage in his speech in which he had recognised that any delegation could discuss the methods of the supervision to be exercised, provided a practical standpoint was adopted. In his opinion, there was not much difference between the points of view of M. de Madariaga and M. Rosso ; for his part, he would accept the formula proposed by M. de Madariaga and he hoped that M. Rosso also would accept it.

Mr. CADOGAN (United Kingdom) had not intended to raise any objection against the draft resolution submitted by the Rapporteur. He stated that, in the light of the remarks made by the Chairman and the Rapporteur, he did not wish to press the point.

The draft resolution was approved, with the amendment suggested by M. de Madariaga.

41. AIR FORCES : EXAMINATION AND ADOPTION OF THE REPORT SUBMITTED BY M. DE MADARIAGA (SPAIN).

M. DE MADARIAGA (Spain), Rapporteur, said that, while he had associated himself with pleasure with the tributes paid to the Rapporteur on the previous question, he would have some hesitation, as delegate of Spain, in congratulating the Rapporteur on the question of air forces.

Personally, he was not very pleased with his report (document Conf.D.141), which bore traces of the concessions he had had to make in a spirit of conciliation. Taking the strict point of view of peace and disarmament, he did not think that any other formula was possible than the complete abolition of military aviation and air bombardment. The report, however, did not go so far as he would have wished, for reasons which were easy to understand.

M. de Madariaga then referred to the contents of the resolution adopted by the General Commission on July 23rd, 1932, and said that, after various consultations, he had been led to propose a procedure differing from that which had hitherto been followed, and which had shown itself to be rather cumbersome, having been made still more cumbersome by the

knowledge, sometimes excessive, of the experts. He therefore suggested that the Air Committee, which it was proposed to create, should be composed of persons with political responsibilities and not of experts, in order that some such conclusions as that proposed in his report might be reached.

Experience had shown that, in this sphere, everything was possible, given the will to do it. It was therefore essential to examine and decide what it was intended to do and to open negotiations to that end. The Conference had already had several laid before it, notably the very complete plan submitted by the French delegation, and M. de Madariaga wondered if it would not be preferable, before summoning an Air Committee, to decide in the Bureau either by negotiation or by discussion, what exactly it was desired to do, without, however, going into details. The Bureau would merely decide what it thought it possible to accomplish, leaving it to the Committee to work out the details.

Mr. WILSON (United States of America) drew attention to a difference in the use of the word "characteristics" in the General Commission's resolution of July 23rd, and in M. de Madariaga's report, which was liable to create a certain ambiguity.

He also pointed out that the resolution of July 23rd provided for a regional regulation of civil aviation in certain cases, a point which the Rapporteur seemed to have omitted in his report.

M. DE MADARIAGA (Spain), Rapporteur, said that the difference mentioned by Mr. Wilson did not exist in the French text, and could therefore be easily rectified.

As regards the regional regulation of civil aviation referred to as a possibility in subparagraph (b) of the paragraph of the General Commission's resolution of July 23rd, relating to air forces, he had omitted to mention it through inadvertence, and the report could be altered so as to take it into account. He added that, when reference was made to "certain aircraft", this naturally referred to certain categories of aircraft to which the international regime would not apply in the few regions where this regime was not suitable.

M. de Madariaga's report was approved, subject to the amendments which the Rapporteur had mentioned.

The CHAIRMAN requested the members of the Bureau to inform him of the names of the delegates they wished to sit on the Air Committee. This Committee would report to the Bureau.

THIRTY-SECOND MEETING (PRIVATE)

Held on Tuesday, December 13th, 1932, at 10.30 a.m.

Chairman : Mr. HENDERSON.

42. COMMUNICATION OF THE AGREEMENT CONCLUDED BETWEEN THE REPRESENTATIVES OF THE GOVERNMENTS OF GERMANY, THE UNITED KINGDOM, FRANCE, ITALY AND THE UNITED STATES OF AMERICA : FIXING OF THE DATE OF THE NEXT MEETINGS OF THE BUREAU AND OF THE GENERAL COMMISSION.

The CHAIRMAN explained that, in accordance with precedent, he had, after consulting the officers of the Bureau, thought it preferable to keep strictly private the present meeting at which the questions relating to the resumption of the discussions of the Conference were to be discussed.

He would, however, first read the text of the agreement arrived at between the representatives of the German, United Kingdom, French, Italian and the United States Governments, as a result of the conversations which had taken place between them the previous week under the presidency of Mr. Macdonald :

" 1. The Governments of the United Kingdom, France and Italy have declared that one of the principles that should guide the Conference for the Reduction and Limitation of Armaments should be the grant to Germany, and to the other Powers disarmed by Treaty, of equality of rights in a system which would provide security for all nations, and that this principle should find itself embodied in the Convention containing the conclusions of the Conference for the Reduction and Limitation of Armaments.

" This Declaration implies that the respective limitations of the armaments of all States should be included in the proposed Disarmament Convention. It is clearly understood that the methods of application of such equality of rights will be discussed by the Conference.

" 2. On the basis of this Declaration, Germany has signified its willingness to resume its place at the Conference for the Reduction and Limitation of Armaments.

" 3. The Governments of the United Kingdom, France, Germany and Italy are ready to join in a solemn reaffirmation to be made by all European States that they will not in any circumstances attempt to resolve any present or future differences between the signatories by resort to force. This shall be done without prejudice to fuller discussions on the question of security.

" 4. The five Governments of the United States of America, the United Kingdom, France, Germany and Italy declare that they are resolved to co-operate in the Conference with the other States there represented in seeking without delay to work out a Convention which shall effect a substantial reduction and a limitation of armaments, with provision for future revision with a view to further reduction."

On Sunday last at noon, he had been invited to meet those who had been taking part in the conversations. The British Prime Minister, as Chairman of the conversations, then handed to him the original English text of the agreement which he had just read. This text, which bore the signatures of the representatives of the five countries, was officially before the Conference, and the original English copy of it was deposited with the Registry of the League of Nations. That agreement would have to be taken into consideration in determining the future work of the Conference.

The Chairman stated further that, when handing him the document in question, Mr. Macdonald had informed him that the representatives of the Powers participating in the conversations were unanimously of opinion that the President of the Conference should be associated with their subsequent conversations. Mr. Henderson had replied that, subject to the approval of the Bureau, he was prepared to accept that invitation, and he hoped he would have the approval of his colleagues.

The above suggestion was approved.

The CHAIRMAN discussed the attitude which, in view of the Five-Power Agreement, should be adopted at the meeting of the General Commission to be held the next day. He proposed to submit the following draft resolution to the General Commission :

" The General Commission of the Conference for the Reduction and Limitation of Armaments, taking note of the conclusions reached in the conversations of the Five Powers as stated in the document handed by the British Prime Minister to the President of the Conference and reported to this Commission to-day :

" (1) Expresses its thanks to the British Prime Minister and his co-signatories for the success of their efforts, which have resulted in a notable contribution to the work of the Conference ;

" (2) Welcomes the declaration that the five Powers are resolved to co-operate in the Conference with the other States represented in seeking without delay to work out a Convention which shall effect a substantial reduction and a limitation of armaments with provision for future revision with a view to further reduction."

The Chairman thought that, after the meeting of the General Commission on the following day, it would be possible to break off the work of the Bureau until January 23rd, 1933. The reports of certain Committees were not yet terminated—in particular, that of the National Defence Expenditure Commission. The report of the Committee on Supervision and most likely the report of the Committee on Chemical and Bacterial Warfare might be examined by the Bureau when it resumed work. The report of the Committee on the Trade in and Manufacture of Arms could probably be examined next. As for the Committee on Effectives, he did not think that it would be able to advance much without receiving from the Bureau fresh instructions based on the Five-Power Agreement just read. He hoped it would also be possible shortly to resume the discussion on the report of the Air Commission, which had been suspended for reasons known to all members of the Bureau. He concluded that the Bureau would have enough material completed to be able to resume its discussions on January 23rd, which would permit the General Commission to meet a week later, on January 31st, 1933. He was persuaded that all the members of the Bureau were, like himself, convinced of the necessity of finding the most effective and rapid method of arriving at last at the actual drafting of the Convention. The material was there ; what still had to be found was some method of co-ordinating that material into articles suitable for incorporation in the Convention. That was the object which members must bear in mind, if they did not wish the Conference to follow the example of the Preparatory Commission and to spend years on the preparation of a text.

M. MASSIGLI (France) said he was perfectly prepared to agree to the decisions which the majority of the Bureau would take, but desired to point out that the dates suggested by the Chairman for the convocation of the Bureau and the General Commission seemed to him rather far off. He understood that many of the members of Governments participating in

the Conference found it necessary to return home and spend some time there at that season of the year. He wondered, however, whether, by adjourning the resumption of the Bureau's work until January 23rd, there was not a risk of seriously retarding the meetings of the General Commission.

The Bureau was now faced with a double task—the termination of the enquiries made on the strength of the resolution of January 23rd, 1932, and the adoption of measures calculated to give to the Conference a new impetus, the need of which had been emphasised by the Chairman. The various reports from the Committees must therefore be examined first, and he was not sure that this work could be finished in a week.

The French Government would like to know as soon as possible what reception the Conference would give to the plan it had submitted on November 14th, 1932, and which, in the French delegation's view, was connected with the signature affixed by the French representative to the document read by the Chairman at the beginning of the meeting. As the examination by the Bureau of the reports of the Committees would be protracted, there was some reason to fear that, if the first task of the General Commission was to take a decision on those reports, the French plan would not be discussed by the General Commission for several days after its convocation.

There was, therefore, a risk that this discussion would be adjourned until the middle of February, which, in M. Massigli's opinion, was rather late, if it were desired to speed up the Conference's work. For that reason, while quite ready to fall in with the decision taken by the majority of his colleagues, he requested that the Bureau should resume work before January 23rd.

The CHAIRMAN said that M. Massigli would considerably assist the members of the Bureau and himself in coming to an opinion, if he would explain exactly what kind of discussion of the French plan was desired by the French Government. Was it a discussion similar to that of the Hoover plan in the General Commission, or a discussion chapter by chapter? There was a considerable difference between the two procedures.

M. MASSIGLI (France) replied that his Government desired, in the first place, to be able, during a general discussion, to give the necessary explanations on certain points in the French plan which had been misunderstood and to give occasion for requests for explanations on other points. Later, and when it had seen what reception the French memorandum would receive in the General Commission, it would like agreement to be reached as to the best procedure for the discussion of the various parts of the plan.

The CHAIRMAN thanked M. Massigli for his explanations, which enabled him to form an opinion as to the procedure desired by the French Government.

With regard to the fears expressed by M. Massigli, he pointed out that the agenda of the General Commission was prepared by the Bureau. He saw nothing to prevent the discussion of the French plan being placed on the agenda of the General Commission's first meeting.

The most advanced report at present was that of the Committee on Supervision. On several occasions the Conference had been accused of putting the cart before the horse and of contemplating supervision and control without knowing what methods would be adopted for ensuring them. He saw no objection to postponing the examination of that report until after the discussion of the French plan. After the examination of the report on chemical and bacterial warfare, the texts adopted would have to be referred to the Legal Committee to be entrusted with the preparation of a final text for embodiment in the Convention. He did not regard the examination of that report as so urgent as to debar acceptance of M. Massigli's request.

M. MASSIGLI (France) said that the Chairman's explanations satisfied him, as they gave him the assurance that the discussion of the French plan would not be postponed. He had feared lest the postponement of that discussion might involve fresh delays in the Conference's work, which could not progress until the memorandum had been discussed in the General Commission.

M. DE MADARIAGA (Spain), speaking as Rapporteur of the Air Commission, said that he thought it desirable that, during the period preceding the resumption of the work of the Conference, the countries primarily interested in air questions should get into touch with one another with a view to arriving at an agreement which would allow of the resumption, as soon as possible, of the examination of those questions which were inevitably held up in the absence of agreements of principle between the nations mainly concerned with regard to the questions stressed by him in his report.

The CHAIRMAN explained that the Bureau was not fixing the dates of the meetings of the various Committees. It was leaving that to the Chairmen of the respective Committees. He would only ask the Bureau to fix the date of its next meeting and of the next meeting of the General Commission, but it was still possible for the various Committees to continue to meet after the Bureau had terminated its work for the year and to resume their meetings before the Bureau met again. That would help considerably to speed up the work.

M. DE MADARIAGA (Spain) wished it to be clearly understood that he, as Chairman, had no responsibility in the matter. He had presided over the meetings of the Air Commission, whose work was in suspense, and which had been converted into a new Committee composed, not of technical experts, but of politicians. This new Committee had not yet met. He was therefore speaking in his capacity as Rapporteur for air questions—a position which, he thought, perhaps imposed on him the duty of offering his services as intermediary between the countries concerned in the conversations which would inevitably have to be held on certain questions of paramount importance. He added that he did not feel under any obligation to convene the new Committee on air questions, of which he was not the Chairman and did not desire to be the Chairman.

M. DE VASCONCELLOS (Portugal) summarised the position with regard to the work of the Committee on Expenditure. That Committee, as represented at least by its Technical Committee, had been in permanent session since October 26th and had examined all the documents relating to the national defence expenditure of nineteen countries. It still had to examine those relating to the expenditure of nine countries. In October and November it had proceeded with the provisional discussion of the various questions submitted to it, and the Rapporteurs were at present drawing up their report on those subjects. The draft report would be presented to the Technical Committee at its meeting to be held on January 10th. It would then be discussed and adopted and might then be distributed to the members of the Committee on Expenditure towards the end of January and be examined by the middle of February. M. de Vasconcellos added that the task of the Committee on Expenditure was tremendous. Its Technical Committee had had to discuss no fewer than twenty-five subsidiary questions, some of which were particularly complicated, as could be seen from their titles. It would be understood that, in the circumstances, the Committee's final report could not be ready before the end of February.

The CHAIRMAN thanked M. de Vasconcellos for his statement, and added that all the members of the Bureau were well aware of the enormous difficulties which the Committee on Expenditure had encountered in the accomplishment of its task.

THIRTY-THIRD MEETING (PUBLIC).

Held on Monday, January 23rd, 1933, at 3.30 p.m.

Chairman: Mr. HENDERSON.

43. PROGRESS REPORT BY THE CHAIRMAN.

The CHAIRMAN recalled that, at its meeting on December 13th, 1932, the Bureau had decided to resume work on January 23rd, 1933, beginning with the examination of the report by the Drafting Committee on the question of supervision, together with the draft articles on supervision, and then to deal with the report of the Special Committee on Chemical, Bacterial and Incendiary Weapons. The Chairman recalled that the Bureau had examined M. Bourquin's first report on supervision at its nineteenth, twenty-first, twenty-second and twenty-third meetings. At its twenty-eighth meeting, the Bureau examined the second report prepared by M. Bourquin in the light of the previous discussions and decided to ask a Drafting Committee to prepare a draft on the basis of the second report and the discussions to which it had given rise.

The Drafting Committee, which had worked under the chairmanship of M. Politis, Vice-Chairman of the Bureau, now submitted draft articles accompanied by an explanatory report by M. Bourquin in the form of a preface (document Conf.D./Bureau/39). The Chairman would invite the Rapporteur, M. Bourquin, to explain the Drafting Committee's work to the Bureau.

In response to a request by the Chairman of the Committee for the Regulation of the Trade in and Manufacture of Arms, and with the Bureau's consent, the Chairman had on October 28th, 1932, sent a circular letter,¹ accompanied by a questionnaire with regard to the private and State manufacture of arms and war material, to all the States invited to the Conference. The Secretariat had as yet received replies from only nineteen States. The Chairman asked the delegations of the States that had not yet replied to the questionnaire to facilitate the Conference's work by obtaining replies from their Governments as soon as possible.

Lastly, he asked the German delegation to appoint representatives to the various Committees of the Conference, especially the Committee for the Regulation of the Trade in and Manufacture of Arms, which had been set up in that delegation's absence.

¹ Document Conf.D./C.L./5.1932.

44. SUPERVISION: EXAMINATION OF THE THIRD REPORT BY M. BOURQUIN (BELGIUM), AND OF THE DRAFT ARTICLES PREPARED BY THE DRAFTING COMMITTEE.

M. BOURQUIN (Belgium), Rapporteur, explained that the Drafting Committee appointed on November 15th, 1932, which had met under the chairmanship of M. Politis, had asked him to submit on its behalf the draft articles; this would constitute his third report on supervision.¹ This report was distinguished from the other two because, generally speaking, it did not touch the substance of the problem, since the Bureau had already reached a decision in this respect, within the limits of its competence, of course, since it was only required to prepare proposals for submission to and discussion by the General Commission. As the Drafting Committee had had before it comprehensive decisions adopted on November 15th, 1932,² its task had been confined to giving legal expression to the ideas on which the Bureau had reached agreement. The texts thus prepared might subsequently constitute one of the chapters of the future Disarmament Convention.

In conclusion, the Rapporteur proposed that the Drafting Committee's text should be examined, article by article.

M. NADOLNY (Germany) said that, on consulting the Minutes of the meetings held during his absence, he had specially noted, with regard to supervision, that certain of his colleagues thought it would be better to deal with this question after that of disarmament. The German delegate felt bound to say he shared this view and felt that the cart had been put before the horse. However, as the Bureau had decided to adopt this procedure, M. Nadolny would raise no objection. But as he had not taken part in the previous discussions, he would venture, if occasion arose, to make observations on some of the provisions.

The CHAIRMAN was sure M. Nadolny would have several opportunities of expressing his opinion during the discussion.

M. MELI DI SORAGNA (Italy) said the Italian delegation was prepared to collaborate with the greatest goodwill in the Bureau's discussions on supervision. He confirmed, however, what had already been said by his delegation—namely, that this detailed discussion did not in any way affect the Italian delegation's general reservation. In other words, the final decision of his delegation on the whole of this draft and on its details was subject to the general results of the Conference. He thought it necessary to give this explanation, because, although the Italian delegation thought it desirable to take part in the discussion on one point and not on another, this must not create the impression that its general reservation was not fully and completely maintained.

M. BOURQUIN (Belgium), Rapporteur, desired, in order to meet the German and Italian delegates' scruples, to read the last paragraph of his second report,³ which would remove any doubts and would make the scope of the forthcoming discussion perfectly clear. The last paragraph was as follows:

"Various delegations have pointed out on several occasions the close connection between the question of supervision on the one hand and the question of disarmament on the other, and the impossibility of pronouncing definitively with regard to the former without knowledge of the nature and scope of the solutions to be adopted in the case of the latter. These delegations have accordingly placed on record that their assent to certain of the principles formulated above was governed by their desire to facilitate the adoption of an effective system of disarmament, and remains subject to the realisation of their hopes in this respect."

There was therefore no room for doubt. The Bureau was at present dealing with a question which constituted one of the factors of the whole problem of disarmament. Various delegations had pointed out that supervision was inseparable from disarmament and had declared their readiness to accept certain solutions if efficacious solutions were found with regard to disarmament. The present assumption was, therefore, that substantial results would be achieved with regard to disarmament. It was, of course, understood that if these hopes were disappointed no arguments would be drawn from the acceptance, in respect of supervision, of what was said in his second report.

M. SATO (Japan) said that, after M. Bourquin's explanations, it was unnecessary for him to speak. The Japanese delegation had made a general reservation which was mentioned in the first footnote to paragraph 7 of Chapter III of document Conf.D.148.⁴ This reservation was for the moment maintained and was not affected by the new report of M. Bourquin, whose explanations completely satisfied the Japanese delegation.

The CHAIRMAN invited the Bureau to discuss, article by article, the text proposed by the Drafting Committee.

¹ Document Conf.D./Bureau/39.

² Document Conf.D.148.

A. *Composition.*

Articles 1 and 2.

" Article 1. — There shall be set up at the seat of the League of Nations a Permanent Disarmament Commission composed of representatives of the Governments of the High Contracting Parties. Each such Government shall appoint one member of the Commission. Each member may be accompanied by substitutes and experts.

" The Governments of the High Contracting Parties will inform the Secretary-General of the League of Nations of the names of their representatives, substitutes and experts on their nomination and on any changes being made.

" Article 2. — The Commission shall set up committees, whose number, composition and functions shall be decided by the Commission."

Articles 1 and 2 were adopted without observation.

Article 3.

" The Commission may be assisted by experts chosen by itself, not being experts appointed by the High Contracting Parties to accompany their representatives."

M. NADOLNY (Germany) asked the following questions with a view to elucidating the aim of this provision :

Would these be isolated experts selected, when the need arose, from among scientists or persons competent to deal with a special subject, or a panel of experts as provided in Chapter I, paragraph 3, of M. Bourquin's second report (document Conf.D.148) ?

How would this panel of experts be composed ?

On what subject would its members be experts ?

What would be their rôle as compared with the experts accompanying members of the Commission ?

M. BOURQUIN (Belgium), Rapporteur, pointed out that one of the proposals in his preliminary report was for the appointment of a panel of experts by the Commission. Those who had framed this proposal had had in mind that, in addition to the experts brought by each delegation, the Commission should itself have a panel of experts. The idea underlying this proposal was that, in certain eventualities, the Commission might desire to select its own experts without reference to the purely national experts. During the Bureau's early discussions, the idea itself was approved, but certain delegations preferred that this procedure should be regarded as a possibility and not as an obligation. It was agreed not that there should be a panel of experts but that the Commission should be able, if it thought fit, to set up such a panel. Hence, the wording of Chapter I, paragraph 3, of document Conf.D.148. That had been the second stage of the idea. The third stage was as follows : With regard to the expression " panel of experts ", certain members of the Drafting Committee had observed that the experts to whom the Commission might have recourse would not necessarily constitute a panel in the technical sense of the term. For this reason, the word " panel " had been omitted from the present text in order to give the necessary flexibility.

Mr. EDEN (United Kingdom) said that the United Kingdom Government held the same view as the Italian delegation, whose declarations he supported. He also thanked the Rapporteur for his preliminary explanation. The United Kingdom delegation proposed that the English text of Article 3 be amended as follows to make it more clear :

Substitute " other than any experts " for " not being experts ".

Mr. Eden's proposal was adopted.

Article 3, as amended, was adopted.

Articles 4 and 5.

" Article 4. — The members of the Commission, their substitutes and experts, and the experts and officials of the Commission, when engaged on the business of the Commission, shall enjoy diplomatic privileges and immunities.

" Article 5. — The Secretary-General of the League of Nations shall provide the Secretariat of the Commission."

Articles 4 and 5 were adopted without observations.

B. *Functions.*

Articles 6 and 7.

" Article 6. — It will be the duty of the Commission to watch the execution of the present Convention.

" Article 7. — The Commission shall receive all the information which the High Contracting Parties are bound to communicate to the Secretary-General of the League

of Nations in pursuance of their international obligations in this respect. The Commission may request the High Contracting Parties to supply, in writing or verbally, any supplementary particulars or explanations in regard to the said information which it may consider necessary."

Articles 6 and 7 were adopted without observations.

Article 8.

"The Commission may take into account any other information which may reach it from a responsible source and which it may consider worth attention."

M. NADOLNY (Germany) noted that under this article the Commission could take into account, not only the information furnished by the High Contracting Parties, but also information "from a responsible source" (*d'une source autorisée*). M. Nadolny was not quite clear as to the exact meaning of this expression. He thought the explanation must be sought in M. Bourquin's first report,¹ but this explanation in itself appeared somewhat inadequate. It was essential to state from what source the Commission was authorised to obtain information, as otherwise so obscure a provision might subsequently lead to divergencies in interpretation when the Commission's rules of procedure were being drawn up.

M. BOURQUIN (Belgium), Rapporteur, explained that Article 8 was simply a reproduction of Article 49, paragraph 2, of the Preparatory Commission's draft. At its meeting on November 15th and at previous meetings, the Bureau had unanimously agreed that the Permanent Disarmament Commission, as appointed and organised under the Convention, should have available at least the means of supervision and the information accorded it under the Preparatory Commission's draft, the arrangements laid down in that draft constituting a minimum. The Bureau's attitude was based mainly on the General Commission's resolution of July 23rd, 1932, which laid down the principle that a Permanent Disarmament Commission should be set up with such extension of its powers as might be deemed necessary. Consequently, the General Commission had contemplated, not the restriction of the Permanent Commission's powers, but a possible extension. With this in mind, the Bureau had accepted the Preparatory Commission's draft as a minimum.

What was to be understood by "a responsible source"? In reply, the Rapporteur could only repeat what was said in the report annexed to the Preparatory Commission's draft, which the German delegate had certainly in mind. M. Bourquin had himself taken part in the Preparatory Commission's discussions and had prepared this part of the report. All the members of the Preparatory Commission had understood that it was essential for the Permanent Disarmament Commission to have other sources of information in addition to that supplied officially by the Governments in execution of their international obligations—that was to say, Part IV of the draft. To restrict the information it might take into account to the information supplied by the Governments under the above conditions would prevent the Permanent Commission from carrying out its work satisfactorily. No doubt a selection would have to be made among this mass of information constituting information other than that supplied by Governments. Obviously, the Commission would receive information from anonymous sources and information to which the Commission would not attach importance. By "responsible source", the sense of which was clear though it was not perhaps a technical expression, was meant, for example, information which had some authority in view of the nature of the body from which it came. For example, if the Federation of League of Nations Societies drew the Permanent Commission's attention to a fact, could it be said that the information had not come from a "responsible source"? Everyone could, of course, think of extreme cases. Selection would be essential, and it should be made according to certain criteria and rules.

The Preparatory Commission had been asked whether these rules should be embodied in the Disarmament Convention, or whether they should not rather be included in the Permanent Commission's rules of procedure. There was one obvious difference between the two solutions. The Disarmament Convention would be concluded for x years, but, even if provision were made for its revision at a relatively early date, it would hold good for several years and must be applied, during that time, as it stood. It would, therefore, to some extent be immutable. The Permanent Commission's rules of procedure, however, could be modified to suit the needs of the moment, and would be much more flexible. To draw a comparison: there was the same difference between the two solutions as between a constitution and a law, and the Rapporteur thought it much wiser to fix the criteria by which the degree of responsibility of the source of the information would be judged in the Commission's rules of procedure. That was the meaning which the Preparatory Commission attached to its text and the meaning of the present text.

Article 8 was adopted.

¹ Document Conf.D.140.

Article 9.

" Each member of the Commission shall be entitled, on his own responsibility, to have any person heard or consulted who is in a position to throw any light on the question which is being examined by the Commission."

M. NADOLNY (Germany) wondered whether this provision was in any way useful. Why should a member of the Commission—that was to say, a Government representative—be able to suggest that the Commission should hear a particular person on his own responsibility—that was to say, on the responsibility of his Government? Would it not be more natural and frank for the Government representative himself to submit, on behalf of his Government, the information he had received from this person, instead of hiding behind an individual whose motives might be of a very diverse nature?

Mr. EDEN (United Kingdom) shared the German delegate's feeling as to the present form of the provision under discussion. If he understood this clause rightly, any member of the Commission would be entitled to ask that a person be heard, even contrary to the desire of the Government of the country of which that individual was a national. The person in question would, as it were, become the accuser of his own Government. This must not be the aim of the provision. To prevent any likelihood of abuse, while at the same time giving satisfaction to the German delegate, Mr. Eden suggested that the words " The Commission shall be entitled " be substituted for " Each member of the Commission shall be entitled ". This amendment would remove any possibility of abuse, while not diminishing the scope of the provision.

M. BOURQUIN (Belgium), Rapporteur, was quite prepared to accept this amendment. On reflection, he thought the text of Article 9, which was taken from the Preparatory Commission's draft, was perhaps not very well adapted to the new system for the composition of the Permanent Commission. It must not be forgotten that, under the Preparatory Commission's system, the members of the Permanent Commission were not Government representatives but delegates who, although appointed by the Governments, did not represent them. As under the new conditions the Permanent Commission would consist of Government representatives, Mr. Eden's wording was better.

M. MASSIGLI (France) recognised that the present text of Article 9 was not altogether suitable as it related to a previous stage of the work, but thought that, if Mr. Eden's amendment were accepted, it should be specified that the Commission must decide by a majority. M. Massigli seemed, moreover, to remember that one reason for including the provision in question in the draft was to provide that, when highly technical questions which might arise were being examined, even in a plenary meeting of the Commission, any delegation might desire to ask an expert to speak. M. Massigli thought the Rapporteur would have no difficulty in embodying the necessary wording in the text.

Mr. WILSON (United States of America) wondered whether satisfaction could not be given to the Rapporteur and the other members of the Bureau who had spoken by simply deleting Article 9 and amending Article 3 in the sense that the Commission might consult any person it desired to hear.

M. BOURQUIN (Belgium), Rapporteur, said, with regard to M. Massigli's remarks as to its being possible for a delegation to ask specially qualified persons to speak on technical matters, that the solution was already provided, as each delegation could be accompanied by experts. It would therefore suffice for the particular delegation to employ the person concerned as an expert.

As to the formula required to cover Mr. Eden's idea, the Rapporteur did not entirely agree with Mr. Wilson. This chapter dealt with the Permanent Commission's *functions*—that was to say, the means of supervision available to it—whereas Article 3 came in the chapter on *composition*—that was to say, the chapter dealing with the personnel of the Commission. It would seem essential to insert a special article in the chapter on functions, where—it must not be forgotten—the sources of information were enumerated restrictively. The Rapporteur suggested that Article 9 be amended in the sense of Mr. Eden's observations as follows:

" The Commission may hear or consult any person who is in a position to throw light on the question which is being examined by it."

The CHAIRMAN thought that rather than return to Article 3, which was already settled, a solution should be provided in Article 9. It had been suggested that the Commission itself, and not the individual members, should be entitled to have any person heard. If a person were in possession of information which would throw light on a particular question, he must be in a position to pass it on to someone. If for this purpose there must be a debate in the Commission, the latter would have to meet and there would be some delay in communicating

the information. One solution would be to authorise the Bureau of the Commission, consisting of its Chairman, Vice-Chairman and Secretary—that was to say, the Secretary-General—to receive the request of an individual member of the Commission for the hearing of a private person, and to decide whether the matter were sufficiently important and valuable for the Commission to hear him. This intermediate solution would prevent the abuse to which the present text might lead, while avoiding the need for putting into motion the complicated machinery for calling together the whole Commission.

Mr. WILSON (United States of America) said that, in view of the Rapporteur's observations, he withdrew his proposal with regard to Article 3.

M. MORESCO (Netherlands) wondered whether the simplest solution would not be to leave the Commission to lay down in its rules of procedure the procedure to be followed. The question was not sufficiently important to be settled in the Convention itself. If, under the Convention, the Commission was entitled to hear private persons, it could also delegate to its Bureau the right to take a decision.

The CHAIRMAN thought the Bureau should first decide whether the first three words of Article 9 should be deleted, as Mr. Eden had suggested.

Mr. EDEN (United Kingdom) was prepared to accept the Chairman's previous suggestion. He merely feared that this would place a heavy responsibility on the Bureau of the Commission, but if his colleagues preferred this suggestion he would accept their view.

The CHAIRMAN asked the Rapporteur to give the Commission his views.

M. BOURQUIN (Belgium), Rapporteur, said that he had not had time to consider the Chairman's suggestion sufficiently to express an opinion. He saw in it advantages and possibly some danger—for example, the danger to which Mr. Eden had drawn attention. As for the moment the Bureau was simply drawing up proposals for the General Commission, would it not be better to submit both solutions? Mr. Eden's text of Article 9 might be put before the General Commission, together with the Chairman's suggestion, and the General Commission could discuss them and decide between them. In the meantime, the delegations would be able to consider the matter and might settle the question in more satisfactory conditions than were at present possible.

The Bureau decided to substitute M. Bourquin's new text for Article 9.

Immunity.

The CHAIRMAN read the passage in M. Bourquin's report¹ entitled "Reference: Immunity",¹ and asked the members of the Bureau whether they wished to discuss the other articles (10 *et seq.*) immediately and then take the question of immunity, or whether they preferred to discuss the latter question at once.

M. BOURQUIN (Belgium), Rapporteur, said that he was prepared to comply with the Bureau's wishes, but he saw no reason why the question of immunity should not be discussed immediately, since this was the correct order and the question would in any case have to be examined.

The CHAIRMAN opened the discussion on the question of immunity.

M. BOURQUIN (Belgium), Rapporteur, could only repeat what he had said in his report—namely, that he had to transmit to the Bureau an admission of failure. The Bureau's decision of November 15th, 1932, contained the following passage (document Conf.D.148, Chapter III, paragraph 8):

"8. Subject to an agreement as to the legal details involved in the application of such a principle, the Bureau has declared in favour of immunity for persons denouncing violations of the Disarmament Convention from all repressive measures."

This text, which had been approved after lengthy discussion, showed that the Bureau felt both a desire and a fear—a desire to protect persons who wished in good faith to facilitate the Commission's work by denouncing violations, and the fear that the protection thus accorded in case of denunciations might involve abuses. The Bureau had realised the impossibility of drawing up any absolute formula on such a subject and of the necessity of making distinctions, but it had not stated what distinctions should be made. Under these circumstances, it had been the Drafting Committee's task not only to find a legal formula but also to analyse the

¹ Document Conf.D./Bureau/39.

problem. It had made a conscientious attempt to do so, but without reaching any satisfactory conclusion.

There was no doubt that in some cases protection would be useful. This would be so when the denunciators were persons acting in good faith, but account should also be taken of the necessity of considering other circumstances in which unrestricted immunity would protect undeserving cases. It was possible to perceive a line of demarcation in practical cases, but it appeared to be very difficult for the Drafting Committee to draw such a line in a convention.

M. POLITIS (Greece) thought the logical conclusion to be drawn from the impossibility of defining immunity was to abandon the idea and omit it from the Convention.

M. MOTTA (Switzerland) recalled that, at a previous meeting,¹ he had supported the idea that immunity should be granted to persons denouncing a derogation even if by doing so they ran the risk of offending their own Government. In such a case, immunity was in conformity with a great moral postulate. He seemed to remember that, while all the members had agreed on the principle, they found it very difficult to reach a legal formula expressing this postulate.

He also remembered that the Bureau had already been in a similar position to that of to-day, and he would have thought it better to leave the question open, so that the General Commission might discuss it and possibly find the formula which was at present lacking. He would have difficulty in admitting that law should resign its rights and admit that it was unable to express a postulate of morality; in his opinion, it should not be stated that a formula could not be found. The question should be left open, at any rate in such a way that, if any State wished to raise it again in the General Commission, it could do so without exposing itself to the objection that the Bureau had already examined the question and found it quite impossible to reach a legal formula. He still thought it indispensable to find a formula which would enable this moral postulate to be respected.

M. POLITIS (Greece) thought it might throw some light on the present discussion if he were to describe the work of the Drafting Committee on the question of immunity. The Drafting Committee had considered the problem at great length. The difficulty did not consist in bringing law and morality into line, since law was both precise and elastic enough to express any idea whatever. The difficulty lay at the root of the problem. The Drafting Committee had been unable to define the conditions which, in the present state of morality, would enable an adequate formula to be found for ensuring immunity.

It had sifted the question so thoroughly that it had found that, even if a formula were reached, it would be impossible in the present state of morality to protect the person in question, since he would be in an impossible position, if not from the legal, at any rate from the social point of view. The Drafting Committee had wondered whether it was not the question itself which was insoluble. The result of these discussions had been the admission of failure mentioned by the Rapporteur.

M. MASSIGLI (France) said that his Government would much regret if a positive solution for such a serious problem could not be found. It had often been said that the Conference should reach its decisions as far as possible in public and should, in a certain sense, be placed under the control of international public opinion, just as it was world opinion which would supervise the execution of the undertakings embodied in the future Convention. It would be most regrettable if the public opinion of the various countries had not also the means to make itself heard, for it should not be forgotten that the efficacy of the Convention would to a great extent depend on the desire of public opinion in each country to respect it. It was a fact that the countries which would be signatories to the Convention differed greatly as regards their legislation concerning the Press, the right to hold meetings, etc. In certain of those countries, nothing could be printed until it had received the Government's visa. Obviously, as far as the Convention was concerned, the situation would be very different in those countries from those with a free Press. In certain countries, the idea of the crime of high treason was particularly wide; elsewhere, it was much better defined. The position of those two countries would not be the same when it came to applying the Convention.

M. Massigli did not overlook the obstacles encountered by the Drafting Committee, but he wondered if, in order to get over the difficulty, certain criteria could not be sought. Take the case of a denunciation of such a serious nature as to bring the Permanent Commission into action on the initiative of a Government: the enquiry carried out established the correctness and gravity of the facts. The persons who had taken the initiative in such a denunciation must not be treated in the same manner as if the enquiry had shown that the facts were of trifling account. The problem could be settled either in the Bureau or in the General Commission; but to declare the question closed was a solution which must be ruled out. The French Government was of opinion that the matter should remain open and be brought before the General Commission.

¹ See page 86.

M. BENEŠ (Czechoslovakia) approved M. Motta's and M. Massigli's remarks. It would be a serious deficiency in the Convention if no solution were found for the question of immunity, which involved a highly important principle. In the absence of such a settlement, the work of the Permanent Commission would be fundamentally vitiated. The assurance of immunity might possibly give rise to malpractices, but this evil would be infinitely less serious than the absence of immunity.

M. Beneš could well believe that the Drafting Committee had experienced great difficulty in devising a legal formula; that perhaps might be because too much importance had been attached to that formula. What was essential was to enunciate the principle of immunity in terms which perhaps might not be absolutely explicit from a juridical point of view. In point of fact such immunity would depend primarily upon the force of public opinion, not merely in a given country, but in all other countries also and even among the members of the Permanent Commission. If, in the event of a private individual's having revealed an infringement to the Permanent Commission, the latter perceived that he was about to be punished, there could be no doubt that the spirit in which the Conference enunciated the principle would have a great effect. An analogy, close though not complete, might be drawn between this problem and that of minority petitions. Certain countries had minority treaties and the League sometimes received petitions which were entirely pointless or even completely inaccurate and unacceptable. The Czechoslovak Government had, however, never proceeded against their authors. In such matters, none but moral forces were effective.

In practice, the principle of immunity should be regarded as being ensured in the event of the denunciation of a country as having broken an international agreement to which it was a party. M. Beneš agreed that the question was more difficult in regard to the matter under consideration, but it was essential that immunity should be guaranteed in practice, and this would come about either in consequence of an explicit formula or by reason of the political usages of the country concerned. If the guarantee of immunity was not to be found in the usages of a given country, it was all the more essential to embody it in the Convention. The elaboration of a legal formula was of less moment than the inclusion of the principle in the Convention.

Mr. WILSON (United States of America) thought it would be regrettable that the question of immunity should be regarded as closed. The Bureau might affirm the desirability of finding appropriate terms for a principle which had been unanimously regarded as reasonable, just and indispensable. On the other hand all the members of the Bureau recognised the great qualifications of the Drafting Committee and hoped that it might be through the members of the latter and not through others that a formula would be found.

M. NADOLNY (Germany) drew M. Beneš's attention to the fact that the analogy he had drawn was not entirely accurate and that there was indeed a wide divergence between the two cases. In minority matters, the persons concerned availed themselves of a recognised right to appeal to the League. The case under discussion was that of a simple denunciation, the moral character of which might be variously appraised. The German delegate considered that it would be very difficult to find a formula which could be inserted in the present draft. If the Bureau were to attempt it or to refer the matter to the General Commission, progress would be seriously delayed. He considered, therefore, that the question might be dropped without discussion as to whether it remained open or not.

M. BENEŠ (Czechoslovakia) agreed with the German delegate that the two cases were not entirely analogous, but the difference favoured his own argument. When a private individual gave proof of his desire to see the State of which he was a national abide by its international undertakings, his action was morally on an infinitely higher plane than when defending his own selfish interests.

M. MOTTA (Switzerland) thanked M. Politis for his explanations of the Drafting Committee's work. He persisted in the belief that the question should not be abandoned. As had been pointed out, the issue had a bearing on the guarantees as to the loyal execution of the Convention and was of importance. It was of course not vital, and even if the Convention were to comprise no such provision it would be an exaggeration to suggest that the chapter dealing with supervision was valueless. It was, nevertheless, unquestionable that if no means were discovered of solving the problem it would mean a serious gap in that chapter. The guarantee that the Convention would be executed resided in the greatest possible measure of publicity. Everywhere, in all States, there must be the fullest possible light as to the manner in which all were applying the Convention. If, therefore, one of their nationals were to reveal in good faith that the Convention had been violated, they must not declare this to be a disclosure of State secrets, which was the basis of the crime of high treason. On the other hand, M. Motta agreed with the German delegate that an attempt to discover a formula at once would take too long. In agreement with M. Massigli and M. Beneš, he therefore confined himself to asking that the question be not regarded as shelved. It must remain absolutely intact for consideration by the General Commission.

The CHAIRMAN had listened to M. Motta's remarks with keen interest. His only regret was that M. Motta had concluded with a suggestion that the Bureau should pass on its responsibility to others. The Chairman was not of the opinion that the question should be referred to the General Commission at that stage. It was the Bureau's task to prepare the Commission's activities and that task it must perform. He considered that the Drafting Committee, which comprised members of the eminence of M. Politis and M. Bourquin, might endeavour to produce formulæ which the Bureau could examine at its next meeting.

M. BOURQUIN (Belgium), Rapporteur, was at the Bureau's disposal, and he thought that the same would be true of M. Politis. He nevertheless thought it desirable to suggest an addition to the Chairman's proposal—namely, that those delegations which had given their adherence to the principle of immunity—a principle which the Bureau, moreover, had accepted in its general terms—should submit definite proposals.

On November 15th, 1932, the Bureau had been unanimously in favour of a somewhat vague idea, and it was necessary to have done with vagueness if an explicit formula was to be devised, a task which the Drafting Committee had attempted in vain. On this particular point, indeed, the Drafting Committee had undertaken a task which was not entirely within its province. The task was not to discover a legal formula to embody a definite conception: it was the definite conception which was lacking. It would therefore be most valuable if the delegations specially interested in the question would co-operate with the Drafting Committee by putting forward concrete proposals. Otherwise, there was little hope that the Committee's success would be any greater than on the previous occasion.

M. MASSIGLI (France) considered that the delegations in question should not submit texts, but merely make suggestions. This would be easier if the Rapporteur would inform them of the precise objections which the Drafting Committee had encountered.

M. BOURQUIN (Belgium), Rapporteur, supported the suggestion.

The CHAIRMAN, in conclusion, announced that M. Politis and the Rapporteur would again endeavour to devise a formula which the Bureau would discuss at its next meeting.

THIRTY-FOURTH MEETING (PUBLIC)

Held on Tuesday, January 24th, 1933, at 3.30 p.m.

Chairman: The Right Honourable A. HENDERSON.

45. SUPERVISION: EXAMINATION OF THE THIRD REPORT BY M. BOURQUIN (BELGIUM) AND OF THE DRAFT ARTICLES PROPOSED BY THE DRAFTING COMMITTEE (*Continuation*).¹

" Article 10.

" Any High Contracting Party, whose attitude may have been the subject of criticism, shall be entitled to request the Commission to conduct in his territory such investigations as may be necessary in order to verify the execution of the obligations of the said Party under the present Convention.

" On receipt of such a request, the Commission shall meet at once in order to give effect to it, to determine the scope of the investigation within the limits of the criticism which has been made, and to lay down the conditions in which the investigation is to take place."

M. NADOLNY (Germany) thought that Article 10, which provided that each State should be entitled to request that investigations be conducted in its own territory, was somewhat dangerous. For instance, in the case, referred to in the report, of criticism on the part of the Press of the attitude of a State, strong pressure could thereby be brought to bear upon that State. If it did not ask for investigations against itself, it would be open to the worst suspicions. It would therefore be compelled to make that request. This result might be brought about by means of accusations devoid of all foundation, made perhaps by circles which, for some reason, were anxious to poison the atmosphere and to disturb friendly international relations.

He thought that, in every case where there were serious reasons to believe that a State had violated the provisions of the Convention, some other State would be found to bring the matter before the Commission in the general interest. In the course of the procedure which would be instituted in consequence of this complaint, it would always be possible for the State in question at once to declare that it accepted the investigations of its own accord and in its own interests, so as to prove that the charges brought against it were unfounded.

M. Nadolny did not agree, therefore, with the Rapporteur, who thought that criticism which gave rise to an investigation need not necessarily have an official character, and that a Press campaign, for instance, might suffice. In his opinion, on the contrary, provisions which would enable any private circles to create a situation necessarily leading to an investigation

¹ Document Conf. D./Bureau/39.

in the territory of a State, and consequently to serious difficulties, should be avoided. He thought that full responsibility for such a grave measure as an investigation should always be left to the Government of another State, and he accordingly proposed that Article 10 should be deleted.

M. BOURQUIN (Belgium), Rapporteur, explained that Article 10 was the exact expression of the provisional decision taken by the Bureau at its meeting on November 15th, and reproduced in Chapter III, paragraph 6, of the second report (document Conf.D.148). This article should be taken in conjunction with Article 11, which related to local investigations decided upon by a certain majority of the Commission at the request of a Government. Any Government had the right to ask, in virtue of Article 11, that an investigation should be conducted in the territory of another State, and it was for the Commission to grant or refuse that request. During the discussion of this point by the Bureau, the delegation of the United States of America had put forward the proposal which had served as a basis for Article 10 and had supported it with arguments which had led to the unanimous approval by the members of the Bureau of Article 10. The United States delegate had held, in particular, that if a Press campaign were instituted at any moment against some other country which was accused of violating its obligations, and if no Government took the initiative of submitting to the Commission under Article 11 a request for an investigation, it would be necessary to enable the accused State to clear itself of the charges brought against it by asking for an investigation to be conducted in its territory for this purpose.

M. NADOLNY (Germany) replied that it was precisely the possibility of an insidious Press campaign, of which the Rapporteur had spoken, which had led him to intervene. If the Press campaign were justified, there would always be some Government which would draw the logical conclusion from it and would approach the Commission. If, on the other hand, this campaign were limited to a few newspaper articles, it was of no importance. There was reason to fear that the provisions of Article 10 would make it possible for States of their own free will, and without having had to assume any responsibility other than the mere outbreak of a Press campaign, to force others to regard themselves as accused and to compel them to ask for investigations in their territory.

Mr. WILSON (United States of America) reminded the Bureau of what he had said at the last meeting. When supervision and control were spoken of, there was always an impression that a guilty State was contemplated. As a matter of fact, cases would also arise in which the accused State would be innocent; there was no more convincing means of proving its innocence than for it voluntarily to invite investigations. If requested by a third State, the enquiry would not have the same moral effect.

He thought that the word "attitude" in this article was taken in too wide a sense, and proposed to supplement it as follows: ". . . whose observance of the execution of the present Convention may have been the subject of criticism . . ."

At M. NADOLNY's request, a vote was taken on the German proposal to delete Article 10.

The Bureau decided in favour of the maintenance of this article.

It also accepted the amendment proposed by Mr. Wilson.

Article 10, as amended, was adopted.

" Article 11.

" At the request of one or more of the High Contracting Parties, the Commission may decide to have investigations conducted on the territory of any High Contracting Party.

" On the receipt of such a request, the Committee shall meet at once in order to take a decision upon it.

" Its decision, which will determine, if necessary, the scope of the investigation, shall be taken by a (two-thirds majority of the members present at the meeting)."

M. NADOLNY (Germany) emphasised the importance of this article and recalled the words of the Italian representative warning the Bureau against certain means of supervision which might be vexatious or liable to cause offence or be unnecessarily irritating.

It could not be denied that investigation could be in the highest degree irritating. If it were, nevertheless, desired to employ this means of supervision, recourse should only be had to it in the last resort, when all other means had been exhausted. He therefore thought that there should be no question of investigation, except in the case of Article 15—that was to say, when one of the contracting parties was of opinion that the provisions of the Convention had been infringed and had addressed a complaint to the Commission. The Commission would then examine the matter and would hear the accused party. It was only when it did not succeed in clearing up the matter by this means that the investigation could be contemplated.

M. Nadolny did not see what was the difference between the procedure laid down in Article 15 and that provided for in Article 11. Actually, anyone asking for an investigation on the territory of another State was merely lodging a complaint against it because he considered

that the Convention had been infringed. In M. Nadolny's view, therefore, Article 11 should be combined with Article 15. If, notwithstanding the objections of principle which could be brought forward, the Bureau finally decided to adopt local investigation as a means of supervision, he was of opinion that, for the application of such a grave measure, a majority vote of the Commission should not be regarded as sufficient. Even a qualified majority would be inadequate. In the case of such a grave and trenchant measure, unanimity on the part of the Commission—excluding, of course, the votes of the State which had lodged the complaint and the State against which it had been brought—was, in his view, essential.

M. BOURQUIN (Belgium), Rapporteur, replied to M. Nadolny's objections as follows :

As regards the question of the inclusion of Article 11 in the Convention, was it necessary to have a separate article dealing with local investigations or should this article be combined with Article 15, which dealt with the procedure regarding complaints ? When the Bureau had dealt for the first time with supervision and local investigations, it had had to consider several formulæ. The oldest formula, which had already been before the Preparatory Commission, proposed that a local investigation should be allowed only in the case of a *complaint*. Another formula, that of the Soviet delegation, stated that investigations would be carried out if there were " reasonable suspicion of a breach " of the Convention. These two formulæ resembled each other in some ways and differed in others. In both cases, the object was to avoid irresponsible action, but the first formula stipulated that a formal complaint should be lodged—that was to say, that the whole procedure regarding complaints should be set in motion. After discussion, the Bureau had decided in favour of an intermediate solution. It had not desired that the procedure relating to complaints—which was somewhat irritating—should be applied in every case. At its meeting on November 15th it had decided that, " *at the request* of one or more members of the Commission, acting in the name of their Governments, the Commission may decide to conduct local investigations ".¹ The request represented a compromise between a formal complaint and the simple decision of the Commission. This explained why the text dealing with local investigations had not been inserted in Article 11, which dealt with the procedure for complaints.

In reply to M. Nadolny's second suggestion, M. Bourquin showed that the decision to carry out a local investigation could not be made conditional upon all other means of enquiry having been exhausted. If this investigation were carried out only in the last resort, it might be absolutely useless because it was delayed. It should be possible for an investigation to be conducted before there had been time for the facts which it was proposed to examine to disappear or be modified. Speed might be an essential element, if an investigation were to be effective.

As regards the question of the majority raised by M. Nadolny, the Bureau had already taken a decision, but, as was stated in the report, this would be incomplete until the question of the quorum necessary to enable the Commission to take a valid decision had been settled. No one had thought of proposing that its resolutions should be adopted unanimously. To require unanimity in this case would be tantamount to doing away altogether with the article under discussion.

M. NADOLNY (Germany) pointed out that, in the case of Article 11 as much as in that of Article 15, a complaint was necessary, and, in order to make this quite clear, he proposed that the two texts should be combined. In his opinion, the investigation procedure was of such a grave nature as to make its application out of the question, except in the very last resort. Even then, the factor of speed was not altogether excluded ; full particulars might first be collected and, after that, the investigation could be made.

Moreover, he was convinced that, for such a grave measure, a simple majority of the Commission could not be regarded as sufficient and that unanimity must be required as in the case of certain decisions taken by the League.

Mr. EDEN (United Kingdom) made a proposal which he thought would satisfy M. Nadolny. He suggested that Article 15 should precede Articles 10 and 11, which, in his opinion, was the logical order. The conditions under which local investigations should be conducted would first be laid down and the procedure to be followed would be indicated later.

He also proposed the insertion in paragraph 1 of Article 11 of the words " of alleged infractions of the Convention brought to the notice of the Commission ". He reminded the Bureau that it had been agreed that no itinerant commission should be set up, but the explanations given by the Rapporteur seemed to show that this possibility was not excluded.

In the third paragraph of Article 11, Mr. Eden proposed the suppression of the words " if necessary ".

The question of the majority required for valid decisions by the Commission regarding local investigations had been discussed at length and was, in fact, a very important one. Personally, he did not think it possible in such a case to require unanimity of a Commission including sixty or more members.

On the basis of the final provisions of the draft Convention (Article 55, paragraph 2) and Article 15, paragraph 10, of the Covenant, the following procedure might be adopted : unanimity would be required among the States Members of the Council of the League, plus one or two other specially appointed States, and the decision should be approved by the majority of the remainder. This procedure would represent a compromise between the German proposal and the Rapporteur's suggestion.

¹ Document Conf.D.148, Chapter III, paragraph 5.

M. MASSIGLI (France) did not see any objection to the reversal of the order of Articles 10, 11 and 15, provided that it was understood that the application of Article 11 was not to be made dependent upon the exhaustion of all the procedure provided under Article 15; otherwise investigation on the spot would be entirely a dead letter.

Moreover, it was clear that the investigation could only cover infractions falling within the scope of the Convention.

M. Massigli also agreed that the words "if necessary" in the third paragraph of Article 11 might be regarded as superfluous.

As regards the size of the majority by which the decision under Article 11 should be taken, there were two extremes, according as it was desired to make investigations as difficult or as easy as possible. The French Government had adopted the second attitude. As the principle of investigations applied equally to all States signatories to the Convention, it could not be objectionable to any one of them.

M. Massigli thought that Mr. Eden's suggestion went too far, as it granted a real right of veto to certain Powers; in his view, all the Powers must, in this matter, be on a footing of equality. Only the number could be the decisive factor.

The position of the French delegation was therefore as follows: investigations should be made as easy as possible and should be decided by as small a majority as possible.

M. NADOLNY (Germany) agreed to the amendment to Article 11 suggested by Mr. Eden and thanked him for the compromise which he had proposed. As the proposed method of voting altered the situation to some extent, he would like to have time to consider it before coming to a decision.

The proposal to reverse the order of the articles did not entirely meet his objections. The aim of the German proposal that Articles 10 and 15 should be combined in a single article had been not to retain the exceptional character of investigations on the spot, but, on the contrary, to make them an integral part of the procedure for dealing with complaints.

M. LEITMÄIER (Austria) thought that there was some justification for the words "if necessary" in Article 11, as the Commission might very well decide that there was no need to proceed to an investigation.

He recalled the fact that, in the Committee of Jurists and at a meeting of the Bureau, the Netherlands delegate had proposed that the decisions of the Commission should not be valid unless taken by a majority consisting of a certain fixed percentage of the States which had ratified the Convention.¹

M. MELI DI SORAGNA (Italy) stated that the Italian delegation was prepared to accept the reversal of the order of the articles as proposed by Mr. Eden.

Between the two opposing views regarding the method of voting, the Italian delegation would prefer a middle path, and, in this matter, also supported the suggestion of Mr. Eden.

M. BOURQUIN (Belgium), Rapporteur, said that he had no objection in principle to the reversal of the order of Articles 10, 11 and 15, as suggested by Mr. Eden. He pointed out, however, that the present order was logical. The chapter dealing with functions included Articles 7 to 13, in which the methods of supervision were set out. These articles formed a single whole, and in them was stated what information was to be collected, what persons consulted and in what form enquiries on the spot could be made. After having specified the sources of information, the complaint itself was then dealt with. It was, moreover, possible to follow an exactly opposite order, but he doubted whether it was advisable to split up the articles dealing with sources of information.

The amendments proposed by Mr. Eden to the text of Article 11 were of minor importance, and M. Bourquin agreed to the insertion in the first paragraph of the words "of alleged infractions of the Convention".

He shared the opinion of the Austrian delegate as to the advisability of retaining the words "if necessary" in the third paragraph. Provision should be made for cases in which the Commission did not accede to the request for an investigation on the spot.

He thought that the method of voting should be considered from the practical point of view. There were two opinions: on the one hand were those who were not much in sympathy with investigations on the spot and wished to make them difficult; and on the other were those who had confidence in such investigations and wished to make it easy to set them in motion. It was advisable, if it were desired to achieve results, to find some sort of compromise taking into account these two opinions.

M. Bourquin was not much in favour of the formula proposed by Mr. Eden, as it amounted to granting a right of veto to certain Powers—those which were Members of the Council, plus two others. If certain Powers were enabled to hold up the procedure, the results would, in practice, be almost the same as those produced by requiring unanimity, of which M. Nadolny was in favour. It would perhaps be as difficult to obtain unanimity among the great Powers in the most important cases as among the members of the Commission. This procedure would involve a distinction between the High Contracting Parties which would be somewhat disagreeable for some of them. It was understood that the great Powers sometimes enjoyed a special position, and more especially that a Convention could not come into force until they

¹ See page 87.

had ratified it. The position would not, however, be the same when it was merely a question of ascertaining whether certain undertakings entered into on the basis of equality had been loyally observed.

The Bureau decided to invert the order of the articles, Article 15 being placed before Articles 10 and 11.

It accepted the amendment proposed by Mr. Eden in regard to the first paragraph of Article 11.

It also agreed to delete the words "if necessary" and to insert the words "if such is decided upon" after the word "investigation" in paragraph 3 of Article 11.

Finally, the Bureau pronounced, by nine votes to three, in favour of the principle that decisions should be taken by a two-thirds majority of the members present at the meeting of the Commission.

" Article 12.

" The result of the investigations decided upon in accordance with Article 10 or 11 shall be embodied in each case in a special report by the Commission.

" The High Contracting Parties shall promptly advise as to the conclusions of the report.

" Article 13.

" Independently of the investigations referred to in Articles 10 and 11, the Commission shall be entitled to conduct periodic investigations in regard to States which have made a special agreement to that effect.

" Article 14.

" The Commission shall make, at least once a year, a report showing the situation as regards the execution of the present Convention, and containing any observations which this situation may suggest to it.

" Article 15.

" If one of the High Contracting Parties is of opinion that the provisions of the present Convention have been infringed, or that a threat of infringement exists, such Party may address a complaint to the Commission.

" The Commission will invite the High Contracting Party whose attitude has produced the complaint to supply it with all explanations which may be useful. The Commission will proceed to investigate the matter, and may employ, with this object, the various methods of obtaining information provided for in the present Convention.

" The Commission will draw up as soon as possible a reasoned report on the result of its investigation.

" The High Contracting Parties shall promptly advise as to the conclusions of the report.

" Article 16.

" Each member of the Commission shall be entitled to require that, in any report by the Commission, account shall be taken of the opinions or suggestions put forward by him, if necessary in the form of a separate report."

Articles 12 to 16 were adopted without observations.

" Article 17.

" All reports by the Commission shall be immediately communicated to the High Contracting Parties and to the Council of the League of Nations, and published."

M. NADOLNY (Germany) observed that Article 17 provided for the publication of all the Commission's reports *simultaneously* with their communication to the Governments and to the Council of the League. He thought it would be preferable not to follow such a procedure invariably. It was conceivable that a case might occur in regard to which immediate and complete publication might lead to undesirable consequences; there might, for example, be a risk that such publication would compromise the efforts being made to restore international order without further complications. M. Nadolny therefore suggested that a formula should be employed which would leave the Commission itself free to decide when and to what extent the reports should be published.

M. BOURQUIN (Belgium), Rapporteur, saw no objection to accepting M. Nadolny's proposal. He proposed to say that the Commission's reports "shall be made public in the conditions determined by the Commission".

M. MORESCO (Netherlands) asked if it would be really useful to prevent the immediate publication of the reports; if, indeed, they were to be sent to all the contracting parties, at least sixty copies would have to be prepared and the risk of leakage in such a case was obvious. If it were really desired to prevent the publication of the reports, the Commission would have to be empowered to refrain from sending them immediately to the contracting parties.

M. MASSIGLI (France) declared his willingness to accept any formula making it clear that publication of the reports would not be automatic. Nevertheless, he did not think it possible to have illusions on this matter; the contracting parties to whose interest it was for the reports to be published would also see that this was done. If, on the other hand, the Commission considered it undesirable to communicate the reports to the contracting parties, its precautions would be in vain, as all contracting parties were members of the Commission. They would therefore know of the reports from their delegates. As a consequence, it would be preferable to accept the principle of "the open window" and to proceed to the official publication of the entire reports rather than to the publication of an abridged version. The safeguard against the unfortunate consequences to which M. Nadolny had referred lay in the fact that the reports would be published on the responsibility of the Commission. Should it appear desirable, however, to defer publication, a formula might be devised conferring upon the Commission the right to take a decision to that effect. The formula might read as follows: "The reports shall be made public as soon as the Commission thinks it feasible to do so". This would not affect the principle of publicity.

M. NADOLNY (Germany) pointed out that his suggestion was not at all incompatible with those of M. Moresco and M. Massigli. He merely wished to leave the Commission free to take decisions regarding the publication of the reports.

M. BOURQUIN (Belgium), Rapporteur, made the following proposal: to divide Article 17 into two sentences, the second of which would be worded as follows: "They shall be made public as soon as possible in the conditions determined by the Commission".

This proposal was adopted.

" Article 18.

" The Commission shall prepare, for submission to the High Contracting Parties, such agreements as may be necessary to ensure the execution of the present Convention.

" Article 19.

" The Commission shall make preparations for the revision of the present Convention, in order to facilitate the subsequent stages of disarmament.

" Article 20.

" The Commission shall in general carry out any preliminary studies which may appear useful for the execution of its duties.

" Article 21.

" Within the limits of its functions, the Commission shall supply the Council of the League of Nations with any information and advice which the Council may request of it.

" C. OPERATION.

" Article 22.

" The Commission shall meet for the first time, on being summoned by the Secretary-General of the League of Nations, within three months from the entry into force of the present Convention, to elect a provisional President and Vice-President and to draw up its Rules of Procedure.

" Thereafter it shall meet at least once a year in ordinary session on the date fixed in its Rules of Procedure.

" It shall also meet in extraordinary session :

" (1) When such a meeting is prescribed by the present Convention ;

" (2) If its Bureau so decides, either of its own motion or on the request of one of the High Contracting Parties ;

" (3) On the request of the Council of the League of Nations.

" Article 23.

" The High Contracting Parties will furnish the delegates of the Commission who are entrusted with the investigations referred to in Articles 10, 11 and 13, with the necessary facilities for the execution of their mission. The Parties will employ the means at their disposal to secure the attendance of any witnesses whom the delegates of the Commission may wish to hear, and to ensure that such witnesses are free to testify."

Articles 18 to 23 were adopted without observation.

“ Article 24.

“ Except where otherwise provided by the present Convention, the decisions of the Commission shall be taken by a majority of (the members present at the meeting).

“ A minority report may be drawn up.”

M. MELI DI SORAGNA (Italy) noted that, in Article 24, as in Article 11, reference was made to decisions taken by a majority vote, without indicating what quorum was necessary for the Commission to be validly constituted. In his opinion, the two-thirds majority mentioned in these two articles should never represent less than one-half the signatories of the Convention plus one.

M. BOURQUIN (Belgium), Rapporteur, pointed out that the wording of Article 24 faithfully reflected the decision taken by the Bureau, but that the decision was incomplete. The question whether a quorum was necessary, and, if so, what the quorum should be, had not been settled. The Bureau had decided to adjourn consideration of this question. Article 43 of the Preparatory Commission's draft required a quorum of two-thirds of the members ; but, though so high a proportion was comprehensible when the Commission was to be a small body limited to a score of members, it might constitute a hindrance in the case of a universal Commission comprising all the signatories of the Convention.

M. Bourquin thought it preferable to postpone a decision until the problem could be viewed as a whole, and more especially until a complete list of the Commission's powers and duties was available. In this case, the question would be merely adjourned. For his own part, M. Bourquin saw objections to insisting that decisions could only be taken when the majority of the signatory States were present. There were indeed cases in which the majority of the representatives of the signatory States could not attend, and in which it would nevertheless be necessary to take an urgent decision.

“ Article 25.

“ The general expenditure of the Commission shall form the subject of a special chapter in the budget of the League of Nations.

“ The High Contracting Parties who are not members of the League shall bear a reasonable share of the said expenditure. An agreement to this effect will be reached between these Parties and the Secretary-General of the Commission.

“ The travelling expenses and subsistence allowances of the members of the Commission, their substitutes and experts, shall be paid by their respective Governments.

“ The Commission shall draw up regulations relating to the expenditure necessitated by its work.”

Article 25 was adopted without observation.

“ Article x.

“ It is hereby declared that the loyal execution of the present Convention is a matter of common interest to the High Contracting Parties.

“ Article y.

“ The present Convention is not to be interpreted as restricting the provisions of the Covenant of the League of Nations, in particular those which fix the powers of the Council and the Assembly.”

M. WESTMAN (Sweden) quoted the following passage from the Preparatory Commission's comments upon Articles 51 and 52 of the draft Convention :

“ Article 51 embodies an important principle, in that it lays down that any violation of the Convention is a matter of concern to all the contracting parties. Should such a violation occur, any one of them, therefore, would have the right to act and set in motion the procedure in the matter of complaints provided for in Article 52 ”.

The amendments subsequently introduced into Article 51 had given it the character of a mere “ recommendation ”, and M. Westman wondered whether it was desirable to retain it in the text of the Convention and whether it did not help to cast a certain suspicion on other conventions not containing a similar clause. The principle embodied in Articles x and y were, indeed, implicitly included in all international conventions.

M. BOURQUIN (Belgium), Rapporteur, recalled that Articles x and y had been derived from Articles 51 and 52 of the Preparatory Commission's draft Convention. The Drafting Committee had noticed that the rules laid down therein did not relate exclusively to the question of complaints, to which Articles 51 and 52 referred, but were more general in character and related rather to the Convention as a whole. M. Bourquin therefore proposed to adjourn the discussion until the time came to examine the general principles of the Convention.

The Bureau adopted these two articles provisionally, it being understood that a decision regarding their final wording and their place in the Convention would be taken when the time came to discuss the general characteristics of the Convention.

It was also agreed to refer Articles 10 to 25 to the General Commission, due account being taken of the amendments and reservations to which they had given rise.

46. FUTURE PROGRAMME OF WORK OF THE CONFERENCE.

The CHAIRMAN pointed out that the next meeting would be devoted to examining the report of the Special Committee on Chemical and Bacterial Warfare, prior to its being referred to the Drafting Committee for casting into articles.

On Tuesday, January 31st, at the request of the French delegation, the French plan¹ would come before the General Commission for discussion, in accordance with the procedure adopted for the examination of the Hoover plan.

M. NADOLNY (Germany) referred to the reservation made by certain delegations and mentioned in the last paragraph of the second report on the question of supervision (document Conf.D.148); the reservation stressed the close connection between the question of supervision and that of disarmament and the impossibility of pronouncing definitely with regard to the former without knowledge of the nature and scope of the solutions to be adopted in the case of the latter.

On the other hand, he saw no objection to the General Commission's proceeding to discuss the French plan. He hoped, however, that it would not be forgotten that the aim of the Conference was disarmament. He was persuaded that the French plan was directed towards that end, and he therefore considered that an examination of the plan would not prevent the examination of concrete disarmament proposals, and more especially the German proposal for qualitative disarmament. In his opinion, both these tasks might be pursued side by side.

The CHAIRMAN explained that the reservations mentioned by M. Nadolny had been referred to the General Commission with the text of the articles adopted.

He had felt it his duty to specify without further delay the date on which the French plan would come up for discussion, in order to enable the delegations to prepare for it.

The General Commission's programme of work would be drawn up subsequently, when account would, if necessary, be taken of M. Nadolny's remarks.

M. NADOLNY (Germany) understood that discussion of the disarmament plan was being adjourned until after the discussion of the French plan, a complicated scheme the examination of which would take time. He again urged that the possibility of conducting the discussions on the disarmament plan and on the French plan side by side should be entertained.

The CHAIRMAN wished to clear up a misunderstanding. He had not suggested that there should be a detailed discussion of the French plan. He understood that the French delegation was anxious to supply additional information in regard to its scheme. He had also pointed out that, as in the case of the Hoover proposals, the discussion would be of a general character. On its conclusion, the Bureau would decide upon the procedure to be adopted in regard to its subsequent activities.

M. MASSIGLI (France) said that the French delegation would have certain suggestions to make when the Bureau discussed the question of method.

He did not wish the French plan to be placed in opposition to a disarmament plan; the French plan had only one object, which was to bring about genuine and substantial disarmament.

M. NADOLNY (Germany) recalled that, in regard to the French plan, he had spoken to the same effect as M. Massigli; for that reason, he did not feel called upon to reply.

THIRTY-FIFTH MEETING (PUBLIC)

Held on Wednesday, January 25th, 1933, at 3.30 p.m.

Chairman: Mr. HENDERSON.

47. ARMAMENTS TRUCE : COMMUNICATION FROM THE GERMAN GOVERNMENT.

The CHAIRMAN read the following letter from the German Government, dated January 20th, 1933 :

" The German Government having declared itself prepared to resume the discussions of the Disarmament Conference, I am now able to reply to your letter of August 4th last regarding the prolongation of the armaments truce, and I have the honour to inform you that the German Government agrees to its prolongation until February 28th, 1933.

(Signed) NEURATH "

¹ Document Conf.D.146.

48. PARTICIPATION OF THE GERMAN DELEGATION IN THE WORK OF THE AIR COMMISSION :
COMMUNICATION FROM THE GERMAN DELEGATION.

The CHAIRMAN read the following letter from the German delegation, dated January 25th, 1933 :

" At yesterday's meeting, you invited the German delegation to be represented on all the Commissions of the Conference. As regards the Air Commission, the names of the German representatives were forwarded yesterday to the Secretariat of the Conference.

" Not having taken part in the discussion preceding the institution of this Commission, I have the honour, in order to prevent any misunderstanding, to inform you that the German delegation comprehends the task of the Commission in the sense that it is in a position to consider proposals going further than the conclusions shown in the resolution of July 23rd, 1932, in regard to air forces. Actually, this resolution states expressly, at the beginning of its Chapter IV, that it in no way prejudices the attitude of the Conference towards any more comprehensive measures of disarmament.

(Signed) NADOLNY."

49. PROGRAMME OF MEETINGS OF THE GENERAL COMMISSION AND OF THE BUREAU.

The CHAIRMAN recalled that, at the meeting on the previous day, the Bureau had decided, in principles to send out the invitations to the next meeting of the General Commission to be held on January 31st and to place on the agenda the discussion of the French memorandum of November 14th, 1932.¹ He had made one reservation as regards the exact time at which the meeting should be held, and had suggested that the time should be fixed in consultation with the Secretary-General, having regard to dates fixed for other meetings. He understood from the Secretary-General that, in view of the number and importance of other meetings to be held during the next few days, it would relieve him and the services very much if the Bureau would decide not to hold any meetings on the following day or on Friday. Under these circumstances, he suggested that the next meeting should be held on Monday next, January 30th, at 3.30 p.m., and that, consequently, if the Bureau agreed, the date of the meeting of the General Commission should be fixed for Thursday, February 2nd, at 3.30 p.m. He gathered that this date would be more convenient for the principal French delegate. He hoped the Bureau would be able to complete its task before the meeting of the General Commission.

The Chairman's proposals were adopted.

50. CHEMICAL, INCENDIARY AND BACTERIAL WEAPONS : DRAFT CONCLUSIONS² SUBMITTED TO THE BUREAU BY M. RUTGERS (NETHERLANDS), RAPPORTEUR OF THE SPECIAL COMMITTEE.

M. RUTGERS (Netherlands), Rapporteur, said that M. Pilotti had submitted to the Bureau a report³ in October last on the prohibition of chemical, incendiary and bacterial weapons. In the course of the discussion,⁴ it was found necessary to have information on certain technical points. A questionnaire had been drawn up and submitted to a Special Committee instructed to deal with the question of chemical, incendiary and bacterial weapons. The Special Committee had made a thorough study of the questions submitted to it, with the co-operation of certain highly qualified scientists.

M. Rutgers did not propose to summarise the report,⁵ which had already been distributed to the members of the Bureau. It contained conclusions on technical points which were calculated to assist the Bureau in reaching its decisions. M. Rutgers explained that the replies to the technical questions contained in the report of the Special Committee emanated not from the lawyers on the Committee but from the experts. The problems before the Bureau were not all settled by the report. Even if the arguments and conclusions of the Special Committee were approved, other resolutions would still have to be taken which were indicated in the draft conclusions.⁶

He thought it useful to draw attention to some of the main ideas of the report. The starting-point was, of course, the prohibition of the use of chemical, incendiary and bacterial weapons, and of preparations for their use. On the prohibition of the use of such weapons, the Special Committee had already stated its views in its first report, and there was nothing to add to the conclusions submitted by M. Pilotti in October, which were reproduced without change in Chapter I of the draft conclusions.

¹ Document Conf.D.146.

² Document Conf.D./Bureau 41.

³ Document Conf.D.142.

⁴ See Minutes of the twenty-third to twenty-seventh meetings.

⁵ Document Conf.D.152.

The question took a different form in the case of preparations for the use of chemical, incendiary and bacterial weapons ; and it was mainly on this point that the Special Committee had carried out its researches, which had led to two main conclusions :

(1) In the case of chemical warfare, its preparation was not an essential element. It could be improvised in a very short period, varying according to the position of the countries and their resources in raw materials and in industry. This point had already been made, for example, in the report of Sub-Committee A of the Preparatory Commission.

(2) It was to a large extent impossible to detect preparations for chemical warfare. It might be said, generally speaking, that substances and appliances used for chemical warfare were also used for peaceful purposes of a perfectly legitimate character, and the use for chemical warfare of appliances and substances intended *solely* for that purpose was rather the exception than the rule. Consequently, it would not be possible to abolish chemical warfare by prohibiting (so far as that was possible) the possession and manufacture of such appliances and substances, since they were not essential for such warfare. At the same time, in the case of appliances and substances which, while capable of use for chemical warfare, were used for perfectly legitimate purposes, it was very difficult, if not impossible, to lay down specific rules with regard to preparation for chemical warfare. It must be recognised that the intention to enter upon chemical warfare, and even to prepare for it, might exist without its being possible to prove such intention. The Special Committee had endeavoured to find criteria permitting of the detection of the intention, in the case of a party possessing such appliances and substances, to make or prepare chemical warfare, but it had failed to discover any such criteria which could be inserted in a Convention.

The upshot was that in a Convention it was possible to begin by prohibiting *in toto* the use of chemical weapons, and to go on to prohibit *in toto* preparations for chemical warfare ; but any attempt to go further than this met with very serious obstacles. The Special Committee had made use of certain suggestions, already put forward in M. Pilotti's report, with a view to giving concrete form to the prohibition of preparations for chemical warfare. It would be possible, for example, to prohibit the manufacture, possession, etc., of appliances and substances solely used for such warfare, and also the manufacture and possession of appliances and substances capable of being used for both peaceful and warlike purposes, with a view to their possible use in chemical warfare. Such prohibition would affect the different countries unequally, since its effect on those possessing large supplies of raw materials and a flourishing industry would not be the same as on the others. It must be admitted that any such prohibition would not be of much importance ; it would not be sufficient to render chemical warfare impossible, since, in the event of war, the countries possessing the aforesaid resources would nevertheless command sufficient quantities of everything required for chemical warfare.

It would also be possible to prohibit instruction and training of armed forces with a view to chemical warfare ; but such a prohibition again would not mean very much, for it might be said, generally speaking, that there was no special training for chemical warfare. It did not make much difference to gunners, who needed no special training, whether their projectiles were filled with explosives or with toxic materials.

The Special Committee had accordingly realised, as appeared from the report, that the prohibition of chemical warfare or preparations for the same, as such, could not constitute any effective guarantee, and that, in particular, it could not be supervised in any way. That point had already been made in the Bureau, in particular by M. Politis on November 9th last.¹

In Chapter II of the draft conclusions (" Prohibition of Preparations for Chemical, Incendiary and Bacterial Weapons ") with regard to the prohibition of the preparation of chemical, incendiary and bacterial warfare, the main paragraph was the first one. The specifications, whereby an attempt was made to give concrete form to the prohibition thus formulated, were only of relative value.

Chapter III (" Supervision of the Observance of the Prohibition of Preparations for Chemical, Incendiary and Bacterial Warfare ") was, it must be admitted, somewhat meagre, as it only contained the following clause :

" The Permanent Disarmament Commission shall examine the complaints put forward by States which may allege that the prohibition to prepare for chemical, incendiary or bacterial warfare has been violated."

The Special Committee would have liked to achieve more definite results and submit to the Bureau really effective methods of supervision as regards the prohibition of the preparation for chemical warfare. But it found itself faced with an impossibility, and thought it better to recognise the fact.

If the prohibition to make preparation could not give effective guarantees against the possibility of chemical weapons being used in warfare, it was all the more important to seek other means of countering the danger of a possible transgression. This problem impinged upon the sphere of penalties, and the questions which arose in this connection coincided in part with the general questions connected with the problem of penalties.

Nevertheless, the problem presented a special character as regards chemical, incendiary and bacterial weapons. This character had been already recognised in the resolution of July 23rd, 1932, which asked that special measures should be taken regarding breaches of the prohibition. In dealing with the prohibition of chemical weapons, the Bureau was dealing

¹ See page 60.

with a part of the future Convention which would be applicable primarily in time of war, and which, hence, differed from most of the other provisions of a disarmament convention, which were applicable in time of peace. No doubt there were other parts of the Convention of which the same could be said—for example, the prohibition of bombardment from the air—but provisions of this kind only constituted the smallest part of the Convention. As regards chemical, incendiary and bacterial weapons, there were a certain number of special points which were related to penalties and the consequences of a violation of the prohibition to use these weapons.

There was, first of all, the question of retaliation by the use of the same weapons. There was also the question of the establishment of the fact of a breach, which offered special difficulties in this particular case, and which necessitated on the part of the authority responsible for establishing the facts, not only impartiality, but also competence and, above all, speed. Chapter IV of the conclusions, which had been drawn up chiefly by the legal experts of the Special Committee, dealt with the establishment of the facts. These conclusions, for the most part, imposed no obligations on States, and really constituted "internal rules of application". States had, of course, certain obligations, notably that of giving all possible assistance in the event of investigations, but the greater part of the conclusions of Chapter IV were of the character he had just indicated, and it would perhaps be a good thing to place them in an annex to the Convention, so as not to make the latter too long.

As regards the consequences of a breach once this had been established, the Special Committee had confined itself to the technical point of view, and it was from this point of view that it had reached certain conclusions which the Rapporteur, for the moment, would merely indicate.

1. Question of retaliation. — Prohibition, pure and simple, to resort to retaliation by the use of the same weapons would be dangerous in so far as it would encourage a transgressor State wishing to obtain an advantage by the use of the prohibited weapon, since it would ensure this advantage and handicap States which did not use chemical weapons.

The fact of allowing such retaliation did not necessarily imply, as might at first be thought, that preparations for chemical warfare in peace time, and even before the transgression was established, would be authorised. To remedy the dangers which might arise from this point of view, the Special Committee had formulated certain strict conditions to which the right to retaliate was to be subordinated. In the first place, retaliation, or even preparations therefor, would not be allowed until the transgression had been established.

The Special Committee had further examined other consequences of the establishment of the transgression and had made a few suggestions in this connection.

2. Third States would be under an obligation, as a result of the establishment of the transgression, to supply the State attacked with assistance of a scientific, medical and technical nature, in order to repair, mitigate or prevent the effects of the use of the prohibited weapons.

3. The Special Committee suggested that States should be forbidden to supply the transgressor State with the appliances and substances necessary for the use of the prohibited weapon. This obligation was only a special instance of the obligation of third States, as laid down in M. Pilotti's report, to bring pressure to bear on the transgressor State, varying according to circumstances and their particular situation, so as to induce that State to relinquish or discontinue the use of the prohibited weapons.

Strictly speaking, such provisions did not represent penalties, either in the case of assistance to the State attacked or of pressure on the transgressor State. Nevertheless, in addition to these stipulations, which could only be regarded as penalties in the widest sense of the term, provision had been made for penalties properly so called, already included in M. Pilotti's draft resolution, which had then been revised by the Drafting Committee of the Bureau, and were now simply reproduced in the draft conclusions (Chapter V, point (2)).

The CHAIRMAN thought that the best procedure to adopt for the discussion would be to examine the Special Committee's draft conclusions chapter by chapter (document Conf.D./Bureau 41). He recalled that conclusions had already been adopted on the question by the General Commission in its resolution of July 23rd, 1932. Whatever the Bureau's decision as to the present draft conclusions, the text adopted would have to be referred to a Drafting Committee in order to be drawn up in the form of articles of the Convention. The same procedure had been adopted for M. Bourquin's report on supervision.

Chapter I. — Prohibition of Chemical, Incendiary and Bacterial Weapons.

No observations.

Chapter II. — Prohibition of Preparations for Chemical, Incendiary and Bacterial Warfare.

Mr. WILSON (United States of America) first of all paid a tribute to the Rapporteur for having given a concrete form to the results of the Special Committee's studies and for the contribution he had thus made to the Bureau's work. The Bureau now possessed all the necessary elements to provide a basis for its decisions. If he himself was obliged to differ from the Rapporteur on certain points, he hoped the latter would not regard this as a lack of appreciation of his efforts, but as a desire to contribute also to the work of the Conference.

The second paragraph of Chapter II read as follows :

“ This prohibition shall not apply to material and installations intended exclusively to ensure the individual or collective protection of individuals against the effects of chemical, incendiary and bacterial weapons or to the training of individuals to protect themselves against the effects of the said weapons.”

In the other document submitted to the Bureau, however (reply to the questionnaire, document Conf.D.152), it was stated in the Section entitled “ Suggestions of the Special Committee regarding Protection of Civilians ” at the end of Chapter I, Part I, Head I :

“ In this connection, it should not be forgotten that the individual protection which should be afforded to civilians depends in part upon the methods adopted for the organisation of their collective protection.”

Again, in Chapter IV (“ Summary and Conclusions ”) of the same document, it was stated, in paragraph 1 (b) :

“ The prohibition must not apply to research work, the preparation, manufacture, importation or exportation of apparatus for giving protection against poisonous substances, the preparation of measures of collective protection, *the training of troops and of the population in protective measures against poisonous substances . . .* lest such prohibition should give an aggressor a decisive superiority and so increase the temptation to use the chemical arm.”

Bearing these various texts in mind, the United States delegate proposed to amend as follows the second paragraph of Chapter II of the draft conclusions :

“ The prohibition shall not apply to material and installations intended to ensure individual or collective protection against the effects of chemical, incendiary and bacterial weapons or to training in protective measures against the effects of the said weapons.”

M. RUTGERS (Netherlands), Rapporteur, considered Mr. Wilson’s amendment entirely in keeping with the Special Committee’s views. He was sure that, in speaking of the “ individual or collective protection of individuals ”, the Special Committee had not intended to exclude collective protection.

The amendment was adopted.

M. MASSIGLI (France) wished to submit an observation on point (3), which read as follows :

“ . . . to instruct and train armed forces in the use of chemical, incendiary and bacterial weapons and means of warfare, and to permit any such instruction and training in their territory.”

This text already appeared in the previous report,¹ but it would be well to make it clear. What it was desired to prohibit was not only the permitting of such instruction and training, but the mere fact of tolerating them by shutting one’s eyes thereto. It should therefore be clearly stated that it was the duty of Governments to prevent this instruction and training in every way. Moreover, the words “ any such ” were ambiguous, for they might appear to relate only to the training and instruction of the regular armed forces with a view to the use of chemical weapons. What must be prohibited was all kinds of instruction and training with a view to the use of these weapons by the regular or other forces. The delegate of France therefore proposed that this paragraph should read as follows :

“ . . . to instruct and train armed forces in the use of chemical, incendiary and bacterial weapons and means of warfare, and to allow any instruction and training to be carried on for this purpose in their territory.”

Mr. WILSON (United States of America) asked if there was not a slight contradiction between point (3), of which M. Massigli was speaking, and the second paragraph of the same chapter which had been amended at the suggestion of the United States delegation.

Point (3) might be modified as follows :

“ . . . to instruct and train armed forces, except as regards individual or collective protection, in the use of . . . ”

M. MASSIGLI (France), while quite understanding the purpose of Mr. Wilson’s amendment, feared that it could be given a too general interpretation. No doubt protective material must be authorised, but if it were further admitted that protection against chemical weapons involved a possible training in the use of the weapons, it was to be feared that the prohibition of such training would no longer have any meaning.

¹ Document Conf.D.142.

M. RUTGERS (Netherlands), Rapporteur, thought that, to meet Mr. Wilson's point, the second paragraph of Chapter II might be placed after point (3), since the second paragraph constituted an exception, while point (3) specified certain points which arose out of the general prohibition embodied in the first paragraph of the chapter. In this way there would no longer be any ambiguity. M. Rutgers had, moreover, no objection to M. Massigli's amendment.

The CHAIRMAN thought that the Rapporteur's suggestion was the best solution. It must not be forgotten that the whole text was to be sent to a Drafting Committee.

Mr. WILSON (United States of America), in reply to the observations of M. Massigli and the Rapporteur, proposed to add in point (3) after the words: "the use of chemical, incendiary and bacterial weapons and means of warfare", the words: "other than those serving for individual or collective protection."

The proposed amendments were adopted.

Mr. EDEN (United Kingdom) wished to make a general remark and to draw the Bureau's attention to the position which would arise if such amendments were adopted.

The Special Committee's report was of great value as a guide to the Bureau in its discussions, but it must be agreed that it made somewhat depressing reading. It showed that, whatever decisions were taken, the countries which were rich in certain raw materials and had a highly developed industry were very well equipped for carrying on chemical warfare and there were really no practical means of preventing such warfare. Moreover, it was clear that, for the most part, appliances and substances suitable for chemical warfare at present existed in industry for perfectly legitimate purposes. In short, as far as this part of the Convention was concerned, it had to be admitted that everything depended on the goodwill of the States in carrying out their undertakings. In this matter, more than in any other, nothing could take the place of goodwill and, without it, no result could be reached.

From these considerations, it followed that the really important part of the experts' conclusions was Chapter I: "Prohibition of Chemical, Incendiary and Bacterial Weapons". The United Kingdom Government accepted Chapter I as it stood.

The other chapters would have to be judged in the light of the position as described by the technical experts. Was it worth while trying to provide against a situation in respect of which nothing could be done from a technical point of view? For instance, point (1) of Chapter II stated that: "States must declare the quantities of the said substances necessary for their protective experiments". Of what use could such a provision be, after the remarks made in the Special Committee regarding the fact that States with a developed industry possessed in large quantities the materials for these substances?

A little further on in the same chapter of the conclusions came the provision prohibiting the manufacture, import, etc., of appliances and substances suitable for both peaceful and military purposes with intent to use them in war should occasion arise. Obviously, these appliances and substances existed in abundance in the great industrial countries and it was impossible to prove the intention to use them in war should occasion arise. In the opinion of the United Kingdom delegation, the Bureau should be on its guard against inserting in a Convention provisions which, under existing circumstances, could not be applied with any certainty and the realisation of which was impracticable.

Mr. WILSON (United States of America) also thought that the greatest difficulties would inevitably be encountered if it were desired to go beyond an undertaking not to prepare appliances and substances for chemical warfare in time of peace. The United Kingdom delegate had referred to some of these difficulties and others might also be mentioned. For instance, it was stated at the end of point (1) of Chapter II that "the manufacture of and trade in these substances may not be undertaken without Government authorisation". Such a statement was perfectly legitimate, but its proper place was in the Convention on the Trade in and the Manufacture of Arms and Implements of War which was being studied by another body.

The last paragraph of Chapter II referred to the use of lachrymatory substances for police operations. How could a State be required to give a complete list of such substances and appliances and state the quantity of such appliances? These elements were constantly changing. Lachrymatory substances and appliances were used in the United States of America throughout the entire country by the police, banks and various undertakings, and the models frequently varied. It must be presumed that the arrangements made would be observed in good faith and the provisions of points (1) and (2) could be regarded as sufficient. They would be more comprehensible and would give rise to fewer difficulties if they did not enter into so many details.

M. POLITIS (Greece) understood that two proposals were before the Bureau; Mr. Eden was of opinion that the whole of Chapter II should be omitted, while Mr. Wilson proposed to retain the first two paragraphs of this chapter.

Mr. EDEN (United Kingdom) said he had not proposed to omit the whole of Chapter II. He merely wished the Rapporteur to give explanations, in particular regarding the following sentence in point (1) : " States must declare the quantities of the said substances necessary for their protective experiments " and the following words in point (2) : " with intent to use them in war, should occasion arise ". How did the Rapporteur think such a provision could be codified ?

M. RUTGERS (Netherlands), Rapporteur, entirely agreed with Mr. Eden that the Special Committee's report was rather depressing. It would have to be admitted that it was impossible in time of peace to provide guarantees against the possible use of chemical weapons in case of war. This was due to the two facts that chemical warfare could be improvised and that it could be prepared without there being any visible sign of such preparation.

In reply to Mr. Eden's remarks, he noted that the United Kingdom Government was prepared to accept Chapter I, while recognising that, in a large measure, the insertion of this chapter in a Convention must take the goodwill of the signatories for granted. In that connection, he thought it was possible to go a step further and accept the first paragraph of chapter II. The United Kingdom delegate no doubt would not decline to accept the prohibition of the preparation of chemical warfare, as this was also an obligation which would depend to a very great extent on the good faith of the contracting parties. Then came the second paragraph, to which there were no objections. Lastly, points (1), (2) and (3) to a great extent reproduced M. Pilotti's draft¹ and did not conflict with the Special Committee's report.² That Committee had not said that any specification would be dangerous but that it would not give any real guarantees. While appreciating the value of such specifications, care should be taken not to draw therefrom an undue feeling of security. The details contained in points (1), (2) and (3) seemed to be much stricter than the general prohibition, whereas in reality they added very little to it, and, even if they were accepted, the prohibition would, to a great extent, depend on good faith. The first point referred only to appliances and substances exclusively suited to the conduct of chemical warfare ; but the Special Committee had realised that the necessary raw materials would always exist in various States and that this was one of the reasons why the prohibition to stock such substances had no great value for the States in question. In any case, once the obligation to refrain from making preparations for chemical warfare was accepted, the obligation not to stock appliances and substances exclusively suited for such warfare followed as a logical consequence.

The same remarks applied to point (2). The prohibition of appliances and substances employed for both peaceful and military purposes with intent to use them for chemical warfare was a logical consequence of the general prohibition. The Special Committee had considered that this provision should be recommended without, however, attaching any great importance to it, as such an intention was impossible to establish and this provision must not be allowed to engender a feeling of false security. In short, the special prohibitions of Chapter II, in particular those of points (2) and (3), though not of great practical importance, were the logical consequences of the general prohibition to prepare for chemical warfare. They were, moreover, given as examples in order to ensure respect for this general prohibition and were preceded by the words " It is *particularly* prohibited ".

As regards point (1), an exception had to be made for protective experiments and it had appeared advisable that the States should be obliged to declare the quantities necessary. While the Special Committee itself did not consider that this was a very great guarantee, it had not felt that it should be regarded as negligible.

With regard to Mr. Wilson's remark concerning the sentence in point (1) : " The manufacture of and trade in these substances may not be undertaken without Government authorisation ", the Rapporteur noted that the United States delegate had not expressed any formal opposition to this provision. It was clear that the question was related to that of the trade in and manufacture of arms, and, at the end of Part II, Head I, of its report, the Special Committee had recommended that the Committee for the Manufacture of and Trade in Arms should bear the work of the Special Committee in mind. The Chairman of the Special Committee had proposed to transmit this recommendation to the Chairman of the Committee in question. As M. Pilotti was no longer acting as Chairman of the Special Committee it would be advisable to request the Chairman of the Bureau to transmit this recommendation to the Chairman of the Committee on the Trade in and Manufacture of Arms. The question of the place in the Convention which this provision should occupy was a matter of drafting, which perhaps it was preferable not to settle immediately.

In conclusion, the Rapporteur wished to reply to Mr. Wilson's remarks regarding lachrymatory appliances and substances. A special difficulty arose in respect of the use of such appliances and substances by the police. It might be asked of what the police consisted and how far they could use the said products. The police might, in fact, be equipped with arms suitable for use in time of war. A question therefore arose in connection with the use of lachrymatory substances by the police, and the Special Committee had considered that this was not a matter of indifference from the point of view of disarmament and of the prohibition to prepare for chemical warfare. This question did not, of course, deserve the Conference's entire attention but, on the other hand, it should not be forgotten. That was the object of the last paragraph in Chapter II.

¹ Document Conf.D.142.

² Document Conf.D.152.

The CHAIRMAN asked Mr. Wilson if he insisted that the Bureau be consulted on the suggestions which he had raised.

Mr. WILSON (United States of America), while realising the force of M. Rutgers' arguments, noted that, according to his statements, these various proposals were really of very little practical value. He asked whether it was advisable to overload the Convention with such provisions at a time when the Conference was engaged on the framing of legal texts. When looking for substances exclusively suitable for chemical warfare, almost the only one to be found was mustard gas, and even this gas might eventually be used for entirely pacific commercial purposes. It should be borne in mind that ratifications of the Convention on this subject would be more easily obtained if it contained only a simple statement of main principles, without entering into so many controversial details.

As regards lachrymatory appliances and substances, to ask the States to carry out a census among a large number of departments and private organisations would be to impose on them an extremely arduous task. The United States of America was a country possessing a considerable potential of chemical weapons. It was prepared to state, in the name of humanity, that it renounced the use of chemical weapons, but there was really no reason to demand in addition that the Government should engage in impracticable and extremely tiresome investigations.

M. MASSIGLI (France) was somewhat disturbed at the turn taken by the discussion, and he wondered whether the Bureau was not on the point of taking a step backwards? To judge by the statements of the United Kingdom and the United States delegates, it would appear that the question was very simple, and that it would be sufficient to keep to the 1925 Protocol. A few months ago, however, it had been recognised that this Protocol was, in fact, inoperative. It was not a question of good faith; if it were, it would also be useless to conclude a Disarmament Convention, since the Pact of Paris already existed. There were certain imponderabilia which made it necessary to consider the problem more closely, and, in spite of its difficulty, an endeavour must be made to solve it.

It must, moreover, be borne in mind that, although Chapter II to some extent hampered the great industrial States, it had a particularly restrictive effect on the countries which had not a highly developed industry. But it would appear that the delegations of these countries accepted the provisions in question. All the more, therefore, should the countries with highly developed industries also accept them. Only if the Bureau agreed as to effective systems of collective repressive action, could the French representative be content with general principles.

Mr. EDEN (United Kingdom) attached great importance to the French delegate's remarks. It was obviously possible for the powerful countries to prove their good faith, for instance, by agreeing to give up a few ships or a few guns or tanks. On the other hand, in the sphere of chemical warfare, it was more difficult to give such proof, as the appliances and substances in question were, in most cases, used for commercial and entirely pacific purposes. Mr. Eden considered that Chapter II was of very little value, if any, and that it would be merely redundant in the case of countries with highly developed industries. On the other hand, M. Massigli's remarks regarding the position of the countries which had not a powerful industry were calculated to swing the balance in favour of maintaining Chapter II, in spite of the fact that there was little to be gained from retaining mere redundancies in a Convention.

M. KOMARNICKI (Poland) wished to make a general remark on Chapter II. M. Rutgers' explanations, in fact, confirmed the pessimistic opinions expressed by the previous speakers. The Polish delegation did not attach any special importance to Chapter II. It even thought that its provisions were rather calculated to create a feeling of false security. But it was not opposed to the insertion of these provisions, which might be useful under certain circumstances. In any case, the Polish delegation reserved the right to express its final opinion in the General Commission, when the entire question would be discussed, particularly from the point of view of political repercussions. It considered, and this was, moreover, the general impression gained from the discussion, that a real guarantee was to be sought, not in the sphere of prevention, but in that of sanctions. The Polish delegate proposed to give his opinion on the whole report when Chapter V, in particular, came up for discussion, and he reserved the right to revert to the question in the General Commission.

The CHAIRMAN asked whether he must consult the Bureau on Mr. Wilson's proposal to retain only the first two paragraphs of Chapter II, the second of which had been amended by the Bureau, and to omit the remainder—that was to say, points (1), (2) and (3).

Mr. WILSON (United States of America) pointed out that he had made no formal proposal in this sense. As there appeared to be no general desire in the Bureau to follow his suggestion, he withdrew it. If, however, points (1), (2) and (3) and the paragraph relating to lachrymatory substances and appliances remained in their present form, he would be obliged to make a reservation.

The CHAIRMAN said that this reservation would be recorded in the Minutes.

Chapter III. — Supervision of the Observance of the Prohibition of Preparations for Chemical, Incendiary and Bacterial Warfare.

No observations.

Chapter IV. — Establishment of the Fact of the Use of Chemical, Incendiary or Bacterial Weapons.

M. MASSIGLI (France) paid a tribute to the attempt made by the Special Committee and its Rapporteur to present a complete system relating to the establishment of the fact of the use of prohibited weapons. He had the impression, however, that the Special Committee and its Rapporteur had been too conscientious; an attempt had been made to enter into details regarding the application of the provisions but certain of these details might have escaped them. He wondered if it would not be better in such a case rather to lay down a number of very clear principles and leave it to the Permanent Disarmament Commission to establish the rules for the application of those principles. In this way, the future Convention would not be burdened with details out of proportion to the other provisions contained therein, while, at the same time, there would be no danger of having to note later that the provisions adopted—however detailed they might be—contained gaps which could be filled by no known procedure.

M. RUTGERS (Netherlands), Rapporteur, thought, on the contrary, that there was some advantage in drawing up rules immediately, even if they were only provisional, on the understanding that the Permanent Disarmament Commission would be entitled to amend them. Chapter IV not only contained rules on the establishment of the facts but it also contained a considerable number of obligations to be assumed by States. It might be advisable to summarise them in one article of the Convention, but, since the rest of the work had to a great extent been already accomplished, it was useful to continue it. During the subsequent work of the Conference, it might be necessary to make amendments; moreover, the Permanent Disarmament Commission could make any necessary changes. Further, it was not essential that the Convention should be encumbered with these detailed provisions. They might be inserted in an annex, but that was merely a question of drafting.

The Rapporteur thought that it would be possible to agree immediately on the principles as to the establishment of the facts and to draw up provisional rules; otherwise, it would be difficult to have a useful discussion on penalties and the effects of the establishment of a breach, since these effects could not be produced until the breach had been established. If there was no material objection regarding the manner in which the Special Committee propose to regulate the establishment of the facts, the Bureau might leave it to the Drafting Committee to draw up provisional rules subject to any amendments to be made by the Permanent Commission. One part of the Convention would thus be completed.

M. MASSIGLI (France) explained that he had not asked that the whole of Chapter IV be omitted. He had merely suggested that it should be summarised in a few articles, it being left to the Permanent Commission to adjust and develop the very important principles which would be involved.

The CHAIRMAN reminded M. Rutgers that he would be a member of the Drafting Committee and he could inform that Committee what portions should be reserved for articles of the Convention and what portions for the Permanent Disarmament Commission.

M. RUTGERS (Netherlands), Rapporteur, said he would accept the Bureau's decision.

The CHAIRMAN thought the procedure proposed by the French delegate was satisfactory. If it were accepted, it would be agreed that M. Rutgers should help the Drafting Committee to condense the principles of Chapter IV into one or more articles, the remainder being referred to the Permanent Disarmament Commission with a view to the framing of rules.

These suggestions were adopted.

THIRTY-SIXTH MEETING (PUBLIC)

Held on Monday, January 30th, 1933, at 3.30 p.m.

Chairman : Mr. HENDERSON,

51. CHEMICAL, INCENDIARY AND BACTERIAL WEAPONS : DRAFT CONCLUSIONS SUBMITTED TO THE BUREAU BY M. RUTGERS (NETHERLANDS), RAPPORTEUR OF THE SPECIAL COMMITTEE
(continuation).

Chapter V. — Penalties for the Use of Chemical, Incendiary or Bacterial Weapons.

M. RUTGERS (Netherlands), Rapporteur, explained that, of the three points dealt with in Chapter V, the first and third had been thoroughly discussed by the Special Committee, but not the second, since the Committee considered that, on account of its political character, the question did not fall within its sphere. The Rapporteur had merely reproduced in his draft conclusions the draft resolution submitted by the Drafting Committee.

M. NADOLNY (Germany) asked that, as he had not taken part in the previous discussions on this subject, he might be allowed to state the attitude of the German delegation. As regards the use of chemical and incendiary weapons as reprisals against States which had already had recourse to them, the German delegation had made its attitude clear from the very first; it had pronounced in favour of as complete prohibition as possible of the use of chemical, incendiary and bacterial weapons. It considered that the use of such weapons was inadmissible, even by way of retaliation, since to allow the right of retaliation was tantamount to allowing also preparations for chemical warfare, which would make prohibition illusory. The Permanent Commission would require some time to establish that such weapons had been used; retaliation, however, would have to be rapid, and this need for rapidity would make preparations indispensable.

An attempt was being made at present to humanise warfare, and it was for that reason that the German delegation considered that the employment of such prohibited weapons should not be countenanced, even by way of retaliation. Retaliation had been prohibited in the case of bacterial weapons; incendiary and chemical weapons should be treated on the same basis. In this connection, M. Nadolny recalled that the international provisions relating to the respect of the Red Cross, the treatment of prisoners, etc., did not allow for reprisals in the case of violation. He wondered, in any case, whether it was indispensable to settle immediately the question of the penalties to be applied to the State which had recourse to chemical, incendiary and bacterial weapons. The penalties contemplated were not, in fact, peculiar to this kind of warfare. They were equally applicable to other methods of war, such as aerial bombardment and floating mines.

It was desired to make prohibition effective, but there were other means to that end of which advantage should be taken before contemplating retaliation. The German delegation, therefore, was of opinion that it would be preferable to refrain, for the time being, from dealing with the question of penalties especially applicable in the case of recourse to chemical, incendiary and bacterial weapons, and to devote a single chapter to dealing with all the penalties provided for in the event of violation of the provisions of the Disarmament Convention.

M. RUTGERS (Netherlands), Rapporteur, defined the connection between the conclusions actually under discussion and the general question of penalties. This connection was manifest in the case of Chapter V, point (2), which referred to consultations between third States to determine what joint steps should be taken and to decide on the joint punitive action of every description to be taken; but in the case of points (1) and (3), which related to medical assistance, to the withholding of supplies, to reprisals in the form of identical retaliation, the provisions in question were peculiar to chemical, incendiary and bacterial warfare, and such penalties should, in his opinion, be discussed in close relation with the provisions relating to the use of chemical, incendiary and bacterial weapons, rather than as a special case of penalties in general. Point (2) was the only one on which discussion could be postponed until the general discussion on penalties.

M. STEIN (Union of Soviet Socialist Republics) supported M. Nadolny's proposal to postpone the discussion of Chapter V until the General Commission dealt with the question of penalties in general. Chapter V bore upon a number of highly serious points. To judge by the date on the document in which it was embodied, moreover, its text had not been available until a few days previously. M. Stein considered it desirable that his Government should be able to examine it at its leisure. In the near future, the Conference would be required to open a general discussion on the questions of penalties and mutual assistance in the event of violation of the provisions of the Convention; the delegation of the Union of Soviet Socialist Republics thought it wiser to postpone until then the discussion on the question of penalties specially applicable to the use of chemical, incendiary and bacterial weapons and to treat it as a special case under the general chapter on penalties.

Mr. WILSON (United States of America) reminded his colleagues that the General Commission's resolution of July 23rd, 1932, contained two references to chemical warfare, one under "Conclusions of the First Phase of the Conference", point 3, which reads as follows:

"Chemical, bacteriological and incendiary warfare shall be prohibited under the conditions unanimously recommended by the Special Committee."

The second reference was to be found under Part III, dealing with the "Preparation of the Second Phase of the Conference", point 5, entitled "Violations", and which reads as follows:

"Rules of international law shall be formulated in connection with the provisions relating to the prohibition of the use of chemical, bacteriological and incendiary weapons and bombing from the air, and shall be supplemented by special measures dealing with infringement of these provisions."

At the time of the adoption of these resolutions, the method of dealing with this problem was by no means clear, and the fundamental question whether the prohibition should be of a reciprocal nature or a universal renunciation had not yet been reached. In the discussions of the Bureau during the second phase of the Conference, it was clear that the conception of

¹ See Conference Documents, Volume I, page 269.

² See Conference Documents, Volume I, page 270.

the delegations was that the problem should be considered as one to which a rule of international law of universal application could be applicable. The United States delegation not only acquiesced in this understanding, but was one of those which urged most strongly this method of treatment of the problem.

One of the underlying reasons for this attitude on the part of his own delegation—and Mr. Wilson ventured to believe on the part of many other delegations as well—was that the adoption of a rule of universal application enormously simplified the ramifications of this very complex matter and tended most strongly to accomplish the real abolition of this form of warfare through the creation of a world condemnation thereof.

So long as this problem was envisaged as one in which the States undertook reciprocal obligations to abstain from the use of chemical warfare, the situation had to be investigated of certain States which would not accept this obligation, and provisions had to be made as to what should be done in the event of hostilities breaking out between States on the one hand reciprocally bound and States on the other hand not having undertaken such obligations. With the present conception, such a difficulty did not arise, inasmuch as the Bureau was working on the basis that all the world would accept this renunciation in good faith. It would appear that, on acceptance, it became a recognised tenet of international law which was self-executing in character, and, in consequence, supplementary measures, not only had not the same importance that they would have in the event of a reciprocal arrangement, but possibly ran the danger of weakening the force of the universal provision to which they were intended to apply.

Mr. Wilson could not escape the conviction that there was a risk of losing a sense of perspective in the present discussion. Important as was the subject of the abolition of chemical warfare, it was, after all, only one of the many phases of warfare and, in all probability, not one of its most important aspects. Chapter V, with which the Bureau was now dealing, brought to the forefront some of the most important political conceptions and decisions with which the Disarmament Conference would be called upon to deal. Chapter V pre-supposed action along the lines of diplomacy, economics and active assistance, which could hardly fail in their application to extend the scope of any war to make it universal. This sanction was therefore, in its essence, the ultimate sanction which could be applied against any State, no matter what international crime that State had committed. The State that violated the Pact of Paris, that wantonly had recourse to war, could not run any greater risk than the State which violated this one provision of international law.

Mr. Wilson said that these reflections had led him to the conviction that the problem of violations must be studied as a whole and not as applying to any one phase of the Convention in course of preparation. Unless and until it was found that the general clauses of the Convention were insufficient, it was not the time to examine special measures applicable to any one phase of it.

He realised that the above-mentioned clause in the resolution of July 23rd, 1932, provided for the discussion of such violation. Nevertheless, the conception of a number of the delegates present as to the extent of the sanctions to be applied was so broad as to go far beyond the field which had been envisaged at the time of the resolution. This conception was so broad that it gave rise to fundamental political problems which must, at some stage of the Conference, be discussed in their application to the whole problem of disarmament. What the United States Government could do on these broad political questions remained to be seen. Mr. Wilson felt that he had no right to ask his Government to consider questions of such magnitude in dealing with one particular phase of the problem. Indeed, to attempt any such isolated consideration of matters of this importance would, he feared, jeopardise the future consideration of the problem as a whole.

In reply to M. Rutgers' statement that point (1(b)) of Chapter V introduced no new factor into the question of chemical, incendiary or bacterial warfare, Mr. Wilson pointed out that by prohibiting neutral States from continuing to supply raw materials, products and appliances necessary for chemical, incendiary and bacterial warfare to the offending State, point (1(b)) raised in effect the much broader question of the position of countries not members of the League of Nations.

M. MASSIGLI (France) remarked that the representatives of Germany and the Union of Soviet Socialist Republics had asked for the discussion of Chapter V to be postponed, but the statement just made by Mr. Wilson proved that, even among the delegations which had voted for the resolution of July 23rd, 1932, there were some who now were in favour of such a postponement. This resolution seemed to have ratified the agreement of the members of the General Commission on one point—namely, that, whatever the steps to be taken in the general case of a breach of the Convention, it would be necessary, in the special case of a violation of the prohibition to use chemical, incendiary and bacterial weapons, to make provision also for special measures. Moreover, this word "special" appeared in the text of the resolution itself.

It had been argued that the sanctions to be taken in the case of chemical warfare were general in character. It was said that a rule of international law had been formulated, and that it would not be possible to discuss the special sanctions to be taken in the case of breaches of particular provisions of the Convention until the problem raised by possible breaches of the Disarmament Convention had been fully studied. Such a discussion was, in reality, only a discussion of method; as regards the substance of the matter, the problem of the special

sanctions to be taken in the case of breaches of the provisions of the Convention in regard to chemical warfare would undoubtedly arise.

Mr. Wilson had said that there had been too great a tendency to be unduly haunted by the problem of chemical warfare, which in Mr. Wilson's view, was only one of the forms of war and not one of the most important. M. Massigli could only agree with that view; but would chemical war in the future be the same as it had been in the past? There was every reason to believe that it would not. It was possible that, in certain parts of the world, the problem of chemical warfare was of no special gravity; that did not in any way mean that, in Europe, a toxic-gas attack might have decisive effects on the country attacked. Such a possibility existed, and that fact was sufficient to necessitate a special consideration of the matter on the part of the Conference.

Mr. Wilson had also said that point (1) of Chapter V raised questions of a general character, especially the question of the forms of pressure to be exercised in relation to the State employing chemical, incendiary or bacterial weapons, as well as the question of the measures of assistance for the victimised State, and that these were questions which went beyond the scope of chemical, incendiary or bacterial warfare. Undoubtedly, there was a certain amount of truth in that observation, but it was also true that, in the special case of chemical, incendiary and bacterial warfare, the question of the measures contemplated to bring pressure to bear on the guilty State assumed different aspects in different countries, and, for that reason, should be studied separately.

Point (2), as drafted, appeared to M. Massigli to be clearly inadequate. Moreover, in view of its general character, Chapter V was perhaps not the right place for it.

Point (3), on the other hand, raised a problem of extreme importance. The principle of retaliation was not entirely condemned in international law. He hastened to add that he personally was not in favour of reprisals, but on condition that provisions should be drawn up to ensure that prohibition would be respected. Point (3) said that "the Permanent Disarmament Commission shall decide . . . whether chemical and incendiary weapons may be employed . . .". Either that provision was a piece of trickery or it meant that action might be taken against the offending State in other ways than by retaliation. Facts must be faced. In Europe, in present circumstances, chemical warfare was the typical form of aggressive war. In conjunction with attack from the air it was capable of reducing a State displaying good faith to a position of helpless inferiority, unless it received the aid of other States. Was it proposed merely to guard against this risk by the vague threat of consultations, or was it proposed to adopt a system of penalties which, by its vigour and the rapidity with which it could be put into action, would discourage in advance any recourse to chemical, incendiary or bacterial warfare?

If the majority of the members of the Bureau considered that the question of penalties, for which Chapter V provided, should be referred to the General Commission for discussion at the same time as the general consequences of breaches of the Disarmament Convention, he was prepared to bow to its decision; but he was bound to say that, in that case, a general discussion of the question would not be sufficient. The problem, if adjourned, would still call for solution. It was a special problem, as the General Commission had itself declared in its resolution of July 23rd, 1932, and as, moreover, the Bureau itself had recognised; for what was the use of admitting that, in the case of the use of chemical, incendiary or bacterial weapons, the establishment of the fact was of special value unless it was thereby recognised that the use of these prohibited weapons called for immediate repressive action?

Mr. EDEN (United Kingdom) welcomed M. Massigli's action in drawing the Bureau's attention to the terms of the resolution of July 23rd, 1932, and to the importance attached to the action to be taken in the event of recourse to chemical, incendiary or bacterial warfare. No one proposed to question the interpretation of the sentence of the resolution to which M. Massigli had referred. The only question which arose was whether it was desirable to discuss the question of penalties in the case of recourse to chemical, incendiary or bacterial warfare separately and at once, or in conjunction with the question of penalties in general.

He would have thought it easier to take a decision with regard to the special penalties in the case of recourse to these prohibited weapons when the Conference came to discuss the action to be taken in the much more serious case of recourse to war. The United Kingdom delegation took the view that the special action contemplated in the resolution of July 23rd, 1932, could not usefully be discussed at present, and agreed accordingly with the view of the delegates of the United States of America and the Soviet Union.

In regard to the right of retaliation in the event of recourse to chemical warfare, on which M. Massigli had commented in striking terms, he would remind the Bureau of the discussion which had taken place previously on a similar subject, when it was contended that all States should undertake to renounce the right of retaliation, as otherwise there would be a risk of the continuance of preparations for a form of warfare which was specially prohibited. Since that time, the Bureau had had before it the report of the experts, which showed that, in the case of industrial States, chemical warfare did not call for any preparations. It was therefore quite intelligible that the former proposal should have been amended in certain respects, and that it was now proposed to allow the adoption of retaliation in kind on the decision by a majority vote of the Permanent Commission.

He was not, however, satisfied with the proposal in its present form. It might well be asked how much time would be required for a procedure which involved the establishment of the use of chemical, incendiary or bacterial weapons followed by the adoption, by a majority

vote, of a resolution by the Commission. Extension of the prohibition to all countries would therefore have to be considered, and it also meant that the country which was subjected to a gas attack must wait to exercise its right of retaliation until the Commission to which the case was referred reached a majority decision. Was not that placing the country in question in an extremely difficult position? On this point, he confessed he agreed with M. Massigli. He had himself had occasion in the past to witness the effects of chemical warfare, and he saw no reason to suppose that, if chemical warfare were waged in the future, it would be waged with any more gentle methods. On the contrary, the attack would be even more sudden and more terrible than in the past. Was it possible to expect a country, when attacked by such methods, to forego its right of reprisals? He had seen how his own country in the past was placed in a position where it was impossible for it not to exercise its right of reprisals; and he might add that it would be equally impossible for it to forego that right in the future.

It was not possible to ask a State to undertake an obligation which it could not possibly in practice fulfil. Was not the very fact that a country which was the victim of chemical, incendiary or bacterial attack would be entitled to defend itself the best means to dissuade the assailant from making use of such weapons? It was essential in considering this question to remain within the limits of what was possible and not to ask more of human nature than human nature could bear. There was no country which, when subjected to chemical attack, would agree to wait for authority before exercising its right of reprisals. Public opinion would not accept such a limitation.

M. RUTGERS (Netherlands), Rapporteur, remarked that, since the resolution of July 23rd, 1932, in which the General Commission instructed the Bureau to formulate rules of international law, the question had been studied on several occasions, as was shown by M. Pilotti's report of October 25th, 1932, and that of the Special Committee dated December 13th, 1932. The document at present before the Bureau added no new element to the discussion. It contained nothing which was not already in the Special Committee's report or in that submitted by M. Pilotti. It would appear, therefore, that the Governments had had plenty of time to examine the suggestions which it contained.

The resolution of July 23rd, 1932, which invited the Bureau to lay down rules of international law, had not been the subject of public discussion, and might be taken as a typical case of what happened when texts were accepted in haste, leaving till later the discussion of the way in which they were to be interpreted. In his opinion, the rules of international law in question were not recognised principles of international law, but rules of conventional jurisprudence, and he thought it was going too far to say that these rules should be obligatory in themselves. It was, of course, a fact that the majority of international obligations were without penalties; but, in the present case, he did not think it could be admitted that the obligations in question were in themselves obligatory, and that the addition of penalties could therefore be regarded as superfluous.

All the members of the Bureau seemed prepared to ask for the adjournment of the discussion of point (2), which could be considered simultaneously with the question of general penalties. Points (1) and (3), on the other hand, were, if not measures exclusively appropriate to chemical warfare, at all events special measures applying to that kind of warfare, particularly in the form in which they were presented in Chapter V. On that subject, M. Rutgers thought it useful to recall the example of Roman law. If law had progressed, it was because the *prætor* used to settle questions submitted to him without reference to legal doctrine. He had thought that Anglo-Saxon law proceeded by a similar method and that each case had to be considered on its merits. He was therefore surprised at the opposition to the proposal to discuss at once the question of granting scientific, medical and technical assistance to a State victim of an attack by chemical, incendiary or bacterial weapons. In his opinion, there was no advantage in discussing those questions under general penalties; even the penalty involved in cutting off supplies from a guilty State might be dealt with at the same time as the penalties to be employed in the event of the use of chemical, incendiary or bacterial weapons, without prejudice to the questions connected therewith, on which each could reserve his opinion.

Mr. Wilson had said that he could not possibly submit to his Government the question of penalties in the special form it assumed in Chapter V of the document under discussion, and that he was not prepared to consider that question except in the broad sense of the term "penalties". The delegate of the Union of Soviet Socialist Republics too had stated that he wished his Government to be allowed time to study the dossier. In that case, the discussion of this important question would have to be adjourned. If the Bureau considered that decision inevitable, M. Rutgers would accept it, but would none the less deplore it.

The question of reprisals was an extremely serious one. On that subject, very divergent opinions had already been expressed—in the first place, those in favour of the absolute prohibition of reprisals and, secondly, those which would allow of the unlimited application of the principle of reprisals. The Special Committee, in its report, stated that it could not accept the proposal for the absolute prohibition of reprisals; it was of opinion that prohibition would merely give a false security, because the Governments would inevitably be led, would inevitably be forced by their people to resort to reprisals on account of the particularly disastrous, and in some cases decisive, affect which might be produced by the use of chemical and incendiary weapons.

As regards investigations, the Bureau had already given its general support to the Special Committee's proposal. M. Rutgers himself was of opinion that if a formal investigation by the authorities set up in virtue of the Convention were to be of any use, its value certainly lay in the fact that it must be the condition for allowing reprisals in any given case.

Mr. Eden had pointed out the difficulties which might be caused on account of the time required for the establishment of the facts. It could truly be said that if the Bureau had taken up the study of this question, it would certainly have been led to consider the limitation of the time to be allowed. M. Rutgers recognised that, in the matter of reprisals against the use of chemical or incendiary weapons, speed was an essential factor, not only to enable the reprisals to be effective, but actually to enable the facts to be established, because the traces might disappear very quickly. The procedure of investigation must therefore be so regulated that it could be carried out with the greatest possible speed.

There was, however, one danger in allowing reprisals without a previous investigation. Cases had arisen, and might arise again, in which a unilateral investigation gave rise to a mistaken belief that the enemy had made use of chemical weapons. Soldiers might, for example, have been asphyxiated through the mere conflagration of gases in an explosion. If, therefore, a unilateral investigation were to be sufficient to allow of reprisals, there would be a risk that each party might resort to them immediately.

Lastly, as M. Massigli had pointed out, the extremely grave nature of chemical warfare must be borne in mind. The use by a State of the chemical weapon would certainly have an enormous moral effect throughout the world and might be expected to produce a strong reaction, a reaction which might be felt even in the State using the prohibited arm and might bring about a change of Government there. Other States, moreover, would probably hasten to require the guilty State, not only to promise not to resort again to that kind of warfare, but also to give pledges ensuring that that promise would be kept. Lastly, it might be expected that every effort would be made by third States to bring about the cessation of that kind of warfare, and to take measures of conciliation, and in certain cases immediate reprisals would be not merely useless but even harmful.

The Special Committee was not of opinion that reprisals should be absolutely prohibited, but it thought that they must be made subject to a preliminary establishment of the facts. That solution would seem to be a compromise between absolutely prohibiting reprisals and unreservedly allowing them.

M. POLITIS (Greece) felt bound to confirm the Rapporteur's remark that the conclusions he had submitted contained nothing in the nature of an improvisation and gave an account of the whole question, for the evolution of the matter was most instructive. After having been studied by the Special Committee, a first report on it had been submitted by M. Pilotti,¹ the conclusions of which, and, in particular, Section 4, relating to penalties and the right of retaliation, had been the subject of a long discussion, as a result of which a Sub-Committee had been formed, with M. Politis as Chairman, to draft texts taking the discussion into account. The new text had been the subject of a verbal report on November 12th, 1932, by the Chairman of the Sub-Committee.² M. Politis had then been surprised to find that the unanimity which had been displayed in the Special Committee no longer existed, and that reservations of all kinds were submitted by the representatives of certain Governments on that Committee, including the delegate of the Union of Soviet Socialist Republics, who stated that he must refer the matter to his Government. The Chairman then adjourned the discussion until a fresh enquiry had been carried out by the experts.

The Technical Committee was again convened by M. Pilotti, and the outcome of its investigations was the report submitted by M. Rutgers. In the text he was now submitting to the Bureau, M. Rutgers had narrowed down the problem, as would be seen from a comparison of the text submitted on November 12th, 1932, and the draft conclusions now before the Bureau. In point of fact, a retrograde step had been taken, and yet agreement upon the new proposals now seemed more difficult than ever. In November 1932, the whole problem had been concentrated on the point whether or not it was intended to recognise the right of retaliation, and all the delegations admitted that the recognition of that right must involve an increase in the severity of sanctions. At the present meeting, the whole question had been raised anew, and the Bureau indeed no longer seemed inclined to accept the prohibition of the right of retaliation. In these circumstances, it was very difficult to arrive at a conclusion. It had been proposed that the question should be examined after the General Commission had given an opinion on the general problem of penalties. But whether or not it was found desirable to postpone the examination of details, there was one point to be borne in mind—namely, that whatever system of penalties might be decided upon, a special system must be contemplated for the use of chemical, incendiary and bacterial weapons. To reach agreement on that point at the present meeting would really be a step forward; the question of the special treatment to be given to the prohibition to have recourse to chemical, incendiary and bacterial weapons would be solved.

M. MELI DI SORAGNA (Italy) stated that the Italian delegation shared M. Massigli's view. As regards point (3) of Chapter V, he fully recognised the force of the arguments advanced by Mr. Eden; the prohibition of recourse to reprisals until the Permanent Commission had given an opinion would probably be violated in practice, because the country attacked would hardly be disposed to wait and would prefer to defend itself immediately. M. Rutgers' argument was equally striking, and M. Meli di Soragna was of opinion that, for the moment, it would

¹ Document Conf.D.142.

² See page 78.

be difficult to replace the Rapporteur's text by any other. He personally thought that the question of reprisals was of only secondary importance. Penalties constituted the essential point, and the Italian delegation thought those provided in Chapter V much too mild, as it considered that an aggressor could only be dissuaded from having recourse to chemical and incendiary weapons by the threat of terrible penalties.

The Italian delegate was of opinion that the question was not yet ripe for discussion by the Bureau, in view of the complete divergencies of opinion which had been revealed. He therefore thought it preferable for the matter to be adjourned until the meeting of the General Commission, which could take up the discussion in the light of the fresh arguments which would arise as the work of the Conference proceeded.

M. STEIN (Union of Soviet Socialist Republics) agreed with M. Politis that the reservations made in November 1932, when the Special Committee's report was discussed, included one by the delegate of the Union of Soviet Socialist Republics. That, however, was in no way inconsistent with what M. Stein himself had said. In November, the only issue had been the actual principle of penalties; texts had now been submitted defining them, and accordingly M. Stein thought it better to postpone the discussion of the subject until the General Commission took up the general problem of penalties.

Mr. EDEN (United Kingdom) desired to remove any misunderstanding as to the attitude of the British delegation. In reply to M. Politis' reference to the delegations which, after having accepted the Sub-Committee's text, had disapproved of it at the meeting of the Bureau, he wished to point out that on the Drafting Committee he had reserved his Government's view. He had since consulted it, and had had in consequence to adopt his present attitude.

The CHAIRMAN thought that the Bureau might agree upon the following draft resolution, which, by adjourning the discussion of Chapter V, left the question of penalties open, while advocating the adoption of special measures for chemical, incendiary and bacterial warfare.

"The Bureau agrees to the principle of special measures being taken in case of a violation of the prohibition of the use of chemical, incendiary and bacterial weapons.

"It decides to elaborate the relevant articles with regard to such special measures after the general penalties for the case of the violation of the Convention have been examined by the Conference."

The draft resolution was adopted.

Chapter VI. — Organisation.

No observations.

The CHAIRMAN proposed that the texts approved by the Bureau should, in accordance with the procedure previously followed, be referred to a Drafting Committee which would meet under the chairmanship of M. Politis and would comprise the delegates of the United States of America, France and Germany, and the Rapporteur.

The proposal was adopted.

M. MASSIGLI (France) desired it to be clearly understood that the Bureau and the General Commission would not be asked to discuss the articles drawn up by the Drafting Committee until the question of special penalties for chemical, incendiary and bacterial warfare had been settled.

Agreed.

52. PROGRAMME OF WORK PROPOSED BY THE UNITED KINGDOM DELEGATION WITH A VIEW TO EMBODYING IN A CONVENTION THE PROPOSALS ALREADY MADE BY VARIOUS DELEGATIONS.

The CHAIRMAN observed that the United Kingdom delegation had submitted a series of proposals regarding disarmament (document Conf.D.154). Those proposals touched upon nearly all the problems which the Conference had taken up. Some of them, however, more particularly concerned the Bureau, which would take a decision regarding them and would subsequently announce the procedure to be followed in examining them. It was understood that the United Kingdom proposals would be discussed after the examination of the French Plan.

THIRTY-SEVENTH MEETING (PUBLIC)

Held on Tuesday, January 31st, 1933, at 10.30 a.m.

Chairman : Mr. HENDERSON.

53. SUPERVISION: IMMUNITIES: LIST OF QUESTIONS SUBMITTED BY THE DRAFTING COMMITTEE WITH A VIEW TO THE ESTABLISHMENT OF A FORMULA : GENERAL DISCUSSION.

The CHAIRMAN opened the discussion on the note prepared by M. Politis, Chairman of the Drafting Committee, and M. Bourquin, Rapporteur, containing a list of certain points on which the Bureau should come to a decision in order to enable the Drafting Committee to draft a formula :¹

“ (1) Should it be recognised that the nationals of a High Contracting Party and, in general, persons resident in its territory have the right to divulge any breaches by that Power of the obligations assumed by it in virtue of the Disarmament Convention ?

“ (2) Should this right be recognised as belonging to all *persons* without distinction ? What, for example, would be the position of officials ?

“ (3) Should distinctions be drawn according to the *methods* by which the information is divulged ?

“ Should a distinction be drawn, for example, in this connection between :

“ (a) The divulging of information to the Permanent Commission itself ;

“ (b) The divulging of information in writings or speeches ;

“ (c) The divulging of information to a foreign Government ?

“ (4) It is not in any case desirable to ensure full freedom of expression for persons who may be requested, either by the Permanent Commission itself or by its representatives in the case of an enquiry, to furnish information ?

“ (5) Should any distinctions be drawn on the basis of the *good faith* of the person divulging information ?

“ If so, how is his good faith to be established, and on whom will the onus of proof rest ?

“ (6) In the case contemplated under (4), it would seem that the information supplied to the Commission or its representatives might be regarded as in the nature of evidence in a court of law. This would enable the question raised under (5) to be settled by stating that the ‘ witness ’ has complete freedom except in the case of ‘ perjury ’, the onus of proof resting upon the State which alleges perjury with a view to prosecution.

“ (7) With regard to the other cases, can the criterion of ‘ good faith ’ be found in the *correctness* of the information divulged ? If so, is there to be a presumption of good faith which could only be overthrown by evidence of the incorrectness of the information given ?

“ (8) Irrespective of the extent of the right to divulge information, by what means is it to be protected ? More particularly, will immunity in respect of criminal proceedings only suffice, or is it necessary to go further and assure immunity from other forms of punishment (disciplinary action, etc.) ?

“ (9) Must the Permanent Disarmament Commission be recognised to have the right of withdrawing immunity ? If so, in what cases ? ”

M. POLITIS (Greece), Chairman of the Drafting Committee, reminded the Bureau that, as it had proved impossible to reach agreement on the rules to be laid down,² the question had again been referred to the Drafting Committee, which had once more noted that it was impossible to draft a formula unless the ideas were more clearly defined. The object of the questionnaire under discussion, which was as detailed as possible, was to obtain the necessary explanations. If, as a result of the discussion, it was decided to retain certain ideas, it would be relatively easy for the Drafting Committee to express them in a legal form, which would then be submitted to the Bureau.

¹ Document Conf.D./Bureau 42.

² See Minutes of the thirty-third meeting.

M. MELI DI SORAGNA (Italy) said that, having carefully examined the document submitted by the Drafting Committee, the Italian delegation had come to the conclusion that the whole significance of the document was in this first point, from which all the others followed. Nevertheless, the Italian delegation did not understand clearly what question was put to the Bureau. Paragraph 8 of Chapter III of M. Bourquin's second report on supervision¹ read as follows :

" Subject to an agreement as to the legal details involved in the application of such a principle, the Bureau has declared in favour of immunity for persons denouncing violations of the Disarmament Convention from all repressive measures."

The Bureau had therefore already replied in the affirmative to this question. The above passage showed that the members of the Bureau were in favour of immunity, provided the necessary formula could be found in practice—that was to say, provided this principle could be reconciled with the legislation of the different countries. If it could, the reply was in the affirmative ; if not, it was in the negative. The question having been referred to the Drafting Committee composed of highly qualified jurists, however, they had replied that they were unable to give the principle a practical form. How then could the Bureau do so ? Personally, the Italian delegate was not competent to make any reply other than that of the jurists, or to go further than what his colleague on the Italian delegation, M. Rosso, had said on a previous occasion.

M. BOURQUIN (Belgium), Rapporteur, stated that the Bureau had, in fact, already replied to the first question. The decision taken by the Bureau on November 15th, 1932,² and embodied in document Conf.D.148, amounted to an acceptance of the principle of immunity, subject to certain reservations, or rather to the condition mentioned at the beginning : " Subject to an agreement . . ." In other words, the Bureau, while accepting the principle of immunity, had realised that it was impossible in practice to apply it radically and absolutely.

From the practical standpoint, the real problem at the moment no longer concerned the principle itself, but the reservations and limitations to be provided. That was just the object of the list of questions before the Bureau. In examining the problem, the members of the Drafting Committee had noted that the limitations to be attached to the principle could be considered from different points of view. This questionnaire was perhaps incomplete : that would emerge from the discussion. In any event, the Drafting Committee thought that three criteria should be applied :

- (1) Should not distinctions be drawn between the persons divulging a breach ?
- (2) Should not distinctions be drawn according to the method employed in divulging the information ? The questionnaire mentioned, simply by way of example, the three following methods :
 - (a) The divulging of information to the Permanent Commission itself ;
 - (b) The divulging of information in writings or speeches ;
 - (c) The divulging of information to a foreign Government.
- (3) The question of good faith. During the Bureau's discussions, delegations had frequently pointed out that it was desirable to draw a distinction according as the person divulging the information was or was not reliable.

The questionnaire had been prepared on the basis of the above three factors.

M. DE MADARIAGA (Spain) thought the observations of the Italian delegate and the Rapporteur were absolutely contradictory. The Italian delegate, if he was not mistaken, had said that the Bureau had replied in the affirmative to the first question, provided means were found of reconciling this general, international principle with the national legislations, but that, as the jurists had replied that agreement on this matter was impossible, the reply was in the negative. The Rapporteur, however, if M. de Madariaga had understood rightly, said that the Bureau had replied in the affirmative, subject to the legal details involved in the application of the principle. These details must therefore be considered, and the original affirmative reply should hold good, even if it were more or less attenuated by the details in question. To sum up, the Spanish delegate asked whether the Bureau was considering a document enabling it to give details of the application of an affirmative reply or a document to cloak a negative reply.

M. KÜNZL-JIZERSKY (Czechoslovakia) said that, as the Bureau had already approved the principle of immunity on November 15th, 1932, it seemed to him that the reply to the first question, which simply laid down the principle, should certainly be in the affirmative.

¹ Document Conf.D.148.

² See Minutes of the twenty-eighth meeting.

Mr. EDEN (United Kingdom) greatly admired the ingenuity of the members of the Drafting Committee who had prepared the questionnaire. They had brought down to the level of reality the somewhat idealistic hopes that seemed to be springing up. It was to be presumed that this new discussion would lead to the same results as before. The United Kingdom delegate was not unduly alarmed at this prospect, for the question was one to be settled last, just before the end of the Conference—that was to say, when the colour of the binding of the volume containing the Disarmament Convention was considered.

It seemed to the United Kingdom delegate that, for the moment, the solution most satisfactory to the various delegations would be to submit the questions and observations to the jurists of their respective Governments, in order to ascertain their views on the matter. The Bureau could wait a month or two, and in the meantime the examination of the suggestions made would perhaps solve the difficulties. There were many difficulties. The Italian delegate considered that the first question was the most important. The Rapporteur had drawn particular attention to questions 5 and 7, dealing with good faith. Question 7, however, was as follows: ". . . can the criterion of 'good faith' be found in the *correctness* of the information divulged?" The reply was obviously "No", for, acting in complete good faith, a person might give information which proved to be incorrect, while well founded information might be supplied in bad faith. From the practical point of view, it would be very difficult to find a criterion which the administrative and judicial authorities could apply. However, good faith was a necessary condition if Governments were to subscribe to these arrangements. The jurists had said that they had been unable to embody the principle in a definite provision.

It seemed, therefore, that the best solution would be to refer the matter to the Governments, who would consider the problem in the light of the observations submitted. In the meantime, the delegations might get into closer touch with the Rapporteur with a view to drawing up a more precise form of words.

M. MASSIGLI (France) said he had already had occasion to express his anxiety as to the tendency shown by certain delegations to postpone embarrassing questions for study later. In his opinion, the General Commission's intention in asking the Bureau to settle a number of delicate problems was in order that, when it resumed its meetings, it might have before it definite proposals on concrete points. He greatly feared that, if the method now in favour were continued, a situation would be created which would be fraught with serious consequences for the future work of the Conference. The Bureau had to study certain definite questions. In connection with the problem of chemical warfare, which seemed relatively simple, it had already encountered obstacles which were said to be insurmountable. The present one was a similar case. M. Massigli did not think the question was as secondary as Mr. Eden had stated. If it were proposed to wait before settling it until the time had come to decide on the colour of the binding of the Convention, he was afraid that the binding would not contain much.

This question, in reality, went to the root of the problem of supervision; and if no solution were found for it there would be a serious defect in the Convention. He realised the difficulties involved, and understood that some delegations found themselves in difficulties when faced with such a subtle questionnaire. They were asked to reply "Yes" or "No" to extremely serious questions involving State problems of the highest importance. But if the delegations merely transmitted this document to their Governments with a recommendation that it should receive attention, there was a danger that the results in two months' time would be disappointing; he thought he perceived a sign of this in the Italian delegate's remarks. Each Government would examine the problem in the light of its domestic legislation and legal practice; it would reply that one or another of the proposed provisions was not in conformity with that legislation; it would not make the effort, which the Bureau was obliged to make, of viewing the matter from the international plane in order to find an equitable and honest solution, if that solution called for modifications in domestic legislation. In a matter affecting such important questions as Press regulations and duties of officials, it was at Geneva that the delegations must try to find a common basis; otherwise, an agreement would be impossible. M. Massigli, therefore, would like the delegations at least to compare their ideas, in order to find a means of overcoming the present difficulty. He would be very sorry if the discussion were closed without going to the root of those difficulties.

M. LEITMAIER (Austria) thought that, if the Bureau proposed to forward the questionnaire to the Governments, their task might be greatly facilitated by an immediate decision on point 8. The Austrian delegate agreed with the French delegate that the Governments should not merely be requested to furnish information on their national laws, but that they should state whether they were prepared, if necessary, to amend those laws. It would certainly be easier for them to take a decision if they knew that only criminal law, and not the other laws, would, if necessary, have to be taken into consideration.

M. BUERO (Uruguay) said his view was almost identical with that of M. Massigli. A solution for this problem would have to be sought from the international point of view and should not be left to the legislations of the various countries, which were, moreover, very

dissimilar. To act otherwise would be merely to apply national legislation. He therefore thought that to refer the question to the Governments in this manner would not be the best method. The delegations must work together to find a common solution.

In this connection, he remembered that, when the question was raised in the Bureau in December last, all delegations had at first accepted the principle, and it was after certain remarks had been made on the question of good faith that special provisions appeared to be necessary according to whether the information divulged proved to be correct or not. The problem was particularly complicated by the question of the possible inaccuracy of the information divulged, and he wondered whether it was not better to leave this factor out of account for the moment and merely to consider the case of accurate statements; in other words, apart from any presumption of good or bad faith, the only factor to be considered would be that of denunciation, which could be verified. He asked the members of the Drafting Committee whether the problem would not be greatly simplified by leaving out of account any presumption of inaccurate denunciations and any question of good or bad faith.

M. MORESCO (Netherlands) supported the French delegate's proposal to continue the discussion and not to refer the question to the Governments. If the Bureau adopted the latter procedure, it would obviously be taking the line of least resistance, but it would not fulfil the task entrusted to it by the General Commission.

He was perhaps at greater liberty to express his views than the members of the Bureau, who were representatives of States; as he only represented the Naval Commission, his observations on this matter were of a purely technical character. In this special question, however, he thought the representatives of the Governments were on the same footing, since it was a question of preparing proposals for submission to the General Commission, where all the delegates would be entitled to express views, even contrary to the principle maintained in the Bureau by the representatives of the same countries.

M. Moresco did not despair of finding a reply to all the questions put by the jurists and of thus drawing up a "minimum formula" on the degree of immunity which all wished to grant, at any rate to persons giving evidence before the Permanent Disarmament Commission. It should not be forgotten that the present business was to draw up the chapter on the question of supervision—that was to say, the chapter relating to the Permanent Disarmament Commission. In order to enable that Commission to fulfil its task, persons giving evidence before it should be guaranteed full liberty of speech, in so far as it was compatible with their particular position in their own country. From this special point of view, he would be inclined to reply in the negative to the question regarding officials. On the other hand, the Bureau's reply to the first question was already given in M. Bourquin's second report.¹ He even thought that the formula in that document contained the reply to a number of the questions put by the jurists. As regards the Austrian delegate's remarks, for instance, M. Moresco would be inclined to retain the expression "repressive action" contained in M. Bourquin's report, in order to guarantee persons giving evidence before the Disarmament Commission against such repressive action in the form of administrative or disciplinary measures. Similarly, as regards M. Buero's suggestion, the reply was to be found in the decision of November 15th, 1932, which spoke of "persons denouncing infringements". Obviously, persons making false denunciations could not be regarded as having denounced an infringement.

If the Bureau kept strictly to questions relating to evidence given before the Permanent Commission, without endeavouring to draft a chapter for insertion in the criminal codes, which would be impossible, a definite result could be reached.

M. MELI DI SORAGNA (Italy) wished to make clear the position of the Italian delegation in respect of the interpretation of the passage in question in M. Bourquin's second report. In view of some of the remarks made by M. Moresco, he would like to avoid any misunderstanding on the subject. The Italian delegation had declared itself in favour of immunity "subject to an agreement on the legal details involved in the application of such a principle". M. Moresco appeared to think that, as regards the substance of the question, the Bureau had declared in favour of the immunity of informers. This was not the idea of the Italian delegation, which had only expressed its view subject to the reservation mentioned, which it considered as a main factor. If no agreement were reached on a legal formula, the provision fell to the ground. The Italian delegation therefore pointed out that its accession was not general, but subject to the agreement mentioned.

M. NADOLNY (Germany) said it would no doubt be regrettable to leave a further question open, but, as this question referred precisely to supervision, it would not be of great consequence, since all were agreed that there were more important questions to be settled first and that the question of supervision might very well be left to the end. It would appear from the discussion that it would be very difficult, if not impossible, to reach a settlement in the Bureau. There were many questions on which the German delegation was unable to express an opinion. He himself was a lawyer; while he felt unable to go further in these legal questions than the

¹ Document Conf.D.148.

members of the Drafting Committee, he could state that M. Buero's suggestion did not settle the question and still left open a number of problems which were difficult of solution.

M. Nadolny therefore entirely agreed with Mr. Eden's proposal that the present questionnaire, together perhaps with certain cognate questions, should be examined by the lawyers of the various countries. The Bureau could decide whether this examination should be made here or whether the document should be sent to the Governments. What was indispensable was that the document should be thoroughly examined by the national jurists. The French delegate had rightly shown the seriousness and complexity of the problem, which related, not merely to an amendment, but possibly to a transformation of the whole national legislation in order to bring it into line with international law. This was an extremely difficult and complex question, which could hardly be settled by the Bureau. He therefore supported Mr. Eden's suggestion, which was also in accordance with the Italian delegation's view.

M. DE MADARIAGA (Spain) said the statements of the Italian and German delegates confirmed him in the idea that the main question to be settled now was that which he had raised previously. In two days, it would be the first anniversary of the Disarmament Conference. He greatly desired that the Conference should not have to celebrate a third anniversary. This it would certainly have to do if the Bureau continued to work as it had done that morning.

On what basis was the Bureau working? Did its members agree or not to accept the principle of immunity as adopted on November 15th last? If they were not agreed on this principle, the General Commission obviously could not accept it, and it then became useless to continue to examine the problem. The Spanish Government, for its part, strongly supported this principle and considered it, if not an indispensable principle, at any rate one which would make the Convention more effective. The opinion of delegates who were not in agreement with this principle should, however, be respected. There was, at any rate, one Government represented, and possibly more, for whom the passage in question of the decision of November 15th, 1932, meant that the reservation governing the formula implied that the principle itself could be invalidated. In the view of the Spanish delegation, this reservation referred solely to the application, the principle itself having been accepted. Other delegations might hold a different opinion, but, as the Convention must be unanimous, he saw no interest in continuing the discussion on a confused issue. He therefore asked the Chairman to put the following proposal to the vote:

“The Bureau declares in favour of immunity for persons denouncing violations of the Disarmament Convention from all repressive measures, adopting this as a principle of international law to which the legislation of the various countries must be adapted.”

The question of reservations drawn from the application might be the subject of a second paragraph. If the Bureau could not adopt this principle, M. de Madariaga proposed that it should pass to some other question.

M. MASSIGLI (France), without knowing the turn that the discussion would take and whether the Bureau would decide to refer the question to the Governments, wished to make the position of his Government quite clear by submitting a draft article relating to immunities. This draft had already been communicated semi-officially to the Rapporteur, but had been modified in the light of the questionnaire prepared by M. Politis and M. Bourquin. The French delegation had endeavoured to draw up a simple text which, without affecting the right of the Governments, would solve the fundamental question of good faith and the delicate point raised by the question of officials. This text distinguished between two theses: that of the publication or divulging of information regarding an infringement of the Convention, and that of evidence given before the Permanent Commission.

The French delegation's draft merely established the principle that the publication or divulging, by persons not in Governmental service, of information regarding a breach of the Convention could not give rise to any proceedings. The French delegation realised that the question of good faith arose, and it therefore did not preclude a Government's right to take proceedings for untruthful denunciations; but, in this case, precautions were necessary and it was required that the persons in question should be judged in public. If for any reason—and this was a new feature—a public judgment was impossible, it was required that the Permanent Commission should be represented at the legal discussions.

The draft laid down the principle of immunity for any person giving evidence before the Permanent Commission during an enquiry. In case of any subsequent proceedings for false evidence, the Permanent Commission should be informed.

The case of officials was delicate. It appeared impossible to grant them outright the right to give evidence spontaneously before the Permanent Commission for fear of compromising the necessary discipline, but, at the same time, the French delegation thought that officials should not be obliged, as a matter of conscience, to ask themselves whether they should reveal or maintain silence regarding facts which had come to their knowledge, because their Governments were interested in concealing them. The French text therefore laid down the

principle whereby an official who, in the course of an enquiry, was called upon to report an infraction of the provisions of the Convention could only do so if he had previously informed his superiors of the infraction he had noted.

The text of the French proposal was as follows :

“ I. The publication or divulging by persons not in Government service of information relating to points forming the subject in the present Convention of undertakings regarding limitation or publicity, by which a breach of obligations thus contracted is established, may not give rise to any criminal proceedings.

“ II. Proceedings taken for untruthful denunciation of an alleged breach of the Convention shall take place in public ; if, for particular reasons, such publicity is not possible, the Permanent Commission shall have the right to appoint representatives to follow the proceedings.

“ III. Any person having in good faith supplied the Permanent Commission during an investigation with information relating to the strict execution of obligations assumed under the present Convention, either at the request of the Commission or its representatives or spontaneously, may not be prosecuted on account of this fact and shall be protected by the competent authorities against any reprisals.

“ This immunity must be guaranteed even to officials, but, in the case of information furnished spontaneously during an investigation, it shall be subject to the official having reported the breach in question to his superiors and no steps having been taken to put an end to it.

“ IV. The Permanent Commission shall be informed of proceedings for false evidence brought against a witness who has given evidence to the Commission or its delegates in the course of an investigation.

“ V. Article 17 of the provisions regarding supervision shall be supplemented by the following provision :

“ ‘The High Contracting Parties shall not take or authorise any measure calculated to restrict the publication of records and documents issued by the Commission and published by the latter or by the Council of the League of Nations. Each of the High Contracting Parties shall employ the means at its disposal for preventing direct or indirect acts of reprisal being taken against any person in connection with such publication.’ ”

M. Massigli pointed out that this draft was merely an attempt to make the present discussion more definite and to lead the Conference towards a reasonable solution guaranteeing the existence of conditions of clarity and publicity necessary for the proper working of the Convention.

The CHAIRMAN thought the moment had come to define the results of the discussion. It was obvious that there was a general tendency against referring the question to the Governments, at any rate at the present stage. It was no less obvious that some delegations would find great difficulty in replying at the present meeting to the nine questions put by the Drafting Committee and that they would require more time to consider them. If they were required to reply “ Yes ” or “ No ”, a further meeting would be necessary.

He suggested therefore that the questionnaire should be regarded as still being tabled in the Bureau ; the Drafting Committee should be requested to reconsider the questions which it had put and to examine M. de Madariaga’s draft resolution and M. Massigli’s draft article in the light, not only of the discussions at the present meeting, but also of the previous discussion on M. Bourquin’s report. In this way, the Drafting Committee might be able to prepare a formula for submission to the Bureau. There was no hurry. The problem was a very important one, but after listening carefully to all the speeches the Chairman thought it would not be useful to continue a general discussion. If his suggestions were followed, the fresh report of the Drafting Committee could be submitted at such time as to enable the delegations wishing to consult their Governments to do so before the question was reconsidered by the Bureau.

M. BOURQUIN (Belgium), Rapporteur, entirely concurred in the Chairman’s suggestions. It was particularly advisable to refer the question to a Drafting Committee as a definite proposal had just been submitted to the Bureau—namely, that of the French delegate. It would serve no useful purpose to endeavour to hasten the matter unduly and the problem must be carefully studied. The present Drafting Committee, however, had merely the limited task of giving legal form to resolutions adopted ; it was, moreover, very small. He proposed that a committee of jurists should now be appointed, including, in addition to the delegations represented in the present Drafting Committee, the delegations of Germany, the United States of America, Italy and Spain.

The Chairman’s proposal, amended in the sense suggested by M. Bourquin, was adopted.

THIRTY-EIGHTH MEETING (PUBLIC)

Held on Thursday, February 9th, 1933, at 3 p.m.

Chairman : Mr. HENDERSON.

54. PREPARATION OF THE AGENDA OF THE FORTHCOMING MEETINGS OF THE GENERAL COMMISSION.

The CHAIRMAN said that the Bureau had now to attempt to prepare the agenda of the forthcoming meeting or meetings of the General Commission. He would observe that, on rereading a good many of the speeches made in the General Commission during the discussion on the French plan,¹ he had found that the delegations were very anxious to drop the general discussion and try to arrive at definite proposals. He hoped that the Bureau would bear that in mind when discussing what questions were to be placed on the agenda. On January 30th, the United Kingdom delegation had submitted to the General Commission and the Bureau, through the Secretariat, a programme of work (document Conf.D.154). To make discussion easier, he would ask Mr. Eden to expound the United Kingdom delegation's views on that programme.

Mr. EDEN (United Kingdom) wished first of all to emphasise that the programme of work put forward by his delegation was in no sense a new declaration of policy by His Majesty's Government. Its policy towards all those problems had already been made known, and to those declarations he had nothing to add. He would like, however, to say something of the reasons which had actuated the United Kingdom Government in putting forward its programme, as also of the methods by which it thought that the programme could be worked if the Bureau were willing to adopt it. The sole purpose of his Government had been to facilitate and, if possible, to hasten the work of the Conference. The United Kingdom Government, in common, he knew, with many other Governments represented at the Conference, had become anxious at the slow progress that was being made. It had sought, therefore, in that draft programme, to present a method of work whereby disarmament in all its aspects might be furthered. There was no alternative between doing that and watching the Conference flicker out in ineffective reiteration.

After all, what had the past year yielded? The progressive presentation of a number of plans. That had been useful, but it was not a process which should be continued indefinitely. Those plans had placed at the disposal of the Conference a mass of material. Their authors had never pretended that any one of those plans must be considered to the exclusion of all else. Each had been presented as a contribution, and there were now many such contributions. Sooner or later they must set to work to sort that material, to order it into its component parts, to register the greatest common measure of agreement that could be realised, and to classify the results into a convention. The United Kingdom Government believed that such a task could not be entered upon too soon. Indeed, it should, in the judgment of his Government, be begun at once.

The programme was only a draft programme; it was in no sense sacrosanct. Perhaps it could be improved upon, no doubt other items could be added; but the broad outline was proposed by the United Kingdom Government for acceptance by the Bureau, in the conviction that, without some such programme, the Conference could not hope to achieve a result in the near future, and because his Government feared that, unless substantial decisions were reached within the next few weeks, the prospects for the Conference must grow steadily darker.

To turn to the programme itself and to the topics, the discussion of which it sought to make possible. He trusted that the United Kingdom Government had shown by its programme that it had very seriously in mind the attitude of those delegations which would emphasise the connection between disarmament and security. That attitude was most completely and clearly set forth in the French plan, and in drafting the programme the United Kingdom Government had taken that plan into full consideration, though it could not of course leave out of account other proposals that had been made to the Conference. The programme provided for the study of security. It was true, however, that, for that purpose, his Government had not included all the portions of the French plan. It had not provided at that stage for a study of the consultative pact. As Mr. Gibson had said on Tuesday last,² that project could better be taken in hand later. Chapter III of the French plan, however, outlined an arrangement between the States of continental Europe, and the British programme provided for the

¹ See Minutes of the twenty-ninth to thirty-third meetings of the General Commission.

² See Minutes of the thirty-second meeting of the General Commission.

discussion of that matter. Its suggestion was that those States themselves should at once study such an arrangement. It was to be hoped that out of that discussion might emerge a system or systems that would reinforce or complete by regional understandings the measure of security that already existed.

Section B of Chapter II of the United Kingdom programme ("Disarmament") was regarded by His Majesty's Government as of vital importance. The first sub-section of that section referred to effectives. The Bureau would, of course, be well aware that the provisions as to effectives in both the Hoover proposals and the French plan were far-reaching. He did not himself see the incompatibility between the two, since the French plan dealt with the qualitative aspect of the problem, but admitted that there must be quantitative reduction also; and, for the latter purpose, the Hoover proposals would surely supply valuable guidance.

Sub-section (b) dealt with land war material. Mr. Eden would like to indicate some of the questions that might come up for discussion under that head. Let it be supposed for the sake of argument, that it could be agreed, as he hoped it might be, that guns over 105 mm. were not to be constructed in the future. What was to become of the existing material?

To take another problem—that of the air. Let it be supposed that it could be agreed, as a result of serious examination, that the suppression of military and naval aircraft in the conditions set forth in the speech of Sir John Simon to the Bureau on November 17th, 1932,¹ was the only effective method of dealing with the awful menace of aerial warfare, then some method of control of civil aviation would certainly be required. He believed that some such method could be worked out, but in that case surely the Conference could not begin upon that difficult task—for it was admittedly difficult—too soon. If the Conference could achieve what he believed was the only effective method of disarmament in the air, then undoubtedly every nation would gain immeasurably in security. The Bureau would note that His Majesty's Government had asked for the appointment of a special Air Committee. What it had in mind was that, just as the naval Powers had been specially charged with the problem of their own armaments, so should the air Powers, in the light of the drastic reductions it was now hoped to realise, be charged with a similar responsibility. He hoped, therefore, that the Bureau would see its way to agree to appoint an Air Committee and that the nations would pay their tribute to the importance of that Committee by the authority of those whom they chose to represent them upon it. But while that part of the programme was being thus discussed, the Bureau must not lose sight of the more immediate practical steps which were also before the Conference.

Mr. Eden would say one word as to naval disarmament. In this connection, the Bureau would recall that the General Commission, by its resolution of July 23rd, 1932, had invited the Powers parties to the Naval Treaties of Washington and London to confer together. Conversations had, in fact, already been initiated, but had not, he regretted to say, yet developed to a stage at which it would be possible to report anything to the Conference. So far as His Majesty's Government was concerned, however, he could give the assurance that it was doing and would continue to do everything in its power to find the basis of a satisfactory agreement in regard to naval armaments.

If the Bureau were willing to accept some such programme as his Government had put forward, he would like to explain what procedure might be employed to make it operative. He would suggest that the procedure might be similar to that which had been followed with a fair measure of success in the work upon supervision. For each of the subjects enumerated, a Rapporteur might be appointed. That Rapporteur would, after informal consultation with delegations, produce a first draft for the Bureau. Thereafter, discussion in the Bureau itself would show how wide was the measure of agreement and how far the Rapporteur's text might be strengthened and improved until at length it reached the stage of being reproduced in articles and submitted to the approval of the General Commission for final embodiment in the Convention.

Once arrived at that point in the work, it would be necessary to co-ordinate the results achieved under the headings in the United Kingdom programme with those already reached in other spheres—for example, chemical warfare and supervision.

That was what His Majesty's Government intended by the document which had been distributed to the Bureau. He would add one word to indicate certain ideas which they had not attempted to put on paper.

His Majesty's Government believed that the present session was not merely the resumption of the work of the Conference, but that it should mark the entry upon a new phase—one of decisions. Nearly all the proposals for disarmament, which had been made at various times to the Conference, had already been fully examined from the technical point of view. They had been dissected and discussed to the last detail, and even if that had not been done in all cases in discussion in the Conference itself, it had at all events been done in the privacy of the various delegations. The watchful eye of the technical expert had seen the difficulties and the dangers involved in each one of those proposals, but the time had come for Governments to shoulder their responsibilities and, facing realities, to weigh the risks against the incomparably greater danger of allowing the Conference to fail.

His Majesty's Government believed that on most of the questions with which they were confronted they now possessed the data necessary to enable Governments to define their

¹ See page 93.

positions and reach decisions. It sincerely hoped that the Conference would face that task, for it must be recalled that, while advice was the function of the experts, decision was the responsibility of Governments.

M. NADOLNY (Germany) had no difficulty in agreeing with the Chairman's and Mr. Eden's observations concerning the need for facilitating the progress of the Conference's work. On many previous occasions, the last being that of his speech on the French memorandum,¹ he had stated that the German delegation would be the first to welcome with keen satisfaction any acceleration of the work, and that any measure likely to contribute to the prompt success of the Conference would not fail to obtain the adherence of the German delegation, which would, on the contrary, resist any measures calculated to delay the Conference or to result in its final outcome being of an unsatisfactory nature. With this aim in mind, M. Nadolny took the opportunity to protest against certain opinions expressed in public recommending that, in view of the political and economic situation in certain parts of the world, or of the difficulties that had arisen in the Conference, the latter should terminate its work as soon as possible, without any real reduction of armaments, by means of a Convention which would only disguise its failure from the world. M. Nadolny uttered a strong warning against the danger of such a method, which would inevitably have serious effects.

He had therefore warmly welcomed the submission to the Conference of a practical programme of work, due to the very happy initiative of the United Kingdom delegation. As regards the method of work—and he attached great importance to this point—he would merely like it to be made quite clear in the text of the programme of work that the delegations agreed that decisions should be reached on the various points without long repetitive discussions, and, in particular, without protracted technical studies, and that the Conference should proceed to vote on them as soon as possible, in order that it might be ascertained beyond any doubt just how far the Conference would go along the path of the reduction of armaments. In his opinion, the Conference would find no advantage in recommending a general discussion on the various points in the programme; the time had come to deal with specific points and take decisions.

With regard to the contents of the United Kingdom delegation's scheme, the German delegation accepted in principle the method proposed in Chapter II, which represented the programme of work in the strict sense of the term. During the subsequent discussions, it would have certain changes to propose in matters of detail.

The United Kingdom delegation had included certain political questions in Chapter I. The first two appeared again later in the programme of work properly so called. It would then, he thought, be sufficient if they appeared in the latter part only. Again, at the end of paragraph 5 of Chapter I, mention was made of the reduction of the armies of the continental European States to a uniform general type of organisation. This point, too, might perhaps be inserted in the programme of work under Chapter II, B (a), "Effectives".

Further, paragraphs 3, 4 and 5 of Chapter I dealt with certain points of principle connected with the question of the equality of rights. As members were aware, the solution of that question had been of decisive importance for Germany's return to the Conference. The arrangement of December 11th, 1932,² had settled the question in principle by an agreement reached after long and difficult negotiation. M. Nadolny observed with satisfaction that the United Kingdom delegation had prefixed to its programme of work certain conclusions which, in its opinion, resulted from that agreement. The practical application of the principle of equality of rights involved in the agreement of December 11th, 1932, must, however, be effected during the execution of the programme of work. The framing of a programme of work at the present moment did not, therefore, appear to call for a discussion of principle on these points. In any case, M. Nadolny would be unable to agree to such a discussion. He hoped that the United Kingdom delegate, too, had no intention of asking for any such discussion in that connection either in the Bureau or in the General Commission. He would be glad if his United Kingdom colleague would confirm that this was so. He would accordingly refrain from dealing with these various matters in detail, and, while reserving his right to define his attitude until the time came for giving the principle its practical application, he proposed that these points should not be discussed by the Bureau and that they should be removed from the programme of work. To sum up, only the points mentioned in Chapter II of the United Kingdom proposal should be submitted to the Bureau for its approval as forming the General Commission's practical programme of work.

M. PAUL-BONCOUR (France) thanked Mr. Eden and took note of his declaration expressing his intention of giving the French plan the fullest consideration. In view of the very definite position taken up by France, there was no need to say that the French delegation could only contemplate, as a practical programme of work, one which would permit of that plan being studied exhaustively and in the conditions he had set forth on the previous day. He believed, moreover, that, with a few changes, the United Kingdom programme of work was in accord with this point of view.

It was clear both from the text of the programme and from Mr. Eden's verbal comments that the concrete questions which were of the greatest interest to the French delegation would

¹ See Minutes of the twenty-ninth meeting of the General Commission.

² See page 110.

come up for discussion immediately in both domains—that was to say, in the political domain and in that of the reduction of armaments properly so called. There were two basic ideas in the French plan, and it would be possible, from the attitude taken up regarding them by the General Commission or by the Political Commission, or both, to have a clear view of the future work to be accomplished. For France, the armaments reductions which she could contemplate were dependent on the decisions to be taken with regard to these two basic ideas in the French plan—namely, in the political sphere, the pact of European mutual assistance, and, in that of armaments reduction properly so called, the question of effectives involving standardisation of the types of European armies, which was a *sine qua non* for subsequent reductions of a tangible nature. If from the programme as adopted it was clear that these two points would come up for discussion first, he would have no difficulty in accepting it.

M. Paul-Boncour was obliged next to make certain reservations regarding the United Kingdom programme of work. In the first place, Mr. Eden's verbal explanations seemed to show that his main concern was that certain concrete questions should be taken up—namely, those in Chapter II of the programme. M. Paul-Boncour accordingly thought that the United Kingdom delegation would be prepared to drop Chapter I, which dealt with principles and the discussion of principles. In that connection, he agreed with the German delegate, as regards procedure at least, for it was obvious that he would have to make the most express reservations concerning some of his colleague's remarks. The reason why M. Paul-Boncour had not mentioned the very important agreement of December 11th, 1932, in his speech to the General Commission on the previous afternoon was that that was an agreement between a few Powers only and therefore outside the jurisdiction of the Conference; but that agreement of principle could not take the place of decisions by the Conference itself. Had he taken up this matter on the previous day, he would not have failed to bring out perfectly clearly, as moreover was plain both from the text of the agreement and from the laborious discussions that had preceded it, that the French delegation did not contemplate equality of rights as feasible except within some system of security. Subject to these remarks, he had gladly joined M. Nadolny, and he thought that that would be the feeling of the Conference in general, in asking Mr. Eden that time should not be lost in discussing questions of principle by which the delegations were sharply divided and which would certainly not expedite the work.

It was, therefore, to the second part of the United Kingdom programme that the Bureau should turn its attention, but even on this part M. Paul-Boncour had some rather important reservations to make. On the previous day, he had said that concrete questions—and the two on which he had laid stress formed the kernel of the French plan—could only be studied by similar bodies working simultaneously. The written text of the United Kingdom programme, however, indicated that there was a very wide divergence on this point, since according to the programme, while the Bureau was immediately to discuss disarmament questions in the strict sense of the term, the political questions of security would be referred to the Political Commission. The Political Commission, which had indeed been set up on the proposal of the French delegation itself, had, of course, had to wait only too long for work, but the French delegation had a fundamental objection to any such distribution of the work. It appreciated as highly as any one the part played by the Bureau in watching over the order and progress and, so far as possible, the expediting of the Conference's proceedings. But, precisely by reason of its composition, which enabled it to direct the proceedings, it was unable to deal with matters which were under the sole jurisdiction of a body representative of all those taking part in the Conference.

In the particular case under consideration, there would, the French delegation believed, be another drawback, due to the fact that, owing to its special composition, the Bureau would handle certain issues very quickly and others much more slowly. These various discussions should, however, be pursued at a uniform rate. It would, he believed, be illusory to hope that the discussions could be expedited if the questions were handled by the Bureau, and the generality of Powers represented at the Conference—that was to say, the General and Political Commission—would have difficulty in allowing that such important problems should be considered only by the Bureau. The latter could elucidate them, but they must necessarily come before the General Commission, where the discussions would certainly be as long as in the Bureau. He did not mean to say that all the issues could be handled in exactly the same manner by the whole General Commission. Some of them could be referred with advantage to special sub-commissions, as had often been done both at the Conference and at the annual Assemblies of the League, but these sub-commissions would have to receive directions from the General Commission, they would be set up *ad hoc* and be given a special composition, whereas the composition of the Bureau did not vary and the Bureau could not be equally qualified and competent to deal with all the land, sea and air questions that might arise.

For these reasons, the French delegation, whose point of departure was nevertheless identical to that of the United Kingdom delegation, suggested that it would be better for the political questions and, for the purpose of immediate discussion, that of the possibility or otherwise of concluding a pact of European mutual assistance, to be referred to the Political Commission. Disarmament questions—and, first and foremost, that of effectives, which dominated the entire problem and a failure to solve which would apparently preclude the solution of the questions regarding war material—would be referred to the General Commission. In this way, two fundamental issues, which would serve to show most clearly the subsequent direction of the work, could be settled, he thought, fairly quickly.

Second reservation: The schedule outlined in the United Kingdom programme contained no mention of quantitative naval limitations. Mr. Eden had of course stressed the fact that

the naval Powers had concluded previous agreements and that they were continuing their conversations. That indeed was essential. Yet, as in all other questions, it was manifest that any decision reached by this means would have to come before the organs of the Conference and be placed before the General Commission in one way or another.

Thirdly, the United Kingdom programme introduced, in a certain sense, a different method in the case of air questions. It suggested that the Bureau should set up a committee of representatives of the principal air Powers. No doubt, the General Commission might find it necessary to set up from among its own members a special sub-committee, as was often done in the big commissions of the League, but only after an exchange of views which would make it possible to give certain instructions to the sub-committee. It was most important not to separate the different categories of armaments, because the factor of their interdependence must always be borne in mind.

To sum up, it seemed that the French delegation's point of view fitted in quite readily with the United Kingdom proposal, but the questions of procedure to be settled were so serious that it had been necessary to indicate clearly the spirit in which the French delegation visualised the programme submitted to the Bureau.

In conclusion, M. Paul-Boncour wished to make it clear that he was mainly concerned with the questions which would come first on the agenda, but, in considering the work as a whole, he observed that certain other matters, which must certainly not be excluded from the future programme of the Conference, were not mentioned in the United Kingdom programme. For instance, there was no reference to the consultative pact. That, however, was one of the French delegation's chief points. It had met with a measure of acceptance which the French delegation could not allow to be wasted. There was indeed some hope of obtaining its acceptance by countries outside Europe. Other important issues were those of supervision, expenditure and the private manufacture of arms. It would of course be the height of futility and unwisdom to attempt, at the present stage, to determine the whole programme of work, and the French delegation continued to attach great importance to those matters which had the advantage that much arduous work had already been devoted to them and that it had, in consequence, been possible to record at least a very appreciable measure of agreement.

M. SANDLER (Sweden) emphasised the importance of the question of the limitation of budgetary expenditure. In the Swedish delegation's view, that point should be included in the programme of work. He entirely agreed with M. Paul-Boncour as to the mandate of the Bureau and as to the need for submitting matters of substance to the General Commission. Nevertheless, it was necessary to consider at the same time the future programme of work, as well as that already drawn up by the Bureau and now being carried out. The Bureau was entitled and it was its duty to watch over the progress of this work which was the outcome of the decisions already taken by the General Commission. M. Sandler drew attention to two disturbing facts. In the first place, the Committee on Effectives was complaining that it had no work to do because it was not in possession of the indispensable material with which it was to be supplied by the members of the Conference. Secondly, the Bureau, at its thirty-first meeting, had set up an Air Committee. This Committee had not yet begun work. The United Kingdom delegation was now proposing an entirely new air commission. The Bureau was engaged upon devising a method of work, but was it really the right course to change methods the whole time; would it not be possible to pass on to the necessary work, in certain matters at any rate?

M. LITVINOFF (Union of Soviet Socialist Republics) thought that the best way to provide a useful contribution to the work of the Conference was to spend as little time as possible on questions of procedure. All programmes were equally good if they enabled all the important questions to be tackled and settled. That seemed to be the case as regards the programme of work proposed by the United Kingdom delegation, to which therefore he had no objections. The importance of any programme depended on the use made of it in practice, and the indications it contained might, according to circumstances, mean a great deal to the Soviet delegation, or they might mean nothing at all. As regards the question of effectives, for example, the important point was to know whether the Governments intended to reduce these by a third or more, or not at all, and also whether it was proposed to abolish tanks and military aircraft. Consequently, the essential point was to begin the actual work as soon as possible.

If, however, the programme at present under discussion were adopted, that would not mean that the delegations would be bound by any one of the formulæ it contained. The real point was simply to decide on a list of subjects to be placed on the immediate agenda. For example, as regards effectives, and, more particularly, the calculation of effectives, the United Kingdom programme mentioned the Hoover proposals and made a point of dividing effectives into elements of defence and police elements. But the General Commission had not discussed that question, and no decision on the subject committing the delegations had been taken.

Further, certain important questions were not included in the United Kingdom draft programme. M. Litvinoff had been glad to hear M. Paul-Boncour make special reference to the consultative pact. That was a part of the French plan in which the Soviet delegation was keenly interested. Moreover, in paragraph I of the first chapter of the United Kingdom programme, it was suggested that all European States should make a solemn affirmation not to have recourse to force in any circumstances. M. Litvinoff hoped that that declaration would

not supersede the first part of the French plan, and that the United Kingdom delegation would rather submit the suggestion as an addition to the consultative pact of the French plan or in the event of that pact not materialising; otherwise the Soviet delegation would have objections to raise. Again, it was not clear why such a declaration would apply only to European States, and why non-European States would be excluded from it. M. Litvinoff felt sure that any State would be only too happy to accede to such an affirmation. With these reservations, he declared his acceptance of the United Kingdom draft programme.

M. MORESCO (Netherlands), referring to the naval question, noted that, according to the United Kingdom proposal, the Bureau would be asked to fix the maximum tonnage and maximum calibre of artillery for capital ships, aircraft-carriers, cruisers, destroyers and submarines. For the moment, however, M. Moresco thought it would be useless to ask the Bureau to attempt to do so. The Naval Commission had discussed all the questions referred to it by the General Commission, but it had been faced with divergencies between the great naval Powers, and the General Commission, by its resolution of July 23rd, 1932, had asked that the matter should be postponed until the great naval Powers parties to the Washington and London Treaties should have reached agreement on a reduction of the maximum figures. The only course, therefore, was to await the progress of events. In particular, it would be quite useless to discuss whether submarines should be kept or abolished until the decision on that subject by the States parties to the Washington and London Treaties was known.

Secondly, as regards the agreement to be reached between the States of continental Europe, the United Kingdom proposal suggested that those States should examine among themselves the continental agreement to be concluded. Such a procedure would perhaps be suitable if the principle were adopted, but it was, in fact, the principle itself on which a decision had first to be taken. It was very doubtful whether such a question could be discussed usefully without the United Kingdom. To go further still, it might even be asked whether the question should not be referred first to the Political Commission. Perhaps, indeed, the extra-European States should also be present, if only on account of the proximity of such States to European colonies. Consequently, M. Moresco thought that at least a commission comprising all the European States should be constituted. Naturally, the United Kingdom would have to decide what its attitude was to be and to see whether it wished to take part in the discussions as an observer only. If it were preferred to refer the question to the Political Commission, the extra-European States also would have to determine their attitude. In any case, these questions should preferably be treated by the Political Commission, or, if desired, by a Commission comprising all the European States.

M. BUERO (Uruguay) said that, although he had refrained from taking part in the discussions of the French plan in the General Commission, it was because, in regard to both disarmament and political questions, the problems on the agenda were mainly European, and an extra-European State should not take part in their discussion, particularly if that State were a small one. The United Kingdom programme of work was concerned mainly, as was natural, with questions of current interest to Europe. M. Buero considered, however, that he was present in the Bureau of the Conference, not as the delegate of a small extra-European Power, but as Chairman of the Land Commission, and, in that capacity, he wished to make a few observations following upon the submission of the United Kingdom programme and upon certain speeches; in particular, that of M. Paul-Boncour.

M. Buero thought that the Bureau was about to set the Conference to work upon a task which was much more limited than that for which the States had been convened to the Conference. Doubtless European problems were the main concern, because, at the present time, Europe was really the storm centre of the world. M. Buero could only accept M. Paul-Boncour's affirmation that certain features of the United Kingdom programme, particularly in Chapter II, coincided *de facto* if not *de jure* with the French proposals, and the adoption of that programme at once made it possible to study the conditions which the French delegation considered indispensable for the examination of the disarmament problem. As M. Paul-Boncour had observed, however, the United Kingdom programme involved differential treatment for political questions and for questions relating purely to disarmament. The political questions were handed over to the Political Commission—that was to say, to all the delegations to the Conference, whereas the technical disarmament questions—in other words, the concrete questions of land, naval and air disarmament—were to be reserved for the Bureau, which would make the necessary proposals. In M. Buero's view, this difference of treatment was open to objections which M. Paul-Boncour had emphasised. The discussions would not proceed at the same rate in both directions. Although there were advantages in referring certain problems for study to a smaller organ, M. Buero could not see why there would not be the same advantages in studying political problems in exactly the same manner. His own preference would be for the reverse procedure—that was to say, to submit the examination of both categories of problems to the General Commission. If, however, it were thought very much easier to reach agreement in a smaller body; and, in view of the fact that the Bureau's meetings were public, M. Buero saw no objection to the Bureau studying both problems—that was to say, the political problem and the problem of effectives. He thought it futile to pretend that certain purely technical questions could be settled without satisfying certain requirements in the political field.

M. Buero was Rapporteur for the question of offensive armaments, and he had not yet been able to finish his work. After having got into touch with the principal delegations, he had come to the very definite conclusion that the questions of security and disarmament were so closely interconnected, in the view of certain delegations, that it was useless to attempt to settle one without the other. If both sets of problems were examined by similar organs, all the delegations would have an assurance that the different views would be studied and weighed simultaneously. Whatever decision were taken by the organ to which the various problems were referred, it could not be allowed that a small body should study certain disarmament questions and that the political questions should be dealt with by a larger commission.

The continuation of the discussion was adjourned to the next meeting.

THIRTY-NINTH MEETING (PUBLIC)

Held on Friday, February 10th, 1933, at 3.30 p.m.

Chairman : Mr. HENDERSON.

55. PREPARATION OF THE AGENDA OF THE FORTHCOMING MEETINGS OF THE GENERAL COMMISSION (*continuation*).

The CHAIRMAN called upon the Bureau to continue the discussion opened at the last meeting on the basis of the United Kingdom proposals (document Conf.D.154).

M. MOTTA (Switzerland) took as his starting-point the idea that the delegations represented on the Bureau were only called upon to discuss questions of method and ought not therefore to deal with matters of substance. If that were admitted, two groups of problems arose, and the Bureau had to consider what would be the most rational method of dealing with them. In the first place, there were all the questions inseparable from what was formerly called security and was now given the wider appellation of organisation of peace; secondly, there were the questions directly connected with disarmament in the strict sense of the term. The proposals regarding the first group of questions were those contained in the French delegation's plan¹ and those which, without constituting a definite plan were nevertheless connected with the French plan—he referred to the United Kingdom proposals.

It was already practically agreed that all questions concerning the organisation of peace should be dealt with by the Political Commission, a concept which the Bureau had accepted. In this connection, he had only one objection to raise, but it was a serious one concerning the United Kingdom proposal to set up a Commission of continental European States to examine questions connected with the consultative pact. His objection to this proposal was that, if the delegations accepted it, their acceptance would imply that they had already settled a point, which in fact ought to be discussed: in other words, it would imply that, from the outset, they had eliminated the United Kingdom from the European States. A few days previously, however, in the General Commission, several States—not minor States, but countries like Italy, Germany, etc.—had said that the question of the inclusion of the United Kingdom was an essential one. Would it not be much simpler if the question of the organisation of peace, in all its parts, were referred to the Political Commission? All the European Powers were represented thereon. It would be of interest to non-European States, whose presence could not embarrass the European States, to learn how the latter intended to deal with the organisation of peace. Their presence was therefore desirable.

The other group of questions which referred to disarmament proper might be subdivided into several smaller groups—effectives, material, air forces, etc. Certain questions transcended the strict problem of disarmament—namely, supervision, chemical, bacterial and incendiary warfare, etc.—but M. Motta merely proposed to discuss disarmament proper. In this connection an extremely important question of principle had to be settled: the United Kingdom delegation, for reasons which he understood, proposed that all these questions should be decided by the Bureau, which, in any case, would be called upon to carry out all the preparatory work. Naturally, the delegation in question did not ask that the Bureau should settle these questions definitely. It was admitted that the Bureau's task was to prepare and facilitate the study of questions and to "sift" the various topics, so to speak, as it had already done in the case of questions of supervision of chemical warfare which, though not definitely settled, were nevertheless ready for discussion by the General Commission.

¹ Document Conf.D.146.

He quite understood that very many delegates desired to apply this method to questions of disarmament proper. One serious objection, however, might be raised to this procedure : the Bureau had been able to proceed thus at a time when the Disarmament Conference had not yet really resumed its work. Now all the delegations had returned to Geneva and, since the Bureau consisted of only fifteen delegations at the most, it was to be feared that the delegates of more than forty countries would take no part in the discussions and would be reduced to the role of passive observers. Was such a procedure either opportune or wise ? Was it not preferable to refer back to the General Commission all the questions connected with disarmament proper ? He could foresee the argument which would be advanced against this suggestion : the General Commission was too large a body and it would be better that these questions should be examined by a smaller number of persons ; the discussion would be shorter and more to the point. M. Motta was not convinced of the value of this argument. All the delegations present felt that the time for speeches was past and that the delegations must now resign themselves to dealing no longer with general questions, in order that definite action might now be taken. He felt sure that, even in the General Commission, the discussions would not be more lengthy than in the Bureau. Obviously the Commission would be bound to appoint sub-commissions, but that was what the Bureau would also do if it decided itself to examine questions of disarmament.

The simplest procedure therefore would be to refer the questions of general policy to the Political Commission and questions concerning disarmament to the General Commission. This solution was the more indicated in that the decisions would have to be taken, not by technical experts, but by statesmen, who must represent in the Conference the opinion of their Governments. He admitted that the discussions would not always run smoothly, but they would not in the Bureau either.

One of the most serious obstacles in the way of satisfactory progress was that the work of the two Commissions would be parallel, or, at any rate, nearly so. For many countries, however, the measure of disarmament was determined by the degree of the organisation of peace. He did not think, though, that there were any delegations which stated that, if the organisation of peace made no progress, disarmament was not possible. Such a declaration would be contrary to the letter and spirit of Article 8 of the Covenant. On the other hand, many delegations, including in particular the French delegation, had stated that, so far as they were concerned, the measure of disarmament would depend on the progress achieved in the organisation of peace. It was perfectly clear that the moment of psychological crisis—a term not to be taken in its alarmist sense—the time when definite positions would have to be taken up was near. Perhaps the various countries would finally realise that they had placed their hopes too high and would have to be content with a modest achievement. If that achievement were a beginning, a first stage, the affirmation of a permanent and continuous intention, then such a result, in spite of the disappointment it might cause to public opinion, would, in his opinion, be of infinite value.

M. NADOLNY (Germany) felt sure that the representative of the United Kingdom would not oppose the suggestion he had made at the previous meeting to the effect that Chapter I of the British proposals should be omitted. In the light of the statements made by the other delegations, he thought that his proposal would be accepted. He observed with very particular satisfaction that the French delegation had supported it.

Moreover, he had noted in the explanations given by M. Paul-Boncour on the previous day a certain number of points to which he was bound to refer. The French delegate had emphasised the scope of the agreement of December 11th, 1932, in relation to the work of the Conference. M. Nadolny did not feel that it was desirable to follow M. Paul-Boncour along this path, since a detailed explanation would only lead to a discussion of principle which both he and M. Paul-Boncour desired to avoid. He would merely state that the arrangement of December 11th was, and must continue to be, the basis for Germany's participation in the work of the Conference. His country would not depart from that basis as long as it participated in that work.

The French delegate had then set out clearly his Government's views regarding security ; he had said that new contractual guarantees were a previous condition for an effective and considerable reduction in armaments. Germany's point of view was different ; she held that the real task of the Conference was, not to provide fresh contractual guarantees, but to take one decisive step along the path of disarmament. That was the best means of increasing general confidence. This view was shared by other delegations. Nevertheless, Germany was prepared to enter with perfect goodwill into a discussion of the French proposals. M. Nadolny reminded the Commission that he himself had suggested the simultaneous discussion of these proposals and the more general question of disarmament. He thought that the questions of principle had been sufficiently discussed and that the moment had now come to achieve some practical result. In this connection, the German delegation desired to express its opinion regarding the question of procedure, although it did not attach very great importance to that point. Indeed, experience had shown that a small group might sometimes work very slowly and a large assembly very fast. It all depended on the manner in which the proceedings were conducted, and in this respect he had entire confidence in the will both of the President and of all the delegations to secure results.

As regarded the contents of the programme, he did not know whether the details should be discussed immediately or later, but supposed that the President would, in due course, explain the procedure to be followed.

With regard to the programme as a whole, two questions called for explanations. He referred, in the first place, to the two points mentioned under the heading A of Chapter II ("Security"). Unless he was mistaken, the French delegate had proposed that the first point should be left on one side for a moment, so that the second—which referred to the plan of mutual assistance—might be dealt with immediately. The United Kingdom proposal, on the contrary, was that the question of non-resort to force should be settled first. The German delegation preferred the second method, and that for practical reasons. M. Nadolny was of opinion that this question could be settled very rapidly.

The second point concerned M. Paul-Boncour's explanations regarding effectives and material. The French delegate proposed that the question of effectives should be settled first, the question of material being dealt with subsequently, because the settlement of the latter depended on the former. He agreed that the two problems were to a certain extent interdependent. As the Conference, however, had already made some progress in the matter of material, it would be preferable to take this question up immediately, since it was connected with qualitative disarmament, and its solution ought not to be delayed any longer.

Mr. EDEN (United Kingdom) thanked the Bureau for its favourable reception of the United Kingdom delegation's proposals, and proceeded to reply to the comments of the different delegates, beginning with the suggestions put forward by M. Paul-Boncour. M. Paul-Boncour had pointed out, amongst other things, that the programme proposed by the United Kingdom did not take all questions into account, and that some of those which it left out of account—for example, the question of supervision—were of immediate importance. But it was precisely because progress had already been made with the consideration of those questions that the United Kingdom delegation was not including them in its programme, and was concentrating on important problems with which no progress had been made. But the programme was not exclusive, and other points could be embodied in it, if desired. The United Kingdom proposals should be regarded merely as a series of suggestions with a view to a large programme.

M. Paul-Boncour and M. Nadolny had further stated that they preferred not to discuss Chapter I. He had no objection; the most important section from the practical point of view was, in fact, Chapter II. He was prepared therefore to agree to the immediate discussion of Chapter II. M. Paul-Boncour had made the point that the Bureau's work must be submitted to the General Commission for approval. Mr. Eden entirely agreed; but that need not necessarily mean that every point in the programme must be discussed by the General Commission. On that he was not altogether in agreement with M. Motta. The United Kingdom delegation considered that the Bureau had a right to take part in all discussions, as it had done in the case of the question of supervision.

The question of security should be referred to the Political Commission, which would no doubt appoint a sub-committee to consider the second point of the heading "Security" in the United Kingdom proposals in connection with Chapter III of the French plan. The French delegate had pointed out that the United Kingdom proposal did not cover the consultative pact. That was true; but Mr. Eden had pointed out on the previous day that the pact represented the kernel of the chapter in the French plan relating to security. The United States delegate at the time had said that it would be more helpful to discuss this question later, as it could be taken up at any point.

M. Paul-Boncour's principal criticism was in connection with the question of synchronisation. Mr. Eden thought it would not be practicable, if rapid progress was to be made, to adhere to too rigorous a system of parallel advance. He saw no reason for moving with the slowest Commission, if any other Commission was prepared to go quicker. If certain delegations desired to maintain a connection between the consideration of certain aspects of disarmament and that of the question of security, they could always make their acceptance of one group of questions dependent on the acceptance of the other group. He personally had no objection to the reference of that part of the programme relating to disarmament to the General Commission, instead of the Bureau continuing to deal with it. It was not, in his view, a very important point. If his delegation had suggested its consideration by the Bureau, that was because it regarded the Bureau as a kind of sub-committee of the Conference. But there was one indispensable condition to the reference of this part of the programme to the General Commission—namely, that the General Commission must be asked at once to appoint the sub-committees to consider all the questions in Chapter II, B ("Effectives, Land War Material, Air, etc."). To deal with these questions one after the other in the plenary Commission would mean, amongst other serious disadvantages, that progress would be very slow. If the United Kingdom programme were referred to the General Commission with a recommendation in the sense he had indicated, the Bureau would have accomplished a serious and concrete effort to accelerate the work of the Conference.

The Swedish delegate had remarked that there was already a Committee on Effectives which, he suggested, was dying of inanition. Mr. Eden thought rather that it was suffering from indigestion. The United Kingdom programme would act on it like a tonic.

It had also been pointed out that there was an Air Commission in existence; but it might be said never to have quitted the ground, and the object of the United Kingdom proposals was to enable it to fly.

Lastly, the Soviet delegation had pointed out that a programme was not a decision. That was true; Mr. Eden readily admitted it. But he hoped that the United Kingdom programme would make it possible to take decisions, and he might add that, in his delegation's opinion, the decisions in question were urgently required.

Count RACZYNSKI (Poland) noted Mr. Eden's statement to the effect that the United Kingdom delegation agreed not to discuss the first part of its proposals. The Polish delegation was glad to see the United Kingdom plan accepted as a starting-point for the future work of the Conference. He also shared the hope expressed by all the previous speakers that the work of the Conference would lead to a definite and concrete text as rapidly as possible. He was prepared to support the views expressed by the German and French delegations in favour of putting on one side Chapter I of the United Kingdom proposal, in which certain principles were laid down, particularly as the list of these principles was far from exhaustive, while certain questions were included which had not been discussed by the competent political organ of the Conference.

He entered the most explicit reservations as to the interpretations which had been given to certain passages of Chapter I ; and he had been glad to hear the lucid and exact explanations given by M. Paul-Boncour with regard to the nature of the Agreement of Five in relation to the work of the Conference.

He entirely agreed with the arguments of various speakers as to the need of adhering to the procedure followed from the first, leaving it to the General Commission to regulate all the essential forms of the Conference's activities.

As regards Chapter II of the United Kingdom proposal, he was prepared to admit that the discussion had shown the desirability of making certain amendments or additions. He thought that the Chairman, with the help of the Vice-Chairman and the Rapporteur, might with advantage submit that chapter at a future meeting with such additions as had been suggested in the course of the debates in the Bureau.

M. DE MADARIAGA (Spain) had five definite points to submit. In the first place, his Government was dubious as to the desirability, after thirteen years, of formulating a new solemn declaration. No doubt the proposal for such a declaration was based on motives of high policy, but there was reason to fear that the States were indulging in what might be called an "inflation of pacts". In his view, the fewer the pacts, the greater the belief in those which existed. If, however, it was held that such a solemn declaration was indispensable, the Spanish Government would agree to it.

In the second place, it might be wondered whether it was practical to discuss the narrower schemes before the wider schemes. There was a natural order of precedence in the matter of obligations assumed ; and it would be difficult for the European countries to commit themselves before knowing what line was going to be taken by the countries regarded as non-European, if not in the geographical sense, at any rate in relation to the pacts. It would be a good thing to link up the two pacts proposed in such a way that the narrower of them should only come into operation when a pronouncement had been made in the wider one on the question of the aggressor.

His three last points related to Chapter II of the United Kingdom proposals. The Spanish Government was prepared to take part in the discussion of the suggestions contained in this chapter. But, in the first place, with regard to the United Kingdom proposal in connection with the air, he must repeat what he had already said in the Bureau—namely, that the constitution of a commission was useless, since the possibilities of complete abolition of military and naval aviation and bombardment from the air were already known. In reality, it was not so much a question of abolition as of obtaining the assent of the great Powers to abolition—a much more difficult task. As regards international supervision of civil aviation, the great air Powers would be compelled sooner or later to appeal to all the Powers, great or small, as no such supervision would be possible without the conclusion of universal arrangements. The Spanish Government was prepared to accede to the proposals put forward, but it was doubtful as to the outcome of any such possibility, since the United Kingdom proposal anticipated future decisions when it said that the Bureau should "fix the maximum unladen weight of military and naval aircraft ; decide as to the disposal of machines exceeding that limit", and so on.

Fourthly, the Spanish delegation had something to say with regard to naval forces. It felt that the United Kingdom proposal under this heading was incomplete. There was no reference to the reduction of tonnage. When the gap between the most powerful of the secondary maritime nations and the least powerful of the great maritime nations were recalled, it could only be concluded that there would have to be a big effort of reduction on the part of the latter before the secondary Powers would be induced to reduce their tonnage.

His last point he regarded as the most important. The Spanish delegation continued to believe that the essential task of the Conference, which it must accomplish if it were not to fail, was the adoption of severe measures for the supervision of the manufacture of arms and of the trade in arms. If the Convention did not contain a very detailed chapter of such a nature as to make it possible to know at any given moment at Geneva itself the whereabouts of arms, the ownership of them, and their quantity and destination, etc., the Conference delegate say that, if there were no reference in the United Kingdom proposals to certain points, that was because a certain progress had already been made with the study of them. The question of the manufacture of arms had made less progress than any other. He accordingly urged the Chairman and the Rapporteur to give the requisite assurances that this question would not be forgotten in the course of the discussion of the programme.

M. SATO (Japan) said that, in the United Kingdom draft, it was proposed that a programme of work should be agreed upon which would take into account *all* the proposals made since the opening of the Conference. He thought that, in these circumstances, every proposal should receive equal and equitable treatment. The United Kingdom proposal provided, on the one hand, for the qualitative and quantitative limitation of all land and air armaments and, on the other hand, for a qualitative limitation of naval armaments. He thought that quantitative disarmament should also be contemplated in the case of naval armaments, and reminded the Bureau that the Japanese delegation had submitted a concrete proposal to this effect¹ which deserved careful study in the same way as all the other proposals regarding naval disarmament.

M. DE VASCONCELLOS (Portugal) said that he was speaking, not as the delegate of his country, but as the Chairman of the National Defence Expenditure Commission. He recalled the fact that, after arduous work, this Commission, which had been instructed to study the questions of budgetary limitation and publicity, had reached the conclusion that budgetary limitation was possible and was now considering how this might be effected. It had already examined about 80 per cent of the military budgets of the whole world, so that its reply would rest on a solid foundation. Unfortunately, the work of this Commission was being passed over in silence, and this was causing it some uneasiness, as it was still unaware, although it had put the question to the General Commission and to the Bureau, whether budgetary limitation was seriously contemplated. In any case, it earnestly hoped that the enormous amount of work which it had done would not prove useless and that the efforts of the past nine months would not have been in vain.

Reverting to the question now before the Bureau, the Portuguese delegate said that he was in favour of its discussion in the General Commission. It was doubtless easier to discuss the matter in the Bureau, which was a comparatively small committee, but he would point out that the majority of the members of the General Commission who spoke most often were also members of the Bureau, so that the latter's discussions did not advance any more rapidly. Moreover, whenever the Bureau failed to take a decision, the question was referred to the General Commission and passed through two stages instead of one; he personally was in favour of a single stage.

Mr. GIBSON (United States of America) said that he had been one of the first to welcome the idea of a general programme, which should be mapped out in advance when rapid progress was desired. The question at issue was whether the Bureau would expedite matters by attempting to draw up a complete plan before the Conference was allowed to proceed on any single point. If this procedure were adopted, it would be necessary to add an infinite number of questions to the plan submitted to the Bureau, and the discussion of all those questions would necessarily involve loss of time and might even result in a new synoptic analysis. Better results could be obtained by adopting a different procedure.

The discussion showed that no delegation was opposed to the reference of points 1 and 2 of head A ("Security") of Chapter II to the Political Commission and of point B (a) ("Effectives") of the same chapter to the General Commission. He proposed that these questions should at once be discussed in the General Commission. The Bureau would continue to sit from time to time, in order to pass on the other questions and to submit them, as and when they were ready, to the appropriate bodies.

This solution in no way prejudged the programme proposed by the United Kingdom; it merely provided that the Conference could pursue its work uninterruptedly, while study of the programme was being continued.

M. MELI DI SORAGNA (Italy) said that his delegation had approved the plan proposed by the United Kingdom, which it regarded as a further example of the empirical nature of the British mind. He was not opposed to the general conception of the procedure of the Conference. Since Mr. Eden had said that he was prepared to withdraw the first part of his proposals, the Italian delegate would not defend them. He was prepared to agree that the General Commission should examine all the points enumerated under head B of Chapter II and that the Political Commission should study points 1 and 2 of head A of the same chapter. As regarded the first of these two points, he shared M. de Madariaga's view. A solemn affirmation not to resort to force was extremely desirable, but it would be dangerous to formulate it unless it were accompanied by positive measures of disarmament. The absence of measures of this kind could only invalidate this declaration at the very moment it was made.

He confessed that he did not altogether understand the purport of Mr. Gibson's remarks. The United Kingdom delegate had agreed that the chapter of his proposals relating to disarmament should be referred to the General Commission, provided that each point was entrusted to a special sub-commission, so that the work might go forward on parallel lines. The delegate of the United States of America thought that the part relating to effectives should be referred to the General Commission, the question of war material being reserved for the Bureau, which would examine the question of procedure. In the opinion of the Italian delegation the question of land war material was possibly that which was ripest and should therefore be treated on absolutely the same footing as the question of effectives, instead of giving way to the latter. The Italian delegate reserved the right, at the moment when the delegations had before

¹ Document Conf.D.150.

them the final draft resolution to be submitted by the Chairman, to submit observations on the chapter relating to land war material. He thought that it would be better to replace the present text by the following or similar words: "The Bureau shall examine the question of the abolition of tanks or shall fix their maximum tonnage". It should not be forgotten that Italy had declared herself in favour of the complete abolition of tanks. These were doubtless questions of drafting, but they might be of some importance, and he would revert to them later.

M. NADOLNY (Germany) also thought that Mr. Gibson's suggestion would only be acceptable if agreement had first been reached on the text of the proposals. As it had already indicated, the German delegation wished to propose some amendments. That was why it was desirable to begin by studying the programme so as to find out whether there was unanimity or not.

Mr. GIBSON (United States of America), replying to the Italian delegate, recognised the importance of the question of land war material. The reason he had not suggested the immediate reference of this question to the General Commission was because the delegations would still have a great deal to say on this point, but he had no deep-rooted objection to it. The Bureau would doubtless continue to examine all the questions and would refer them, as and when they were ripe, to the General Commission.

In reply to M. Nadolny, he pointed out that, if the German delegation had amendments to submit, an examination of the text of the proposals to be submitted was obviously essential. He had thought that unanimity had already been reached as regards the reference of all the questions to the relevant Commissions.

M. BUERO (Uruguay) said that the United States delegate had expressed exactly what he had intended to say. As Rapporteur on questions relating to land war material, he could say that those questions were not so ripe as the Italian delegation thought. They were, in fact, closely bound up with the political questions which would have to be referred to the Political Commission. Until the Conference had decided what action should be taken in regard to these questions, it would be very difficult to arrive at an agreement concerning land armaments. He therefore thought that Mr. Gibson's proposal was a very good way out of the difficulty. The Bureau must also study the question of material. He had not yet been able to submit his report as bases of agreement were lacking. It was to be hoped that Mr. Gibson's suggestion would enable those bases to be found.

M. PAUL-BONCOUR (France) said that, as regarded the question of procedure, the French delegation was quite prepared to accept Mr. Gibson's proposal. To prevent any misunderstanding as to his delegation's views he added that it was solely concerned with the order in which the work would be taken. The United States and United Kingdom proposals constituted to some extent a guarantee that the States Members of the Conference definitely approved certain of the questions set forth in the French plan. He reminded the Bureau that he had clearly and frankly stated that the attitudes adopted by the delegations would depend on their acceptance or rejection of the essential parts of the French plan.

There were great advantages in referring first of all the question of effectives to the General Commission to be dealt with by the latter. It would only be possible for the French delegation to give its opinion as to a reduction of material when it knew what decision would be taken on effectives and the standardisation of the armed forces of continental Europe. As regards this organisation, the French plan contained an idea which the French delegation considered a good one—it introduced complete equality in this matter. That was a proposal on which the Conference would have to pronounce in the first place. As regards the questions of substance and procedure, M. Paul-Boncour shared the views of the delegates of the United Kingdom and the United States of America.

He understood M. Nadolny's observation concerning the wording of the United Kingdom draft, especially as he himself would have reservations to make. However, the delegations would be better able to propose amendments in the General Commission than in the Bureau.

M. NADOLNY (Germany) regretted that he was not altogether in agreement with M. Paul-Boncour. As regarded the question of unanimity, it was not merely a matter of differences in wording, but of questions of substance which the German delegation considered of great importance. For that reason a preliminary discussion was essential.

As regarded the question of war material, he had already stated that his delegation attached great importance to this problem, which should not give way to the question of effectives. The number of effectives could obviously be fixed far more definitely if it were known which arms would be allowed and which prohibited. In other words, the question of qualitative disarmament, to which the Conference had always attached great importance, should be dealt with first. The question of effectives should come afterwards. In this connection he shared the views of the Italian delegate.

The CHAIRMAN, summing up the discussion, thought he could say that, in accordance with the suggestions made by Mr. Gibson and other delegates, head A of Chapter II ("Security") of the United Kingdom proposals should be referred to the Political Commission

and head B (a) (" Effectives ") to the General Commission, in which each delegate would have an opportunity of suggesting the manner in which he considered that the question should be studied. The Bureau would then decide what other question should be submitted to the General Commission and would draw up a series of further questions as and when they were ripe. Lastly, the Bureau would not lose sight of the question of the manufacture of arms. He was not yet aware whether it would be necessary to take a decision on the final text of the United Kingdom proposal. Personally, he would have preferred to refer the whole of head B to the General Commission, but, since unanimity had not been reached on this point, this would be done in the manner he had just indicated.

M. NADOLNY (Germany) was doubtful whether the Bureau was actually competent to transfer a question to the Political Commission. In his opinion, the whole programme should first be approved by the General Commission, which was alone competent to deal with the matter. He also was of opinion that it was preferable to refer the whole of head B to the General Commission, after first drawing up in the Bureau a final text of the programme.

The CHAIRMAN replied that the procedure he himself had indicated was quite correct. At the next meeting of the General Commission he would submit a report on the decisions taken that day by the Bureau, and in one of the recommendations it would be suggested that the Political Commission should be convened so that the political question in all its aspects might be submitted to that Commission.

The Chairman then asked whether the delegations had any objection to the convening by the General Commission of the Political Commission for the purpose of submitting to it the questions relating to security.

The Bureau adopted this proposal.

The CHAIRMAN asked whether opinions were divided in the Bureau as to head B. Should the whole of that head be referred to the General Commission or paragraph (a) alone and the other questions later ?

M. MELI DI SORAGNA (Italy) thought that head B should be referred as a whole to the General Commission and that all the delegations were agreed on this point. However, if it were decided to refer the various points enumerated under head B as and when they were ripe, he would have no objection to this, but he preferred that they should be referred to the Commission *en bloc*, merely the headings being given so as to avoid a discussion on formal questions. He thought that by this procedure the difficulty could be got over.

Mr. EDEN (United Kingdom) thought that the simplest method would be to refer head B *en bloc* to the General Commission, which would be asked to take the questions in the order in which they were given in the United Kingdom proposal.

M. NADOLNY (Germany) agreed to this procedure, subject to the right to submit observations in the General Commission.

M. MELI DI SORAGNA (Italy) pointed out that the suggestion which Mr. Eden had just made was similar to that of Mr. Gibson. He regretted his inability to accept it and made a reservation which he asked to be inserted in the Minutes.

The CHAIRMAN said that note would be taken of this, but observed that the General Commission must obviously begin its work by examining one question or another. In his opinion the work of the General Commission and that of the Political Commission should go forward *pari passu*, in view of the importance of dealing with these kinds of questions jointly. He hoped that the Bureau would accept Mr. Eden's last proposal.

M. NADOLNY (Germany) thought that, in practice, the problem of the order of the questions could easily be settled : the General Commission would doubtless submit the question of effectives to the Committee on Effectives, and would itself deal with war material. For that reason, the German delegation did not make the same reservation as the Italian delegation.

The proposal made by the United Kingdom delegation was adopted.

FORTIETH MEETING (PRIVATE).

Held on Thursday, April 27th, 1933, at 10.30 a.m.

Chairman: Mr. A. HENDERSON.

56. QUESTIONS OF PROCEDURE ARISING OUT OF THE GENERAL COMMISSION'S EXAMINATION OF PART I (SECURITY) OF THE DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION.

The CHAIRMAN felt he should explain why he had convened the Bureau. After examining carefully Mr. Norman Davis's important declaration before the General Commission,¹ and considering its effects on the discussion of Part I of the United Kingdom plan² and the amendments thereto, he had reached the conclusion that possibly nothing was to be gained for the moment by continuing in the General Commission the discussions on Part I of the plan. He did not know on what date Mr. Norman Davis would be able to make the statement to which he had referred on the previous day, and which would certainly have considerable influence on the subsequent work of the Conference. In these circumstances, the Chairman had felt that the Bureau should consider the possibility of suspending the discussion of Part I of the United Kingdom plan and passing immediately to Part II. He felt, moreover, that the greater the extent of disarmament achieved as a result of the examination of Part II, the greater would be the measure of security attained. He therefore thought it would be better to continue the work in the manner he had just indicated, for Part II of the United Kingdom plan would undoubtedly call forth a fairly lengthy discussion.

The Chairman desired to draw attention to another point. The World Economic Conference would meet shortly, and June 12th had even been suggested for that meeting. The Disarmament Conference might possibly contribute to the success of the Economic Conference if it reached definite decisions on Part II of the United Kingdom plan—that was to say, on the extent of disarmament. To achieve that result the Conference must work quickly, for June 12th was fairly near, and, further, account must be taken of the Whitsuntide vacation, which might possibly be shortened as far as possible but which it would be difficult to do away with altogether. It might also prove necessary, as an exceptional measure, to hold two meetings of the General Commission a day.

In view of these considerations and after consulting the Secretary-General and various delegations, the President of the Conference had felt he should submit these various points to the Bureau.

M. DI SORAGNA (Italy) said that the Italian delegation was quite prepared to accept any procedure selected by the Bureau. It saw no objection to breaking off the General Commission's examination of Part I of the United Kingdom plan and passing to Part II. During the Conference's proceedings, the Italian delegation had always maintained that the chief aim was to bring about effective disarmament, and that security would be the result of the success achieved in the sphere of disarmament. M. di Soragna was therefore acting quite consistently in supporting the Chairman's proposal.

He pointed out, however, that after taking cognisance of the United Kingdom plan, the Italian delegation had stated that it would refrain from submitting amendments, even on technical points, the integral acceptance of which appeared to its experts to be very difficult. Indeed, it felt that the United Kingdom plan was of such value for the Conference's success that the Italian Government had decided that political considerations took precedence of all others, and that, in these circumstances, it was necessary to throw overboard all national and selfish preoccupations in the interests of the common cause. That attitude was naturally subject to the reservation that the other delegations acted in the same way.

If it were decided to examine Part II before adopting any definite resolution with regard to Part I, the Italian delegation would be in an embarrassing situation. It would be difficult for it to refrain from submitting amendments required in the national interest. Indeed, certain delegations took a very keen interest in Part I of the plan and had submitted amendments.³ The Italian delegation would be unable to maintain its altruistic attitude with regard to Part II if the other delegations did not adopt the same attitude with regard to those parts which more specially concerned them. Each of them must make sacrifices in the common cause.

¹ See Minutes of the fifty-second meeting of the General Commission.

² Document Conf.D.157 and *addendum*.

³ See Minutes of the fifty-first and fifty-second meetings of the General Commission.

M. di Soragna, moreover, was not in the least pessimistic. He still hoped that Part I of the plan would be adopted without any fundamental change. In that event, any amendment which the Italian delegation might have to submit would be withdrawn, and the Italian delegation would maintain the attitude it had taken up in the General Commission.¹

M. NADOLNY (Germany) noted that the General Commission was at present unable to complete its work on Part I of the United Kingdom plan by taking a vote. The Bureau must therefore seek a practical method by which the work could continue. He pointed out, with regard to Part I, that the General Commission had had before it the United Kingdom plan and various important amendments and had then been faced with Mr. Norman Davis's declaration. It therefore seemed that the question was not ripe for a decision. The same situation would undoubtedly arise with regard to other parts of the plan. It was, in fact, impossible in a few days to reconcile divergent points of view on very important problems. In M. Nadolny's opinion, the most practical procedure would be to adopt the Chairman's proposal and to continue the examination of the United Kingdom plan. That examination would be a kind of first reading, and this procedure should, he thought, give full satisfaction to the Italian delegation, and enable it to ascertain the attitude of the other delegations. Generally speaking, it would thus be possible to see in what way a Convention could be worked out. When this first reading was concluded, the Conference would know the decision of the United States of America with regard to Part I, and would be able to take a final decision on the various parts of the United Kingdom plan.

M. MASSIGLI (France) had been very much struck by M. di Soragna's observations. He did not think, however, that the proposal to adjourn Part I was absolutely incompatible with M. di Soragna's anxiety, which was perhaps rather connected with the political questions arising out of Article 6 than with the general problems raised by Articles 1 to 5. M. Massigli wondered whether the time had not perhaps come, seeing that there was some difficulty in continuing the examination of Part I, to start up the machinery for preparing Annexes X and Y mentioned in Article 6. The General Commission had already taken decisions of principle on these points. It might perhaps be possible to see what could be done by the European States without awaiting the declaration of the United States of America.

M. Massigli was entirely in favour of M. Nadolny's proposal to proceed with a first reading of the United Kingdom plan. This idea of a first reading was, in M. Massigli's opinion, fundamental. He recalled that, before the Easter vacation, he had often urged that the work of the technical Committees, and in particular of the Committee on Effectives, should be pursued actively. During the fiftieth meeting of the General Commission he had said² that, "when Governments had to estimate the effort of reduction demanded of them, they would need to know how it would balance out among the different countries in question. In other words, they would wish to know which among the various categories of national forces were those to which the limitations would apply." But the Committee on Effectives had not appreciably speeded up its work and, in fact, had not resumed it up to the present. M. Massigli felt bound to point out that, until the Committee on Effectives had concluded its work, the work of the General Commission on Part II of the United Kingdom plan could only be quite provisional. When it was in possession of the conclusions of the Committee on Effectives, it would be able to ascertain the value of the proposed definitions, and to see whether they could be accepted or whether others must be sought.

In M. Massigli's opinion, it would therefore be useful to do concrete work, but he felt bound to point out that, if it were desired that the technical Committees should speed up their work, difficulties might be encountered in connection with personnel. Most of the delegations had only a small number of technical advisers, so that when the General Commission was sitting the other Committees could not meet. It must therefore be ascertained whether it was desired that the work of those Committees should be continued slowly or whether, on the contrary, it should not be speeded up.

Mr. EDEN (United Kingdom) said he had been very much struck by M. Massigli's arguments in favour of accelerating the work of the Committee on Effectives. But he also saw the force of certain political considerations. On the previous day, the General Commission had adjourned the debate on Part I of the United Kingdom plan. It had had very good reasons for doing so, and there was no doubt that, when the debate was resumed, there would be more likelihood of reaching satisfactory results. But the psychological effect on those outside the Conference must also be borne in mind. To suspend the General Commission's proceedings in order that the Committees might set to work would have a very bad effect on public opinion. Mr. Eden therefore proposed that the General Commission should continue its work, passing to Part II of the plan, and that, at the same time, the work of the Committee on Effectives should be speeded up.

M. BOURQUIN (Belgium) considered that Mr. Eden's proposal, which he supported, took as much account as possible of the various aspects of the question. He also desired, however, to support M. Massigli's suggestion with regard to the examination of the questions raised by

¹ See Minutes of the forty-eighth meeting of the General Commission, page 372.

² See Minutes of the General Commission, page 390.

Article 6 of the United Kingdom draft. These questions might be studied outside the General Commission. M. Bourquin recalled that various proposals in regard to this matter had already been made—in particular, the Soviet proposal for the definition of the aggressor¹ and the Belgian proposal with regard to the Commission for establishing the facts.² These proposals had all been referred already to a special Committee,³ which had begun its work. Consequently, if it were decided that the General Commission should suspend its examination of Part I of the United Kingdom plan, the special Committee in question might be asked to continue to examine the problems already before it, together with any others that might be referred to it.

M. LANGE (Norway) agreed with M. Bourquin.

As Vice-Chairman of the Air Committee, however, he desired the Bureau to clear up one specific point. Several delegations had asked that the Air Committee should resume its work. Personally, M. Lange thought that the moment the General Commission adopted the United Kingdom plan as a basis of discussion, it became necessary to suspend the Air Committee's discussions until the General Commission had expressed its views on the chapter of the plan relating to air questions. M. Lange desired to know the Bureau's opinion on this point.

M. NADOLNY (Germany) fully approved the proposals of Mr. Eden and M. Bourquin, which he thought most practical.

With regard to the question raised by M. Lange, however, M. Nadolny thought that it would be better for the Air Committee to continue its work. The latter was already at a very advanced stage, but the Committee still had to examine one fundamental question—that of the complete abolition of military aviation. As Article 35 of the United Kingdom plan dealt with this question, it would be advisable for the Air Committee to study it. M. Nadolny thought, in fact, that it would be better to settle this question in the Convention rather than to leave it to the Permanent Disarmament Commission, as provided by the United Kingdom plan.

M. MASSIGLI (France) endorsed M. Nadolny's observations. He agreed with him that the Air Committee should be allowed to continue its work but that its task should not be confined to the United Kingdom plan, since it already had a definite programme of work.

Mr. Norman DAVIS (United States of America) did not think that the postponement of the discussion of Part I of the United Kingdom plan would be regarded with disfavour by public opinion. The United States of America were eager to find a means of collaborating with the League. The only question was in regard to the practical ways and means of this collaboration. In these circumstances, public opinion, or at all events intelligent public opinion, would doubtless recognise the wisdom of postponing the discussion of Part I. Moreover, public opinion was chiefly concerned about the absence of far-reaching discussions on disarmament in the proper sense of the term. Progress would therefore be made if, as M. Nadolny had suggested, the General Commission passed on at once to a first reading of Part II and the other parts of the United Kingdom plan. Moreover, decisions in regard to Part I would largely depend on the decisions taken on the other parts of the plan.

As regarded the Air Committee, he thought that it was difficult to get anywhere without knowing where one was going, and he considered it logical to wait until the General Commission had examined the part of the plan dealing with air armaments. Only then would it be known exactly what questions were to be referred to the Air Committee.

The CHAIRMAN wished to define the attitude he had adopted in regard to the work of the technical Committees. Those Committees had been set up before the General Commission had adopted the United Kingdom plan as a basis for discussion. Once this decision had been taken, the position was changed and he had not insisted that the Committees should continue their work. He had thought it best to leave it to the Chairman of each Committee to decide whether it could usefully discuss certain questions in the light of the United Kingdom plan. Whenever he had been consulted he had advised the Committees not to meet until some definite question had been submitted to them. He thought that this was a logical attitude, as the General Commission was not at present discussing a report but a draft Convention.

Mr. EDEN (United Kingdom) shared the views expressed by the Chairman. At the present time the General Commission was working on the basis of a draft Convention, and he did not see what the Committees could do until the former had expressed its views. Moreover, the meeting of the different Committees gave rise to difficulties in the matter of personnel, and, in his opinion, the examination of the draft Convention should take precedence over all other work.

¹ See Minutes of the thirty-first meeting of the General Commission, page 237.

² See Document Conf.D./C.P.12.

³ See Minutes of the eighth meeting of the Political Commission, page 56.

M. DOVGALEVSKY (Union of Soviet Socialist Republics) agreed with the Chairman. The Bureau had been summoned to deal with a somewhat unexpected situation. When the General Commission resumed its work on April 25th, the President had expressed the hope that it would be able to get through that work quickly so as to complete the examination of the draft and have the Convention ready for adoption in two months' time. The very next day an obstacle had cropped up and the Bureau was now endeavouring to find a solution for this new difficulty. So far, only expedients had been proposed. The Soviet delegate agreed with the Chairman that these expedients should be rejected.

With reference to M. Nadolny's proposal, he pointed out that this was also an expedient. M. Nadolny had proposed an innovation—namely, the system of several readings. He did not think that this would serve any useful purpose, and to illustrate his contention he observed that the Italian delegate had already stated the course which he proposed to pursue; he would reserve his attitude until he knew what attitude would be taken by the other delegations. Under such conditions it was easy to be altruistic; at the first reading, which would be quickly completed, one would say nothing, but a second reading would be necessary later. He was therefore opposed to the innovation proposed by M. Nadolny, which he thought would be purely and simply a waste of time.

M. Dovgalevsky noted that it was impossible to continue the examination of Part I. He did not think it was feasible to pass on to Part II, in regard to which the delegations, and particularly the Soviet delegation, were not in a position to submit amendments.

As regarded the work of the Committees, that matter had been definitely settled by the Chairman.

In conclusion, there was no use looking for expedients which would deceive no one; he made this statement at the risk of being accused of belonging to that unintelligent public opinion to which reference had been made. The Conference was faced with a situation for which it was not responsible—the impossibility of continuing its work. The obvious conclusion should be drawn.

M. DI SORAGNA (Italy) wished to reply to M. Dovgalevsky, who had criticised, although very courteously, the Italian delegate's attitude. He explained that this attitude was a consequence of the proposed procedure. The Italian delegation had undertaken to refrain from proposing amendments provided the United Kingdom plan was adopted without any substantial modifications. If, therefore, the General Commission passed on to Part II without taking any decision on the important modifications proposed to Part I, the Italian delegation would be obliged to cover itself by submitting certain amendments which it would withdraw if it were decided to return to the original plan or if a reasonable agreement were reached. He did not think that this clearly defined attitude of the Italian delegation would in any way impede the progress of the Conference's work.

M. DOVGALEVSKY (Union of Soviet Socialist Republics) said that he had not wished in any way to criticise M. di Soragna's attitude. He fully understood and respected the Italian Government's anxieties. In mentioning M. di Soragna's name, he had merely wished to illustrate his own views. His criticism was directed chiefly against M. Nadolny. It was certain that, if the procedure proposed by M. Nadolny were accepted and all the delegations adopted an attitude similar to that of the Italian delegation, no progress would be made by the end of the first reading.

He repeated that the Conference was confronted with a situation which it had not created and for which it was not responsible, but the obvious conclusion must be drawn.

M. NADOLNY (Germany), in reply to M. Dovgalevsky, said that he had merely wished to propose a procedure which should be as practical as possible. He thought it essential to ascertain the views of every delegation on the various points of the United Kingdom plan. It was therefore necessary to go ahead and see what amendments would be proposed.

As regards the technical Committees, different decisions might be taken in the various cases.

M. DE VASCONCELLOS (Portugal) wished to point out that, strictly speaking, M. Nadolny's proposal that there should be several successive readings of the United Kingdom plan did not constitute a real innovation. This procedure had already been applied with excellent results by the Expenditure Commission. That Commission had drawn up a voluminous report, of which there had been three readings. The differences of opinion, which were very marked at the first reading, had been appreciably reduced in the course of the work, so that at the final reading the points of view of the various delegations had become much less divergent.

As regarded the technical Committees, he thought that some of them should continue their work. He reminded the Bureau that Sir John Simon had stated that the draft Convention contained no provisions relating to budgetary limitation nor to traffic in arms, because the relevant Committees had not finished their work.¹ The same observation perhaps applied also to other Committees. In fact, the technical Committees might render valuable assistance to the General Commission if they continued their work within the framework of the United Kingdom plan.

¹ See Minutes of the fiftieth meeting of the General Commission, page 399.

M. WESTMAN (Sweden) shared the views expressed by Mr. Eden and supported his proposal.

As acting Chairman of the Committee on Effectives he said that, when the General Commission had adopted the United Kingdom plan as a basis of discussion, the Committee on Effectives had at once examined its agenda and had unanimously agreed that many of the points submitted to it could be examined on the basis of the United Kingdom plan. The Committee had accordingly resolved to continue its work. It now remained to be decided whether it was advisable for the Committee to suspend its work, which was only half done, so as to enable the General Commission to continue its discussions, or whether it would not be better to allow the Committee on Effectives to continue its work. Personally, he was of opinion that the only practical solution was to expedite the work of the Committee on Effectives and to arrange for it to sit during the next few days.

M. DI SORAGNA (Italy) said that M. de Vasconcellos had indicated that the United Kingdom plan should be supplemented on certain points and in particular by a chapter relating to national defence expenditure. M. di Soragna did not deny that additional chapters could be added to the United Kingdom plan, but he wished to point out that this plan could also be considered as complete in itself and that there was nothing in it to show that such additions were necessary.

The CHAIRMAN drew the following conclusions from the discussion which had just taken place :

1. He proposed to recommend to the General Commission that the examination of Part I of the United Kingdom plan should be suspended and that the Commission should pass on to the examination of Part II. As regarded the amendments to Part II, he hoped that they would be sent to him without delay and, if possible, that same evening, so as to enable the General Commission to resume its work on the following day.

2. He proposed that the Committee on Effectives should be requested to continue and accelerate its work. The Committee on Effectives might meet in the afternoon of that day, on Friday morning and possibly on Saturday, if the General Commission was not sitting. The Committee would study the question of effectives in the light of the United Kingdom plan.

3. As regards the question of security, he proposed that the Committee previously set up by the General Commission to deal with the definition (in the widest sense of the term) of the aggressor should also examine the points raised by Article 6 of the United Kingdom plan, in accordance with M. Massigli's proposal. This Committee might meet at the same time as the Committee on Effectives, when the General Commission was not sitting.

The Chairman's proposals were adopted.

M. NADOLNY (Germany) said that he had proposed that the Air Committee should continue its work. He asked the Bureau to take a decision on this point.

M. MASSIGLI (France) supported M. Nadolny's proposal. If the Air Committee did not at once examine the question of air armaments in the light of the United Kingdom plan, there would be inevitable delay when the General Commission came to examine Chapter 3 of Section II of Part II.

M. LANGE (Norway) recalled that the Committee had been instructed to consider the possibility of completely abolishing military aviation. The United Kingdom plan, which dealt with this problem in Article 35, raised a preliminary question—that of the Permanent Disarmament Commission. It would be difficult for the Air Committee to proceed with its work unless this preliminary question was settled. Further, as several speakers had already pointed out, it might perhaps be difficult, from the point of view of personnel, to organise the meetings of several Committees at the same time.

In conclusion, he requested M. Nadolny not to insist upon the immediate summoning of the Air Committee.

Mr. EDEN (United Kingdom) fully agreed with M. Lange. He had himself been a member of the Air Committee for a long time and he thought it better to wait until the General Commission had expressed its views on the question in order to avoid confusion.

M. NADOLNY (Germany) still thought that it would be highly expedient for the Air Committee to study the problem forthwith, so as to enable the General Commission to take a decision on Article 35. While leaving the decision on this matter to the Bureau, he wished to reserve the right to ask that the work of the Air Committee should be resumed when the examination of Article 35 was begun.

Viscount MUSHAKOJI (Japan) fully endorsed M. Lange's observations.

The CHAIRMAN proposed that the Air Committee should not be asked to resume its work immediately.

The Chairman's proposal was adopted.

FORTY-FIRST MEETING (PRIVATE)

Held on Monday, May 8th, 1933, at 11 a.m.

Chairman: Mr. HENDERSON.

57. QUESTIONS OF PROCEDURE CONCERNING THE CONTINUATION OF THE EXAMINATION BY THE GENERAL COMMISSION OF THE DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION.

The CHAIRMAN reminded the Bureau that, on April 25th,¹ the General Commission had started the discussion, article by article, of Part I of the United Kingdom draft Convention relating to questions of security.

On April 26th,² the representative of the United States, Mr. Norman Davis, had made an important declaration concerning the principle of consultation and its incorporation in a disarmament treaty, and had concluded by suggesting that before reaching a decision with regard to Part I, the Commission might well pass on to other parts of the draft Convention, adding that :

“ At the appropriate time, the United States delegation would be quite willing to revert to the general question dealt with in Part I with a view to giving a more precise indication of the manner in which it considered that the United States could most effectively co-operate.”

The Bureau would also recall that, on the following day, April 27th,³ the Chairman had suggested that, as a result of the statement made by Mr. Norman Davis, it would be a mistake for the time being to discuss Part I. Acting on the Chairman's suggestion, the Bureau had decided to make, among others, the following recommendation to the General Commission :

“ That the General Commission should suspend for the present the examination of Part I of the United Kingdom draft Convention and pass on to the examination of Part II.”

That recommendation had been accepted by the General Commission at its meeting on April 28th.⁴

The General Commission had therefore proceeded to consider Section I of Part II of the United Kingdom draft Convention concerning effectives, and it was probable that, that afternoon, the Commission would complete the last part of that Section—namely, Chapter 3, concerning the methods by which the reductions and reorganisations entailed by the preceding chapters should be effected.

At its first reading of the section on effectives, the General Commission had adopted Articles 7, 8, 10, 11 and 13. On the other hand, it had left over for further consideration several important items, notably Article 9 and its amendment concerning the question of trained reserves, Table I and the amendments thereto concerning actual figures of effectives and the question of the standardisation of European continental armies as provided for in Chapter 2. The amended Article 12 concerning police forces, thanks to the spirit of conciliation exhibited by the delegation most interested in that important question, had been adopted provisionally.

Three courses were now open for the future progress of the work. The Conference could return to Part I—concerning questions of security—but the Chairman understood that the United States was not yet in a position to enter into a discussion of such questions. On the other hand, it might take up for second reading Section I of Part II concerning effectives ; or it might proceed with the first reading of the subsequent articles of the draft Convention, beginning with Section II of Part II, Articles 19 to 22, concerning land material.

The Chairman added that he had limited himself to setting out objectively the three possible courses. To his knowledge, the Bureau had never been called upon to take a decision so fraught with consequences as the decision it would have to take that morning. He asked the members of the Bureau to examine the question carefully before making up their minds.

Mr. EDEN (United Kingdom) said that as the draft had been submitted by his country, he must state the views of His Majesty's Government on the question before the Bureau. The United Kingdom Government thought that, when the first reading of Section I of Part II

¹ See Minutes of the fifty-first meeting of the General Commission.

² See Minutes of the fifty-second meeting of the General Commission.

³ See Minutes of the fortieth meeting of the Bureau.

⁴ See Minutes of the fifty-third meeting of the General Commission.

was concluded, the Commission should immediately pass to the second reading. His Majesty's Government had never claimed that the draft Convention represented the point of view of the United Kingdom only; on the contrary, that document was a balanced text in which an effort had been made to reflect the different opinions which had emerged during the Conference. Mr. Eden drew attention in that connection to M. Bourquin's statement in the General Commission on May 3rd.¹ The Belgian delegate had reminded his colleagues that "a little more than two months previously, the Commission had discussed the standardisation of the continental armies on the basis of the army with short-term service and limited effectives. There had been a thorough discussion, and every conceivable reason of substance and method had been brought forward. Each delegation had taken up a position, and, at the end, the General Commission had been in favour of the principle".

That was one reason why the principle appeared in the draft Convention; it did not express the point of view of the United Kingdom only, but that of the majority of the Conference. Mr. Eden hoped he had shown clearly that, far from desiring to oppose minor amendments, his delegation wished to do its utmost to help forward the Conference. Nevertheless, a clear distinction should be drawn between minor amendments and fundamental amendments. There were, so to speak, a certain number of important supports. If they were removed and not replaced by others, the whole edifice would be in danger of falling. The standardisation of the continental armies of Europe was one of those supports, as the Belgian delegate had himself recognised. If the Conference was able to solve the problem of continental armaments, it would have settled one of the most important and most complicated questions.

The German amendment¹ not only undermined Chapter 2, but destroyed Table I of Chapter 1, the fate of which depended upon the decisions taken with regard to Chapter 2. If the table disappeared, the whole of Section I would be compromised. Still further, the Conference would realise that the table of effectives depended on the question of material, the solution of which was dependent on the solution of the question of effectives.

The delay caused by the request of one delegation could not constitute a valid argument, seeing that the purpose of that delay was to some extent constructive. It was due to that delegation's need for sufficient time to make definite proposals.

The United Kingdom Government had examined the question carefully and was unable to suggest to the Bureau that the discussion of Section II, "Material", should begin, as an important part of the previous section had not been settled. It should not be forgotten that the Conference had accepted as a basis for discussion the draft Convention submitted by the United Kingdom. If an important part of the draft were to disappear, the discussion would become valueless. Several delegations had already stated that they would only accept the document if its final form were more or less the same as its present form. What would be their position if a negative amendment were formulated against a fundamental part of the draft? If the General Commission opened the discussion of a further section before it had settled the preceding part, it would probably compromise the success of its work.

M. NADOLNY (Germany) said that, when the Chairman had convened the Bureau, he had not been aware of the reason. Only later had he understood that the object was to decide whether or not to open the discussion on Section II. The German delegate had been very surprised, seeing that, as the Chairman had just pointed out, the General Commission had decided to leave Part I of the draft Convention aside and to turn to Part II. M. Nadolny did not understand why it was now desired to take up the discussion from the beginning. All the delegates would agree that the questions of material and effectives were closely connected. If no final decision could be reached on one, no final decision could be reached on the other either.

The United Kingdom delegate had said that the draft Convention contained certain important chapters which were its main supports. For the German delegation, the question of equality of rights was also one of those supports and it would be unable to reach a definite decision on effectives or on other questions until it was aware of the attitude of the other delegations with regard to material and equality of rights. Obviously, the last word was not said at the beginning of a discussion, but that did not prevent the discussion being continued and an attempt being made to reach agreement instead of breaking off the discussion and going back to the beginning again. M. Nadolny was therefore very surprised that such a procedure should be suggested.

On the other hand, Mr. Eden had pointed out that, according to several delegations, the United Kingdom draft must be accepted more or less in its present form, with minor amendments. Frankly, M. Nadolny did not regard it in that light, and in this matter he based his opinion on the statements made by the Prime Minister of the United Kingdom in presenting the draft. It was, above all, a basis for discussion with regard to which each delegate was free to propose such amendments as seemed to him expedient in his country's interests. No doubt, it would be impossible to arrive at a convention satisfactory to all, but the German delegate greatly hoped that at any rate an acceptable convention would be established.

The only method of arriving at that goal was to continue the discussion. At the end of the discussion of Part II, it would be time to decide whether it was necessary to take up the second reading of Part I or Part II. He hoped that the Government of the United States of America

¹ See Minutes of the fifty-fifth meeting of the General Commission.

would then be in a position to make known its attitude. In any event, M. Nadolny did not think a decision could be taken until the United States Government was in a position to do that.

In conclusion, the German delegation felt that the best procedure would be to invite all the delegations to submit their amendments to the various articles in Part II. It would then be possible to ascertain their attitude. When the examination of Part II had been concluded, the General Commission would be in a position to adopt a resolution.

The CHAIRMAN noted that there were two proposals before the Bureau : the United Kingdom delegation's proposal that the Commission should return to the beginning of Section I of Part II, and the German delegation's proposal that it should discuss Article 19, which stood at the beginning of Section II, "Material".

M. KÜNZL-JIZERSKY (Czechoslovakia) reminded the Bureau, as had been made clear in the numerous declarations made previously by his delegation, that his Government attached special importance to a solution of the question of security. Nevertheless, in order not to hold up the work of the Conference, the Czechoslovak delegation had not objected to the proposal to adjourn the discussion of Part I temporarily, and to open the discussion on Part II, Section I, "Effectives". It had, however, hoped that, in the interval, an approach would be made to a preliminary solution, at least of the question of effectives ; that would have enabled the delegations, on the basis of the results secured in that sphere, to define their attitude as regards the question of the reduction of material. Unfortunately, no one knew to-day what was the position as regarded either security or effectives. It seemed essential therefore, before going on to discuss Section II, "Material", to know what the army of the future would be. That was a question of principle, coming within the province of effectives, which would have to be cleared up first, because the Czechoslovak Government's attitude to land armaments would depend on the solution given to this question. In his opinion, therefore, the Commission should for the time being proceed to a second reading to Section I, "Effectives".

Mr. WILSON (United States of America) agreed that, logically, the reasonable course to follow would be to give the remainder of the United Kingdom plan a first reading. Unfortunately, events had not taken a logical course. On the question of standardisation, an amendment had already been submitted to the effect that this should not be effected in the framework of the Convention but after the signature of the latter and by the Permanent Disarmament Commission. Similar amendments might, he feared, be expected if the Commission started the study of material in such circumstances. The German delegate had of course given it to be understood that he had not said his last word, and Mr. Wilson was glad to hear it. Would it not be possible either to enter a general reservation or to propose a positive amendment which would enable the Commission to take a decision ? Such a solution would facilitate matters considerably. Mr. Wilson, in any case, was prepared to accept the decision of the majority of the Bureau.

M. MASSIGLI (France) agreed with the Chairman that the Bureau was called upon to take decisions of the greatest importance for the future of the Conference's work. A point had been reached where the situation had to be frankly faced and where, over and above questions of procedure, consideration should be given to the realities which those questions sometimes concealed. In this connection, it was a matter for congratulation that the Bureau was sitting in private, and he trusted that delegations would thus be able to give frank expression to their views.

The situation was as follows : the General Commission had examined, at a first reading, the question of effectives. The German delegate had said that he was rejecting for the moment the chapter on the transformation of continental armies and that he proposed that it should be studied by the Permanent Disarmament Commission later. M. Nadolny had even definitely stated that there could be no question of such transformation in the present Convention. This was a very important problem and a decision regarding it would have facilitated the consideration of the problem of equality of rights. While a negative attitude was being adopted in regard to this question, the consideration was already being given to the application of the principle of equality to the following chapters.

What would be the position, M. Massigli wondered, of some delegations, including his own, if the Commission started to study Section II forthwith ? That, moreover, was the idea underlying the question raised by the Czechoslovak delegate, when he stressed the necessity of knowing what would be the army of the future. It was not sufficient to say that each country would keep a certain type of army ; the size of that army must also be known. What, for instance, was the German delegate's idea of his own country's army ? On that point, the Committee still had no information. But, for several reasons external to the Conference, the moment had arrived when, behind diplomatic formulæ, facts made themselves forcibly felt. It was necessary to know what was happening and what was being planned. During the last week, schemes had been suggested which appeared to have the effect of restoring conscription. Was it going to be introduced while still maintaining the present standing army ? And it was at the same moment that countries which, he admitted, possessed numerical superiority in the matter of material were being asked to forgo some of that superiority ; the thing, of course, was impossible.

The French delegation, nevertheless, did not ask for exact figures ; it merely wanted to know whether or not certain delegations agreed to the standardisation of armies. That question, as had already been stated, was one of the main supports of the Convention. So long as it was not settled, the French delegate did not see how it was possible to open a discussion on another chapter. The General Commission, naturally, could decide its own procedure, but if it resolved to take up at once the examination of the question of material, M. Massigli would be obliged to confine himself to very vague generalities.

M. NADOLNY (Germany), in reply to Mr. Wilson and M. Massigli, pointed out that the German amendment was not in any way an ultimatum. For its form, he bore no responsibility ; he had merely based his text on the form given by the United Kingdom delegation to its proposal on military aviation. As to its content, the amendment should be considered as a proposal pure and simple. It was clear, he repeated, that the last word was never said at the first reading. It was not very certain when it would be said ; everything would depend on the attitude of certain delegations to other questions which Germany regarded as fundamental. If the German delegation obtained concessions on other points, in particular, that of the equality of rights, it would perhaps change its attitude. The French delegate has just said that the question of the transformation of armies was one of the main supports of the Convention. It was undoubtedly so for France, but there were other questions which, to the German delegation, were no less important supports of the draft Convention, particularly Article 8 of the Covenant, the basis of the whole Conference, which must, on no account, be violated.

Mr. EDEN (United Kingdom), referring to M. Nadolny's first statement, explained that, far from questioning the close connection between effectives and material, the United Kingdom delegation, not only recognised this connection, but even held that the draft Convention had been drawn up so as to emphasise it. M. Nadolny had also said that he could give no opinion on effectives until he knew what decisions would be taken on the question of material. If he had always argued on those lines there would have been no very deep divergencies. In point of fact, the German delegation had already expressed its view on the question of effectives ; it had returned a negative answer. If it could substitute a constructive proposal for its negative amendment, the Commission would be able to continue the discussion. Without such a proposal, the United Kingdom delegate still thought it would be difficult to continue the discussion.

M. DI SORAGNA (Italy) thought that the Bureau should choose whichever of the two methods afforded the possibility of an opening which would enable the discussion to be usefully continued. The German delegation's arguments gave certain hints that the General Commission might have more chance of succeeding if it continued its examination of the draft Convention than if it went back to Section I. There were indeed certain connections between the various sections of the plan which might have a favourable influence. He did not see what would be gained by going back to the beginning. On the contrary, while there was nothing to lose by continuing, there might be something to gain. In any case, the delegates would at least feel that they had left nothing untried. The Italian delegation would agree to the procedure adopted by the Bureau.

M. MASSIGLI (France) appreciated M. di Soragna's point of view, but wondered whether any progress would be made by saying that, instead of Articles 1 to 18, Articles 1 to 41 would be examined. He personally did not think so. The reason why the General Commission had been able to obtain some results in connection with a particular point in the chapter on effectives was because it had had already before it the reports of the Technical Committees and account had been taken of these in the United Kingdom proposal. That was not the case as regarded material ; in that matter, an advance could only be made on the lines of the resolution of July 23rd last ; and that would not be going very far.

M. NADOLNY (Germany) explained that, on the question of effectives, his delegation's objections referred to three points : trained reserves, colonial troops, standardisation of armies. Those three questions had still to be examined. In the field of material, there were also three points : disarmament (qualitative limitation), the fixing of a figure, the effect to be given to equality of rights. The German delegation could not commit itself until it knew the attitude of the other delegations. It trusted therefore that the Bureau would unanimously decide to propose that the discussion should be continued up to the end of Part II.

M. MASSIGLI (France) said that no one rejected the principle of qualitative limitation as regarded material, but he did not know whether the principle of qualitative standardisation of armies would be accepted. That was where the difference lay and it was fundamental.

On the CHAIRMAN'S suggestion, *the continuation of the discussion was adjourned until the following day.*

FORTY-SECOND MEETING (PRIVATE).

Held on Tuesday, May 9th, 1933, at 4.30 p.m.

Chairman: Mr. HENDERSON.

58. QUESTIONS OF PROCEDURE CONCERNING THE CONTINUATION OF THE EXAMINATION BY THE GENERAL COMMISSION OF THE DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION (*continuation*).

The CHAIRMAN reminded the Bureau that, at its last meeting, it had been in a somewhat difficult situation. Two proposals had been submitted to it, and, at the end of the meeting, the Chairman had thought it better, in the interests of the Conference, not to proceed to a vote. He had also suggested that he should be authorised as Chairman to consider what would be the best solution, and the Bureau had accepted his suggestion. Since then, the Chairman had had an opportunity of conferring with the delegations more closely concerned. He had now to inform the Bureau that a further delay would be necessary in order that the private conversations might continue; he was convinced that that was the only means of finding a way out which would enable the Conference to continue its work. Two or three days longer might be required for those conversations, which the Chairman proposed to follow himself. If, on Thursday afternoon, he considered it likely that sufficient progress would be made, he would convene the Bureau for Friday morning and the General Commission for Friday afternoon. No one desired more than he that the Conference should be able to continue its work in spite of the unfavourable circumstances of the moment, and should, if possible, reach a conclusion which would enable a drafting committee to get to work and draw up a Convention towards June 12th.

The Chairman was more convinced than ever of the vital necessity of a Convention. He hoped that all the members of the Bureau still desired such a result, although according to the Press, from which the Chairman was obliged to obtain a certain amount of information, some members of the Conference appeared to have lost faith and to think that the delegations should abandon their efforts. That would be the most disastrous situation that could occur. The failure of the Disarmament Conference, after fifteen months' work, would have a demoralising effect on the efforts to be made in London in the economic sphere. The world had need of a Disarmament Convention, and, far from growing less, its need increased from day to day.

The Chairman therefore hoped that the members of the Bureau would approve the suggestion which he had just made, and which he personally felt was the best solution at present. As he had said, he would continue to follow the conversations as well as he could. If it were humanly possible, the Bureau and the General Commission would meet on Friday, but the Chairman would not hide the fact that if it appeared likely that a better understanding would be reached by extending the time allowed for the present conversations, he would not hesitate to take the responsibility of recommending that those conversations should continue for the rest of the week. He hoped that, in that eventuality, the work would be resumed not later than Monday, May 15th. He counted on the Bureau to ask the General Commission to work continuously, sitting twice a day, if necessary, in order to show the London Monetary and Economic Conference that no effort had been spared to achieve results. He pointed out that, in 1924, work had continued until midnight. It was the duty of all, including the Chairman, to work uninterruptedly for the success of the Conference.

No observations having been made on the above statement, the Chairman said that he interpreted the silence of the delegations as signifying that his suggestions were approved unanimously.

FORTY-THIRD MEETING (PRIVATE)

Held on Friday, May 12th, 1933, at 3.30 p.m.

Chairman: Mr. HENDERSON.

59. QUESTIONS OF PROCEDURE CONCERNING THE CONTINUATION OF THE EXAMINATION BY THE GENERAL COMMISSION OF THE DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION (*continuation*).

The CHAIRMAN reminded the Bureau of the difficulties as regards procedure with which it had been confronted at the beginning of the week when, as he had explained at its meeting on Tuesday, he had thought it better in the interests of the Conference not to proceed to a vote. The Bureau would remember that the questions on which the vote might have been taken were whether the Conference should resume the chapter on effectives in second reading, or

should proceed to the discussion in first reading of Part II, Section II, of the United Kingdom draft Convention. Having avoided the vote, the Chairman had informed the Bureau at its last meeting that a further delay would be necessary in the hope that, by private conversations, some understanding might be reached.

The conversations had not produced the desired results and he would presently ask Mr. Eden and M. Nadolny to make short statements on the position. He had therefore reached the conclusion that the best procedure would be to begin a preliminary discussion, in a very broad sense, of Part II, Section II, "Material", of the United Kingdom draft. No amendments would be moved during that discussion, but the delegations would, of course, be free to refer to the question of effectives in view of the close connection between effectives and material. They would also be free to refer to Article 94 of the United Kingdom draft which dealt with the duration of the Convention. The moving of amendments would be reserved for a later stage.

That procedure would be likely to permit delegations to elucidate certain important problems the solution of which would greatly ease the situation and, unless another proposal was made, the Chairman would ask the Bureau to consider this suggested preliminary discussion and, if it approved, to recommend it to the General Commission.

If the preliminary discussion was approved, he proposed to convoke the General Commission for Monday, May 15th, at 3.30 p.m. He made that suggestion on the understanding that, in the interval, the United Kingdom delegation, which was responsible for the draft Convention adopted as the basis of the discussion, would make every effort to examine with the interested delegations the amendments submitted by the latter.

Mr. EDEN (United Kingdom) said that the Chairman and certain of his colleagues had been good enough earlier in the week to charge him with the responsibility of entering into conversations with his German colleague in an attempt to find a basis of agreement upon the problems which were holding up the work of the Conference. Those conversations had taken place, but unfortunately they had not led to the discovery of a basis for agreement. Mr. Eden had therefore reported on the position to the Chairman and those of his colleagues who had asked him to enter into the conversations.

For his part, he could only add that he cordially agreed with the procedure suggested by the Chairman. It was clearly necessary that the Conference should examine at an early date the position in which it now found itself, and it seemed to him that the proposed procedure was admirably calculated to that end. He added that he was doubtful whether he would serve any useful purpose by examining amendments prior to the discussion, and would suggest that that examination should be held over until the results of the conversations were known.

M. NADOLNY (Germany) said he had very little to add to Mr. Eden's explanations. He and M. Nadolny had done their utmost to reach an agreement. Personally, M. Nadolny was fully conscious that he had done everything in his power to enable the Conference to proceed with its work, while bearing in mind the interests of his country. While the conversations had not been successful, M. Nadolny was nevertheless under the impression, which Mr. Eden doubtless shared, that something had been gained and that the subsequent procedure contemplated by the Chairman would facilitate the Conference's progress.

He supported the Chairman's proposal, and expressed the hope that it would enable the Conference to achieve its aim.

M. MASSIGLI (France) simply desired to associate himself with Mr. Eden's remarks. He thought the time had come to open a broad discussion such as that contemplated by the Chairman. It was essential to see clearly what was the situation, both in the Conference and outside. At the present time, it was no longer enough to hide the facts behind words; they must be faced. It was in that spirit that the discussion, to be opened on Monday, should take place.

The CHAIRMAN said he could assure M. Massigli that he had used the expression "broad" because he was anxious that the Conference should face up to all the realities of the situation and that the discussion should be on the widest possible basis. He felt the Conference had reached a stage when it was up against the big problem of disarmament, and after a broad discussion followed by a discussion on the articles and amendments relating to material, the Conference would be in a fair way to complete a convention.

The Chairman realised that another part of the draft Convention ought to be strengthened and he hoped it would be—that was to say the section relating to supervision. He was certain that that was absolutely essential and had heard sufficient from the different delegations to know that they felt the Conference must again see whether it could not add to the methods of supervision and control when that part of the draft, which was now Part V, was under consideration.

If there were no further observations, he would take it that the Bureau was prepared to recommend to the General Commission that the above procedure should be adopted. He hoped that this very happy ending was the beginning of serious work leading up to the conclusion of a convention.

The Chairman's proposal was adopted.

FORTY-FOURTH MEETING

Held on Tuesday, May 23rd, 1933, at 11.30 a.m.

Chairman : Mr. HENDERSON.

60. PROPOSAL BY THE BUREAU FOR THE EXAMINATION CONCURRENTLY BY THE GENERAL COMMISSION OF PART I (SECURITY) AND PART II, SECTION II (MATERIAL), OF THE DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION. ¹

The CHAIRMAN said that, as the Bureau was no doubt aware, the French delegation had proposed at the meeting of the General Commission on the previous day ² that the Commission should retrace its steps and discuss Part I (Security) of the draft Convention submitted by the United Kingdom delegation, while the United States delegate, Mr. Norman Davis, had been very anxious to discuss Part II, Section II (Material).

The Chairman had felt it necessary to consult with the heads of the delegations responsible for these suggestions, the authors of the plan upon which the General Commission's discussion was based, and the representatives of Germany and Italy. They had discussed the matter at very great length and—he was happy to say—in a very good spirit, and had eventually adopted unanimously a suggestion he himself had made to the effect that the General Commission should continue its discussion on Part II, Section II (Material), that afternoon, and on the following afternoon should begin a discussion on Part I (Security). The two subjects would then be taken on alternate days, unless common sense indicated that two consecutive meetings were required for the same question.

Material, of course, was covered in part by Articles 19 to 22, and the Chairman desired to make it quite clear that those articles would be discussed in first reading only. It might be found advisable to continue the same alternate method of discussion further, but the Bureau need not concern itself about that for the moment.

Article 1 had already been deleted from Part I (Security), but Articles 3 to 6 had still to be discussed. Article 6 was closely connected with the work of the Committee for Security Questions presided over by M. Politis, which was considering what should be included in Annexes X and Y. The Chairman hoped that the Committee's report could be distributed that day. He was sure its Chairman would realise the urgency of the matter.

The Chairman hoped the first reading of the articles on material would be brief. That also applied to the discussions on security. As much time as possible must be left for the second reading, when decisions of supreme importance would have to be taken.

He hoped very much that his suggestion would prove acceptable to the Bureau.

Sir John Simon had informed the Chairman that he would examine immediately the articles forming Part I of the United Kingdom draft Convention in the light of President Roosevelt's important statement and Mr. Norman Davis's speech of the previous day. If any consultations were necessary, Sir John Simon would see that they were carried through in the hope that he would be able to present a revised draft to the General Commission, if necessary, without delay.

M. POLITIS (Greece), Chairman of the Committee for Security Questions, desired simply to say a few words with regard to the position of the work of that Committee. The Committee had been instructed to study three questions: (1) the Soviet proposal with regard to the definition of the aggressor; (2) the Belgian proposal with regard to the establishment of the facts in the case of aggression; and (3) the French proposal with regard to the conclusion of a European Pact on Security.

During the past week, the Committee had held many meetings and had prepared three texts with regard to the above proposals. In view of the complicated political and technical questions involved, it had been understood that the Committee would present a report. That report was to have been prepared by M. Politis and submitted to the Committee for approval. M. Politis had thought that the work could have been carried out during the next few days in order that the three texts and the report might be submitted to the General Commission during the week.

As the Chairman had pointed out that the question was urgent, M. Politis stated that the first two parts of the report were finished. They could therefore be distributed that evening to the members of the Committee, who would be able to approve them on the following morning. Those two parts of the report could then be distributed to the General Commission on the following day.

¹ Document Conf.D.157 and addendum.

² See Minutes of the sixty-first meeting of the General Commission.

With regard to the third part of the report, M. Politis would prepare it that day. Although it would probably be fairly long, it could no doubt be distributed to the Committee on the following day and examined on Thursday at the latest. The Committee would then have concluded its work and the whole of the report would be in the hands of the General Commission on Thursday evening. At its meeting on Friday, therefore—that was to say, at the second of the meetings devoted to the question of security—the General Commission would be in possession of all the texts prepared by the Committee for Security Questions together with the whole of the report.

The CHAIRMAN said he was sure the Bureau would appreciate the statement of the Chairman of the Committee for Security Questions and would await the completion of the programme he had outlined.

If there were no further observations, he would take it that the Bureau was prepared to recommend to the General Commission the proposal he had put before it.

The Chairman's proposal was adopted.

FORTY-FIFTH MEETING (PRIVATE).

Held on Wednesday, June 7th, 1933, at 5.30 p.m.

Chairman : Mr. HENDERSON.

61. PROCEDURE FOR THE NEGOTIATIONS PRELIMINARY TO THE SECOND READING OF THE DRAFT CONVENTION : DATE OF THE NEXT MEETING OF THE BUREAU.

The CHAIRMAN said that he had convened the Bureau in case the members might wish to take decisions which it would be necessary to communicate to the General Commission at its meeting on the following day ; that would probably be the last meeting before July. He desired, moreover, to correct one or two misunderstandings. Various newspapers credited him with the intention of transferring to London certain discussions relating to the Disarmament Conference. He wished to make it clear that that had never been his intention. He simply hoped to take advantage of the presence in London of a large number of heads of delegations in order to institute with them the negotiations with which the General Commission had entrusted him. The list of the subjects for negotiation, to be found in document Conf. D./Bureau/47, was a long one. To it must be added the measures which the President of the Conference had just been instructed to take, at the instance of M. de Madariaga, regarding trade in and manufacture of arms. The sooner the negotiations were begun the better.

Lastly, it was being said very generally that the Bureau was to meet every day. Personally, he could not see the necessity for that until the negotiations entrusted to him should have reached a certain stage. Unless a meeting of the Bureau became necessary in the course of the negotiations (in which case he would not hesitate to convene it in London or even Paris), he proposed that the Bureau should meet on Tuesday, June 27th, in order that it might submit to the General Commission on July 3rd a revised text of a Convention.

M. DE MADARIAGA (Spain) supported the Chairman's proposal.

M. MASSIGLI (France) said that he would inform his Government of the Chairman's intentions. He did not know whether the French Government was proposing to send to London delegates who would be able to take part in these negotiations.

The CHAIRMAN explained that, if necessary, he would carry on his negotiations in Paris also.

Count RACZYŃSKI (Poland) feared that the Polish delegation at the Economic Conference in London would consist solely of economic experts. Other delegations would no doubt be in the same position. It would be well then to inform Governments of the plan proposed by the Chairman, in order that they might, if necessary, supplement their delegations.

After an exchange of views, the procedure proposed by the Chairman, was adopted.

62. FUTURE CONDUCT OF THE WORK OF THE COMMITTEE ON EFFECTIVES.

M. WESTMAN (Sweden) directed the Bureau's attention to the fact that there were still some questions on the agenda of the Committee on Effectives. He personally thought that those theoretical questions should be settled before June 27th.

There was a further point : Was the report which M. Politis was preparing on Article 16 to come first before the Committee on Effectives, or was it to be submitted direct to the General

Commission? The same question arose concerning the report which the United Kingdom and Hungarian delegations had been requested to frame on Section I, Chapter 3 (Standardisation of Continental Armies), of the draft Convention.¹

The CHAIRMAN replied that, as regards the first point, he had always left the Chairmen of the several Committees quite free to organise the work as they thought best. He thought, in the circumstances, that the Chairman of the Committee on Effectives would convene that Committee in time for the Bureau to receive a report before the 27th.

With regard to the last two points, as the General Commission would not be meeting and as the Bureau would be responsible for framing a text, the reports could be addressed direct to the Bureau.

M. MASSIGLI (France) wondered whether the suggestion was very practical. If it were proposed to frame a complete draft Convention in the space of one week, the Bureau must have very definite texts before it. Article 16, however, raised delicate questions, and M. Politis, who had been asked to report on that point, would certainly have very divergent opinions put before him. The same would be the case as regards Chapter III. The latter involved highly technical questions, and M. Massigli did not think that any country would forgo a technical examination. He felt, accordingly, that it would be better for the question to be submitted first to the Committee on Effectives.

M. POLITIS (Greece) gave certain information concerning the report which he had been asked to submit. Up to the present, he had received only eighteen replies, so that the documentary material was obviously far from complete. His impression was that it would be not so much a technical matter as a matter of method based on political considerations. He himself would probably submit in his report a previous question of a political character. If technical information were necessary, the Technical Committee concerned would be at hand. His impression, however, was that the question was not sufficiently clear to be settled independently of any technical body. In his opinion, the procedure proposed by the Chairman was the right one. The report which he was to frame would be submitted first to the political organ and then, if necessary, to the Technical Committee.

The above proposals were adopted.

FORTY-SIXTH MEETING (PRIVATE).

Held on Tuesday, June 27th, 1933, at 3.30 p.m.

Chairman : Mr. HENDERSON.

63. TRIBUTE TO THE MEMORY OF M. DE AGÜERO Y BETHANCOURT.

The CHAIRMAN said that he would, he felt sure, be interpreting the unanimous feeling of all his colleagues in expressing the regret with which the Conference had learnt of the death of M. de Agüero y Bethancourt.

He read the following telegrams exchanged with the Cuban Government, which would be duly communicated to the Conference.

Telegram sent by Mr. Henderson to the Cuban Government on June 22nd, 1933.

"On behalf of the Disarmament Conference and in my own name request Your Excellency convey Government of Cuba our great sorrow and heartfelt condolences on the sudden passing away of M. de Agüero y Bethancourt. — Arthur HENDERSON."

Reply received from the Cuban Government.

"In the name of the Government of Cuba, I beg Your Excellency to accept and convey to the Disarmament Conference our most sincere gratitude for your message of sympathy on the death of M. de Agüero y Bethancourt. — Alberto HERRERA, *Secretary of State ad interim.*"

The Chairman added that the text of those messages would be duly communicated to the Conference.

¹ See Minutes of the fifty-eighth meeting of the General Commission, pages 459 and 460.

64. FUTURE WORK OF THE GENERAL COMMISSION. PROPOSAL TO ADJOURN THE COMMISSION UNTIL OCTOBER 16TH, 1933.

The CHAIRMAN said that the Bureau would remember that, in accordance with a recommendation it had made on June 8th¹ to the General Commission, the latter had agreed to entrust him as President with the necessary negotiations in order that, on the resumption of the work, a text might be ready for the second reading of the draft Convention.

The Bureau would also recall that, in his statement made on June 8th before the General Commission, he had said that it should be understood that any Committee which still had work to do would continue to meet and that it would rest with the Chairman of the Committee to convene it when he thought fit. In that connection, Mr. Henderson had made special mention of the Committee on Effectives and the Technical Committee of the National Defence Expenditure Commission.

He was in a position to state that, in the interval between the last meeting of the General Commission and the present meeting of the Bureau, those two Committees had been working and that, in particular, the Committee on Effectives had finished the greater part of its work, as would be seen from the report it had submitted.²

As regards the negotiations with which the President had been entrusted, he had to inform the Bureau that, in view of the pressure of work of the delegates to the Monetary and Economic Conference, it had not been possible for him to obtain any progress which would justify the preparation of a new text of the draft Convention for the second reading. The position, therefore, was much the same as when the General Commission had last adjourned. Such conversations as had been possible had impressed upon him the importance of everything being done to harmonise the outstanding differences before proceeding to a second reading of the draft submitted by the United Kingdom delegation. The following points, on which a divergence of opinion existed, referred only to the most important questions but did not include a number of secondary points of difference: Non-recourse to force; European or universal pact; definition of aggression; supervision and control; sanctions to be used against any State violating the Disarmament Treaty; air bombardment; military and naval aviation; abolition of aggressive land material (suggested by President Roosevelt); size of tanks and artillery; trained reserves; period of training for short-term effectives; colonial forces; period for destruction of aggressive weapons; budgetary limitation; manufacture of and trade in arms.

At its meeting on June 8th, the General Commission had held the opinion that negotiations on several important points were indispensable; the position remained unchanged, and the Bureau should consider the advisability of recommending the General Commission to give authority to him as President of the Conference to start the negotiations as soon as he could make contacts with the heads of delegations. The General Commission should be convened only after a greater measure of common agreement had been secured than was actually the case at present.

It might be anticipated that those negotiations would occupy a considerable time. If progress could be reported towards the end of July, or if he felt that consultation with the Bureau would be helpful, he would, as President, convoke the latter towards the end of July or during September, when the Assembly would be in session. The session of the Assembly might provide a useful opportunity for completing the negotiations on any point not then settled.

If that programme worked satisfactorily, as everyone had reason to hope it would, the General Commission could be convened on October 16th to begin the second reading of the United Kingdom draft, having before it a text prepared with due regard to the negotiations reported to the Bureau by the President. If success were secured earlier, the General Commission might authorise the President to convene it at such earlier date as he and the Bureau might consider advisable.

The Chairman added that he had made a frank statement as to the situation and the procedure which he contemplated. He had thought at one moment that it would be possible to continue work during the month of July on certain controversial points, but the various questions were so closely linked up with one another that, if the examination of the draft were begun without decisions being taken thereon, chapter after chapter being adjourned, that procedure would have a more disastrous effect upon the public than a definite adjournment there and then.

Further, the delegates to the Conference would certainly want a holiday before the Assembly. The date of October 16th which had been proposed for the meeting of the General Commission did not seem, in the circumstances, too late, if the negotiations were to produce successful results.

M. NADOLNY (Germany) thought he could speak in the name of all his colleagues in expressing regret that the President had not been able to succeed in his negotiations, a fact which must have been a source of great disappointment to him.

M. Nadolny questioned whether an adjournment until the autumn offered any guarantee that the results obtained in the meantime would facilitate the resumption of the work in

¹ See Minutes of the seventy-seventh meeting of the General Commission.

² Document Conf.D.162.

October. Would the President have any better success in his efforts by then? Would Governments be ready to negotiate? M. Nadolny personally did not think so, nor did he think it was necessary to adopt that procedure.

The General Commission had to take a decision with regard to the draft Convention. Two possible means had been envisaged: the Bureau might be asked to prepare a text for second reading or, again, the President might be asked to negotiate with the Governments concerned. That second solution, which had been finally adopted, had not brought about the results hoped for, and, that being so, it would be far better to revert to the first proposal, especially as the questions which the President had just enumerated might very well be discussed by the Bureau. Those questions, in point of fact, were legal rather than political in character (for example, the definition of the aggressor). Such a procedure would make it quite possible to get on to the second reading, and, in view of the prevailing goodwill, all the points outstanding might be sufficiently cleared up for it to be possible to lay before Governments the results thus achieved and to reach a solution fairly rapidly.

Governments must be apprised of the consequences that would ensue from any delay in the work of the Conference. In that connection, M. Nadolny recalled that that had been done when his Government had submitted reservations regarding the standardisation of armies. If for other States there were questions on which they could not pronounce immediately, it would be possible, without bringing the slightest pressure to bear, at all events to point out to them the responsibility which they were incurring by delaying a decision.

Nor must it be forgotten that an adjournment of the Conference would produce a very unfavourable impression on the public. The Conference had already been sitting for eighteen months, and, if it adjourned until the month of October, public opinion would view that as an adjournment *sine die*.

The German delegation proposed, accordingly, that the Bureau should continue its work and do its utmost to prepare for the examination on second reading of the draft submitted by the United Kingdom Government.

The CHAIRMAN wished to dispel a misunderstanding. He had never said that he had not received assurances as to the possibility of success. On the contrary, he had said in his introductory statement that such conversations as had been possible had impressed upon him the importance of sparing no effort to harmonise outstanding differences before going on to the second reading of the draft submitted by the United Kingdom delegation. If he had not had assurances to that effect, he could never have said such a thing. He knew, however, for certain, that Governments were prepared to enter upon negotiations.

A further point. The delegate of Germany had implied that the President had not been successful after two weeks of negotiations. That was no reason for saying that he had failed. The heads of delegations with whom he had been in touch had given him quite sound reasons for not discussing for the time being questions relating to disarmament, in view of the pressure of work which they had to handle at the Monetary and Economic Conference.

Mr. EDEN (United Kingdom) thanked the Chairman for the frankness and clearness with which he had explained the situation. As M. Nadolny had said, two solutions were possible. A text might be prepared for the second reading, as had been decided some weeks previously, or the Bureau might there and then get to work without adequate preparation. Mr. Eden seemed to remember that the Bureau had unanimously decided that sound preparation was indispensable if it were desired to reach an agreement at the second reading. Since a few weeks previously, such preparation had been regarded as essential, he did not see why it should be less so now. In point of fact, it was even more necessary.

The reasons for which it had not been possible for the President to make in London any rapid progress in his conversations were perfectly sound. From those conversations it might be gathered, however, that Governments were desirous of pursuing such negotiations. Far from delaying the Conference, they would enable it to save time in preparing a text for the second reading. The method suggested by the Chairman seemed, then, safer and more rapid than that of engaging forthwith in the examination at a second reading of a text which was insufficiently prepared.

Lastly, M. Nadolny had spoken of the seriousness of the effects that an adjournment would have on public opinion. Everything depended on the way in which the matter was put before the public. Mr. Eden was convinced that, if the true reasons for the adjournment were explained quite frankly and simply, world opinion would experience no apprehension in the matter.

The United Kingdom delegation, he stated, supported the Chairman's proposal unreservedly, convinced as it was that his method was the most likely to lead to successful results.

M. NADOLNY (Germany) said that he was anxious to make it plain that his words were not intended to imply any criticism of what had been done in London by the President. He would be very grateful to the latter if he would give the Bureau details of the assurances which he had received and would state from which Governments he had received them.

Replying to Mr. Eden, M. Nadolny agreed that, according to the resolution adopted some weeks previously, it was understood that an agreement between Governments would do much to facilitate the work that still remained to be done. If, however, such a solution were not

possible, another solution must be adopted—namely, the one which M. Nadolny had just suggested. At the same time, if the Chairman could inform the Bureau of the assurances which he had received, the situation might, perhaps, assume a different aspect.

M. MASSIGLI (France) said that the Chairman and Mr. Eden had so clearly stated the reasons which, in the opinion of the French delegation, militated in favour of the proposed decision, that he had nothing to add to what they had said. Like the Chairman, the French Government considered that, in the circumstances, the time would be better employed in negotiations between Governments than in meetings of the Bureau. The French Government for its part was ready to take part in those negotiations.

There must be no illusions as to the effect which an adjournment might produce on public opinion; the latter was interested, not in speeches, but in results. It was aware of the difficulties with which the Conference was faced and would take into account the fact that some little time would be necessary before a successful issue could be reached. Furthermore, it saw things as they were, it weighed present events, and realised that circumstances were not always favourable to the negotiations of the Conference; it well understood that a considerable number of Governments regarded as essential certain conversations and a little time for thought. If, in the coming months, it observed that the international atmosphere had grown even slightly less tense, it would realise that, far from having worked against the desired ends, the Conference had actually brought their achievement nearer.

The CHAIRMAN, in reply to the question asked by M. Nadolny, said he was in a position to state that, although his conversations had been of a private character, he had received assurances, not merely from the two Governments whose delegates had just spoken, but also from the United States of America, the Little Entente and the Secretary of State for Foreign Affairs of the Reich.

M. NADOLNY (Germany) thanked the President, but persisted in his belief that, in the present circumstances and in view of the general impression which would be produced more especially in the disarmed countries, which were impatiently awaiting the results of the Conference, it would be preferable to proceed at once with the second reading, while at the same time getting into touch with the various Governments. If, however, the Bureau accepted the Chairman's proposal, M. Nadolny had nothing more to say at present. At the same time, he wished to add that he regarded the assurances given by the Governments with regard to the opening of negotiations as an explicit undertaking on which it was possible to rely.

M. MASSIGLI (France) asked what was to be understood by that last sentence.

M. NADOLNY (Germany) replied that he regarded the assurances given by the Governments as an undertaking to enter into negotiations with the President of the Conference.

M. MASSIGLI (France) thanked the German delegate.

The Chairman's proposals were adopted.

The CHAIRMAN considered that, in the circumstances, the General Commission, which had originally been summoned for July 3rd, might assemble at an earlier date for a meeting at which the Bureau would recommend the programme adopted and inform it of the decisions taken.

Following an exchange of views, *it was decided to convene the General Commission for Thursday, June 29th, at 11 a.m.*

LEAGUE OF NATIONS

Geneva, April 1936.

RECORDS

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TABLE OF CONTENTS.

	Page
FORTY-SEVENTH MEETING (Private), October 9th, 1933, at 4.15 p.m. :	
65. Negotiations undertaken in accordance with the Decision of the General Commission of June 29th, 1933	xii
FORTY-EIGHTH MEETING (Private), October 14th, 1933, at 10.30 a.m. :	
66. Negotiations undertaken in accordance with the Decision of the General Commission of June 29th, 1933 (<i>continuation</i>)	181
FORTY-NINTH MEETING (Private), October 16th, 1933, at 3 p.m. :	
67. Decision of the German Government to leave the Conference : Modifications in the Procedure to be proposed to the General Commission	185
FIFTIETH MEETING (Private), October 25th, 1933, at 3.30 p.m. :	
68. Arrangements for Further Negotiations and for the Preparation of a Revised Text of the Draft Convention for Second Reading	187
FIFTY-FIRST MEETING (Private), October 26th, 1933, at 5.15 p.m. :	
69. Execution of the Work entrusted to the Bureau in virtue of the General Commission's Decision of October 26th, 1933 : Date of the Next Meeting of the Bureau	190
FIFTY-SECOND MEETING (Private), November 9th, 1933, at 3.30 p.m. :	
70. Preparation of a Clean Text of the Draft Convention with a View to the Second Reading : Appointment of a Small Committee to make Proposals regarding the Distribution of the Work	193
FIFTY-THIRD MEETING (Private), November 11th, 1933, at 10 a.m. :	
71. Preparation of a Clean Text of the Draft Convention with a View to the Second Reading : Report of the Committee set up by the Bureau on November 9th, 1933	196
FIFTY-FOURTH MEETING (Private), November 22nd, 1933, at 3.30 p.m. :	
72. Adjournment until a Later Date of the Meeting of the General Commission arranged for December 4th, 1933	200
FIFTY-FIFTH MEETING (Private), April 10th, 1934, at 3.30 p.m. :	
73. Progress of the Negotiations undertaken since the Last Meeting of the Bureau : Date of the Next Meeting of the Bureau and of the General Commission	201
FIFTY-SIXTH MEETING (Private), May 28th, 1934, at 3.30 p.m. :	
74. Summary of Events since the Last Meeting of the Bureau : Procedure to be followed in connection with the Forthcoming Work of the Conference	209

	Page
FIFTY-SEVENTH MEETING (Private), June 4th, 1934, at 3.30 p.m. :	
75. Action to be taken with regard to the Proposals submitted to the General Commission on May 29th, May 30th and June 1st, 1934	211
FIFTY-EIGHTH MEETING (Private), June 5th, 1934, at 3.30 p.m. :	
76. Action to be taken with regard to the Proposals submitted to the General Commission on May 29th, May 30th and June 1st, 1934 (<i>continuation</i>)	224
FIFTY-NINTH MEETING (Private), June 6th, 1934, at 3.30 p.m. :	
77. Future Programme of Work for the Conference : Draft Resolution proposed by the French Delegation	234
SIXTIETH MEETING (Public), June 8th, 1934, at 2.45 p.m. :	
78. Future Programme of Work of the Conference : Amended Text of the Draft Resolution proposed by the French Delegation	240
SIXTY-FIRST MEETING (Public), June 11th, 1934, at 5 p.m. :	
79. Action to be taken by the Bureau in pursuance of Paragraph I of the Resolution adopted by the General Commission on June 8th, 1934 .	244
SIXTY-SECOND MEETING (Private), November 20th, 1934, at 10.30 a.m. :	
80. Tribute to the Memory of Certain Personalities who have died since the Last Meeting of the Conference	244
81. Communications from the Disarmament Committee of the Women's International Organisations and from the International Consultative Group	245
82. Examination by the Bureau of the Proposals made by the President of the Conference on November 5th, 1934	246

FORTY-SEVENTH MEETING (PRIVATE).

Held on Monday, October 9th, 1933, at 4.15 p.m.

Chairman : Mr. HENDERSON.

65. NEGOTIATIONS UNDERTAKEN IN ACCORDANCE WITH THE DECISION OF THE GENERAL COMMISSION OF JUNE 29TH, 1933.

The CHAIRMAN made the following statement :

Acting on the decision of the General Commission taken at its meeting on June 29th,¹ I visited Paris, Rome, Berlin, Munich and London and had conversations with the heads and other representatives of the respective Governments, with a view to securing a greater

¹ See Minutes of the seventy-ninth meeting of the General Commission, page 637.

measure of agreement on a number of points which had not yielded to negotiation during the first reading of the draft Convention submitted by the United Kingdom delegation.

Useful conversations have been held between Mr. Norman Davis and myself on several occasions and, when in Paris in July, I took the opportunity of having a conversation with our Vice-President, M. Politis. I also visited Prague and discussed the situation and the future work of the Conference with Dr. Beneš, our Rapporteur. During those visits, I was accompanied by M. Agnides, Head of the Disarmament Section, and two of his assistants.

Believing that the General Commission was desirous of taking decisions on the second reading of the United Kingdom draft Convention only after every effort had been made to secure the greatest measure of common agreement, I left London on September 18th and returned to Geneva, and during my journey I had separate conversations with Mr. Norman Davis, Mr. Eden, and, on the morning of the 19th, with M. Paul-Boncour in Paris.

In view of the published statements to the effect that my tour of the capitals failed in its object, it is necessary for me to say that the visits accomplished useful work and made it clear that, on most of the points outstanding, no serious difficulty stood in the way of agreement. I freely take this opportunity of expressing to all the Governments concerned, in the name of the Conference, my sincere gratitude for the frank manner with which they discussed all the points and for receiving the mission with more than ordinary courtesy. The negotiations on the whole have shown a marked disposition in favour of securing a first-stage Convention and on the majority of the points listed by the General Commission agreement could, I think, be reached without our encountering any insuperable difficulty. But on some of the more important questions, the approach was manifestly influenced by the present unsettled state of Europe and the ensuing distrust, fears and alarms.

Nevertheless, when my visit to the capitals was concluded, the situation was clarified to a considerable extent in that I was made more aware of where the real difficulties lay and how some of them might be overcome.

It may be helpful if I divide the outstanding questions into two categories—those on which agreement appeared to be relatively easy, and those which had shown themselves not so easy of adjustment.

In the first category could be placed :

- (1) Non-recourse to force on a universal basis ;
- (2) Definition of the aggressor ;
- (3) Control and supervision ;
- (4) Standardisation of European continental armies :
 - (a) Trained reserves ;
 - (b) Effectives ;
 - (c) Colonial forces ;
- (5) Control of budgetary publicity ;
- (6) Bombing from the air ;
- (7) The early setting up of the Permanent Disarmament Commission ;
- (8) Naval questions.

The second list of more difficult, though less numerous questions, includes :

- (1) The period of the duration of a first-stage Convention ;
- (2) Size of tanks and artillery ;
- (3) Reduction of land war material either by destruction or otherwise ;
- (4) Manufacture of and trade in arms ;
- (5) Military and naval aviation ;
- (6) Penalties against the violation of the Convention.

Two opinions prevail on the question of the duration of the Convention. Some countries have shown a decided preference for a five-year Convention, during which the destruction of the forbidden material and the equality of rights might be realised by stages. Other countries have suggested an eight-year Convention divided into two periods of four years, the first of which for the sake of convenience might be called a period of experience or of adaptation. The Permanent Disarmament Commission would be charged with the responsibility of deciding whether the machinery of control and supervision had been effective ; in which case, the reductions embodied in the Convention would be effected during the second period in the manner described in the Convention.

The Bureau is of course aware that my negotiations were, so to speak, a first step towards securing a larger measure of agreement likely to help us in the preparation of the texts for a second reading. Those conversations were, as you know, continued between various heads of delegations and occasionally with myself, in London, Paris and Geneva.

Two points have been found to be particularly difficult.

- (1) The system of penalties for the violation of the provisions of the Convention in order to give a greater sense of security.
- (2) The application of the principle of equality.

I have already referred to the early setting up of the Permanent Disarmament Commission. During my visits to the capitals, I made a suggestion on this subject which was well received at the time by all the statesmen with whom I discussed this point.

The draft Convention now under consideration lays it down in Article 84¹ that the Permanent Commission shall meet for the first time on being summoned by the Secretary-General of the League of Nations within three months from the entry into force of the Convention to elect its provisional officers and to draw up its rules of procedure. That means that this work could not be undertaken till after ratification, which involves a great loss of time. In my opinion, it is unnecessary to wait for the ratification of the Convention and still less for a further three months, as certain Governments may require time for ratification.

I therefore venture to suggest that the Commission should meet immediately on the signature of the Convention by, say, twenty States. This might be provided for either by a resolution of the Conference or by means of transitory provisions embodied in the Convention. In this manner, the Commission would be enabled to perform, between the times of signature and ratification of the Convention, all those provisional duties mentioned in the Convention and such other temporary tasks as the Conference may consider desirable to entrust to it.

The moment the Convention comes into force, the machinery set up by the Commission in what may be called the pre-ratification stage will come into operation.

If this proposal is accepted, the Commission will be ready to assume its permanent functions the moment the Convention enters into force.

I have already pointed out to you that the extent of common agreement so far secured does not cover all the outstanding contentious points. In the circumstances, I feel sure that the Bureau will agree with me that it is essential that the conversations should be actively pursued for another two or three days in order that a satisfactory solution may be found for the differences of opinion still existing, particularly as regards the question of the defensive weapons claimed by the disarmed countries during the period of experience and the question of penalties.

I feel equally sure that the Bureau will agree with me that, in view of all the preparatory work that has been done, there should be no delay in the meeting of the General Commission. The conversations to be undertaken in the next few days should be conducted with the object of clarifying still further the situation and narrowing the issues in time for the meeting of the General Commission on October 16th. There is no longer need for technical discussions. What is required now are political decisions. The General Commission would thereby be enabled, when it resumes its work on Monday, to embark upon the second reading of the United Kingdom draft.

In preparation for the General Commission, the draft Convention has, at my request, been communicated to you in a tabulated form,² so that the Bureau should be put in possession, not only of the text of the United Kingdom draft as modified in the course of the first reading, but also of the amendments presented up to the present.

But, in view of the negotiations and conversations carried out both by your President and by most of the delegates present here, and which are continuing, it is obvious that some of the articles will have to be amended in the light of any agreements reached. Someone will therefore have to be appointed at some stage to assume the responsibility of presenting new texts. The United Kingdom delegation, which has already provided us with the original draft, adopted by us as the basis of the future Convention, is likely to carry out this work with greater ease than any other. If that delegation is good enough to assume this further responsibility, I am confident that the Bureau and the General Commission would be grateful to it.

In conclusion, may I say that I am not satisfied that sufficient progress has been made during the conversations to justify the hope that an immediate public discussion, on one or two points, would serve any useful purpose? On the other hand, I am profoundly convinced that further postponement of the General Commission would arouse suspicion, and give credence to the suggestion, already freely circulated, that the Conference no longer intends to formulate a genuine Convention providing for the reduction and limitation of armaments. This is not my opinion by any means, for, as I have already stated, the negotiations have shown a marked disposition in favour of securing a first-stage Convention, and it is difficult to see how it could be otherwise, in view of the important decisions to which the General Commission is already committed, especially when it resolved that a substantial reduction of world armaments shall be effected, to be applied alike to land, naval and air armaments.

If the delegations are determined to apply the general principles contained in the resolutions already adopted by the General Commission, then success is assured, but I am convinced that it is of the highest importance that we should press on without delay and without intermission.

The conclusion I have reached, therefore, is that everything must be done, by a continuance of the private conversations and negotiations, to remove existing divergencies of opinion and to find a method of procedure which would enable us to do the remainder of our work with reasonable expedition and without increasing the risk of failure. To this end, I suggest that the Bureau at the close of this meeting should stand adjourned until Saturday morning at 10.30 a.m.

¹ Document Conf.D.157.

² Document Conf.D.163(1).

Mr. EDEN (United Kingdom) was convinced that the members of the Bureau would be particularly grateful to the President of the Conference for the tenacity he had shown in carrying out the mission, entrusted to him by the General Commission, of endeavouring to bring about an agreement. He had only asked to speak in order to comply with the desire addressed by the President to the United Kingdom delegation, and to assure his colleagues that his delegation would be only too happy to embody in definite terms any agreement which might be reached, though he trusted that he would not be asked to try to make bricks without straw.

The conversations which had been carried on during the last weeks had dealt with the fundamental points in the problem. The United Kingdom Government was convinced that, unless agreement was reached upon these fundamental points, it was useless to deal with the decorative details.

Mr. Eden thought that it might be said that progress had already been made and, at least as far as concerned certain delegations, they were nearer agreement. He recalled, however, the President's remarks regarding the insecurity of the European situation, a fact which did not lighten the Conference's task.

M. NADOLNY (Germany) thanked the President for his efforts to facilitate the task of the Conference, and thus to work towards the establishment of a stable and general peace. He had pleasure in accepting the procedure proposed by the President.

The German delegation had always considered it preferable to carry on the discussion in the General Commission and to proceed to the second reading of the United Kingdom draft. M. Nadolny hoped that the negotiations carried on by the President would make it possible to start the second reading with confidence in the ultimate achievement of the results which all delegations desired.

In accordance with the Chairman's proposal, *the Bureau decided to meet on Saturday, October 14th, at 10.30 a.m., the meeting of the General Commission being fixed for Monday, October 16th.*

FORTY-EIGHTH MEETING (PRIVATE)

Held on Saturday, October 14th, 1933, at 10.30 a.m.

Chairman: Mr. A. HENDERSON.

66. NEGOTIATIONS UNDERTAKEN IN ACCORDANCE WITH THE DECISION OF THE GENERAL COMMISSION OF JUNE 29TH, 1933 (*continuation*).

The CHAIRMAN reminded the Bureau that, at the last meeting, he had made a statement with regard to the conversations and negotiations which he had been authorised to carry through by a decision of the General Commission on June 29th. He had intimated that, in spite of all the efforts that had been made, one or two points had not yielded to negotiation. It had been thought that further conversations might be necessary, and he understood that those conversations had been carried on since the last meeting of the Bureau. The Bureau would, he felt sure, be most anxious to hear the result, and he could not do better than ask Sir John Simon, as being responsible for the draft Convention submitted by the Prime Minister of the United Kingdom in March, to make a statement as to the present position.

Before doing so, however, he desired to inform the Bureau that M. Motta had expressed regret at being unable to attend the meeting.

Sir John SIMON (United Kingdom) made the following statement:

Mr. Henderson has invited me to give some account of the conversations to which I have been a party from time to time during recent weeks, both at Geneva and elsewhere, and in which the participants have attempted to ascertain, by means of a friendly exchange of views, what are the prospects of reaching agreement on various vital matters. I will do the best I can to comply with the President's request. I feel that I should speak plainly and frankly, for the time has gone by for glossing over difficulties by vague optimistic phrases. A system of agreed disarmament promptly entered into and loyally carried out would, I believe, be of the greatest value to the world, but I am equally clear that nothing is gained by interminable discussions which do not face essential matters on which differences may still exist.

The account which I have to render is as follows:

So far as the United Kingdom representatives are concerned, we have taken part in meetings, at different times, with the French, German, Italian and American representatives, as well as in a number of talks with the representatives of some other Powers. Those

conversations have led me to take the view that the draft Convention, which the United Kingdom Government put before the General Commission over six months ago and which has been unanimously adopted as the general framework for the proposed agreement, will require to be in some respects recast. The draft Convention is at present drafted to cover a period of five years: the discussions which I am summarising indicate on the part of some Powers a wish that the period should be extended to perhaps eight years and, so far as I recall, no serious objection to this extension has been raised.

It was further proposed that this total period of eight years should be occupied by the fulfilment of a continuous programme, designed to secure at the end of the period two essential conditions: (a) a substantial measure of disarmament actually realised and completed on the part of the heavily armed Powers, and (b) the achievement of the principle of equality in a regime of security which, ever since December of last year, has been the declared objective, not only of the Powers who signed the Declaration of December 11th,¹ but of the Disarmament Conference itself. But, in order to attain this, it is necessary to proceed by steps. Indeed, the method of stages has from a very early date been adopted as the necessary method by the general vote of the Conference. And when I speak of a programme which would gradually unfold in action so as to secure at the end of the period these two essential conditions, I recall the language of Mr. Henderson, in his report to the Bureau on October 9th, last, when he declared:

“ On some of the more important questions, the approach was manifestly influenced by the present unsettled state of Europe and the ensuing distrust, fears and alarms.”

The present unsettled state of Europe is a fact, and statesmen, in drawing up their plans, have to face facts. The need, therefore, for modifying the draft Convention so as to accomplish this purpose by a process of evolution is clearly established.

The scheme, therefore, which emerged for consideration, as the result of a number of these interviews, was one in which the proposed period of eight years would begin with the transformation of continental armies on the lines set out in the United Kingdom draft, together with the setting up, through the medium of the Permanent Disarmament Commission, of an adequate system of supervision, so that the sense of security, which the due observance of the Convention will afford, should provide the groundwork for the practical attainment of the twin ideas of disarmament and equality. Mr. Henderson has suggested that the Permanent Disarmament Commission might be set up as soon as the Convention is signed without waiting for ratification. If this suggestion is found feasible, it ought to be welcomed, for it aims at shortening the period when actual disarmament and attained equality would be effectively reached. It is understood on all hands that the supervision contemplated would be of general application. Its purpose would be to ensure that the undertakings contained in the Convention were being loyally observed. It is a matter for close consideration to determine how much of the eight years would be needed for the initial steps, to which I have referred. Transformation of armies involves technical questions which will govern the time-table, and, in the meantime, a real feeling of confidence should develop, when it is seen that the whole plan is agreed to and is in due process of execution. I must report that the period of four years was mentioned by several Governments, though others have raised the question whether it could not be somewhat shortened.

Whatever the length of this first stage may be, it is essential to make clear that the Convention itself would have to contain, at the time of its signature, the detailed scheme of disarmament provided for as the final result to be attained by the time its full period of, say, eight years comes to an end. I have described that disarmament as “substantial” and the extent of it has been the subject of detailed discussion. Since general phrases will not advance matters, I add that by “substantial” disarmament is meant either the disarmament provided for in the United Kingdom draft Convention or some comparable variation of it. I say quite definitely that the whole scheme would not be satisfactory to my Government and we could not lend our own support to it unless the degree of disarmament by the heavily armed Powers is both fully defined in the Convention and really adequate. But there is another feature in the second stage of the plan which is equally definite. It is this: the result of the abolition of various kinds of armament and of prohibition against their further use, will be to constitute a common list of permitted arms, which would become the same for all countries, and thus the differential position of the Powers whose armaments were limited by the peace treaties would finally cease. Quantities, and other detailed regulations, would of course be in each case the subject of negotiation and agreement.

The Bureau will therefore see that the plan I have outlined is one which, if it were adopted and loyally observed, would bring into practical operation the principle of equality of status by the method of substantial disarmament on the one hand and the application to all countries of a common list of prohibited arms on the other.

¹ See Minutes of the twenty-eighth meeting of the General Commission, page 207.

But this programme involves a feature which appears to me to be essential. I must state it with complete frankness to the Bureau. The scheme involves the principle that the Powers now under restriction of the peace treaties should not begin to increase their armaments forthwith, but should express their willingness to conform to a time-table such as I have indicated. The Government of the United Kingdom takes the view that agreement could not be reached on the basis of a Convention which would provide for any immediate rearmament. In speaking of "no re-armament", I do not mean to dispute the reasonableness, as the Reichswehr is transformed into a more numerous short-service army, of a proportional numerical increase in its armament. And there should be, from the beginning of the Convention, an agreement that no Government will manufacture or acquire any further weapons of any of the types to be eventually abolished.

In our view, therefore, for the reasons indicated by Mr. Henderson in the passage I have quoted, the attainment of the object which we all have in view at the Disarmament Conference must be in accordance with a regular programme. We earnestly desire to establish, by international agreement, the attainment of equality of status and we point out that it is attained in a most complete and effective way by providing for disarmament through the adoption and loyal fulfilment of such a programme as I have indicated. By accepting the principle of no immediate re-armament and co-operating with the rest of us in framing a Convention which is best calculated to restore the sense of confidence which has recently been so rudely shaken, the necessary conditions of success can be established.

The statement I have been asked to make has necessarily involved some plain speaking and a perfectly clear declaration of our own point of view. I feel that if the General Commission, which meets on Monday, is now to do useful work, it is most desirable to ascertain what is the view of other countries on these essential points, and I sincerely trust that we may thus find a way of removing the obstacles which at present stand in the way of an agreed Convention.

Mr. Norman DAVIS (United States of America) pointed out that Sir John Simon's statement contained an account of conversations in many of which he himself had participated. It also contained a very definite indication of the modifications Sir John Simon felt should be introduced into the United Kingdom draft Convention to make it more generally acceptable. Mr. Norman Davis was glad to be able to confirm Sir John Simon's account of the conversations and to endorse and support the position he had taken upon the important questions of substance before the Bureau for immediate decision. He was the better able to give his support to the statement just made, because, as a result of the frequent and exhaustive conversations he had had during the past few days with Sir John Simon, they had come to the common conclusions so clearly and forcibly expressed in that statement.

It was not difficult for Mr. Norman Davis to state his position in that frank and unequivocal manner. The report that had been laid before the Bureau, both in its broad outlines and in many of the points of detail, was in agreement with the position of the United States Government, as set forth in the communication which President Roosevelt had addressed to the heads of Government represented at the Conference in May last,¹ and with the statement which he himself had made in the General Commission a few days later.² In those statements, his Government had taken the position that a Disarmament Convention could not properly be made an instrument for re-armament and that qualitative equality in armaments should primarily be sought through the reduction of the armaments of the heavily armed Powers and not through action on the part of others to attempt to build up. Under present conditions, steps were necessary in attaining that equality. It could not be achieved at one stroke.

He would not attempt to restate, on that or on other points, the position which had been so adequately presented to the Bureau. He only wished to emphasise one point to help reassure those who were impatient or sceptical because of the long delay. From the conversations in which many of the members of the Bureau had recently participated, he was more than ever convinced of the sincere purpose of the more heavily armed countries to make effective measures of disarmament a reality. He would add that no treaty would be satisfactory, as far as his Government was concerned or would justify its participation in a system of supervision designed to ensure its faithful observance, unless that treaty contained precise provisions for such measures of disarmament.

M. DI SORAGNA (Italy) made the following declaration :

The Italian delegation thanks Sir John Simon for his very clear and full statement on the present position of the very serious question with which we are dealing. We also thank him for the programme of work he has indicated and which we deduce from his remarks.

¹ See Minutes of the fifty-ninth meeting of the General Commission, page 461.

² See Minutes of the sixty-first meeting of the General Commission, page 474.

We shall be very glad once more to join our efforts to those of all the other delegations on the lines he has laid down. We are hopeful and confident that the world may find in this programme, as we do, a positive basis for the subsequent work which has still to be done in achieving the aim to which we all look forward in the same spirit of conciliation and peace.

M. PAUL-BONCOUR thanked Sir John Simon and Mr. Norman Davis for the accurate account they had given of the negotiations that were proceeding among a number of Powers. Those negotiations had been undertaken at the request of the General Commission; they could only be of a preliminary character, for questions affecting all the Powers could be decided only by the Conference itself.

The conversations had led to results which were sufficiently important to justify real optimism.

A United Kingdom plan, which embodied many of the features of an earlier French plan, had been accepted as a basis for discussion and had received a first reading. It had been realised that, if the second reading were to lead to good results, important reservations formulated by certain Governments, including the French Government, must be taken into consideration, as must also political events, which the Conference could not ignore, and the exact position of various Powers in relation to the armament limitations established by international agreements. The United Kingdom plan must therefore be amended and revised in the light of those circumstances.

M. Paul-Boncour wished to state explicitly that he accepted the essential principles just enumerated by Sir John Simon.

Since realities had to be taken into account, the Convention, to be concluded for eight years, must be executed in two stages, of which the first must be a preliminary and preparatory stage. The political atmosphere of Europe must be improved before it would be possible to contemplate actually effecting substantial reductions in armaments, which must, moreover, be embodied in the Convention in the form of specific undertakings as soon as the conditions laid down for the first stage had been fulfilled.

There was another equally strong reason for the preliminary period.

Under the contemplated system, supervision was of capital importance. Effective supervision was an essential feature of any system of security; it was absolutely necessary that supervision should have been tried and found satisfactory and that the undertakings given should have been proved to have been faithfully observed before States could abandon part of the armaments they possessed.

With regard to the length of the first stage, it was not by any arbitrary choice that a period of four years had been contemplated in the conversations of which Sir John Simon had given an account; that figure was justified by several important considerations which M. Paul-Boncour would advance at the proper time. He wished, however, to say forthwith that his Government attached the utmost importance to that figure.

An equally essential point was that a disarmament movement should not begin by the rearming of the States disarmed by treaties.

It was understood that equality of rights should be brought about at the end of the Convention through gradual disarmament during the second stage, according to a specific programme which would be embodied in the Convention.

The General Commission must pronounce without delay upon the principles laid down, otherwise its work would be useless.

Baron VON RHEINBABEN (Germany) said that, in the absence of M. Nadolny, he desired to limit his observations to the following declaration :

I take it for granted that the Bureau is aware that the view of the German Government on disarmament is marked by two claims or elements : (a) real and substantial disarmament of the highly armed Powers, and (b) the immediate practical application of equality of status, the question of quantity being open for negotiation. In this sense, I have taken note of the very important statement of Sir John Simon and shall report it at once to my Government.

M. BOURQUIN (Belgium) said that the Belgian delegation unreservedly concurred in the ideas expressed by Sir John Simon and supported by those who had spoken after him. It seemed to M. Bourquin absolutely essential that the efforts of the Conference should not end in rearmament. Moreover, he was convinced that a first stage, such as that contemplated, was absolutely indispensable in the present state of affairs, as it would give experience in the working of the Convention. It would be useless to build on nothing. The realities must be faced. But undoubtedly there was at present such a feeling of anxiety as might paralyse any attempt at disarmament unless guarantees calculated to allay that feeling were obtained.

M. Bourquin noted that once again the problem of security had arisen, but that it appeared in a new and more clearly defined aspect. The question was one of security in disarmament, of security closely connected with measures of disarmament. It was obvious that the fundamental condition of that form of security was to be found in the organisation of real, practical and efficacious supervision.

With regard to the length of the first stage, M. Bourquin supported M. Paul-Boncour's observations. When the period had been fixed, the technical conditions of supervision would have to be taken into account in order to judge of its efficacy.

M. BENEŠ (Czechoslovakia), speaking as both Rapporteur and representative of Czechoslovakia, desired to make two observations with regard to Sir John Simon's statement.

The first was an observation of form. In his opinion, the second reading of the United Kingdom draft could only usefully be embarked upon if certain questions of principle were settled first. Among these questions he mentioned : (a) the duration of the Convention and the establishment of a graduated plan divided into two stages ; (b) effective permanent and general supervision ; and (c) prohibited or permitted arms and no rearmament.

The second observation related to the substance of the problem. M. Beneš unreservedly concurred in the ideas expressed by Sir John Simon with regard to the three points he had just mentioned. He specially desired to emphasise his agreement in that connection as he was convinced that, if those questions were not settled, the General Commission would be unable to continue its work.

M. POLITIS (Greece) replied on behalf of his Government to the question Sir John Simon had asked at the end of his statement. He was in complete agreement with Sir John Simon as to the two fundamental principles to which the latter had referred. The question of the principle of no rearmament was one which settled itself. It had been repeated on many occasions since the beginning of the Conference that it would be disastrous to the Conference and to its standing in public opinion if its efforts led to rearmament. The second question was the establishment of a first experimental period. In M. Politis' opinion, that period was absolutely essential for the purpose of creating a feeling of security, the need for which had often been indicated during the Conference's discussions.

M. Politis hoped that agreement would speedily be reached on that point ; otherwise the General Commission would be unable to continue with its work. Once agreement had been achieved, it would be necessary to work quickly, proceeding to an adaptation of the United Kingdom's plan on the two bases just mentioned.

The CHAIRMAN reminded the Bureau that Sir John Simon had concluded his statement with the following words : " It is most desirable to ascertain what is the view of other countries on those essential points." It appeared to the Chairman that, after the expressions of opinion the Bureau had just heard, it ought to decide to transmit Sir John Simon's report to the General Commission, not only for information, but also as a subject for discussion.

If there were no objection to that procedure, a full report of the morning's proceedings would be sent to the General Commission as early as possible in order that the latter might open its discussion on Sir John Simon's report at its next meeting on the following Monday.

The procedure proposed by the Chairman was adopted.

FORTY-NINTH MEETING (PRIVATE)

Held on Monday, October 16th, 1933, at 3 p.m.

Chairman : Mr. A. HENDERSON.

67. DECISION OF THE GERMAN GOVERNMENT TO LEAVE THE CONFERENCE : MODIFICATIONS IN THE PROCEDURE TO BE PROPOSED TO THE GENERAL COMMISSION.

The CHAIRMAN informed his colleagues that immediately after the meeting on Saturday last he had received from Baron von Neurath, the German Secretary of State for Foreign Affairs, a telegram which he had at once communicated to the members of the Conference, together with the acknowledgment he had sent pending an appropriate reply, which he could not make without previously consulting the General Commission. The telegrams exchanged were the following :

“ Berlin, October 14th, 1933.

“ On behalf of the German Government, I have the honour to make to you the following communication : In the light of the course which recent discussions of the Powers concerned have taken in the matter of disarmament, it is now clear that the Disarmament Conference will not fulfil what is its sole object—namely, general disarmament. It is also clear that this failure of the Conference is due solely to the unwillingness on the part of the highly armed States to carry out their contractual obligation to disarm.

This renders impossible the satisfaction of Germany's recognised claim to equality of rights, and the condition on which the German Government agreed at the beginning of this year again to take part in the work of the Conference thus no longer exists. The German Government is accordingly compelled to leave the Disarmament Conference. — Baron VON NEURATH."

To this telegram the President had sent the following acknowledgement :

" Have the honour acknowledge receipt your telegram of October 14th which I am communicating to the General Commission of Conference for Reduction and Limitation of Armaments. — HENDERSON, *President*."

His reason for having resorted to that procedure was that Baron von Neurath's telegram contained, as the members of the Bureau could see, certain estimates of the situation on which, although the Chairman might have anticipated the feeling of the General Commission, he could not take immediate action without consulting it.

Those estimates—three in number—were as follows :

(1) " It is now clear that the Disarmament Conference will not fulfil what is its sole object—namely, general disarmament."

(2) " It is also clear that this failure of the Conference is due solely to the unwillingness on the part of the highly armed States to carry out their contractual obligation to disarm."

(3) " This renders impossible the satisfaction of Germany's recognised claim to equality of rights."

It had occurred to him that the General Commission might not like to let those statements pass unchallenged. He had therefore prepared a draft reply which he would submit to the Commission at the coming meeting and which he proposed to send to the German Government, unless the Commission had objections to that course. The draft reply had just been communicated to the members of the Bureau.¹

The procedure proposed by the Chairman was approved.

The CHAIRMAN also wished to inform the Bureau of the procedure which, he thought, the General Commission should follow as regarded the programme of work which had been discussed and approved by the Bureau at its last meeting. He proposed to suggest that, under the changed circumstances, the General Commission should do no more than take note of the Bureau's report on the matter.

The Chairman's proposal was approved.

The CHAIRMAN then informed his colleagues that, in view of the entirely new situation with which they were faced, certain delegations desired to consult their Governments. He was quite prepared to propose to the General Commission, with the Bureau's approval, certain measures which would meet the wishes of those delegations or at least of those which were able to get into rapid communication with their Governments—namely, that the date of the Bureau's next meeting should be fixed for Wednesday, October 25th, and that the General Commission should adjourn until Thursday, October 26th.

M. DE MADARIAGA (Spain) wished to know what the General Commission would do if it met on October 26th.

The CHAIRMAN replied that he was in the same state of perplexity as M. de Madariaga. That was why he had suggested that the Bureau should meet on Wednesday, October 25th. The delegations would then have consulted their Governments and it might perhaps be possible to take decisions.

In any case, he wished to emphasise the fact that he was opposed to an adjournment. When he had returned from London two days ago, he had hoped that the Conference would have completed its work about Christmas time ; but the days were passing and it was to be feared that the Conference would shortly be celebrating its second anniversary. He therefore hoped that on Wednesday, October 25th, the Bureau would be in a position to take a decision on the course of the work to be followed by the General Commission.

The procedure proposed by the Chairman was adopted.

¹ For the text of the reply, see Minutes of the eightieth meeting of the General Commission.

FIFTIETH MEETING (PRIVATE)

Held on Wednesday, October 25th, 1933, at 3.30 p.m.

Chairman : Mr. A. HENDERSON.

68. ARRANGEMENTS FOR FURTHER NEGOTIATIONS AND FOR THE PREPARATION OF A REVISED TEXT OF THE DRAFT CONVENTION FOR SECOND READING.

The CHAIRMAN said that, before the immediate programme was considered, a brief review of the recent position might be helpful.

At its meeting on June 29th,¹ the General Commission had agreed, on the recommendation of the Bureau, that the second reading of the draft Convention should begin only after a greater measure of common agreement had been secured. Monday, October 16th, was fixed as the date of the General Commission's next meeting in the hope that, by then, the negotiations and conversations would have produced successful results.

In a report to the Bureau on October 9th,² the Chairman had stated that two points had been found to be particularly difficult: the system of penalties and the application of the principle of equality.

At the forty-eighth meeting of the Bureau, held on October 14th, Sir John Simon had made a statement on the position resulting from the conversations, which was supported by a number of delegations and was transmitted to the General Commission for consideration by a unanimous decision of the Bureau.

The General Commission had met on October 16th,³ when a telegram announcing the German Government's withdrawal from the Conference was read, together with the proposed reply. The General Commission had decided to adjourn until October 26th, to enable delegations to consult their Governments.

Another important event had to be noted—namely, the fall of the French Government.

In the report he had presented to the Bureau on October 9th, the Chairman had definitely stated that sufficient progress had not been made to justify the hope that an immediate public discussion on some of the points outstanding would serve any useful purpose. The position remained unchanged in that respect, but the immediate difficulties might have been intensified by recent happenings.

In deciding what was the best course to follow under existing circumstances, the Bureau should keep clearly before it two important points:

- (1) That the task of the Conference was to produce a Disarmament Convention;
- (2) That the United Kingdom draft had to be the basis of the new Convention.

For the Conference, at that critical moment, to adopt any policy which could be interpreted as an indication of its inability or unwillingness to complete its task would be disastrous. It would be a serious blow to the League, to the cause of disarmament by world action, and to the honour of the Conference, as it would play into the hands of all those who for many months had said that certain Powers did not intend to reduce and limit their armaments.

The Conference had a heavy responsibility upon it, which could only be discharged by the conclusion of a genuine Disarmament Convention within a reasonable period of time. If he spoke plainly, it was because there had been so many published statements about the adjournment of the Conference until the coming year that he must make it known that he was definitely opposed to such a course. He was not unmindful of the difficulties, some of which rendered it inadvisable that public discussion should begin immediately without a further effort to narrow the existing differences. But even that did not render it necessary for the Conference to adjourn, as had been suggested, for so long a period or to discontinue its work entirely.

He strongly urged, therefore, that the General Commission be requested to authorise the Bureau to go forward with all the necessary arrangements, so as to enable the General Commission to begin its second reading on the basis of a revised and entirely up-to-date draft.

¹ See Minutes of the seventy-ninth meeting of the General Commission, page 637.

² See Minutes of the forty-seventh meeting of the Bureau.

³ See Minutes of the eightieth meeting of the General Commission.

If the Bureau decided to recommend that course, as he strongly hoped it would, it might also recommend that the General Commission should again be adjourned to permit of a further effort to narrow the differences, but on the understanding that it should meet not later than December 4th.

M. MASSIGLI (France) said that, as the Chairman had referred to certain events in French domestic policy, he would venture to open the discussion. He desired to say immediately that he could fully support the proposal that the work of the Conference should continue, for on October 16th the French Parliament had approved that programme by a majority of three-fourths.

While not taking a final decision until he had heard his colleagues' views, he thought he might say that the proposal to ask the Bureau or some other suitable body to continue the work had the full support of the French delegation.

Mr. EDEN (United Kingdom) said, with regard to the general situation, that His Majesty's Government was fully determined to persevere in the work of disarmament. As to the immediate procedure to be followed, the plan outlined by the Chairman seemed eminently practicable and reasonable, and the United Kingdom Government would be happy to fall in with it.

M. MORESCO (Netherlands) asked for certain explanations with regard to the work to be entrusted to the Bureau. He wished to know whether the Bureau would amend the United Kingdom draft Convention in accordance with Sir John Simon's declaration, or whether it would have to examine the amendments and any other proposals that might subsequently be made.

The CHAIRMAN said that, in the first place, it must be kept very clearly in mind that the Bureau had been from the beginning, and still was, the constitutional working organ of the Conference.

It would have to see that, by some method or other, negotiations—which he hoped would be successful—were carried on with regard to the points still outstanding. A few days previously he had reported that several points had not yielded to conversations. Those points must be cleared up and the existing divergencies of opinion lessened, on the responsibility of the Bureau, though that did not mean that the Bureau would carry on the negotiations itself.

It must be remembered that no text embodying the decisions reached during the first reading of the United Kingdom draft Convention had as yet been prepared, and that it might be necessary to make still further changes in the draft, if the coming negotiations were successful. He hoped that it would be possible to place a clean text in the hands of delegations a few days before the meeting of the General Commission on December 4th, in order that they might consider how far the revised text represented their views.

M. MOTTA (Switzerland) was glad to note that the Bureau was unanimously of opinion that the Conference should continue. It would, indeed, be a great mistake to break it up. The really serious events that had recently occurred would not justify such a decision.

By what method should the work be continued? The Chairman had said that the Bureau was the body to which that task should be entrusted. Personally, M. Motta agreed with him. It would be difficult to find a body to substitute for the Bureau which had already been utilised successfully during certain earlier crises. M. Motta had been glad to hear the Chairman say that the Bureau would mainly concern itself with clearing up difficulties and with negotiations. At the same time—and he raised the question without settling it—he wondered whether the Bureau could undertake the delicate and decisive business of negotiation. If it were decided in the affirmative, he would support that view.

As to the date on which the General Commission should meet again, December 4th, M. Motta was not sure whether sufficient progress would have been made to enable the discussions to continue usefully. He hoped it would. Nevertheless, the suggested date would perhaps be too near, if difficulties were encountered. In his opinion, it would be better not to take a definite decision at once, but to leave the Bureau to fix the date.

He made no formal proposal, but in his opinion it would be enough to say that the Conference was continuing, that the Bureau would work on the wording and adjustment of the draft Convention, that the General Commission would probably meet on December 4th, but that the Bureau was free to decide otherwise.

The CHAIRMAN explained that the date had to be fixed not too far ahead in order to avoid creating the impression that the Conference was to be given a "decent burial". On the other hand, it could not be too early, because of the very difficulties to which M. Motta had referred. After all, the second reading must continue to depend upon a greater measure of common agreement being secured. If it had not been secured by the time the Bureau met, the latter

might have to take the responsibility of suggesting that that part of the General Commission's decision still operated. After long and careful consideration, the Chairman had come to the conclusion that it was better to leave the matter as it stood and not to give any ground for the impression that, as the Press had suggested, there was to be a long and indefinite adjournment. If the Bureau found it impossible to keep to the programme fixed, he was sure that the General Commission had sufficient common sense to understand that the date of its next meeting might have to be changed.

M. Motta also seemed to have some doubt as to whether the Bureau was the body to carry on the negotiations. As the Chairman had said, the Bureau would be responsible, but would not necessarily conduct the actual negotiations. That responsibility had been placed upon the Chairman by the General Commission some time previously. He had done his best and had then stood aside to allow the private conversations to continue. It might be necessary for him to see to the conduct of the negotiations, but he would report to the Bureau if it was in meeting. If, after that, some further plan had to be resorted to in order to reach agreement, the Bureau would be at liberty to put forward any suggestions.

As the big Powers were all represented in the Bureau, it might assist towards a solution if some of the difficulties were discussed there. The Bureau would, as it were, supervise the whole matter.

M. MORESCO (Netherlands) understood, after M. Motta's observations and the Chairman's reply, that the date of the next meeting of the General Commission would be fixed provisionally subject to adjournment if necessary. In these circumstances, he wondered whether it was necessary to convene the General Commission if a decision were taken for a further adjournment. He proposed that, in that case, the Chairman, who would remain in permanent contact with all the Powers, should be asked to adjourn the General Commission if the need arose.

M. MASSIGLI (France) asked the Chairman whether the Bureau would meet after the General Commission on the following day. In M. Massigli's opinion, it would be essential for it to meet to organise its work in such a way as to prevent any misunderstanding as to what was meant by negotiations. He felt that the negotiations should take place at Geneva, for the work was being done at Geneva and the Conference would continue there.

The CHAIRMAN said that he had intended to call a meeting of the Bureau after the General Commission if time permitted, or, if not, on the following day. As the question might be raised in the General Commission, it might be as well for the Bureau to consider it, so that the President could state that the Bureau would meet immediately to fix its programme of work. Great advantage was to be gained by showing that the Conference had not fallen to pieces for reasons he need not name.

In reply to M. Moresco, the Chairman thought it would be strictly in conformity with his responsibilities to postpone, still further, if necessary, the date of the General Commission's meeting. He did not suggest, however, that the General Commission should meet in order to adjourn. The Bureau would, he hoped, meet several days before December 4th, and, if it were found impossible to distribute a new text by that date, he would consult it as to the advisability of an adjournment.

He hoped that, on the understanding that the Bureau would meet after the General Commission's next meeting, it would approve his recommendations.

M. DI SORAGNA (Italy) desired an explanation as to the meaning of the suggestion that the Bureau should be asked to prepare the text of a Convention. Did that mean a text accepted by all, or, on the contrary, that the position of each question would be made clear? In the latter case, the Bureau could doubtless do useful work, but in the former it would unquestionably encounter very great difficulties.

The CHAIRMAN pointed out that it had already been decided, at a previous meeting, that the Bureau should prepare a text upon which the General Commission could begin its second reading. It had been unable to do so because certain negotiations had not been sufficiently fruitful, and the Bureau would therefore be responsible for seeing that by some method or other they continued. He hoped they would be successful. The present text could then be brought up to date in such a way as to make it easier to consider than if it were taken in its present form.

Everyone was aware of the difficulties between certain Powers. If their views could be harmonised and the difficulties removed, very little might remain to be done. He would not say that the Bureau would come forward with a *fait accompli*, but it was anxious to be of the greatest possible assistance to the General Commission. He felt sure M. di Soragna would agree that it would be better to proceed on the basis of a clean text.

The Chairman's proposals were approved.

FIFTY-FIRST MEETING (PRIVATE)

Held on Thursday, October 26th, 1933, at 5.15 p.m.

Chairman : Mr. A. HENDERSON.

69. EXECUTION OF THE WORK ENTRUSTED TO THE BUREAU IN VIRTUE OF THE GENERAL COMMISSION'S DECISION OF OCTOBER 26TH, 1933 : DATE OF THE NEXT MEETING OF THE BUREAU.

The CHAIRMAN recalled that the Bureau's recommendations had been accepted by the General Commission,¹ and that consequently, unless the Bureau decided otherwise, the General Commission would stand adjourned until December 4th.

The recommendations made to the General Commission entailed a certain amount of work and responsibility upon the Bureau, and the latter must be under no illusion as to the amount of work to be done or the difficulties to be overcome. There were, in the Chairman's judgment, one or two important points to be determined at once. Should the Bureau continue to sit from now on to see what it could arrange by way of a programme of work, or was it preferable, owing to circumstances to which he need not refer, to adjourn for a few days? The latter course might make it much easier to carry out some of the tasks that had to be taken in hand.

If the Bureau could not continue its meetings immediately, Mr. Henderson hoped that the adjournment would not be for more than a fortnight—that was to say, until November 9th. But, if it did adjourn, the members of the Bureau must appreciate the fact that they had undertaken to be responsible for any negotiations which might be necessary to remove, or at any rate to limit, such divergencies as existed on important questions. Some arrangement must therefore be made immediately for some sort of conversations or negotiations.

Another point to be decided was whether the Chairman should have prepared for the Bureau's next meeting—on the assumption that the Bureau agreed to adjourn till November 9th—a text of the United Kingdom draft Convention in the form in which it had left the General Commission at the end of the first reading, so that the Bureau could see exactly how the articles stood.

The Chairman proposed first to consult the members of the Bureau on the question whether the latter should continue to sit day by day for the present or whether it should adjourn under the conditions he had suggested.

Mr. Norman DAVIS (United States of America) thought that the members of the Bureau would want first to know what was going to be done between the present date and November 9th. He did not as yet see a definite enough programme to be able to take a decision as to whether November 9th would be a wise date to fix or not.

The CHAIRMAN said that if the Bureau were to continue to meet daily until about November 9th, it did not seem to him that very much could be done beyond the business transacted in the actual meetings of the Bureau. If, on the other hand, it were decided to adjourn until November 9th, it would be possible to take up the question of the negotiations and see whether any were possible before the date in question. Whatever progress was made as a result of those negotiations could then be reported to the Bureau on November 9th. That idea did not exclude his other suggestion—namely, that the Secretariat should prepare a roneoed text of the draft Convention as it stood at the end of the first reading, so that, when the Bureau met on November 9th, it would have before it the report on any negotiations that had taken place and a draft on which to begin work, in order that it might be in a position to make all the necessary arrangements to transmit a text to the General Commission.

The Chairman wanted to make it clear that, though he had taken the responsibility of suggesting the 9th, he personally was prepared to begin work the next morning and to sit from day to day.

Mr. Norman DAVIS (United States of America) did not object in principle to a short adjournment. He recognised that it would probably be difficult to proceed on the following day, since there was certain detailed work to be done, as the Chairman himself had suggested, and the latter would probably find it necessary to have a number of consultations. A two-weeks' adjournment, however, seemed to Mr. Norman Davis rather long.

The CHAIRMAN confessed that, if the Bureau decided to continue its meetings immediately, he would have to ask for three days' holiday, because he was anxious to take his seat in the House of Commons on November 7th.

¹ See Minutes of the eighty-first meeting of the General Commission.

M. MASSIGLI (France) wondered whether some useful work could not be done before November 9th. The Bureau obviously could not meet on the 7th or 8th, as both the Chairman and another member whose attendance was indispensable had to be free for other engagements on those dates. While, however, the members of the Bureau of course required to think matters over and while a short adjournment was necessary, M. Massigli considered that it would be useful to have an exchange of views in the middle of the following week for the purpose of organising the work.

Mr. EDEN (United Kingdom) considered that the Bureau's decision depended to some extent upon the course of work which it was going to undertake. It was, he thought, difficult for any member to determine that point without further consultation with his Government. Mr. Eden, for one, would find it very difficult to do so. He wondered, therefore, whether it was a possible solution to leave in the Chairman's hands the question whether the Bureau should meet next week or at a later date, giving the delegates some time to consult their Governments and to report to the Chairman their views. It would be a pity if the Bureau were to be convened next week and were then to find that the time had not been long enough for the work which clearly must be done before any useful discussion could take place.

M. DI SORAGNA (Italy) supported Mr. Eden's proposal.

M. SATO (Japan) observed that for many weeks a discussion had been going on concerning certain important questions which were essentially matters within the domain of European politics, the question of equality of rights for example. In view of the position in which Japan had found itself for some months past, the Japanese delegation considered that it was not possible for it to interfere in discussions of that kind. The situation at the Disarmament Conference had changed since the event of October 14th, but the questions on the solution of which depended the achievement of a tangible result were still matters within the domain of European politics. The Japanese delegation was experiencing some difficulty in accepting a certain part of the United Kingdom draft, but before taking up a final attitude, it seemed to it necessary that the ground should first be prepared by the Powers directly concerned and that the questions connected with the European situation should be cleared up. In these circumstances, the Japanese delegate considered that the European Powers should open fresh negotiations next week or at any other date deemed suitable by the Chairman. Until these conversations had had a satisfactory result, for which the Japanese delegation would wait patiently, the latter would refrain from taking part in the discussions.

The CHAIRMAN observed that, at the General Commission's meeting that afternoon, a reference had been made to the possibility of another meeting of the Commission. As no desire had been expressed for such a meeting, he had taken it for granted that that was not necessary. Since the meeting, however, members of the Commission had asked him whether they were free to leave Geneva. He thought he would be interpreting the position correctly if he said that they were free and that for the present no meeting of the General Commission would be required.

Agreed.

M. DE VASCONCELLOS (Portugal) recalled that he represented a technical committee with special conditions of work, which did not allow it to adjourn.

He supported Mr. Eden's view which, in his judgment, reconciled, as far as that was possible, the different opinions expressed.

M. MOTTA (Switzerland) expressed his satisfaction at the way in which the Chairman had stressed the inexpediency of a further convocation of the General Commission so long as the situation had not developed and so long as there was no decisive reason for convening it.

M. Motta also supported the United Kingdom delegate's view. He had been surprised to hear certain speakers say that an adjournment until November 9th would be too long. His personal feeling was the very reverse. He considered that time was an indispensable factor in the developments which were necessary in order that the Conference might come to a successful conclusion. For that reason, he entirely concurred in the Chairman's suggestions.

The important thing, however, was that, at its next meeting, the Bureau should be faced with a different situation from that existing to-day. He, therefore, supported Mr. Eden's proposal that the Chairman should be empowered to convene the Bureau when he had consulted the delegations of the Powers most directly concerned in the matter. There must be no undue haste. On the contrary, time must be allowed to play its part, and there should be no meeting until the situation made it possible to do useful work.

M. DE MADARIAGA (Spain) felt unable to accept a decision as to the date of the resumption of the Bureau's work until two or three points had been cleared up.

The present position was that the members of the Bureau were being asked to decide between continuing the work, adjourning for one week and adjourning for two weeks. Before deciding, the members must know whether the Bureau was prepared at once, or would be prepared in one, or two weeks, finally to draw up a draft Convention, since it was no longer possible to do anything else. M. de Madariaga confessed that he could not express an opinion on this point. It was his feeling that none of the delegations was absolutely clear as to the

exact state of the work and of the previous negotiations—more particularly after the events of October 14th—from the standpoint of general principles. Before drafting the text of a convention, it would be well first to have the general principles set forth in a paper of two or three pages. In M. de Madariaga's opinion, the work could not be continued until this condition had been fulfilled.

If, therefore, an interval of one or even two weeks was necessary to prepare for work, M. de Madariaga would like to know how this interval would be utilised, what consultations would be undertaken and by whom the negotiations would be carried on.

He would be glad to be enlightened on these two points, after which he thought it would be easy to solve the question of dates.

M. MASSIGLI (France) said that he had asked leave to speak after M. Motta, because he had feared that a misunderstanding was about to arise. Mr. Eden had proposed that the Bureau should leave to the Chairman the possibility of convening the various delegations next week if he thought it useful to do so. There were grounds for the view that the meeting of the Bureau itself could be held before the proposed date, but it must be remembered that certain delegates would be obliged to go home during the next few days. Agreement, therefore, might be reached for reassembling on November 9th. M. Motta, however, had seemed averse to maintaining that date, or rather he refused to consider it final; he held that the meeting might be convened later, and that caused M. Massigli much misgiving because such an eventuality would amount practically to an adjournment *sine die*.

It was necessary to choose a definite date, if need be one fairly distant, so as to enable all the members of the Bureau to obtain precise instructions from their Governments; that date, once fixed, must be maintained. What was the question at issue? It was to know how the various delegations conceived the work incumbent upon them of preparing a convention. Various types of convention could be envisaged. By November 9th, each delegate would have had the necessary time to have precise ideas on this point.

The Bureau could not adjourn and merely say that certain negotiations were going to be undertaken. What would be the subject of negotiation? Probably nothing tangible, as experience had already shown.

The members of the Bureau would have to ask their Governments whether they were prepared to work out a draft Convention and on what principles. The various Governments could, of course, get into touch with one another. The problem had already been studied with sufficient thoroughness to make it possible for everyone, within some ten days, to have a definite idea of what was feasible and what was not. If all work were impossible, that must be stated clearly. Nothing could be worse than to resume the discussions and then suspend them on one pretext or another, for the delegations would then separate in infinitely less favourable circumstances.

The CHAIRMAN was afraid that there was some misunderstanding as to the suggestions he had put forward.

If it were proposed to continue the discussion immediately, the members of the Bureau must keep very clearly in their minds the fact that there were two pieces of work to be carried out. First, there was the question of bringing the text of the draft Convention into line with the position achieved at the end of the first reading, in order that the Bureau, when it met, might be able to go through the draft article by article, and satisfy itself as to whether the new text could be sent to the General Commission. That work would go on irrespective of the date fixed for the Bureau's next meeting, and he hoped that it might be possible for some text to be prepared by the Secretariat and sent for consideration to all the members of the Bureau as early as possible in the following week. The Bureau, when it met, would then be in a position to see at once exactly what it was to discuss.

There was, however, another and very important part of the work. He would remind the Bureau that some time previously the General Commission had charged him, as President of the Conference, with the responsibility of carrying on negotiations. Did that responsibility rest upon him or did it not? If it did, was there any reason why, before the Bureau met again, he should not see what conversations he could have with two or three of the Governments which, as members knew, had very great difficulties, and ascertain how far matters could be brought to such a point as would enable progress to be made? Even supposing those conversations had not gone sufficiently far when the Bureau met again—say, on the 9th—there was no reason why they should not be continued while the Bureau was considering the draft that would then have been submitted, part of the day being given up to the continuation of such conversations as might be necessary in order to lessen still further any margin of difference that might exist on certain very important questions, and part to the consideration of the draft. If the members of the Bureau would keep those two ideas clearly before them, the Chairman thought it could be said that November 9th was not too early, as there would be certain work which the Bureau could do.

Count RACZYŃSKI (Poland) associated himself with the remarks of the French and Spanish delegates. In his view, there were two separate questions. The first was whether the Bureau was agreed to meet again and proceed to work. The second was that of the date of the next meeting, and that was a question of expediency. The point to consider was which date would be the best in order to enable delegations to receive instructions from their Governments. Speaking personally, the Polish delegate did not think that many of the delegations present would be able to adopt forthwith a definite position on the substance of the various questions involved.

The Bureau, therefore, might to-day decide in principle to return to work as soon as possible and to select a sufficiently distant date to make it certain that the question would be properly prepared and that the work could be usefully resumed.

Mr. Norman DAVIS (United States of America) thought that the Chairman's explanation had cleared the situation satisfactorily. He wished, however, to ask one question. He understood that the Chairman proposed that November 9th be fixed as the latest date, but if, as the result of the conversations, negotiations or developments in the next few days, the Chairman found that it would be useful to call a meeting of the Bureau at the end of the coming week, he would do so.

The CHAIRMAN replied in the affirmative.

M. DI SORAGNA (Italy) agreed with M. Massigli on many of the points he had raised. He would like, however, to have an explanation on one. M. Massigli, he thought, had referred to the preparation of a draft Convention by the Bureau as if the Bureau had received from the General Commission a mandate to that effect. M. di Soragna had understood that there was no question of a mandate, but rather of a power. There was an important distinction here, and it was this distinction which had enabled him on the previous day to accept the Chairman's proposal as to the aim of the Bureau's work.

The CHAIRMAN thought that there was some misunderstanding as to what he had said on the previous day. He had had no idea that the Bureau, either itself or through any Committee or through any means it could devise, was going to draft a new text of a convention. What he had said on the previous day, and repeated to-day, was that, with the help of the Secretariat, he would try to put into the members' hands the draft of the United Kingdom Convention as it had left the General Commission at the close of the first reading. That was an entirely different thing from preparing the text of a new convention.

He had referred on the previous day to the only powers upon which the Bureau could go to work—namely, the decisions of the General Commission. The first decision of the Commission had been that the United Kingdom draft should be the basis of discussion, while its second decision, taken on June 29th, had been that that draft was to be the basis of the new Convention. During the first reading, certain committees had been set up, some of them presided over by the Vice-President. These committees had taken certain decisions, and the Chairman's only idea had been that the members of the Bureau would wish to have everything that had been agreed to at the first reading put before them in proper order.

The proposals of the Chairman were adopted.

FIFTY-SECOND MEETING (PRIVATE)

Held on Thursday, November 9th, 1933, at 3.30 p.m.

Chairman : Mr. A. HENDERSON.

70. PREPARATION OF A CLEAN TEXT OF THE DRAFT CONVENTION WITH A VIEW TO THE SECOND READING : APPOINTMENT OF A SMALL COMMITTEE TO MAKE PROPOSALS REGARDING THE DISTRIBUTION OF THE WORK.

The CHAIRMAN recalled that, on October 26th,¹ the General Commission had decided to stand adjourned until December 4th in order to permit of a further effort to narrow existing differences. The General Commission, at the same time, had authorised the Bureau to go forward with all the necessary arrangements, so as to enable the General Commission to begin its second reading on the basis of a revised and entirely up-to-date draft.

It had been understood that an endeavour would be made to place in the hands of the delegations, a few days before December 4th, a clean text which would enable them to consider how far the revised text represented their views.

In the statement which he had made to the Commission and to the Bureau, he had also hinted at the possibility of the Bureau having to set up committees in order to expedite the work of bringing up to date the draft Convention.

¹ See Minutes of the eighty-first Meeting of the General Commission.

He thought that the powers that the Bureau had obtained from the General Commission were wide enough to authorise the Bureau to join to its committees the delegates of those other countries, not members of the Bureau, which were particularly interested or had tabled amendments.

In accordance with the closing statement which he had made in the afternoon of October 26th, the Secretariat had circulated the draft Convention as it had left the General Commission at the close of the first reading.¹ That text contained certain decisions of proposals secured during the first reading either in the Commission itself or in committees, some of which had been presided over by M. Politis, the Vice-President of the General Commission.

In that connection, he desired to recall that when, on June 8th, 1933,² the General Commission unanimously adopted the recommendation of the Bureau that the draft Convention submitted by the United Kingdom delegation should be accepted as a basis of the future Convention, it did so with the understanding that such acceptance " would be without prejudice to amendments or proposals submitted before or during the second reading, particularly as regards additional chapters concerning the manufacture of and trade in arms and budgetary limitation ".

The Bureau would note that, on page 23 of document Conf.D./Bureau 49, appeared the provisional text of articles on publicity of expenditure prepared by the Technical Committee of the National Defence Expenditure Commission, in accordance with the resolution adopted by the General Commission on June 8th. In that connection, he wished to inform the Bureau that on October 30th, 1933, he had written to M. de Modzelewski, Vice-Chairman of the Technical Committee, with regard to the complete draft of the articles on publicity of expenditure, a letter as follows :

" I have been following as closely as possible the arduous work done by the Technical Committee in execution of the decision on publicity of national defence expenditure taken by the General Commission on June 8th last.

" By your letter of July 11th last, you were good enough to transmit to me the first reading draft of the articles which the Technical Committee expected to propose for insertion in the Convention.

" At the same time, you informed me that the second reading of the articles would take place after the study of the various annexes necessary to give effect to the decision of the General Commission.

" In order to effect the necessary co-ordination of the documents which will have to be discussed by the General Commission, I should be very glad to know when the Technical Committee expects to be able to submit its complete draft. I may perhaps in this connection remind you that the General Commission, at its meeting on October 26th, decided to meet again not later than December 4th, but I am sure it would be most useful if the Technical Committee could see its way to prepare its draft early enough to enable it to be circulated in printed form before the meeting of the General Commission.

" (Signed) A. HENDERSON. "

On November 1st, 1933, M. de Modzelewski had replied to him in the following terms :

" I beg to acknowledge receipt of your letter of October 30th, 1933, concerning the work undertaken by the Technical Committee of the National Defence Expenditure Commission in pursuance of the resolution adopted by the General Commission on June 8th last.

" The Committee, to whom I submitted your letter, has directed me to inform you that it will doubtless be in a position to present to the General Commission before December 4th next the definitive text of the articles which it proposes should be inserted in the Convention in order to give effect to the adoption of the principle of controlled publicity of national defence expenditure.

" In case the Committee is not in a position to add to these articles the complete texts of instructions and other annexed documents, these will be forwarded to the General Commission shortly after December 4th.

" (Signed) DE MODZELEWSKI. "

He had said in the General Commission that the work that the Bureau was about to start was not intended to settle anything definitely over the heads of the delegations which did not form part of the Bureau. The Bureau, or any committee which it might set up, would confer with the interested delegations, and especially with those which had tabled amendments, and the whole matter would eventually come before the General Commission, which would be absolutely free to decide upon every detail of the articles presented.

He had thought that he should briefly place before the Bureau the decisions adopted before the adjournment late in October, in order that the Bureau should be in a better position to decide upon the methods to be followed as regards the future work.

It was obvious that, if a clean text of the draft Convention was to be circulated to the delegations in time to receive consideration before the meeting of the General Commission

¹ Document Conf.D.163(1).

² See Minutes of the seventy-seventh meeting of the General Commission, page 630.

on December 4th, the Bureau must give careful attention to the programme of work and the procedure to be followed.

There were several courses any one of which the Bureau could adopt :

1. It might at once begin a general discussion on the draft Convention in the light of what the General Commission expected the Bureau to do by way of preparation for its meeting on December 4th. At the close of the general discussion, the Bureau could decide its procedure or invite the President, Vice-President and Rapporteur to report on the matter.

2. The Bureau could begin at once an examination of the draft Convention article by article and thereby ascertain what amount of common ground now existed.

3. The Bureau could examine those questions upon which wide divergence of opinion was revealed during the first reading and satisfy itself as to whether a sufficient amount of agreement now existed on any of those questions to warrant their being discussed in the General Commission.

4. The Bureau could at once appoint a small Committee to deal with each part of the draft Convention, with authority to consult those delegations not represented on the Committee especially those delegations responsible for amendments. Each Committee could appoint its own Chairman and Rapporteur.

5. It might be that certain questions had been sufficiently considered to enable the Bureau to appoint at once a Rapporteur, giving him power to consult where necessary and to produce draft texts of new or amended articles on the question entrusted to him.

The Bureau might perhaps think it advisable to appoint at once a small Committee, along with the President, Vice-President and Rapporteur, to submit a report as to which part of the draft Convention should be sent to a committee and which part was to be entrusted to a Rapporteur. The report could be circulated the following day and the Bureau could meet on Saturday, November 11th, to consider it. If that suggestion were approved, he would suggest the names of half a dozen delegates to prepare the report.

M. MASSIGLI (France) supported the last suggestion put forward by the Chairman. That suggestion, which was to appoint, according to the questions, either a small working committee or a Rapporteur, seemed to him a wise one. In the first place, it indicated the intention of the delegations, whatever the difficulties—which no one could underestimate—to continue the work in accordance with the mandate they had received. Secondly, it was an "elastic" proposal. There was no doubt that on certain of those questions, so varied in character, the work had reached a point at which discussions in a wide circle were no longer necessary. What was necessary was that the delegations should inform the Rapporteur in confidence of the limits of their possibilities. There were, on the other hand, other questions which had not been fully explored, and in such cases discussions between a very large number of delegations were desirable in order that the work might be further advanced.

Lastly, Mr. Henderson's proposals offered the advantage—essential at that most difficult moment—of modesty and discretion. There was no question at that juncture of holding big public meetings where no really useful work could be done and where, on the contrary, there was the risk that ill-informed opinion, based on incomplete information, might increase the difficulties. It was essential to work discreetly and in silence until positive results could be produced. The Chairman's last suggestion seemed to comply with those various requirements, and M. Massigli was prepared accordingly to endorse that suggestion.

The CHAIRMAN interpreted the silence of the other members of the Bureau as signifying that they associated themselves with M. Massigli's remarks and that they regarded the last suggestion made by himself as the best. Such being the case, they must now proceed to appoint the small Committee suggested. The Bureau would adjourn until Saturday morning—November 11th—when he hoped that the Committee would be able to submit its recommendations, and the Chairman was prepared to offer the Committee every facility in the matter.

The last suggestion put forward by the Chairman in his initial statement was approved.

The CHAIRMAN proposed that the small Committee should include, in addition to himself, the Vice-President and the Rapporteur, and the delegates of France, the United Kingdom, Italy, Spain, Norway and Poland. The Bureau would note that he had chosen three representatives of great Powers and three representatives of other Powers.

The composition of the small Committee, as proposed by the Chairman, was approved.

M. DI SORAGNA (Italy) enquired why the small Committee could not get to work that very day. Unless the Chairman saw any objection, he thought that his colleagues on that Committee would be prepared to meet at once.

The CHAIRMAN said that there were cases in which the dictum "*festina lente*" applied. In suggesting that the small Committee should meet the following day—Friday, November 10th—his idea had been that the Disarmament Section could get to work at once in order to place before the Committee on the following day the necessary material for its work. He proposed to discuss the matter with the Director of the Disarmament Section; he thought that in that way no time would be lost.

FIFTY-THIRD MEETING (PRIVATE)

Held on Saturday, November 11th, 1933, at 10 a.m.

Chairman: Mr. A. HENDERSON.

71. PREPARATION OF A CLEAN TEXT OF THE DRAFT CONVENTION WITH A VIEW TO THE SECOND READING: REPORT OF THE COMMITTEE SET UP BY THE BUREAU ON NOVEMBER 9TH, 1933.

The CHAIRMAN said that the Committee set up two days before had held two meetings the previous day, at which it had gone very closely into the question referred to it. The recommendations made by that Committee were now submitted to the Bureau (document Conf.D./Bureau 50).

Security.

The questions of non-resort to force and the definition of the aggressor and the question of Article 6 of the United Kingdom draft would be entrusted to M. Politis.

Approved.

Disarmament.

Effectives.

The question of effectives would be entrusted to M. Westman.

Mr. CADOGAN (United Kingdom) noted that, in the first paragraph of this part of the report, there was a reference to Table I concerning the effectives for continental Europe. On the previous day, he had suggested to the Committee that that somewhat difficult question should be dealt with on rather different lines from the others, which were purely technical. His remark had been duly taken into account, and, as indicated at the end of the fourth paragraph, it had been agreed that the questions connected with the table might be entrusted to a Rapporteur. It might be better, accordingly, to delete the reference to Table I in the first paragraph.

Since the meeting on the previous day, it had been pointed out to him that—in the General Commission, if he remembered rightly¹—the United Kingdom delegation had been asked, and had agreed, to institute negotiations with regard to the figures to be inserted in the table. The United Kingdom delegation had, in that capacity, received from a number of other delegations figures which they would like to have finally inserted in the various tables; but the majority of those delegations had insisted that the information should be regarded as confidential, and the United Kingdom delegation had given an undertaking to that effect. It would thus be difficult for it to quote the information in question or to communicate it to a Rapporteur without authorisation from the delegations concerned. Moreover, some of the Governments interested were not represented in the Bureau.

It might perhaps be useful to the Rapporteur to know what had already been done in the matter by the United Kingdom delegation, and he would, perhaps, when he thought fit, get into touch with that delegation in order to consider the best way of settling the question.

The CHAIRMAN thought that the Rapporteur, M. Westman, would be at the same time Chairman of the Committee mentioned in that part of the Committee's report. Obviously, he could not examine the question without consulting the United Kingdom delegation, and, before the confidential figures to which reference had been made were communicated to him, it would be necessary to obtain the consent of the delegations concerned, either by convening them to a meeting or by inviting them to meet the Rapporteur and a representative of the United Kingdom delegation.

Subject to the above explanations, *the Committee's recommendation was approved.*

¹ See minutes of the fifty-fourth meeting of the General Commission, page 440.

Material.

The Committee proposed that this question should be entrusted to M. Beneš as Rapporteur.

Mr. CADOGAN (United Kingdom) submitted an observation of the same kind as before concerning the table relating to tanks. The United Kingdom delegation had already done a certain amount of work in the matter, and the Rapporteur might be invited to get into touch with it in order to examine what had actually been achieved.

The Committee's recommendation was approved, due account being taken of Mr. Cadogan's remark.

Naval Armaments.

The Committee proposed that this question should be entrusted to M. Moresco as Rapporteur.

Mr. CADOGAN (United Kingdom) asked that the words, "they [the United Kingdom delegation] would be only too happy to hand over to M. Moresco the results of the negotiations they have conducted in this respect", should be replaced by the words, "they would be only too happy to submit to M. Moresco certain suggestions resulting from the negotiations, etc."

Mr. Cadogan's amendment was adopted, together with the section of the report in question.

Air Armaments.

The Committee proposed that this question should be entrusted to M. Lange.

Approved.

Manufacture of and Trade in Arms.

The Committee proposed that this question should be entrusted to M. Komarnicki.

Approved.

Budgetary Publicity.

M. DE VASCONCELLOS (Portugal) noted that it was stated in the report that "no action at present seems called for". The work of the Technical Committee was, however, well advanced, and it would be expedient in so complex a question to take the same decision as for the questions already dealt with and to appoint a Rapporteur, whose report would be transmitted to the Bureau or possibly later to the General Commission.

The CHAIRMAN thought that the Committee's suggestion was the best, since the Technical Committee was just about to submit to the General Commission a final text, as stated in the report. The Committee, which had met on the previous day, had come to the conclusion that the Technical Committee should be allowed to finish its work and submit its final report to the General Commission.

M. MASSIGLI (France) wondered, on reflection, whether the Committee which had met on the previous day would not have done better to propose the appointment of a Rapporteur who might have submitted a report to the Bureau, while leaving the Technical Committee to present its final text to the General Commission. The Technical Committee would have finished its work in a few days, and possibly its conclusions, at all events on certain aspects of the question, might be of interest from the standpoint of the Bureau's work on other points. While he was not suggesting that the matter should no longer go before the General Commission, it might save time if a report on the question of expenditure were submitted to the Bureau.

He proposed, further, that the expression "national defence expenditure" be substituted for "budgetary publicity", in order not to prejudice either the question of publicity or that of limitation.

The CHAIRMAN said that he would defer to the Bureau's opinion, but reminded M. Massigli that the Technical Committee was not peculiar in this respect, and that other Committees were in exactly the same position. The Technical Committee would duly transmit its report to him as President of the Conference, and he would see that the report was brought to the knowledge of the Bureau.

The Committee's recommendation was approved.

Exchange of Information.

The Committee's suggestion to leave this matter to the United Kingdom delegation was approved.

Chemical Warfare.

The Committee's suggestion was approved.

Miscellaneous Provisions.

Permanent Disarmament Commission (Control, Supervision and Penalties).

The Committee proposed that the questions of the Permanent Commission and of supervision should be referred to a Committee with M. Bourquin as Chairman and Rapporteur, and that of penalties to the President.

Mr. CADOGAN (United Kingdom) submitted an observation similar to that which he had already put forward concerning Table I relating to effectives. There was a reference in the title of this part of the report to penalties. It had been agreed, however, at the meeting the previous day, that that question, which was on a different plane from that of control, should be treated somewhat differently, as was indicated in paragraph 3 of Part V of the report.

The CHAIRMAN proposed that the word "penalties" be deleted at the beginning of the first paragraph and that it be inserted at the beginning of paragraph 3.

M. MASSIGLI (France) proposed that, as the French word "sanctions" was regarded unfavourably in certain quarters, it should be replaced by the expression "garanties d'exécution".

Further, effectives should, he thought, be included in the list at the end of paragraph 1.

The Committee's recommendations were approved, due account being taken of the observations submitted.

The CHAIRMAN, in proposing that the Bureau should adopt the report as a whole, observed that the procedure recommended by the Bureau appeared to have given rise to certain apprehensions. It was feared that it might have the effect of delaying the work of the Conference. He was convinced that none of his colleagues would accuse him of any such intention. He desired to state clearly that that procedure had been adopted as being the most practical and that it would not have the effect of delaying matters. The work to be done had been divided up and distributed between Committees and Rapporteurs, who would set about their several tasks at the beginning of the following week. The Committees would perhaps agree to meet more than once a day, and he hoped that it might prove possible in ten days or a fortnight to draw up reports which would be communicated to him. He proposed to convene the Bureau as soon as the work of any Committee or Rapporteur was complete, without waiting for all the texts to be handed to him. The other Committees or Rapporteurs would continue their work while the Bureau examined such reports as might be ready. An undertaking had been entered into, as regards the members of the General Commission, to place in their hands some days before December 4th a clean text, so that they might have time, if necessary, to consult their Governments. More than one meeting of the Bureau would be required to approve the various texts before they were distributed. It was very desirable that the texts should be circulated about November 29th, and it would require very strong pressure indeed before he himself, as President of the Conference, would agree to postpone the date for the convening of the General Commission beyond December 4th.

The Bureau agreed that the Effectives Committee (Chairman and Rapporteur, M. Westman) should meet on the morning of Monday, November 13th, and that the Committee on Control and Supervision (Chairman and Rapporteur, M. Bourquin) should meet in the afternoon of the same day.

M. DI SORAGNA (Italy) observed that, both in the General Commission and in the Bureau, the Italian delegation had frequently shown that, in the matter of procedure, it desired, whenever possible, to fall in with the opinion of the majority, especially when the proposals came from the President. It did so for several reasons. Above all, it felt very great deference for the President personally; it had a very strong sense of *esprit de corps*, and it was actuated by a desire not to appear to create difficulties.

It was his duty to say frankly to-day that the Italian delegation's acceptance of the procedure resulting from the Bureau's last meeting but one, from that of the Committee yesterday and from the Bureau's present meeting, had been guided solely by those same considerations of deference and *esprit de corps*. As to the substance of the question—that was to say, the decision that had been taken to continue the discussion in committees and in the form of reports, even in the technical sphere of disarmament—the Italian delegation felt that that decision was neither really useful nor genuinely expedient. Needless to say, it appreciated so highly the ability and qualities of the members appointed either as Rapporteurs or as Chairmen of the various committees that it was prepared to give proof of optimism and to hope that they would succeed in finding in the material they would examine some new aspects which the Italian delegation was really unable to discern at the present moment. His delegation desired, above all, to rely on their prudence and wisdom to refrain

from attempting to infer too much from that material—that was to say, attempting to deduce therefrom principles and suggestions, even of a technical nature, which might give rise to certain objections or involve consequences reaching far beyond the technical sphere. In any case, the Italian delegation would avail itself, with the fullest freedom, of the procedure suggested by the Chairman to examine thoroughly the reports when they came before the Bureau and adopt, with regard to the action which should be taken on those reports, the attitude which seemed to it indicated from their contents and from considerations of general policy which the Italian delegation and Government deemed of the first importance.

In view of the foregoing observations, it might naturally be supposed that the Italian experts belonging to the said Committees would have to confine themselves more specifically to the rôle of simple observers.

The CHAIRMAN, after thanking M. di Soragna for the kind way in which he referred to himself as President of the Conference, wished to refer to an opinion expressed in the last part of M. di Soragna's remarks—namely, the opinion, which the Chairman was unable to share, that the work entrusted to the Committees and to Rapporteurs was of a technical character. The Chairman thought, on the contrary, that, in certain respects, that work was essentially of a political character. If he had imagined that the only purpose was to embark again upon the boundless ocean of technical problems, so fully explored last year, he would certainly not have thought of asking the Bureau to set up new committees or appoint new Rapporteurs. The Conference had now reached the most critical phase in its history. Work was proceeding slowly, more slowly perhaps to-day than ever, but that was certainly not due to any lack of goodwill on the part of the delegations. It was merely because it was now necessary to take certain grave and complete decisions upon which depended the outcome of the Conference, whether it would lead to a concrete Convention or to a failure which might give rise to a new race in destructive armaments. No one could contemplate an issue of that kind, and if the Chairman spoke that morning with some warmth it was because it was the anniversary of the Armistice, and he was one of those upon whom the events preceding the Armistice had imposed heavy sacrifices. In any case, he wished to say as categorically as possible that the procedure now contemplated was not restricted to purely technical questions, but constituted a fresh effort for the achievement of a substantial disarmament Convention.

He wished in passing to mention the fact that the ugliest rumours were going round at the present moment. It had been agreed on the previous evening that the Committee's meeting would be regarded as strictly confidential. He had, however, been asked more than once whether that meeting had not provoked violent incidents between certain delegations. If such rumours were spread in the corridors, that meant that they were finding their way into the Press as well; it showed, therefore, that the promise given on the previous evening that the Committee's meeting would be regarded as confidential had not been respected. In point of fact, the two meetings held on the previous day had been extremely helpful and animated with the best possible spirit. It was true that the Italian delegate had stated very clearly his attitude with regard to the empty seat on the Bureau, but was there anyone either in the Bureau or in the General Commission who was indifferent to that situation?

Nevertheless, it was his duty as President of the Conference to recall that, at the meeting of the General Commission held on October 16th,¹ he had submitted the text of a telegram to be sent to Berlin, and, although certain objections had been raised, no delegation had voted against the despatch of that telegram. In these circumstances, was there not a danger that the results might be the reverse of those desired, if certain speculations were indulged in and if the idea were entertained that all work should be dropped because a certain seat was empty—temporarily, the Chairman hoped?

The Chairman trusted that the Italian delegate would not press the last remarks in the speech he had just made and that he would not confine himself to a position of observer during the work that was about to be pursued. Hitherto, the Italian delegate had taken an active part in all the Conference's work, and the Chairman would be grateful if he would immediately define his attitude after what he had himself just said as to the desire felt by all to see the chair at present empty occupied again, notwithstanding the difficulties of the moment. There might be differences as to the methods to be followed and as to the time at which certain efforts should be undertaken, but there was general agreement on the fact that no convention, whether European or worldwide, could be concluded unless Germany were a signatory. The task entrusted to the Committees and Rapporteurs must be contemplated with the utmost seriousness. It was not a purely technical task, one of the kind that merely required the attendance of Italian delegates as simple observers.

M. DI SORAGNA (Italy) thanked the Chairman for his observations, which gave him an opportunity of defining better his position with regard to the various points. He had not said that during the forthcoming work the Italian delegation proposed to adopt the attitude of observer, and that had not been his idea. He had merely spoken of the rôle of the Italian experts in the two Committees proposed, in view of the opinion he had expressed as to the utility and expediency of the latter's work. If a delegation held a negative opinion as to the utility and expediency of one special committee or another, it was clear that, even if certain of its members took part in the meetings, their contribution to the work must inevitably be very much less than it might have been if contemplated from another angle.

¹ See Minutes of the eightieth meeting of the General Commission.

With regard to the outcome of the Conference, he could give the assurance that the Italian delegation and Government were no less anxious for its continued existence and final success than any other Government or person in Europe. They considered it essential that the Conference should succeed, and appreciated the dangers that would be involved if it were obliged to end in failure or after having reached a solution which was equivalent to an avowed failure.

There were, notwithstanding, different ways of conceiving the most desirable course which any particular activity should take. Some might feel that the continued existence and success of the Conference would be assured if it worked at all costs and in all conditions. Others might hold the view that an interval would allow a particular situation to clear up and that the Conference's work, without ever having been officially suspended, might be resumed on bases from which the negative elements had been removed. This, however, was not the time to re-open a discussion on the different points of view.

Everyone agreed that the Conference was not closing, and that one day every effort would have to be made for its success. The real difference, therefore, was as to the conception of methods, and not as to the aim to be pursued. The Italian delegation would continue as heretofore to give its most loyal and sincere support to the Conference's work, but it could not at the present stage refrain from defining the various points of view and the responsibilities incumbent upon each member in the method now being adopted for the work.

The CHAIRMAN thanked M. di Soragna for his explanations and apologised for having interpreted his previous remarks too narrowly.

FIFTY-FOURTH MEETING (PRIVATE)

Held on Wednesday, November 22nd, 1933, at 3.30 p.m.

Chairman : Mr. A. HENDERSON.

72. ADJOURNMENT UNTIL A LATER DATE OF THE MEETING OF THE GENERAL COMMISSION ARRANGED FOR DECEMBER 4TH, 1933.

The CHAIRMAN reported that, being very much concerned with the present position of the Conference, he had invited into consultation the representatives of France, Italy, the United Kingdom, the United States of America, and the officers of the Bureau. A full examination of the situation was made in which the difficulties and dangers were considered. The unanimous opinion had been expressed that a supreme effort should be made to conclude a convention, and different methods were explored with a view to achieving that object. No decisions were taken, as it was fully appreciated that that function rested only with the Bureau or the General Commission.

It was suggested that, under present circumstances, it was inadvisable for the President to convoke the General Commission for December 4th, as it had to be remembered that the work of the Commission when it met would be the second reading of the draft Convention. It was recognised that the existing divergences on several important political questions were too great to encourage any hope of a successful issue from a premature discussion in the General Commission. In consequence of that position, it was suggested that the Bureau should consider the advisability of agreeing to a postponement of the General Commission until a date during or immediately after the January session of the Council of the League of Nations, such date to be fixed by the President in consultation with the officers.

If that postponement were agreed to by the Bureau, it would not seem necessary to convoke the General Commission for confirmation, as the General Commission had agreed on October 26th¹ that, if it were found impossible to distribute the new text in time, the President would consult the Bureau as to the advisability of further postponing the meeting of the Commission.

The Bureau must also consider what methods should be followed with a view to making progress on important questions upon which agreement had not yet been reached. It had been suggested that the work of the Disarmament Conference would at that stage best be assisted by parallel and supplementary efforts between various States and the full use of diplomatic machinery. The hope had been expressed that those efforts would be at once undertaken with energy, with a view to advancing in every way possible the work which lay before the General Commission. It had also been suggested that Governments should keep the President informed of their efforts and that they should report to him the final results of those efforts.

The President, after consultation with the officers and the Chairmen of the Committees, should advise how far the work of the Committees should be carried on in the meantime.

The Chairman's proposals were approved.

¹ See Minutes of the eighty-first meeting of the General Commission.

FIFTY-FIFTH MEETING (PRIVATE)

Held on Tuesday, April 10th, 1934, at 3.30 p.m.

Chairman: Mr. A. HENDERSON.

73. PROGRESS OF THE NEGOTIATIONS UNDERTAKEN SINCE THE LAST MEETING OF THE BUREAU. DATE OF THE NEXT MEETING OF THE BUREAU AND OF THE GENERAL COMMISSION.

The CHAIRMAN, opening the meeting, apologised to the members for the postponements that had taken place; but he could assure them the delay had been absolutely unavoidable, since it had been necessary to work according to circumstances.

The Chairman then drew attention to the note¹ summarising what had happened since the Bureau last met, and indicating the chief points that emerged from a consideration of the various documents exchanged between the Governments in the course of the parallel and supplementary efforts that had been proceeding since the end of last year.

There was no need to go over the ground already covered in that note. But he thought the record of events before the Bureau showed that, whereas agreement had not yet been reached on certain important points, there was nothing to warrant the conclusion that further effort would be unfruitful. Having conferred with the Governments chiefly concerned with the parallel and supplementary efforts, he found that a little further time was required. In the circumstances, it would, in his opinion, be highly inadvisable for the Bureau to do other than grant the required time.

But before any further adjournment was entered upon, the Bureau should consider the future programme of work of the Conference. In this connection, it should be borne in mind that the Bureau had been charged by the General Commission last October² to go forward with all the necessary arrangements so as to enable the Commission to begin the second reading of the draft Convention on the basis of an up-to-date text.

What, under existing circumstances, and having regard to all that had transpired since October 26th when this decision had been taken, was the best method of procedure? In the light of the conversations which he had had with delegates, he had reached the conclusion that the Bureau should at the present meeting fix the date of the next meeting of the General Commission. This should not be fixed too early or too far ahead.

In order to facilitate the work of the General Commission when it met, he would venture to suggest that a date should be fixed at the present meeting for the convocation of the Bureau in order to make the arrangements necessary for circulating to the General Commission an up-to-date text of the United Kingdom draft Convention.

Those were the Chairman's proposals on procedure. They concerned two points: (1) fixing the date of the General Commission, (2) fixing the date of the Bureau.

The Chairman would, however, ask leave to make one or two further observations.

The general situation was now such that he felt it his duty to draw attention to certain broad facts with which he believed it was imperative that the Bureau should reckon.

Three years ago the League Council, at its May meeting, had extended a unanimous invitation to Mr. Henderson to preside over the Disarmament Conference. Twenty-six months ago—though his health was at that time greatly impaired—he had entered upon his duties with faith and devotion. Although there was even then a storm-cloud in the Far East, the opening of the Conference proceedings had been full of inspiration and encouragement. The peace-loving people of every nation were roused to a high level of enthusiasm and expectancy. There was widespread confidence that the Conference was opening a new era by securing a world agreement for the reduction and limitation of armaments; that Article 8 of the League Covenant was to be applied, and that the nations would experience a real diminution in the unproductive military burdens which their peoples had had so long to bear. On all hands it was felt that disarmament had become a question of immediate urgency and of paramount importance. It had seemed that at last the Governments were going to act on the promises they had so often and so solemnly made, that at last the peoples were to be given the peace for which they so ardently longed. Such were the promising conditions, on February 2nd, 1932, under which the Conference had begun its effort to secure a worldwide agreement for the reduction and limitation of armaments.

¹ Document Conf.D./Bureau 55.

² See Minutes of the eighty-first meeting of the General Commission.

What was the position to-day? In almost all the leading countries armament budgets were beginning to increase. A new race in armaments had already begun, although it had not yet gathered much momentum. That was the situation. What was the Bureau to do?

There were sections of public opinion that had for long been saying that the situation was hopeless, that the delegations had better cut their losses and go home. These sections of opinion had for years scarcely troubled to conceal their contempt and dislike of the whole idea of disarmament through collective security and the reign of law. They contemplated with equanimity a return to the conditions that had led to the world war. They urged, indeed, a return to international anarchy, where every nation was a law unto itself and all were armed against each other.

But the delegates present at that meeting, charged with responsibility for the destiny of their peoples, knew that to give up the enterprise of disarmament and of organising peace would not mean the end of their troubles. They knew that, if they closed down to-morrow, they would all go home to face difficulties in comparison with which the troubles with which they were now wrestling would seem almost insignificant. They knew the price that must be paid for disarmament and peace. Most of them represented States that were pledged to pay that price by treaties concluded at the peace settlement.

In December 1932, some of the chief Members of the Conference had agreed that the price should take the form of granting equality of rights in a system of security. The Conference itself had repeatedly declared that equality should be sought primarily by reductions of armaments, and particularly by the abolition, by stages, of all offensive weapons. It had consistently recognised that disarmament was a world problem only to be solved by universal agreement. The whole enterprise of disarmament was based on the principle that nations could abandon reliance on their own force for safety only in proportion as they acquired confidence in the security promised them by international treaty obligations.

Such was the great task upon which the Conference had entered two years ago. Such were the conditions that it had itself accepted as necessary to success.

The delegations were bound to recognise that changes had occurred in the last few months that made the discharge of their task more difficult. But those changes had at the same time made still clearer the urgency and importance of the task and the grave consequences of failure. The Chairman appealed to those present, and through them to all the Members of the Conference, not to abandon the great enterprise to which they were committed, nor to fall into the error of supposing that they could diminish their difficulties by whittling down what they had set out to achieve. To attempt to do too little was courting failure just as surely as to pitch their hopes too high. He, for one, believed that the pressure of public opinion and the statesmanship of the Governments committed to the reduction and limitation of armaments by world agreement might yet turn this grave emergency into a great opportunity. He believed that it was their solemn duty to bring the Conference to a conclusion that would be in accordance with their treaty obligations and their own previous decisions, for only through such a conclusion could they stop the drift to ward a new race in armaments and put an end to the growing danger of war.

Mr. EDEN (United Kingdom) wished first to thank the Chairman, on behalf of the United Kingdom delegation, for his appreciation of the present situation and also for his eloquent and moving appeal to the Bureau, an appeal to which Mr. Eden felt sure each member could not but be deeply sensible.

In reporting upon the efforts made by the United Kingdom Government, since the Bureau's last meeting, to promote an agreement upon the complex problems of disarmament, it was not, he thought, necessary to go farther back than the memorandum addressed by that Government on January 29th last¹ to the Governments represented at the Disarmament Conference. That memorandum had been in the hands of members of the Bureau for over two months, and had recently been circulated again by the President of the Conference together with the text of the explanatory statement made by Sir John Simon in the House of Commons on February 6th.¹ The reasons which had moved the United Kingdom Government to circulate the memorandum and the purpose which it was intended to serve had been fully set forth in the earlier paragraphs of the memorandum itself and in Sir John Simon's speech and were, no doubt, now familiar to the members of the Bureau. Mr. Eden need, therefore, do no more than briefly recapitulate them.

The international exchanges which had begun immediately after the last meeting of the Bureau had been of undoubted utility in making clearer than had up to then been possible the attitude of the various Governments to the problem of disarmament. None the less it had become apparent to the United Kingdom Government by the close of 1933 that the utility of this method was nearly exhausted. Some new effort of reconciliation was then, in its judgment, required. The main objective of such an effort had clearly to be a basis of accommodation between France and Germany. Only thus could full benefit be drawn from the exploratory work already done through the diplomatic channel. The special interest of His

¹ Document Conf.D.166.

Majesty's Government in avoiding a new race of armaments, and its special connection with the work of the Conference as author of the United Kingdom draft Convention,¹ had encouraged it to do its utmost to compose differences of others which caused it so much concern, and impelled it to make a further contribution on its own account in pursuit of a solution. The United Kingdom Government, therefore, while still adhering to its draft Convention, by the underlying conception of which it still stood and every article of which it would be happy to sign at the present moment, were agreement possible, had proposed certain modifications of the Convention in its memorandum of January 29th. The revised plan proposed in this memorandum was far from being what the United Kingdom Government itself would regard as an ideal solution. It would have much preferred, and still preferred, the terms of the draft Convention itself. The memorandum of January 29th, however, represented what had appeared to the United Kingdom Government to be the plan best designed to secure a fair and reasonable compromise between the divergent points of view revealed by the diplomatic exchanges and to afford the best means of reconciling the varying and sometimes conflicting claims put forward under the headings of security, disarmament and equality of rights.

In order to make clear the character of the proposals made in the memorandum, it might be useful to recall the more important modifications which they sought to make in the United Kingdom draft Convention.

In the first place, ten years was proposed instead of five years as the duration of the Convention. This period not only concurred with that of the non-aggression pacts proposed by the German Chancellor, but should facilitate, first, the acceptance and realisation of a substantial reduction of armaments, which still remained in the United Kingdom Government's view the fundamental condition for its agreement to any arms Convention, and, secondly, the full realisation of equality of rights for all countries.

So far as effectives were concerned, the United Kingdom Government would have been content, and, indeed, would have preferred, to maintain the figures of average daily effectives shown in Table I in its draft Convention; but the German Government had suggested that the German figure should be 300,000 instead of 200,000, and, in view of this, the United Kingdom Government thought it possible that some accommodation might be found between this figure and the figure given in the draft Convention, subject to the condition, which the United Kingdom Government considered essential, that parity should be maintained between the average daily effectives stationed in the home country, as between France, Germany, Italy and Poland. The complication introduced into the question of effectives by the existence of so-called para-military training—that was to say, military training outside the army—might, it had been suggested, be solved by prohibiting such training and checking the prohibition by a system of permanent and automatic supervision, in order to remove once and for all this well-founded source of anxiety.

As regarded land war material, the United Kingdom Government had made certain important proposals. First as regarded tanks, it had suggested that tanks above the 16-ton limit should be destroyed by given stages by the end of the fifth year of the Convention, instead of by the end of the third year as proposed in the original draft; that the "further international examination" of the question of tanks contemplated but not provided for in Article 21 of the Convention should be held by the Permanent Disarmament Commission and completed not later than the end of the third year of the Convention, and that the new German short-term-service army, as it came into being, should be equipped with tanks up to 6 tons, which the German Government regarded as necessary for defensive purposes.

As regarded mobile land guns, the United Kingdom Government had departed from the proposals of the Convention with great regret. But, as the German Government had maintained that mobile land guns up to 155 mm. were necessary as part of the equipment of their new short-term-service army, and as the French Government for its part also, in its memorandum of January 1st,² had given this as the downward limit of the reduction of the calibre of mobile artillery authorised for all States, the United Kingdom Government had felt that it could no longer insist on the proposal in the draft Convention that the maximum limit of mobile land guns for the future should be 115 mm. Destruction of mobile land guns over 155 mm. would be spread over seven years instead of three years as proposed in the draft Convention.

There remained the question of air armaments. In this regard, the United Kingdom Government, while maintaining the proposals contained in Articles 34 to 41 of the draft Convention, had proposed to supplement them in such a way as to set a term to the postponement of the claim of those States not at present entitled to military aircraft. It had suggested therefore that, if the Permanent Disarmament Commission had not decided on the abolition of military and naval aircraft at the end of two years, all countries should be entitled to possess some military aircraft.

¹ Document Conf.D.157.

² Document Conf.D.166.

Finally, the United Kingdom Government had itself offered two concessions as a contribution towards agreement on the lines proposed. In the first place, it had stated its willingness, if general agreement were reached on all other issues, to agree to the application of a system of permanent and automatic supervision, which, as the United Kingdom Government understood it, extended considerably beyond the simpler proposals made in the draft Convention which had already been generally agreed. The second concession, which was of even greater moment, was in the sphere of security or, more properly speaking, guarantees of execution. It consisted in the extension of the principle of consultation in the event of a breach or threat of breach of the Pact of Paris, embodied in Part I of the draft Convention, to the event of a breach or threat of breach of the disarmament Convention itself. It would be the object of such consultation "to exchange views as to the steps to be taken for the purpose of restoring the situation and of maintaining in operation the provisions" of the Convention. This new provision would, in the view of the United Kingdom Government, emphasise the inescapable duty of all signatories to do whatever was right and possible to prevent or remedy any violation.

In the concluding words of the memorandum, the view was expressed that the return of Germany to Geneva and to the League ought to be an essential condition of agreement.

Mr. Eden had thus dealt with the reasons which had induced his Government to put forward its memorandum of January 29th and had given an account of its contents.

It now remained for him to deal with events since that date so far as the United Kingdom Government had been concerned in them.

Having put forward this memorandum in an attempt to find a middle way towards agreement, that Government had thought it desirable to follow up the issue of its memorandum by way of personal contact with some of the Governments principally concerned. The purpose of Mr. Eden's visits to Paris, Berlin and Rome in the second half of February had been to give any necessary explanations of his Government's point of view and to learn at first hand the attitude of these Governments to the memorandum itself.

Of the result of his tour he would say two things. The first was that in each of the three capitals he had been assured of the sincere and even anxious desire of the Governments concerned to reach an agreement. The second was that, despite this, it had become evident that the United Kingdom memorandum would require amendment if it were to command general assent and to constitute the terms of an acceptable compromise.

The Italian Government, indeed, would not itself have found the memorandum impossible of acceptance, though it had legitimate doubts as to the likelihood of the memorandum proving acceptable to others. On the other hand, both the French and German Governments, while welcoming the memorandum, had subjected it to some criticism.

The actual situation was therefore that the United Kingdom memorandum of January 29th and the personal contacts which ensued had so far succeeded in that they had provided a fresh incentive, had led to further interchanges of views between the Governments whose differences had proved most stubborn of solution, and had secured a closer approximation of those views. It was none the less clear that the United Kingdom memorandum was not going to produce agreement without modifications. Whether there were modifications which could be agreed between the Powers was as yet uncertain. If agreement were sincerely desired by all concerned, agreement ought to be possible. But the United Kingdom Government was very much concerned at the continued delay and at the changes in the situation which might take place while waiting for agreement.

At the moment, he could say nothing of the German view of the United Kingdom memorandum, since this had not yet been made public. His Majesty's Government was also waiting for a supplementary statement of the French attitude, inasmuch as the note it had recently received from Paris had been an interim and provisional statement, to be supplemented by a definitive reply which had been promised shortly.

At the same time, Mr. Eden did not wish to conceal from the Bureau what he regarded as the difficulties of the situation. Those difficulties were still very great. This was, indeed, evident both from the documents before the Bureau and from the outcome so far of the efforts of the United Kingdom Government to find a compromise. There still subsisted two fundamental differences between the French and German views, which were insisted upon again and again in the documents exchanged by the two Governments. These were, first, differences connected with the computation of effectives and the account to be taken of overseas troops and of trained reserves, on the one hand, and of para-military organisations on the other; and, secondly, differences as to the date at which and the extent to which the future German short-term-service army was to be equipped with so-called defensive weapons at present denied to Germany. It was essential, if a Convention was to be achieved, that these and other formidable, if less crucial, difficulties should be resolved. These were, as Mr. Eden saw them, the hard actualities of the present situation.

If he had spoken thus frankly, it was because he believed that the situation demanded it. Time was not on the side of agreement. If a Convention embodying disarmament was to be reached at all, it must be reached soon; and assuredly only a Convention which included disarmament could be regarded as an outcome worthy of so much endeavour. What, therefore, seemed to the United Kingdom Government more important than the question of summoning the General Commission was the course of the work in the next few weeks. The United Kingdom

delegation had no wish to interrupt exchanges of view between Governments direct while they were proceeding usefully, but in its judgment these exchanges should soon have reached a stage when the Bureau could take cognisance of them and of their outcome, and when the Bureau could decide upon steps to be taken in the light of the results which those conversations revealed.

He would therefore propose that the Bureau, if it adjourned at the end of the present meeting, should agree to meet again towards the end of the month—say about April 30th—leaving the President of the Conference full discretion to postpone that date should he find it desirable to do so.

M. STEIN (Union of Soviet Socialist Republics) observed that from the report of April 9th¹ and the statement by the Chairman, there was no doubt that the Disarmament Conference had not, during recent months, and more particularly since the Bureau's last meeting, emerged from the deadlock in which it had found itself.

It was obvious that, fundamentally, the Conference had ceased work during the summer of 1933. The fact that after two years' work the Conference was reduced to a vain search for a way out of the deadlock justified the belief that the work which had led to such poor results was based on a grave and fundamental error.

In the Soviet delegation's view, this fundamental error lay in the rejection of the Soviet proposal for total, general and immediate disarmament. The Soviet delegation was convinced, to-day more than ever before, that general and total disarmament was the only possible method of overcoming all differences between the Members of the Conference, of rendering effective supervision possible and of creating a guarantee of real, firm and durable peace.

It was quite plain that in no case could the responsibility for the sorry results—if, indeed, the absence of any result could be termed a result—at which the Conference had arrived after more than two years' existence be laid at the door of the Soviet Union, whose proposals had in most cases been discarded.

Still less, perhaps, could there be any question of responsibility resting upon the Soviet Union for the present position of the direct conversations, since it had taken no part in them.

He thought it necessary to lay stress on the fact that the Soviet delegation's position in regard to the question of the reduction of armaments was still the same as before, and that, now as before, the Soviet Union was prepared to agree to any reduction in existing armaments, however insignificant, on the express condition, needless to say, that such reduction was universal—that was to say, that it applied to all countries without exception and obligatorily to all the Soviet Union's neighbours.

Did the collapse of the efforts for at least a partial reduction of existing armaments necessarily involve an obligation to interrupt the work for strengthening the existing guarantees of peace and creating new guarantees by other processes and methods, even though they were less efficacious than the direct reduction of armaments? Did the failure of the efforts for the reduction of armaments necessarily mean that a general race in armaments on land, on sea and in the air was accepted as the sole and universal law? Did that mean that the Disarmament Conference must help in the framing of a re-armament law? Was there any need to point out that the general race in armaments had never served the cause of peace, but that, on the contrary, it had precipitated and set loose armed conflicts? This inevitable consequence of the armaments race had been proved true more than once by history, and now again all mankind was faced with the menacing spectre of war.

The Conference could not restrict itself to stating, more or less openly, that the efforts for the reduction of existing armaments had collapsed. The situation in which the Conference at present found itself was unquestionably a most disquieting one, but the Soviet delegation did not think that there was anything in it to prevent further efforts to enable the Conference to reach concrete results. Any such efforts would certainly have the Soviet delegation's support.

During the Conference, numerous proposals had been put forward whereby new guarantees for security might be created, and whereby, even if the danger of war could not be conjured, certain barriers might at any rate be erected to stem the advance of war and its materialisation made as remote a contingency as possible.

In the first place, the Soviet delegation considered it necessary to recall its own proposal concerning the definition of the aggressor. It would next remind the Bureau of the French proposals to the Conference, and lastly of the proposal made by the President of the United States of America concerning a general pact of non-aggression.

The sterility of the work for the reduction of armaments had not led to inactivity on the part of the Soviet Union and had not arrested its systematic efforts for the consolidation of peace by all means. The London agreements on the definition of the aggressor had made that definition binding in all relations entered into by the Soviet Union with Poland, Turkey, Roumania, Estonia, Latvia, Persia, Afghanistan, Czechoslovakia, Yugoslavia, Lithuania and Finland. A little later, the same definition had been made binding among the Powers which had signed the Balkan Pact. Only a few days previously the Union of Soviet Socialist Republics had extended for ten years the Pact of Non-Aggression and Neutrality existing

¹ Document Conf.D./Bureau 55.

between itself and Lithuania, Latvia, Finland and Estonia, and had thus enhanced still further the feeling of peace in that part of Europe.

The Soviet delegation would propose that, following the line of these efforts for peace made by the Soviet Union, the Conference should immediately proceed to study all the proposals before it for strengthening security, and that, first of all, it should bring to a successful conclusion the interrupted discussion on the definition of the aggressor, with the object of making this definition binding on all Members of the Conference.

The Soviet delegation therefore considered it desirable that the work of the General Commission should be resumed at as early a date as possible.

M. MASSIGLI (France) thought that the report circulated by the Chairman on the previous day, the terms he had used at the opening of the present meeting, the compilation issued by the Secretariat of the diplomatic notes exchanged,¹ and, lastly, Mr. Eden's very complete statement, made it unnecessary for him to enter upon any long description of a situation of which all the factors were now in the hands of the Bureau. In order to explain his Government's position, he would therefore merely state some of its essential aspects.

It might be said that, up to October 14th, 1933, the Conference had tried to bring about a progressive reduction of armaments. It had sought to effect this reduction mainly by means of qualitative disarmament, immediate quantitative re-armament in particular being accepted only to the extent strictly necessary for the qualitative reduction of certain military systems under which an army of shock troops was supported by auxiliary formations that could be used immediately.

That, also, had been the aim of the formula which had been expounded in the Bureau on October 14th² and from which the French Government had not departed in its memorandum of January 1st,³ while its desire for the reduction of armaments was confirmed in its proposal for an immediate and proportional 50 per cent reduction of the existing air services.

Certain new facts, however, had arisen since October 14th, in particular, the announcement of programmes of immediate re-armament, both quantitative and qualitative; and when M. Massigli spoke of programmes he thought he was using a very moderate expression, since it might be asked how far some of the claims put forward were at present removed from their actual accomplishment. To these should be added another important declaration, which had not perhaps been sufficiently stressed: according to the terms of the last paragraph of the German document of March 13th,⁴ the claims presented would in any case be maintained, irrespective of any formulæ which the Conference might otherwise adopt—formulæ relating to the *status quo* or formulæ for a reduction of armaments. That point, too, was fundamental.

Such were the circumstances that had faced the Conference with the grave problem due to two mutually incompatible terms: demands for immediate re-armament on the one side and, on the other side, disarmament for other countries. It was to that problem that the French Government had referred in its memorandum of March 17th,⁵ when it stated that it could not understand that claims of this nature "should be regarded as an argument for calling upon other Powers to reduce their armaments in a manner prejudicial to their security". While emphasising the fact that, in its opinion, to recognise these claims would lead to a complete alteration of the bases on which the Conference had been working hitherto, the French Government recalled that those principles were common both to the League Covenant and to the Disarmament Conference, and that, if they were to be disavowed, that could only be done by a vote of the General Commission. "Only the General Commission, with the participation of all the States concerned, would be competent to decide whether those principles, by which its activities have hitherto been guided, are now to be abandoned."

Such was the situation. It was a difficult one, no doubt, but that was no reason for failing to make an attempt to overcome the difficulties. The French Government was deeply and sincerely grateful to the United Kingdom Government for the efforts it had made to this end. It was not less sensible to the recent communications received from London for the purpose of clearing up one fundamental question, that of the guarantees of execution. The French Government had already intimated its views on this subject to the President of the Conference and was endeavouring to furnish very shortly, as, indeed, it had informed the Government in London, the further explanations desired by the latter.

The French Government earnestly hoped that a solution could be found. M. Massigli hardly needed to assure the Bureau that his Government entirely agreed with the United Kingdom Government that the work should be pushed on as rapidly as possible. Referring a few moments ago to the events which, in his opinion, made prompt decisions necessary, Mr. Eden had said that time pressed. M. Massigli would like to remind his colleagues of the terms used by M. Barthou on the same subject in his communication to the President of February 10th:¹ "Present circumstances, and more particularly the increasing pace at which certain countries are continuing to re-arm in contravention of the provisions of the treaties, necessitate a rapid solution of the problems with which the Conference is concerned."

¹ Document Conf.D.166.

² See Minutes of the forty-eighth meeting of the Bureau, page 181.

³ Document Conf.D.166(a).

If, therefore, a fresh interval was considered necessary for submitting, not solutions—for that would be over-sanguine—but at any rate a clear and definite balance-sheet of the situation, M. Massigli was anxious to inform the Bureau that the French Government would do everything in its power to see that such a balance-sheet was presented to the Conference as soon as possible.

M. SANDLER (Sweden) informed the Bureau that the Swedish Government was preparing a declaration¹ in which its view of the present situation would be expounded. He would merely outline three of the main points.

What was wanted was, firstly, agreement on a definite programme for substantial disarmament, such as to render possible the conclusion of a general disarmament Convention worthy of the name.

Next, decisions should be taken as to the immediate application of the principle of the equality of rights. This application should be designed in such a way that it would make it possible to arrest armaments at the lowest possible level.

Finally, decisions would have to be taken for certain fresh guarantees of security, this being an essential condition for a substantial measure of disarmament.

M. Sandler therefore warmly supported the Chairman's appeal and the statements made by previous speakers calling for the establishment, not of a Convention on armaments, but of one on disarmament.

M. MOTTA (Switzerland) said that, if he had understood the Chairman's views, the Bureau should be convened after a three weeks' interval to prepare the work of the General Commission, which would meet a few weeks later, towards the end of May. Was there serious reason to hope that in three weeks the Bureau would be able to prepare the work of the General Commission? As he had received no direct or precise reassurance on this point, M. Motta had intended to put the question, but M. Massigli had been kind enough to say that his Government—and there was no need to stress the preponderant and decisive part which it played in the questions under consideration—was also of opinion that the work must be expedited and that to allow time to run on might do more harm than good, and that he hoped that, within approximately three weeks, the conversations between the various Governments chiefly concerned would have resulted, if not in any solutions, at any rate in a precise, clear and complete balance-sheet of the situation. M. Motta wished to thank M. Massigli very sincerely for his statements.

M. Motta would add that, however carefully the memoranda exchanged between the Governments were read, however closely the news in the papers was followed and however great the importance attached to the diplomatic reports received, the feeling still prevailed that the living word, as used at a meeting like the Bureau's present meeting, was still of far greater importance. He had arrived at the meeting with a feeling of uncertainty, one of half-depression, and he was happy to say that the statements made by the Chairman, Mr. Eden, M. Massigli and others had rather confirmed him in the impression, which was of very great significance at the present juncture, that, in the last analysis, there was general goodwill and that everyone regretted the impossibility of finding more speedily a method of reconciling the different points of view. The fact that there was no Government in the world which did not contemplate the failure of the Conference with dismay, the fact that everyone was endeavouring to work along the lines of conciliation was an essential element which must be borne in mind at the present time.

The two main points of view which seemed to confront one another at present might be summarised as follows. On the one hand, there was the policy of fixing the present level of armaments; that would entail a considerable measure of re-armament in some countries—almost re-armament on a large scale. On the other side, there was the policy of securing certain reductions of armament; that would entail a moderate measure of re-armament in some countries and, dominating the whole, effective supervision, or, in other terms, first and foremost a Convention which would be not only controlled but guaranteed by all the States parties to it. It had no doubt been very reassuring to everyone to find that, from this angle, there had been a considerable change on the part of the British Empire. The pact of pre-consultation was beginning to take shape, the guarantees for the execution of the Convention were increasing, and that afforded the hope that, if everyone really wanted it and if everyone went to work with goodwill, success would be achieved.

M. Motta noted with the utmost pleasure that countries like the United Kingdom, France and Italy had laid special stress on the need for Germany to resume her place at the Disarmament Conference and in the League. M. Motta had ventured more than once to emphasise this need. He was one of those who had viewed Germany's departure, not only with chagrin, but also with the deepest alarm. He had always considered that it was morally almost impossible to discuss a Disarmament Convention in Germany's absence. Recent events had confirmed the accuracy of this opinion, and M. Motta had observed with satisfaction that, latterly, even the German Government's language had, in matters connected with this problem, become more moderate and more temperate and was such as to afford ground for hope.

In conclusion, M. Motta thought that the Bureau could, conscientiously and with good reason for hope, accept the proposals put forward by the Chairman.

¹ Document Conf.D./C.G.158.

M. MASSIGLI (France) asked leave to correct a slight misapprehension. M. Motta had done him a very great honour by ascribing to him Mr. Eden's proposals. M. Massigli had stated that his Government intended to reply very shortly to the United Kingdom Government, but he had not suggested any date. He had merely stated that the French Government would act as quickly as possible. Mr. Eden, who was as familiar with the case as M. Massigli himself, had proposed that the Bureau should meet within three weeks; he was responsible for his proposal.

Count RACZYŃSKI (Poland) had no need to assure the Bureau that his country, like all those represented at the Conference, was determined to make every effort for the achievement of a Convention which would be in accord with the Conference's mandate and founded on the texts and engagements forming the basis of the Conference. Poland had consistently held the view that those texts and engagements implied a limitation and reduction of armaments. During the years of discussion that had preceded the present meeting it had invariably upheld that view. In 1933, it had even made concrete proposals for certain measures which, in its opinion, would facilitate the drawing-up of a Convention. The speeches pronounced at the present meeting appeared to provide ground for fearing that there was now some question of departing from the basis on which the work had gone forward hitherto and of placing the future work on a different one. Such a decision would, in Count Raczyński's opinion, be outside the competence of the Conference. It might have consequences which it was difficult to estimate at present, but which would, in any event, be extremely grave. The Polish delegation considered that such a decision could not be accepted tacitly and that, moreover, it could not be taken by one of the technical or special organs of the Conference or even by the Bureau. Such a decision could be taken by the General Commission only. It must be a clear and definite decision, and all the representatives of the States taking part must face their responsibilities when it was taken.

The CHAIRMAN summed up the proposals before the Bureau.

Mr. Eden had proposed that the Bureau should meet again on April 30th, the President of the Conference having the power to fix a date two or three days later if circumstances so demanded.

Mr. EDEN (United Kingdom) pointed out that he had not specified any time-limit for the extension of the date of the next meeting.

The CHAIRMAN replied that, like some of the other delegates who had spoken, he wanted to push on as rapidly as possible. Whether the time was extended for two or three days would, naturally, depend upon circumstances. If he found that the conversations or negotiations between Paris and London were about to come to a satisfactory conclusion, he would not convene the Bureau for April 30th, supposing, for example, May 2nd or 3rd would be more advantageous.

M. Stein had proposed that the General Commission should meet at an early date. The Chairman himself had appealed to the Bureau to let the General Commission be convened not too early and not too late. M. Barthou and he, in their recent discussion, had thought that round about May 23rd might be a suitable time, and the Chairman would like to ask the Bureau to approve that date on the same condition as was attached to the convening of the Bureau. For example, if the Bureau decided to meet on April 30th, or May 2nd, and found that May 23rd was a few days too early, it ought, he would suggest, to have the power to postpone the meeting for the two or three days that might be necessary. The Chairman wanted to make it clear, in both cases, that he was anxious not to send out a notice convening the delegations for a certain date and then find that he had to call an adjournment. The previous adjournments had been unavoidable, but he thought that a slightly bad impression had been created by the fact that there had been one adjournment after another. He would therefore prefer not to ask the Secretariat to send out the notices convening either the Bureau or the General Commission until he saw that those bodies were really going to meet on the particular date in question.

M. Stein had suggested that the study of the question of the definition of the aggressor should be resumed. His suggestion would be circulated in the Minutes, but the Chairman did not see how the study of that question could be begun until the study of all the questions was resumed when the General Commission met. The question of the definition of the aggressor would not be overlooked. It was a very important one, and the Chairman, when he had stressed the importance of security in his opening observations, had had in mind, not only one form of security, but also other forms, including the definition of the aggressor.

At its next meeting, the Bureau would try to prepare the up-to-date draft which was to be the agenda of the General Commission, and he was anxious that that agenda should be despatched to every Government if possible ten days before the meeting at which it would be considered.

Count CARTON DE WIART (Belgium) thought that the documents which had been circulated and the exchange of views which had just taken place showed that it would be inexpedient to fix too early a date for convening the General Commission. This convocation presupposed the assembling of the delegates of a large number of Powers and all the publicity entailed by the deliberations of the General Commission, and it was desirable to avoid such an upheaval

if the only result would be to note that it was impossible for the Commission to reach any result. He would, however, gladly accept the Chairman's proposal that the General Commission's meeting should be fixed for May 23rd, subject to the option which the Chairman himself had suggested, and provided that the information at his disposal justified the hope that a really useful discussion could take place on that date.

As regarded the Bureau's next meeting, which was much less important, Count Carton de Wiart saw no objection to fixing it for the end of the present month, the Chairman having the power to choose another date later—or even earlier—if he considered that desirable. It was well to leave the Chairman a certain discretion in this matter, for it was necessary, in the present circumstances, above all to avoid any possible mistake of procedure or tactics.

Count Carton de Wiart concluded from Mr. Eden's statement, which was of great interest to the Belgian Government, that everything depended on the pace of the discussions which were taking place between certain Governments. Nothing but satisfaction could be felt at the fact that those discussions had become really active and that a certain reconciliation of views had already been achieved, the importance of which could not be over-estimated, particularly in regard to the serious question of supervision and guarantees of execution, which the Belgian Government had always considered to be essential.

Count Carton de Wiart added that he also was of the opinion that time was not working on behalf of the Conference and that therefore it was desirable that the present discussions should be pursued at a brisk pace. Time lost could not be caught up, and therefore, in agreement with the feelings so happily expressed by M. Motta, Count Carton de Wiart, on behalf of his Government, concurred in the dual proposition concerning the convocation of the Bureau and that of the General Commission, it being left to the President's discretion to vary the dates a little if he thought that circumstances so demanded.

M. DI SORAGNA (Italy) endorsed the views expressed by Count Carton de Wiart.

The Italian delegation had felt the same anxiety as the Chairman in regard to fixing the dates of meetings which had later to be postponed. To do so produced an extremely bad impression. In point of fact, the question was less serious in the case of the Bureau, since, when it met, delegates saw one another, talked over the news, drew up a balance-sheet, as M. Massigli had termed it, and separated until next time. The question, however, was much more serious in the case of the General Commission. First of all, a large number of people had to leave their homes, and, secondly, it attracted far more public attention than did a simple meeting of the Bureau.

M. di Soragna accordingly supported Count Carton de Wiart's proposal; but, while a margin of two or three days was entirely acceptable in the case of the Bureau, he hoped that it would not be stated in the Minutes that this margin applied also to the convening of the General Commission. The Chairman must be left discretion to fix the period he might consider necessary after consulting the Bureau.

M. STEIN (Union of Soviet Socialist Republics) supported the Chairman's proposal that the date of the General Commission's meeting be fixed for May 23rd.

The CHAIRMAN said that, if there were no objections, he took it that the procedure to which he and other speakers had referred was accepted by the Bureau.

He would do his best to see that the General Commission was not summoned only to be postponed, but it must be borne in mind that the date mentioned was very nearly the beginning of June. As the President of the Conference, he had a desire to report on his stewardship to the next Assembly. It would be the third Assembly since his appointment, and it was, he thought, very natural that he should not want to have to wait until the fourth Assembly.

The proposed procedure was approved.

FIFTY-SIXTH MEETING (PRIVATE)

Held on Monday, May 28th, 1934, at 3.30 p.m.

Chairman : Mr. HENDERSON.

74. SUMMARY OF EVENTS SINCE THE LAST MEETING OF THE BUREAU : PROCEDURE TO BE FOLLOWED IN CONNECTION WITH THE FORTHCOMING WORK OF THE CONFERENCE.

The CHAIRMAN said that, at its last session on April 10th, the Bureau had decided, in principle, that it would meet again on or about April 30th, and that the General Commission should be summoned for May 23rd, leaving the President a certain discretion as to the exact dates.

In view of subsequent events, he had arrived at the conclusion that the meeting of the Bureau, scheduled for April 30th, could serve no useful purpose.

On April 23rd, he had informed all the members of the Bureau of this opinion and asked them whether they would agree that the meeting should be held on the morning of May 29th and that of the General Commission on the afternoon of the same day. The replies received had led him to maintain the date of May 29th, but to summon the Bureau one day earlier.

In the report which the Chairman had had the honour to submit to the Bureau at its last meeting, he had endeavoured to give a summary¹ of the outstanding divergencies of opinion revealed by the exchange of notes, memoranda, etc., which had taken place between the Governments of France, Germany, Italy and the United Kingdom during the period December 18th, 1933, to March 17th, 1934.²

At the meeting of the Bureau held on April 10th, a series of important statements had been made as regards the possibility of resuming the work of the Conference and as to the general lines that might possibly be adopted in order to reach an agreement. Mr. Eden, of the United Kingdom delegation, had given a general survey of the negotiations which had taken place since November last. Other members of the Bureau had commented also upon the situation then existing.

Since the Bureau had met, several new documents of importance had been produced :

(a) The memorandum, dated April 14th, 1934, by the Danish, Spanish, Norwegian, Swedish and Swiss delegations on the present state of the work of the Conference ;³

(b) The German statement of views of April 16th, 1934, on the United Kingdom memorandum of January 29th, 1934 ;

(c) The letter of April 10th, 1934, from Sir John Simon to the French Ambassador in London ;

(d) The memorandum by the French Government of April 17th, 1934.

In order to enable the members of the Bureau to bring up to date the summary circulated to them on the eve of the last meeting of the Bureau,⁴ he had prepared and circulated for its convenience a further summary⁵ of the principal considerations put forward in the papers just mentioned.

Since the circulation of this summary, the French Government had published a comprehensive collection of documents. Certain of those documents have not been published previously—namely, those of November 15th, December 5th and 13th, 1933, and April 6th and 11th, 1934.

In view of the opinion expressed in the French memorandum of April 17th, it seemed that the diplomatic negotiations between the Powers could hardly be carried on any further. In order to obtain a clearer indication as to the points of view of various Governments, the Chairman had, in the beginning of May, had conversations in London with Sir John Simon and Mr. Eden as well as with M. Suvich, Italian Under-Secretary for Foreign Affairs, and M. Grandi, Italian Ambassador. Subsequently, he had had various conversations in Paris, where he had been received with the utmost courtesy by M. Barthou, French Minister for Foreign Affairs.

M. Barthou had pointed out to the Chairman that French policy had not varied since the Conference suspended its political activities and the parallel efforts had been initiated. He had further confirmed to the Chairman the contents of the French note of April 17th, which he considered to be a natural development of the antepenultimate paragraph of his letter to the Chairman of February 10th, which had been distributed to the Bureau in the White Paper (document Conf.D.166).

The paragraph referred to read as follows :

“ The French Government could not accept an immediate reduction of its armaments which would be accompanied by an immediate rearmament of a qualitative character of the Powers bound by the military clauses of the Treaties.”

At this point the Chairman desired to remind the Bureau that, at its last meeting on October 26th, 1933⁶ the General Commission had decided to adjourn in order to permit of further efforts to narrow existing divergencies and, at the same time, to authorise the Bureau to go forward with all the necessary arrangements so as to enable the General Commission to begin its second reading of the draft Convention on the basis of a revised and entirely up-to-date draft.

During the discussions on procedure which had taken place at the meetings of the Bureau on October 25th and 26th, 1933,⁶ the Chairman had called attention to the responsibility laid upon the Bureau by this decision of the General Commission. When suggesting on November 22nd, 1933⁷ that the work of the Conference would at that stage best be assisted by parallel

¹ Document Conf.D./Bureau.55, pages 10 to 14.

² Documents Conf.D.166 and Conf.D.166(a).

³ See Document Conf.D./C.G.158.

⁴ Document Conf.D./Bureau.59.

⁵ See Minutes of the eighty-first meeting of the General Commission.

⁶ See Minutes of the fiftieth and fifty-first meetings of the Bureau, pages 188 to 192.

⁷ See Minutes of the fifty-fourth meeting of the Bureau, page 200.

and supplementary efforts between various States and the full use of diplomatic machinery, he had made it clear that it was advisable that the various Governments should keep the President of the Conference informed of their efforts and report to him on the final result of those efforts.

The Chairman had now put before the Bureau the various elements of the present critical situation. It would be for the Bureau to examine the position and to decide what procedure, in view of the recent events, should be recommended to the General Commission at its meeting on the following day.

The Bureau might consider it advisable to await the statements of those who had been actively concerned with the private negotiations which would be made at the General Commission before deciding to recommend any future plan of work.

The Chairman wished to add one final word. Numerous statements had been circulated regarding the future of the Conference. Some of these seemed to him to be of a defeatist character. He ventured to hope that the Bureau would be of one mind in recommending to the General Commission that the gravity of the situation commanded more than ever an unflagging determination to pursue their efforts towards securing a Convention in accordance with the mandate given to the Conference.

M. BARTHOU (France) said that the recapitulation of past history in the Chairman's statement was scrupulously faithful and accurate. There was, however, one point on which M. Barthou wished to make a very simple but very definite correction, in order to prevent any misunderstanding in the General Commission. The Chairman's statement seemed to indicate that it was since the suspension of the Disarmament Conference's political work that France had affirmed the continuity of her policy.

M. Barthou desired to point out that, presented in that way, France's policy would not be exhibited in all its continuity. It was not since the suspension of the Conference's political activity for the purpose of permitting conversations between different countries, but since the opening of the Conference that France had, through her successive delegates, adopted a certain attitude in the Conference. That attitude had never changed, and, consequently, M. Barthou intended to demonstrate and to defend before the General Commission the continuity of French policy since the opening of the Disarmament Conference.

With regard to the future, Mr. Henderson had said that certain attitudes were prompted by a sort of defeatism in regard to disarmament. He had appealed to the Bureau for joint action based on confidence and good faith from to-morrow onwards. M. Barthou shared the Chairman's sentiments. On behalf of the French Government, he declared that the Disarmament Conference, however arduous its development, must not be regarded as an incident that had been closed, but that a persistent effort must be made for its success. He added, speaking again on behalf of his Government, that he would use all his energy, his determination and his good faith in supporting the effort for which the Chairman had called.

The CHAIRMAN noted that the members of the Bureau approved the proposals which he had put forward and which had been supported by the French delegate. The Bureau would accordingly await the declarations to be made in the General Commission. The Bureau or some other body would then be called on to take a decision as to the procedure to be adopted for the future.

The proposal of the Chairman was adopted.

FIFTY-SEVENTH MEETING (PRIVATE)

Held on Monday, June 4th, 1934, at 3.30 p.m.

Chairman: Mr. HENDERSON.

75. ACTION TO BE TAKEN WITH REGARD TO THE PROPOSALS SUBMITTED TO THE GENERAL COMMISSION ON MAY 29TH, MAY 30TH, AND JUNE 1ST, 1934.¹

The CHAIRMAN said that, at the meetings of the General Commission on May 29th and 30th and on June 1st, ² a number of proposals had been made by certain delegations. Those proposals could be divided into two categories: proposals of a general nature and proposals presented in a more definite form. The latter, three in number, were submitted by the delegation of the Union of Soviet Socialist Republics, by the Turkish delegation, supported by the delegations of the Little Entente and the Balkan Entente; and by the Danish, Spanish, Netherlands, Norwegian, Swedish and Swiss delegations in a joint declaration.

¹ Tevfik Rüstü Bey (Turkey) was invited by the Chairman to attend the meeting as being responsible for one of the resolutions referred to in the discussion.

² See minutes of the eighty-second, eighty-third and eighty-fourth meetings of the General Commission.

The texts of these proposals are as follows :

1. *Draft Resolution submitted by the Delegation of the Union of Soviet Socialist Republics.*¹

“ Taking as a basis the report of the President of the Conference and the documents which he has circulated, indicating that the parallel and supplementary negotiations between certain Governments since the last meeting of the General Commission in October 1933 have not removed the obstacles which previously made it impossible for the General Commission to frame a draft Convention acceptable to all States and that they have not created conditions justifying hopes of a larger measure of success in the present discussion or of the establishment of a convention at the present moment ;

“ In view of the fact that the general political atmosphere which was not particularly favourable when the Conference opened can hardly be said to have improved during the course of the Conference (see the Statement of the President of the Conference of May 29th) ;²

“ Continuing to recognise the great importance of a reduction of armaments, an indispensable measure in a general system for guaranteeing the security of States and decreasing the danger of war, but considering that a continuation of a discussion on the reduction of armaments does not at present hold out hopes of any really effective results ;

“ Being still firmly resolved not in any case to cease its efforts to secure a unanimous decision on the reduction of armaments as soon as circumstances permit ;

“ Noting that the present international situation offers threatening indications of an increase in the danger of war and that the nations, alarmed by this danger, expect the Conference to take effective measures as rapidly as possible to safeguard peace ;

“ Observing that the Disarmament Conference has included among its tasks, not only the establishment of a Disarmament Convention, but the framing of other measures of security for all States, that, in its resolution of February 25th, 1932,³ it provided for the study of all questions connected with the organisation of peace and that the lack of progress in the work hitherto undertaken in the field of disarmament with the political circumstances responsible for this lack of progress renders imperatively necessary the speedy adoption of all possible measures of security ;

“ The General Commission decides :

“ (1) To resume immediately the work which was interrupted of studying existing proposals for pacts of mutual assistance and the definition of the aggressor ;

“ (2) To recommend the Conference, in plenary meeting, in view of the special importance at the present moment of an extensive and continuous organisation for the safeguarding of peace, to declare the Conference for the Reduction and Limitation of Armaments a permanent body, to be described as the Peace Conference, with the following aims :

“ (a) Continuation of the task of securing an agreement upon the establishment of a Convention for the Reduction and Limitation of Armaments ;

“ (b) Establishment of agreements and the adoption of decisions and measures creating new guarantees of security ;

“ (c) Adoption of any preventive measures likely to prevent armed conflicts ;

“ (d) Supervision of the execution of the conventions and decisions of the Conference ;

“ (e) Consultation in the event of a violation of international treaties for the maintenance of peace.”

[*Note.* — The change in the name of the Conference will in no way affect the relations previously existing between the Conference and the League of Nations.]

“ (3) To instruct the Bureau of the Conference to reconsider the Rules of Procedure of the Conference in the light of the extension of its aims and to submit them, after revision, for examination by the Conference in plenary meeting.”

2. *Draft Resolution submitted by the Turkish Delegation.*⁴

“ The General Commission,

“ Considering that, as the President of the Conference observed in his speech on May 29th, the subject of security has ‘ occupied a prominent place throughout the proceedings of the Conference ; for, if a nation believed itself exposed to the danger of being overwhelmed in war by a more powerful enemy, it would not refrain from making the

¹ Document Conf.D./C.G.163.

² See Minutes of the eighty-second meeting of the General Commission.

³ See Minutes of the General Commission, Volume I, pages 12 and 15.

⁴ Document Conf.D./C.G.162.

most complete preparation against the danger of attack which its national resources would permit';

" And that the whole object of the organisation of the League of Nations is to replace the protection which every nation expects only from its own armed forces by guarantees of security provided by an international treaty, which explains the indissoluble bond created by Article 8 of the Covenant between disarmament and security;

" And that, as was rightly stated in the speech of the President of the Conference, referred to above, ' unless the principle of a community of nations, upon which the League Covenant, the Locarno Treaties, and many other similar agreements had been founded, was genuinely embodied in the Disarmament Convention and made a real force in international life, it was highly improbable that nations would consent to make reductions in their armed forces';

" And that, in their recent memorandum, the delegations of Denmark, Spain, Norway, Sweden and Switzerland laid it down that the Disarmament Convention must contain certain proposals concerning security;

" And that the first delegate of the United Kingdom stated, in his speech on May 30th,¹ that he agreed to these proposals in principle;

" And that this solicitude for security was likewise expressed by the first delegate of the United States of America in his speech on May 29th;²

" And that this was the preoccupation underlying the whole of the speech delivered at the same meeting by the first delegate of the Union of Soviet Socialist Republics,³ who, after asserting that an increase in the number of supporters of the definition of aggression already incorporated in a series of treaties would facilitate the application of other proposals dealing with security which had been made at the Conference, added: ' There might be new proposals of a similar character—as, for example, proposals for sanctions of various kinds against an aggressor in the meaning of the Briand-Kellogg Pact', with a graduated scale of such sanctions which might not be pursued to the point of military measures in the case of all States; and that ' a more or less universal or European Pact of that kind might be supplemented by separate regional pacts of mutual assistance, as proposed on a former occasion by the French delegation'; ' there was no question of military alliances, or of the division of States into mutually hostile camps, or still less of a policy of encirclement; care must be taken not to create universal pacts which would exclude any State wishing to participate, or such regional pacts as would not admit all those interested in the security of the particular region concerned; in measures of security of this kind, the principle of equality of all States, without exception, could not arouse any doubts or hesitation';

" And that, as the first delegate of France observed in his speech on May 30th: ' the problem of security is to-day raised in such a form that henceforward no country can evade its terms', especially since, through the regional agreements contemplated by Article 21 of the Covenant, the solution of that problem does not necessarily involve the unanimous participation of all States;

" And that the President of the Conference, in his speech referred to above, interpreted the feeling of all the delegations when he said that ' it was vital that the Conference should endeavour to restore general confidence in the system of collective international action against aggression, which the Covenant was intended to create';

" Decides:

" (1) To prepare, in accordance with the proposal of the first delegate of the United Kingdom, protocols ready to be submitted to Governments for signature, on the following questions:

" (a) Chemical warfare,

" (b) Budgetary publicity,

" (c) Immediate creation of the Permanent Disarmament Commission, which would at the same time be responsible for the supervision of disarmament and of security;

" (2) To enter without delay upon an exhaustive study of the problem of security, with a view to arriving, especially on the European plane, by general or regional agreements based on the principles set down in the Pact of Locarno and in that of the Balkan Entente, at such solutions as might be best calculated to make it possible to conclude forthwith a first general Convention for the Reduction and Limitation of Armaments;

" (3) To request the Bureau of the Conference to set up for that purpose a special committee, on which all the Powers or groups of Powers directly interested in the practical settlement of the problem of security and that of disarmament should be represented, on the understanding that that committee might invite any other Power to participate in any particular part of its work."

¹ See Minutes of the eighty-third meeting of the General Commission.

² See Minutes of the eighty-second meeting of the General Commission.

3. *Joint Declaration by the Danish, Spanish, Netherlands, Norwegian, Swedish and Swiss Delegations concerning the memorandum submitted on April 14th, 1934*¹ (Document Conf.D./C.G.158).

"The Danish, Spanish, Netherlands, Norwegian, Swedish and Swiss delegations declare that they maintain the standpoint outlined in the memorandum addressed to the President of the Conference on April 14th last, in particular as regards disarmament, security and equality. Being desirous of defining in a concrete manner their observations on the state of the Disarmament Conference's work, they desire to submit the following considerations to the General Commission for examination :

"(a) In view of the vital importance at the present time of reinforcing security to an extent going beyond the stipulations indicated in the United Kingdom's draft, as modified by the United Kingdom Government's memorandum of January 29th, a Special Committee should be appointed to examine without delay the question of the guarantees of execution of the future Convention, and to report to the Bureau ;

"(b) The Bureau would study without delay the problem of the institution—in connection with the Convention—of an effective supervision of the trade in, and of the private and State manufacture of, arms and implements of war.

"(c) In order to permit of a final reading of the draft Convention of October 27th, 1933 (document Conf.D./Bureau 49) the Bureau would be requested to revise or to arrange as soon as possible for the revision of the text of the said draft, including the four problems alluded to by the first delegate of the United Kingdom in his speech on May 30th—namely, chemical warfare, publicity of budgets, the setting up of the Permanent Disarmament Commission, and the trade in and manufacture of arms and ammunition. In this connection, it should take into account the results of the studies referred to under (a) and (b) and the following main principles :

"(1) Unconditional prohibition of bombardment from the air, undertaking by the High Contracting Parties to prohibit in their territories any preparation for bombardment from the air and any training for this purpose ;

"(2) Destruction, in the first period of application of the Convention, of a number to be determined for each State of the aeroplanes which would be prohibited in virtue of the United Kingdom draft (document Conf.D.157, Article 37) ;

"Destruction during a second period of the remainder of such aeroplanes ;

"(3) Study of the measures to be taken with a view to preventing the use of civil aircraft for military purposes ;

"(4) Prohibition of any manufacture of material of greater calibre or tonnage than those authorised for all States ;

"(5) Destruction, as provided in the United Kingdom memorandum of January 29th, 1934, of tanks and mobile land artillery during the second period of application of the Convention.

"(d) In order to prevent a general increase in armaments, the Bureau would be responsible for causing the figures for land and air forces and material to be inserted in the tables appended to the draft Convention ;

"(e) In view of the necessity of consulting every State affected and especially of the fact that Germany is not taking part in the Conference proceedings, the Bureau would be empowered to take any steps that might enable it to complete the draft in respect of all countries.

"It would also rest with the Bureau to convene when it thought fit the General Commission, which would be called upon to take final decisions.

"The six delegations desire to observe that, while endeavouring to combine the various plans under consideration, they are anxious to maintain a proper balance and a state of equity. In complete good faith, they are asking for concessions from either side. They have greatly abated their aspirations in the matter of disarmament, and have sought to concentrate their efforts on preventing rearmament in the air ; they have also contemplated an appreciable enlargement of their contribution to security by placing the question of guarantees for the execution of the Convention in the forefront.

"Considering that, since action is now essential, they must refrain from doing anything that might jeopardise the agreement they desire and making no vain return to the past, and pronouncing no judgment on the question of responsibilities, the six delegations offer no opinion as to how far any particular attitude by any Government may be justified ; they desire to ask all the delegations this simple question : If all parties maintain their present positions, how is an agreement to be reached ?

"The six delegations accordingly submit their concerted views to the other delegations for consideration. Pending such reception as may be given to their suggestions, they reserve their right to intervene in the course of the discussion in whatever manner they may think fit. They are attempting in this way to make their contribution to the common task, and they are firm in their conviction that only an act of prompt and generous solidarity can bring about the conclusion of a Convention and so contribute to the organisation of peace."

¹ Document Conf.D./C.G.161.

The General Commission had decided to transmit these proposals to the Bureau in order that the latter might consider them and make suggestions to the General Commission as to what further action should be taken upon them.

The questions raised by the three sets of proposals which had been distributed to the members of the Bureau could be classed under the three general headings, Security, Disarmament and Procedure.

Moreover, there was the Soviet proposal to transform the Conference into a Permanent Peace Conference. A unanimous vote of the Conference would be necessary to change a provisional international Conference into a permanent one. But the most adequate means of giving effect to the Soviet proposal would be for the Conference to adopt a special Protocol or Convention providing for a Permanent Peace Conference distinct from the present Conference. Even then, the League of Nations would have to deal with the change, not only because it had prepared for and convened the Conference with a specific mandate, but also because it provided both the Secretariat of the Conference and its budget and furnished the buildings. It would, of course, be for the Bureau to examine the question and make thereon the necessary recommendation to the General Commission.

As regarded security, the only question which had not been so far considered by the Conference or any of its organs was that of the guarantees of the loyal execution of the Convention.

The other questions enumerated in the three sets of proposals and falling under the categories of Disarmament or Security had been the subject of long discussions in the various Commissions of the Conference, and, although some progress had been made in connection with them, there seemed to be little prospect of further progress until such time as the main political difficulties revealed in the notes exchanged since January had been unequivocally disposed of.

Finally, there was the question of procedure.

The delegation of the Union of Soviet Socialist Republics proposed that the work on security should be resumed by the Conference at the point at which it had been left.

The six Powers proposed that the question of the guarantees of execution be examined without delay by a special Committee.

The Turkish delegation proposed that a special Committee be set up to make an exhaustive study of the problem of security with a view to arriving—especially on the European plane—by general or regional agreements based on the principles set down in the Locarno Pact and in that of the Balkan Entente, at such solutions as might be best calculated to facilitate the immediate conclusion of a first general Convention for the Reduction and Limitation of Armaments.

The six Powers suggested that, in order to prevent a general increase in armaments, the Bureau should be responsible for causing figures for land and air forces and material to be inserted in the tables appended to the draft Convention. They also suggested that the Bureau should be empowered to take any steps that might enable it to complete the draft in respect of all countries, including Germany.

The proposals submitted by the Turkish delegation contained a similar suggestion consisting in the request that the Bureau set up a special Committee on which all the Powers or groups of Powers directly interested in the practical settlement of the problems of security and disarmament be represented, it being understood that that Committee might invite any Power to participate in any particular part of its work.

The six Powers proposed that, in order to permit of a final reading of the draft which the General Commission had adopted as the basis of the future Convention by its resolution of June 8th, 1933,¹ the Bureau should be requested to revise, or to arrange for the revision of, the text of the said draft.

The analysis he had endeavoured to offer to the Bureau showed that, before making any recommendations to the General Commission on the points raised, it must find adequate answers to the following questions :

Was it possible, at the present stage, to start anew the work on security and disarmament which the Conference had been compelled to interrupt, recognising as it had that, unless a solution of the wide divergencies of opinion still existing could be secured, no progress could be made in respect of both security and disarmament in the Conference ?

If the reply to that question were in the negative—and thirty months' experience should convince them of this—the question that arose was, What method should the Bureau recommend to the General Commission in connection with the solution of existing difficulties ?

He was sure that the members of the Bureau would have realised, as he did, that the thought underlying both the declaration of the six Powers and the resolution submitted by the Turkish delegation was the necessity of keeping in mind the urgency of securing Germany's participation in the work about to be undertaken.

In making that statement, he drew a distinction between the two categories of tasks to be performed. So far he had considered those questions which entailed a continuation of the work already dealt with in the Conference at various times. The Bureau was of course aware

¹ See Minutes of the General Commission, Volume II, page 630.

that most, if not all, of the questions concerning disarmament and security dealt with in the proposals made to the General Commission had, at some time or other, been handled by the Conference or its organs. Most of them had been considered in the course of the first reading of the draft Convention submitted by the United Kingdom delegation.

He felt certain that the time had now come to deal with the main political difficulty which, both directly and indirectly, had frustrated all efforts, so far, towards securing a Convention.

Some of the delegates had pointed out to him that, from the point of view of precedence, the political difficulty should first be solved if any progress were to be expected.

Though the parallel and supplementary efforts had been discontinued, a careful examination of the notes exchanged between the respective Governments, in particular, those of January 1st by the French Government,¹ January 29th by the United Kingdom Government,¹ January 4th by the Italian Government,¹ and April 16th by the German Government,² revealed a serious endeavour to reconcile differences, and—what was important—they showed that the endeavour had in some measure narrowed the differences.

If his interpretation of the position were correct, it was most important to the future of the work that the Bureau should recommend to the General Commission some method whereby the differences which still remained might be further minimised, or removed, so as to secure, as the six Powers and the Turkish delegation suggested, Germany's participation in the Conference's future efforts to build up a Convention.

In this connection, the Chairman reminded the Bureau that France hoped for the return of Germany to the League and said that none of the problems examined by the two Governments could be solved outside the League and counter to the articles of the Covenant.

The United Kingdom considered Germany's return to the League an essential condition to the signature of a Convention.

Germany considered that her return to the League could not be considered until after the question of disarmament, and above all her equality of rights, had been decided.

The Chairman could not bring himself to believe that a reconciliation of those positions was impossible, though it might be difficult.

Surely then, in view of the tremendous issues involved in a failure of the Conference, the Bureau would prepare a resolution for submission to the General Commission asking for authority to take such steps—consistent with the decisions of the Conference—as might be necessary for securing the co-operation of all States in the completion of a Convention.

Finally, he added that he was aware of the desire of certain countries to enter into pacts of mutual assistance and non-aggression, and of the great amount of work implied by the Turkish and Soviet proposals, and he felt convinced that the Bureau was in complete sympathy with those delegations and their supporters as regarded the usefulness of securing such agreements on security as would render possible the task of concluding a Disarmament Convention. But the question was whether, at that juncture, the work should not wholly or partly be negotiated by the interested countries at least in a preparatory manner, before it was actually discussed in the Conference. Such a discussion could be usefully conducted only with the concurrence of all the Powers which had an interest in the matter.

In the event of the General Commission approving the procedure just referred to, the examination by the General Commission of the proposals submitted to it during the past week might be kept in abeyance, pending the accomplishment of the tasks outlined.

Perhaps the best procedure would be to throw the whole question open to general discussion before dealing with separate points.

M. BARTHO (France) did not quite understand the conclusions which, in the Chairman's view, should be reached by the Bureau. He did not wish to deny the very real effort that had been made; but, for the moment, the conclusions were not apparent to him.

In the absence of those definite conclusions, he proposed to endeavour to indicate the position of the French delegation. The Chairman, whose goodwill, good faith and fairness were recognised by all, had pointed out that the proposals before the Bureau were of two kinds, general and concrete. In the course of his speech the general proposals had disappeared. There remained the concrete proposals—namely, the Soviet proposal, the Turkish proposal, which had the support of all the States signatory of the Pact of Athens, and, lastly, the proposal of the neutral States.

These clearly constituted a body of proposals the importance of which the Bureau could not fail to be aware. These proposals came from a large number of States, which were important, not only for their quality, but also for their quantity. There were the neutral States, six in number; the States signatories of the Balkan Pact, five in number: and to these eleven States he must add the Union of Soviet Socialist Republics and, he need hardly say, France. With these, from the special point of view adopted by the French delegation,

¹ See Document Conf.D.166.

² See Blue Book of the French Ministry for Foreign Affairs: "Négociations relatives à la réduction et à la limitation des armements", 1934 (page 70).

should be placed China. What did these fourteen States want? All, under different forms, wanted the work of the Conference to be inspired and governed by considerations of security. No one would deny that in the case of the Soviet Union. No one would deny it in the case of the Turkish resolution. No one would deny it in the case of the neutrals' proposal. In this connection, M. Barthou desired to point out that, between the neutrals' proposal of April 14th¹ and the present proposal, there was more than a shade of difference in meaning. The neutrals' previous proposal represented security as in some sort an accessory condition of agreement. What had happened since then? The neutrals, who were independent, had retained their independence of judgment. They had reflected. And now the condition, which, in their former proposal, appeared to be accessory, had become the most important proposal, the indispensable condition—the first paragraph of the text said as much. Moreover, the neutrals showed no hesitation in expressing their idea, since they went on to say that the proposals with regard to security, the conditions of security, should go further than the proposals put forward by the United Kingdom delegation.

The attitude of France was well known. M. Barthou would merely say that he did not abandon that attitude. He had added China to his list of countries which had put forward proposals of this kind because the Chinese delegate had several times expressed the view that the condition of security took precedence of all others.

Honour to whom honour was due! The question of security had never been put in more closely converging circles of irresistible logic than in the first speech made by the distinguished and esteemed President of the Conference.

All the Powers whom M. Barthou had mentioned had referred therefore, directly and clearly, to security. Others had alluded to the subject; but he would speak only of those who had expressed themselves most definitely on the point. The Bureau now had before it a proposal which was lacking in precision and which would have the effect of referring the study of *rapprochements* between countries to individual negotiations. Once again, he must point out that the work of the Conference was governed and inspired by this problem of security. The Chairman, with his customary frankness and fairness, had pointed out that the question had been discussed for thirty months and that the Conference had met with differences which appeared to admit of neither reconciliation nor reduction. He concluded from that that something else must be tried. M. Barthou did not share that view. He found that there was at present in course of formation, not a majority, but an impressive number of delegations which favoured the idea of security. That notion of security was the foundation of the French attitude. He upheld that notion and did not abandon it.

M. Barthou agreed as to the need for bringing Germany back to the League and the Disarmament Conference. The United Kingdom delegation, moreover, held the same view, as was shown by the terms of the United Kingdom memorandum of January 29th. The United Kingdom delegation had said that the return of Germany to the League was the essential condition to the conclusion of a Convention. M. Barthou would take this occasion—it would not be the only one—to bring the British and French attitudes closer together. It was a mistake to suppose that there had been any irreducible conflict on the previous Wednesday² between the French and the British position, or that the United Kingdom and France had definitely broken with one another. The United Kingdom and France were both great countries. They were entitled to express their opinions freely; and reference to the records would at once show all men of good faith that there was no conflict of doctrine as between the United Kingdom and the French delegations.

As to Germany's return to the League, agreement, he noted, was complete; but he wondered what were the conditions under which that return should take place, and he ventured to ask the Chairman to define his proposals. So far as he had understood, the Chairman's idea was to give the Bureau a roving commission. Was the Bureau to travel to Germany to ascertain her intentions and to bring her closer to France? If so, he must say clearly that any such journey was useless, as was shown by the visits which Mr. Eden had paid to Paris, Berlin, Rome and then to Paris again. These visits had not yielded the desired results. Was it conceivable that a new journey would succeed?

There was, he would emphasise, a French doctrine and a German doctrine. Were the two irreconcilable? It was possible that they were not. When that morning the question of the Saar had been settled in the Council, all the speakers had invited France and Germany to endeavour to develop and extend the agreement reached on the difficult problem of the Saar. For his part, he accepted that invitation. If agreement were possible between France and Germany, France would help to bring it about with the utmost goodwill; but, in so far as it was a question of giving a commission for the purpose to the Bureau or to any members of the Bureau, he must say, respectfully but firmly, that he saw no point in such a proposal.

On the other hand, there was one question before the Conference, the question of security. Why postpone its examination? Discussions had been going on for months, so far without success; but it might be that an understanding was not far off. He proposed accordingly to take the proposals relating to security and consider them in good faith. When they had been discussed, it would be time to see what next. If an agreement were not reached, it would perhaps then be desirable to invite the President to start on his travels again; but it would be preferable if agreement could be obtained. He therefore declared on behalf of France that she

¹ Document Conf.D./C.G.158.

² See Minutes of the eighty-third meeting of the General Commission.

had taken up the attitude that security was a condition of disarmament ; and, in so saying, he based himself on the very forceful remarks made by the President at the outset of the work now in hand. He repeated that the position of France had not changed. It was definite and clear ; he believed it to be reasonable and he stood by it.

Mr. Norman DAVIS (United States of America) said that he had obtained a very different idea from the Chairman's clear and accurate analysis of the situation confronting the Conference. He did not think, however, that there was any real difference between M. Barthou, and the Chairman. He had not understood that the Chairman was proposing to adjourn the Conference in order to see whether Germany would return ; that, he agreed with M. Barthou, would be a mistake. On the contrary, he understood that the Chairman recognised that the question of security had to be dealt with, but felt that it could be dealt with more effectively and satisfactorily if Germany were present to negotiate an agreement covering both security and disarmament.

It was perfectly true, as M. Barthou had said, that fourteen nations had indicated their great interest in and preoccupation over the question of security, and he believed every nation present recognised that it must be faced and dealt with as far as possible. On the other hand, there were more than fourteen nations that had a somewhat different idea as to the best means of obtaining security and felt, as did the United States, that the best way was in connection with disarmament. The United States was not interested in security alone as divorced from disarmament.

But the main desire of the United States delegation was that the work should proceed. It was not desirable that Germany should capitalise her absence, and agreement could not very well be negotiated if she remained at a distance. If the Bureau were to proceed along the lines indicated by the neutrals and the Turkish group, real progress could be made, and there would be no need to suspend the work. He understood the Chairman and M. Barthou to be in agreement on that point.

There was perhaps one difference in their points of view—namely, with regard to regional agreements. In his own opinion, the guaranteeing of the execution of any future Disarmament Convention was a matter with which the entire Conference should deal. It concerned every nation that became a party to such a Convention. At the same time, he was frankly of opinion that the whole Conference could not usefully enter into a full discussion of regional agreements in which only a few Powers were to participate. He saw no reason why negotiations should not be carried on concurrently with the Conference by the Powers concerned, but not under the Conference's wing. He did not think there should be any appreciable difference of opinion to prevent those Powers that thought fit to do so from proceeding along the lines he had indicated.

Mr. EDEN (United Kingdom) pointed out that to some extent the three resolutions seemed to cover the same ground. In addition, a very large percentage of the subjects referred to were already dealt with in the draft Convention which the Conference had adopted as a basis for its future Convention and which had already been discussed at considerable length. Their future individual discussion, also at considerable length, would therefore hardly seem to serve any very useful purpose at the present time.

The essentials of the problem should be borne in mind, and, in this respect, he was in entire agreement with the Chairman's analysis of the problem and the course of action he had suggested.

In November 1933,¹ the Conference had decided to overcome its main difficulties, if possible, by diplomatic negotiation outside the Conference, not because it preferred a course involving negotiation outside the Conference, but because it realised—to put it frankly—that Germany's presence was necessary from every aspect of the work relating to security or disarmament.

But the agreement sought was not reached and, as the Chairman had just reminded the Bureau, the essentials of the problem remained, in that the main political difficulties had still to be dealt with. In his own view, they must be dealt with if the Conference was to make any real progress in respect either of security or disarmament. While, however, it was quite true, as M. Barthou had said, that the main political difficulties had not been solved as a result of Mr. Eden's journeys and the many efforts of others, something had been achieved in that the issue had definitely been narrowed and clarified. It would be a great misfortune if all the value of that work were to be lost by the introduction of a large amount of sometimes minor and sometimes extraneous matter, as a result of which the fundamental issues might again become obscure.

The essentials of the problem were now known and found their place in the documents referred to the General Commission during the past few days. The Chairman had just mentioned the four most important. It was no exaggeration to say that, if means of reconciling the four theses contained in those four documents could be found, an essential measure of progress

¹ See Minutes of the fifty-fourth meeting of the Bureau, page 200.

would have been recorded, but if they were not reconciled, very little progress would be achieved.

He therefore concluded that means, perhaps by negotiation, perhaps by some other method, must be devised to reconcile the four points of view expressed in the notes. The last thing he—or, he believed, any other member of the Bureau—would wish, would be to set up a large number of committees for the study of subjects which had already been exhaustively examined and as to which it could hardly be hoped to make any progress until the main problem that beset the Conference had been solved. Such a course would not earn respect for the Conference, nor would it achieve any useful result.

Referring briefly to the resolutions that had been moved, Mr. Eden said that M. Litvinoff had made a gallant effort to meet some of the criticisms of his proposals in the General Commission, for which everyone was grateful. Mr. Eden, however, doubted the wisdom of further extending the scope of the Conference's work : it had surely sufficient material upon its hands. If and when it was able to record some achievement in that sphere of disarmament for which it was responsible, it would have done the League and the cause of peace the greatest service in its power. M. Litvinoff's last proposal, more particularly, seemed to place upon the Conference a responsibility of the gravest character, which went far beyond the scope of the present work.

The Turkish representative had suggested the possibility of arriving—by regional agreements based on the principles set out in the Locarno Agreements and the Balkan Entente—at a solution which would facilitate the conclusion of a Disarmament Convention. There was much in that proposal which was constructive. Just as Locarno had served and still served its special purpose for one part of Europe, so other agreements concluded on similar lines between a limited number of Powers in several parts of Europe might serve a similar purpose. He welcomed the proposal the more, since he understood that it was based on the same important principle as the Locarno Agreements, the principle that any such agreement must not be directed against any one Power or group of Powers. He fully appreciated that regional agreements of that kind might assist the final outcome of the Conference's work. At the same time, it did not seem to be any part of the duty of the Conference as a whole to take part in their negotiation, nor, indeed, was the machinery of the Conference best adapted for that purpose.

He therefore summarised the views of His Majesty's Government as follows. The United Kingdom Government was ready to take part in any useful work serving the main objective for which the Conference had been called and for which it still laboured. It believed that the immediate task should be to reconcile the points of view expressed in the four notes to which the Chairman had referred. The Bureau should consider how that could best be done, whether by negotiation or by any other means, but it must be done if any progress was to be achieved. He would be sorry to see the Conference indulge in prolonged discussion upon other matters, for he feared that, were it to do so in the absence of representatives whose attendance all desired, it would neither add to the Conference's authority nor conduce to the successful issue of its labours.

M. SANDLER (Sweden) wished to give a few explanations on the general structure of the joint declaration of the six delegations. The declaration referred explicitly to the memorandum of April 14th, and, in its very first words, repeated the views expressed in that memorandum. While he greatly appreciated the French delegate's remarks, he was anxious to emphasise the fact that the views of the six delegations had suffered no change. Those views could be expressed briefly as follows : it was impossible to bring about disarmament solely on the basis of the United Kingdom delegation's plan, but it was possible to take from that plan certain governing lines of action. It was desirable, in the view of the six delegations, to limit the discussions to certain points, while at the same time providing for a substantial measure of disarmament. It was essential also to take into account the existing position, the principal feature of which was a *de facto* rearmament. Finally, the principle of equality of rights must be applied, but with moderation. That programme appeared to the six delegations not to be realisable without some strengthening of security over and beyond the United Kingdom delegation's original plan.

As regards the questions raised by the Chairman, he thought it essential, if the work were to continue, to concentrate on definite and practical points. An attempt must be made to reconcile the divergent points of view, while at the same time concentrating on certain essential points. The question of security had been raised. It was a question of primary importance which must be considered ; but it would be desirable to direct the Conference's efforts into a field where there would be some chance of success, and, in his view, it would be advisable in this connection to consider the guarantees for the loyal execution of the Convention. M. Sandler emphasised the fact that he contemplated this discussion taking place within the framework of a general disarmament convention since, if all the questions relating to disarmament were dropped, he saw no use in embarking on such a discussion.

In regard to disarmament, a great deal of very valuable material was available. The United Kingdom memorandum of January 29th should, he suggested, be retained and combined with the other plans which it was clearly necessary to take into account. M. Sandler thought, however, that the Conference could not do any useful work until it had emerged from the

present deadlock. What was wanted was to complete the draft Convention more especially by filling in the figures. That implied the necessity of consulting each State, including a State which was not at the moment present at the Conference. No satisfactory results could be obtained without consultations in this sense. It was, therefore, urgently necessary to take steps to find some method which would allow of such conversations being initiated.

In conclusion, he associated himself entirely with the Chairman's point of view.

Count RACZYŃSKI (Poland) would confine his remarks to the question of procedure. He had the impression that, if all idea of disarmament were dropped and if the concrete proposals with regard to security—namely, the proposals of the Soviet Union, Turkey and the group of neutrals—were not to be discussed, the Conference would find itself back again in the void, and would be unable to do any work.

He believed, however, that there was one direction in which it might go forward with advantage. It was true that the question of security had already been discussed and analysed by a number of Committees, but it might be that the proposals to which he had just referred contained points which could be profitably discussed. He would not express any opinion on the substance of these problems, since the delegations would no doubt have an opportunity of expressing their views in the course of discussions. But he desired at once to say that there was no ground for undue pessimism, or for rejecting in advance all possibility of an agreement.

M. MOTTA (Switzerland) had naturally followed the discussion which had just taken place with the closest attention. It appeared to him to show clearly that the present difficulties could not be overcome without an effort at conciliation between the States principally concerned. Mention had been made of the French, Italian, British and German notes. He paid a tribute to the efforts made by all these Governments to define their ideas. Nevertheless, these notes possibly showed that the differences between the points of view were not as considerable as might be thought. M. Motta earnestly hoped that these States, and others which were equally concerned in the problem, would make an effort, either here or elsewhere, to bring their views more into line.

It was not for M. Motta to say what method should be adopted to arrive at such a *rapprochement*. But mention had already been made in the Bureau of the solution of the Saar problem and the success gained in connection with a question which had assumed such an acute aspect and under such disturbing circumstances. M. Motta therefore wondered whether it would not be possible to apply what he would call the Saar method, without defining it more closely, to the present differences. The important point was to find means for conversations. In his opinion, forms counted for little; what was of capital importance was to make an effort at *rapprochement*. For this purpose, the position of each would have to change, since it was only by movement that success was possible. With entire modesty and with all the prudence that was indispensable in such a debate, he stated that he would be very glad if an effort in this direction could be encouraged.

M. Motta then recalled that M. Sandler had defined the scope of the memorandum of the neutrals. It was true that the neutrals emphasised the importance of security and conferred on this question, if not entire priority, at any rate a certain degree of priority. The problem of security involved the question of regional pacts, pacts of mutual assistance and pacts of non-aggression, but this was merely a portion of the question which concerned only certain States or certain groups of States. On the other hand, the problem had a more general aspect—namely, the guarantees of execution of the Convention. These guarantees concerned all Powers. Emphasis had been laid on the means of giving satisfaction to those who demanded security, by guarantees as to the execution of the Convention, and, for this purpose, the procedure to be followed had been indicated. This problem should be considered as soon as possible by a special committee. M. Motta therefore wondered if it could not be agreed to propose that the General Commission should appoint a committee to deal with this particular task.

Obviously, action should not be confined to this point. The Bureau should give its attention to the other matters. It must, indeed, be admitted—and this was axiomatic, in M. Motta's view—that positive results could not be reached in the sphere of disarmament proper unless Germany came back to Geneva in one way or another. How could this be brought about? Would it be by a visit, by an appeal, or by some form of semi-official negotiations? M. Motta did not know, but he again recalled the Saar method, which had made it possible to reach a result of primary importance for the Disarmament Conference and for world peace. It was not out of the question that, by using a similar procedure, a Convention might be drawn up which, though mediocre and even insufficient, would nevertheless be a sign of appeasement and would in any case be infinitely better than a race for armaments or no result at all.

M. DE MADARIAGA (Spain) wished to add some remarks to M. Sandler's statement regarding the memorandum of the neutrals. He pointed out that this memorandum represented, not the general ideas of the nations which had signed it, but the conclusions which they had reached with a view to endeavouring to extricate the Conference from its present unfortunate position. The proof was that this memorandum mentioned chemical warfare and aerial bombardment—two subjects of the Convention in which the Spanish Government had often expressed to him its absolute lack of faith.

The memorandum put forward the idea of security—that was to say, security going beyond that contemplated by the United Kingdom Government in its memorandum of January 29th. The neutrals had also recalled the necessity of applying the equality of rights conceded by the declaration of December 11th, 1932.¹ It was essential to recall this point, since it was a fact which was binding on all, although none of the members of the Conference desired to see the level of armaments of any country rise above the lowest possible limit. In this connection, M. de Madariaga emphasised the fact that the reduction of armaments was an idea which existed in the minds of the neutrals as one of the aims to be attained. He did not share the recent pessimism of the Soviet delegation, and thought it necessary to maintain this aspect of the problem in the programme of work. Indeed, if the debate were restricted to security alone and disarmament proper were abandoned, public opinion would regard this as a confirmation of the sinister prophecies made concerning the Conference. Moreover—and this was a more important reason—the reduction of armaments must be the necessary accompaniment of security. The countries from whom security was demanded must receive guarantees by the progress of disarmament. If the cheque drawn on security had one day to be paid, the countries called upon to take part in economic or financial action would no doubt be in a much easier position if the level of armaments was at a lower point than at present.

M. de Madariaga did not conceal the fact that these problems were extremely difficult, but they were based on realities. One must not be lured away by abstractions. Behind the scenes of disarmament and security, very grave events were taking place, and the Governments should reflect deeply before committing themselves.

In his view, the reduction and limitation of armaments remained the basic idea of the Conference. The question of security had been raised merely in order to attain disarmament. The intention of the neutrals was to obtain the advantages arising out of disarmament. Spain, in particular, wished to be able to devote to more humanitarian objects the sums which, if the Conference failed, she would necessarily have to expend on armaments.

M. de Madariaga referred to a very important idea in Mr. Eden's speech, which had already been emphasised by M. Motta—namely, the obvious necessity, if progress was to be realised, of reconciling the views expressed in the notes by the four Powers. Moreover, he wondered whether an effort at mediation was incompatible with the ideas underlying the memorandum of the neutrals. He did not think so. In his opinion, the two forms of action supplemented each other. Moreover, the method appeared to him to be fairly clearly outlined. A rapid and immediate procedure could be instituted at Geneva for examining the questions raised in the memorandum of the neutrals, without excluding questions of regional security. This work would be limited in time, and simultaneously an effort at mediation would be undertaken on the basis of the four notes. That would prevent this effort from assuming the character of diplomatic action which could only mature in the distant future. M. de Madariaga was not competent to state how this mediation would take place, but the question might be examined between now and to-morrow by the President, in consultation with the delegations principally concerned.

M. LITVINOFF (Union of Soviet Socialist Republics) said that the main question was not whether disarmament or security should have precedence, nor what was the comparative value of the two problems, but what was to be done.

Everyone must desire Germany's return to the Conference, and if that involved a journey to Berlin it might be worth taking. But, for his part, he questioned the wisdom of asking Germany to return to a Conference that had shown its inability to do anything without her. He wondered whether she could not be induced to return by some other method—namely, by continuing the work. It was hardly fair of M. de Madariaga to call him a pessimist for suggesting that, while nothing could be done in the way of disarmament, something could be done for security.

M. Litvinoff had made one proposal which stood by itself: the proposal to transform the Conference into a permanent peace conference. The Chairman had tried to discourage him by pointing out that a unanimous vote would be necessary: legally, that might be so. But why should it be assumed beforehand that unanimity would not one day be achieved? As to the special Protocol which would be necessary, according to the Chairman, to set up a new conference, that was not M. Litvinoff's proposal. What he had in mind was that the work of the present Conference should be extended, and that the Conference itself should be made permanent. He was sure the jurists would take the necessary steps to that end if the General Commission accepted the Soviet proposal in principle. He fully realised that it was too recent to be put to the vote immediately, but was quite prepared to wait until the delegations had had time to consider it and to obtain instructions from their Governments.

The Soviet delegation had also made a proposal with regard to security, a proposal which found expression in the Turkish resolution and at least in the statements of the French and some other delegations. The United States delegate had said that the question could not be solved because some delegates might not be interested in it. It would be true of most of the

¹ See Minutes of the General Commission, Volume II, page 208.

questions to be discussed that some delegations were more interested than others. But the difference between disarmament and security was that the former required unanimity, while the latter only required agreement between a sufficient number of States. He was sure that if a practical attempt were made to deal with the problem along the lines he had indicated, some measure of success would be achieved.

He therefore supported the Chairman's proposal, in the General Commission,¹ to appoint a drafting committee for the purpose of ascertaining what was common to all the resolutions before the General Commission and submitting such a joint resolution as would meet with the approval, if not of all, at least of the majority of the delegations represented.

The CHAIRMAN assured M. Litvinoff that he had had no intention of prejudicing the Soviet proposal or discouraging the Bureau from accepting it. He had some responsibility, however, as Chairman of the Bureau and the President of the General Commission, and had felt it his duty to explain the exact position.

The drafting committee should, he thought, be small. He therefore suggested that it should consist of M. Politis as Chairman and M. Beneš as Rapporteur, together with the Secretary-General and four to six other members.

M. LITVINOFF (Union of Soviet Socialist Republics) proposed that the drafting committee should consist of the officers of the Bureau, together with those responsible for the various resolutions.

M. LANGE (Norway) was somewhat embarrassed by the proposal just made by M. Litvinoff. What would be the terms of reference and the basis of the work of the drafting committee, the appointment of which was contemplated? In M. Lange's opinion, the very interesting debate which had just taken place did not enable the points of view of the various delegations to be clearly defined.

The CHAIRMAN pointed out that it was usual, when appointing a drafting committee at the end of a discussion, to leave it to focus that discussion in a resolution. He was assuming that that line would be followed in the present case.

Mr. Norman DAVIS (United States of America) did not think there was sufficient agreement to enable a drafting committee to do useful work. More progress might perhaps be made if the Chairman, together with the Secretary-General, were to draw up a statement, based on the discussion, for the Bureau's consideration.

Mr. EDEN (United Kingdom) supported Mr. Davis's proposal. He felt that it would be extremely difficult for a drafting committee to draw up a resolution in the light of the discussion, which had not contained the necessary elements for such a resolution.

M. LITVINOFF (Union of Soviet Socialist Republics) said that what he had in mind was not that the drafting Committee should report on the Bureau's discussions, but that it should try to reconcile the three resolutions and to submit to the General Commission a common text acceptable to those responsible for them.

M. SANDLER (Sweden) supported the proposal of the representative of the United States of America.

The CHAIRMAN explained that his idea was that the drafting committee should make recommendations to the Bureau as to how the resolutions should be handled in the General Commission. With due deference to Mr. Norman Davis, he was afraid it would be impossible for the Secretary-General and himself to do what was required. He had, in fact, intended to ask M. Politis to preside over the drafting committee. In taking the responsibility—as was his duty—of analysing the position as he found it, he had felt that he was making it easy for the advocates of security to discuss regional agreements, while, at the same time, efforts were being made to induce Germany to return. His suggestion had not been acceptable, at any rate to one important delegation, and he therefore felt that it would be better for him to stand aside.

He assured the first delegate of France that the idea of visiting Berlin had never occurred to him. As to the efforts made in the past, to which M. Barthou had referred, he might perhaps point out that there was a new Government in France—the ninth since the beginning of the Conference—and the latter was not quite sure of the position the French Government adopted on some of the questions. Action that had failed under previous Governments might succeed under the present one. He had therefore suggested that the Bureau should ask the General Commission to make every effort to get Germany to return, in order that the Conference's work might continue.

¹ See Minutes of the eighty-fourth meeting of the General Commission.

Either a drafting committee could be appointed, or the discussion could continue on the following day, but, in the latter case, steps would probably have to be taken to adjourn the General Commission convened for the following Wednesday, and that would, in his opinion, have a very bad effect on public opinion.

M. BARTHOU (France) had the greatest friendship for the Chairman and would be sorry to hurt his feelings, but he wished to avoid any misunderstanding. The Chairman had referred to the French delegation and said that nine Governments had succeeded one another in Paris since the beginning of the Conference. He had been anxious as to the duration of the present Government and had wondered whether that Government's views would be the same as those of the Government which would succeed it. M. Barthou pointed out, in this connection, that there were certain Governments which changed their Ministers without changing their opinions, but that it was also conceivable that there were some Governments in the world which changed their opinions without changing their Ministers.

Reverting to the point under discussion, M. Barthou agreed with the Chairman, since the latter had stated that there was no question of a fresh visit to Berlin.

As regards the procedure to be followed for the future work of the Conference, M. Barthou endeavoured, with the mentality of the "average Frenchman", to draw certain conclusions from the discussion which had just taken place.

He did not think the proposal put forward by Mr. Norman Davis was acceptable; he agreed with the Chairman that the Chairman and Secretary-General should not be asked to undertake work which had no prospect of success. The other proposals might possibly be amalgamated in order to reach a practical solution. The Chairman had already mentioned the names of M. Politis and M. Beneš as members of the drafting committee. Some years ago, M. Politis had been the author of a valuable report on security. M. Beneš's clear mind was entirely fitted to bring order into the confusion. M. Barthou therefore unreservedly approved these two appointments. This Committee would have to deal with three proposals; it was therefore advisable that its members should include one of the authors of each of the proposals. Lastly, M. Barthou thought it was impossible to do useful work without the co-operation of the Chairman of the Conference and he urged him to join the drafting committee.

Mr. Norman DAVIS (United States of America) said that he had not the slightest objection to the appointment of M. Politis and M. Beneš, but had felt that, in the circumstances, the authority and moral influence of the Chairman of the Conference, acting with the Secretary-General, might more speedily lead to a measure of agreement.

He had, of course, assumed that, if they thought fit, they would consult the delegations that had presented resolutions. However, he had no objection to amending his proposal to meet M. Barthou's suggestion.

The CHAIRMAN proposed, for the following very substantial reason, that the delegations of France, Italy and the United Kingdom be represented on the drafting committee.

He was convinced that it was the desire of the great majority of the Bureau and the General Commission—and he did not intend this to be overlooked—that the notes should be harmonised and that everything should be done to bring about Germany's return. That was essential, if a convention was to be achieved. Surely, therefore, those responsible for the notes should sit on the drafting committee; otherwise, that important aspect of the problem might be overlooked.

Baron ALOISI (Italy) said he had followed with close attention the proposals that had been made. It had been suggested that a drafting committee should be appointed. If the representatives of the three Powers whom the Chairman had just mentioned were now to be added to that committee, its character would be completely changed, and he did not see how they could do, in one night, what the Conference had not succeeded in doing in eighteen months.

The CHAIRMAN said that his position had been completely misunderstood. The work of the drafting committee would be to see that any programme of work for the General Commission suggested some method of narrowing the differences revealed in the notes. The actual work of narrowing those differences might take weeks to accomplish, and it was certainly not his intention that that should be done by a drafting committee.

M. MOTTA (Switzerland) supported the President's proposal, and earnestly appealed to Baron Aloisi to agree to serve on the proposed Committee. He pointed out that Baron Aloisi stood for the Saar procedure, on which he had conferred such distinction, and he begged him to consent.

Mr. Norman DAVIS (United States of America) withdrew his proposal.

Mr. EDEN (United Kingdom) had no objection to the procedure suggested by the Chairman, but desired to make it quite clear that, in his view, the lines of the speech with which Mr. Henderson had opened the meeting were the lines which the Bureau should follow if any useful conclusion were to be reached.

M. LITVINOFF (Union of Soviet Socialist Republics) thought the situation was somewhat complicated. He also had no objection to the composition of the drafting committee as suggested by the Chairman, but he doubted whether the Bureau realised what the drafting

committee was required to do. He had understood that it would reconcile the three resolutions. The Chairman had said something about harmonising the notes exchanged between certain States, but that would necessitate the presence of a fourth Power which had also sent in a note: that would not be easy to obtain.

There had been exchanges of notes and of visits, as a result of which the General Commission had been called together to decide what action was to be taken. It now seemed that the Chairman felt that the General Commission had been called prematurely, that there must be more memoranda and more visits. That being so, he wondered why the Bureau had been called at all.

In the meantime, what was to be done with the three resolutions? They dealt with the situation as it stood at the present time, and an attempt might be made to reconcile them. But the task was now being complicated by the proposal that the notes should be harmonised. That was a work of weeks, months and even years. He would like the situation to be made more clear.

The CHAIRMAN repeated that the drafting committee would not be required to harmonise the notes: it would recommend a method of dealing with the resolutions. Some of the points referred to in the latter were already contained in the draft adopted as a basis for a first Convention. The drafting committee would have to see which they were; it would have to consider whether, for example, the guarantees of loyal execution—to which some of the Powers attached great importance—should be referred to a special committee, and, if so, to what kind of committee, and so on. It would have to see which questions should have priority. It would have to consider whether—in accordance with a previous suggestion from the Chair—all security questions should be discussed in the Political Commission and all disarmament questions in the General Commission.

At least two of the resolutions raised the important question of the return of Germany. How was the Conference to bring that about? There had been some improvement as a result of the notes exchanged, but there were still differences. He desired to see them narrowed, minimised, removed if possible, and some method of doing that must be found.

On all these points, the drafting committee would make recommendations to the Bureau for subsequent discussion in the General Commission.

He hoped the position was now clear, and that the Bureau would allow a drafting committee to set to work as soon as possible.

Baron ALOISI (Italy) requested the Chairman, even after the explanations just given, to excuse him the honour of serving on the Committee.

M. BARTHOUSSE (France) associated himself most firmly with Baron Aloisi's statement. He did not see what would be the use of his serving on a Committee of that kind. He had not tabled any resolution, and was therefore not qualified to serve on the drafting committee. He accordingly asked the Chairman not to press him to undertake a duty that he would not be able to perform.

The CHAIRMAN thought that, in the circumstances, the proposal to appoint a drafting committee had better be abandoned. The Bureau would continue its discussion on the following day in order to see whether agreement could not be reached. That would probably mean adjourning the General Commission. The position seemed gradually to be getting worse, and he did not think he had in the least exaggerated it.

FIFTY-EIGHTH MEETING (PRIVATE)

Held on Tuesday, June 5th, 1934, at 3.30 p.m.

Chairman: Mr. HENDERSON.

76. ACTION TO BE TAKEN WITH REGARD TO THE PROPOSALS SUBMITTED TO THE GENERAL COMMISSION ON MAY 29TH, MAY 30TH, AND JUNE 1ST, 1934¹ (continuation).

The CHAIRMAN said that the position of the Conference when the Bureau closed on the previous evening was not only most unsatisfactory but almost hopeless. Not only had it failed to agree upon a drafting committee, but there was evidence of two distinct tendencies, which could only be reconciled if there existed such a measure of goodwill as would influence each to make some concession to the other.

¹ Tevfik Rüstü Bey (Turkey) was also present at the meeting (see footnote on page 211).

That goodwill would, he hoped, be shown at the present meeting. If the position as revealed throughout the previous day were fully maintained, the efforts of the Conference must inevitably be followed by disaster.

On the following day, the Bureau was expected to report to the General Commission a plan of work dealing with all the points comprehended in the three sets of proposals presented by the Soviet, Turkish and six-Power delegations.

In view of the impasse reached, he had taken the responsibility of preparing a programme which he thought dealt fairly with all the proposals.

If the terms of his resolution were recommended to the General Commission, it would enable the Conference machinery, either at once or at an early date, to deal with all the points contained in all three sets of proposals.

It must be kept clearly in mind that, in accordance with the General Commission's decision, the draft Convention was still the basis of the Conference's work, and several of the proposals made already found a place in the draft.

It was not his intention to exclude any proposal, or even any suggestion, from future consideration, but he honestly expressed his belief—after watching over the work for thirty months—that a settlement of certain important political issues was essential to any success which might eventually be achieved.

The Chairman then read the following draft resolution :¹

“ The General Commission ;

“ Welcomes the marked desire which has been widely expressed that the Conference should continue its efforts to secure a Convention ;

“ Decides that the proposal of the delegation of the Union of Soviet Socialist Republics to convert the Conference into a Permanent Peace Conference should, prior to its discussion, be referred to the Governments for their consideration ;

“ Considers that the proposal with regard to pacts of mutual assistance might, in the first instance, be most usefully negotiated by the Governments immediately concerned, the results being reported to the President of the Conference ;

“ Concurs in the view expressed by the Turkish delegation that the participation in such discussions of any Power directly interested should be secured ;

“ Decides that the question of the guarantees of execution of the future Convention, raised in the first paragraph of the proposals submitted by the six delegations, should be referred to the Special Committee which has already dealt with the Miscellaneous Provisions of the Convention under the chairmanship of M. Bourquin ;

“ Observes that the views expressed by the French, Italian, United Kingdom and German Governments respectively in their notes of January 1st, January 4th, January 29th, and April 16th, 1934, offer some prospect of securing an agreement ;

“ Requests the Bureau to seek, by any means which it may deem appropriate and with the co-operation of such other Power or Powers as it may find it necessary or useful to invite to participate in its work, the reconciliation of such divergences as still exist in the above-mentioned notes ;

“ Decides, as regards all other questions raised in the General Commission at its meetings of May 29th, May 30th, and June 1st, 1934, to refer *en bloc* to the General Commission the questions relating to disarmament and to the Political Commission the questions relating to security, leaving it to them to co-ordinate these questions and to study them or have them studied by appropriate bodies created for the purpose as soon as there seems to be a likelihood of securing useful results ;

“ Considers, however, that, in order to enable the above Commissions usefully to discuss these questions, some prior political preparation is necessary and that a premature examination would inevitably give rise to the same difficulties as in the past ;

“ Accordingly instructs the President to keep in touch with this work of preparation and authorises him to initiate the study of the questions relating to disarmament or security, when sufficient progress on the special political problems has been made.”

M. LANGE (Norway) paid a sincere tribute to the effort which the Chairman had made to provide the Bureau with a basis for discussion at the present meeting. In the text before the Bureau, M. Lange had found a number of ideas which had also occurred to him since the debate on the previous day. The text made a praiseworthy effort at distinguishing between the various proposals. It was clear that they could not all be placed upon the same footing.

In the first place, M. Lange was happy to find that the proposal put forward by the Union of Soviet Socialist Republics, which went beyond the Conference's mandate, was to be referred to the Governments for examination. Its immediate discussion would be impossible.

Similarly, it was undoubtedly wise to refer the examination of the problem of the conclusion of regional agreements to the Powers most directly concerned. It was not until a later stage that the results of the efforts thus made could be brought up for consideration within the framework of the Conference.

M. Lange went on to stress the outstanding merit of the Chairman's proposal, which was that it placed the questions of security and disarmament upon the same footing. To M. Lange and the group of countries in whose name he had the honour of speaking, it would be

¹ Document Conf.D./Bureau 62.

inadmissible that the Conference should confine itself, even for a limited period, to considering the question of security while abandoning the problem of disarmament in the strict sense of the term. It was only by pursuing its examination of these two questions *pari passu* that results could be achieved.

Turning to the question of the guarantees for the execution of the Convention, M. Lange recalled that the draft prepared by the six delegations contained a reference to this problem, and that the suggestion had, in the first instance, been put forward by the French delegation. Examination of that proposal would be a valuable contribution to the activities of the Conference in relation to disarmament. For the consideration of this problem, the Conference might rely upon the Special Committee presided over by M. Bourquin. M. Lange attached great importance to this proposal, as the suggested procedure would make it possible to guard against war or threats of war as soon as the first clouds appeared upon the horizon, whereas the other measures grouped under the notion of security would only come into play when a conflict had already broken out.

Upon certain other points in the Chairman's proposal M. Lange was in some doubt. He feared that, by using expressions suggesting a more or less protracted adjournment of the work on disarmament proper, a very unfortunate impression might be made on public opinion. There would thus be a risk of opening the way to the armaments race which M. Motta had so eloquently conjured up the previous day. That was a very serious issue, and he would refrain from dwelling upon the dangers that were even now apparent in the schemes under consideration in various countries.

M. Lange had not had time to prepare any precise amendments to the Chairman's text. He nevertheless pointed out that the next to last paragraph of the resolution should be amended, as in his opinion it was desirable that the work should to a certain extent be begun in the Conference itself, and that, while such preparatory work was in progress, the political negotiations should be continued. In this way the prospects of success would be greater than if the Conference were to adjourn until results had been achieved in other respects.

In conclusion, M. Lange stated that, subject to certain changes, the text before the Bureau might be regarded as a satisfactory expression of the general attitude of the group of delegations which he represented.

M. BECK (Poland) said he had made a rapid study of the draft resolution proposed by the Chairman. But he must say at once that he had certain reservations to make with regard to the sixth and seventh paragraphs. Those paragraphs referred to views expressed by France, Italy, the United Kingdom and Germany in various notes. These notes, he must point out, only committed the respective Governments concerned. They had never been officially before the Conference; the Conference had not been called upon to study them. Consequently, it was not entitled to express an opinion. He therefore considered that the seventh paragraph should be amended or omitted.

M. DE MADARIAGA (Spain) proposed, in order to meet M. Beck's argument, to omit the sixth paragraph and to simplify the seventh paragraph so as to read :

" Requests the Bureau to seek, by any means which it may deem appropriate, the reconciliation of such political divergencies as still exist."

The reference to the eventual co-operation of one or more other Powers appeared to him to be useless, and he felt that what was useless was dangerous and would be better omitted.

Similarly, in paragraph 8, he proposed to omit the words " as soon as there seems to be a likelihood of securing useful results ", which were useless in view of the contents of the following paragraph.

As regards paragraph 9, he proposed the following text :

" Considers, however, that, except for the question of the supervision of the trade in and manufacture of arms, which can be examined forthwith, some prior political preparation is necessary to enable the above-mentioned Commissions to succeed in their work."

Further, in the last paragraph, he proposed to substitute for the word " when " the expression " as and when ".

M. BECK (Poland) said that it would simplify the proceedings if he accepted the observations and amendments proposed by M. de Madariaga.

The CHAIRMAN proposed the adjournment of the meeting to allow of the preparation by the Secretariat of an amended text on the basis of the foregoing observations.

The Chairman's proposal was adopted.

(The meeting rose at 4.25 p.m. and resumed at 5 p.m.)

The CHAIRMAN read the following revised text of the draft resolution : ¹

" The General Commission :

" (1) Welcomes the marked desire which has been widely expressed that the Conference should continue its efforts to secure a Convention ;

¹ Document Conf.D./Bureau 62 (1).

" (2) Decides that the proposal of the Soviet delegation to convert the Conference into a Permanent Peace Conference should, prior to its discussion, be referred to the Governments for their consideration ;

" (3) Considers that the proposal with regard to pacts of mutual assistance might, in the first instance, be most usefully negotiated by the Governments immediately concerned, the results being reported to the President of the Conference ;

" (4) Concurs in the view expressed by the Turkish delegation that the participation in such discussions of any Power directly interested should be secured ;

" (5) Decides that the question of the guarantees of execution of the future Convention, raised in the first paragraph of the proposals submitted by the six delegations, should be referred to the Special Committee which has already dealt with the Miscellaneous Provisions of the Convention under the chairmanship of M. Bourquin ;

" (6) Requests the Bureau to seek, by any means which it may deem appropriate, the reconciliation of such political divergencies as still exist ;

" (7) Decides, as regards all other questions raised in the General Commission at its meetings of May 29th, May 30th and June 1st, 1934, to refer *en bloc* to the General Commission the questions relating to disarmament and to the Political Commission the questions relating to security, leaving it to them to co-ordinate these questions and to study them or have them studied by appropriate bodies created for the purpose ;

" (8) Considers, however, that, except for the question of the supervision of the trade in and manufacture of arms, which can be examined forthwith, some prior political preparation is necessary to enable the above-mentioned Commissions to succeed in their work ;

" (9) Accordingly instructs the President to keep in touch with this work of preparation and authorises him to initiate the study of the questions relating to disarmament or security as and when sufficient progress on the special political problems has been made."

Mr. EDEN (United Kingdom) first desired on behalf of his Government to say, in the simplest and most categorical terms, that he was ready to accept without amendment the Chairman's draft resolution. He said that, without wishing to enter in any way into what might be the merits or demerits of the resolution, but simply because he shared the Chairman's view. In the Conference's present serious situation, it was a duty to rally round the proposal which was most likely to meet different points of view without attempting detailed amendments, however desirable, to a document that was not, after all, an Act of Parliament, but a means of assisting the Conference at a time of great difficulty that might very easily turn into disaster.

In the second place, he was prepared to support the Chairman's draft resolution because it did emphasise the need for a settlement of certain political issues, a settlement that was essential to any ultimate agreement upon other issues.

The representative of Norway had made the very natural comment that he feared the effect of public opinion, in that, while other negotiations were taking place, only one Committee of the Conference would be at work. With conditions as they were at present, Mr. Eden did not believe the world would be impressed by anything which did not deal with realities. The time was long past when talking could impress anyone. The realities that had to be dealt with were expressed in the four documents to which many references had been made.

Mr. Eden preferred the original text for the following reason. Paragraph 6 of the new text referred somewhat unemphatically, if he might say so, to what he believed to be the task before the Conference : " the reconciliation of such political divergencies as still exist ". From having been, as it were, the dominating theme of the original resolution, that had become a subsidiary theme in the amended resolution. Since it *was* the dominating issue, he preferred it to dominate in words as well as in fact.

But that was a matter to which he did not attach undue emphasis ; all he would say on behalf of his Government was that the original resolution was an earnest attempt to get the Conference out of a difficulty from which otherwise it might perhaps have found no escape. For that reason he would wholeheartedly accept it, together with any drafting amendments, provided they would be registered with the least possible delay.

M. DI SORAGNA (Italy) agreed in large measure with Mr. Eden's observations.

He would have endeavoured to facilitate an issue from the present deadlock of the Conference by refraining from intervening, if the Bureau had been unanimous on the first text submitted by the Chairman ; but he could not maintain that attitude in regard to the revised text.

He shared Mr. Eden's opinion with regard to paragraph 6 of the new text, but did not attach capital importance to the point. On the other hand, he was not prepared to accept the substitution of "as and when" for "when" in the last paragraph.

Further, he did not like the new wording of paragraph 8. He thought political preparation was necessary also for the study of the question of the supervision of the trade in and manufacture of arms.

He could not accept the amendments to the Chairman's original text.

M. DE MADARIAGA (Spain) thought it was too early to express an opinion as to the possibility of achieving unanimity by withdrawing the amendments in question.

He must point out, however, that in the re-drafting of the text of the draft resolution the French of the new paragraph 6 had been changed by mistake. It would be desirable to re-establish the old text as follows :

" Prie le Bureau de rechercher, par tous les moyens qu'il jugerait appropriés, la conciliation des divergences politiques qui existent encore."

M. BARTHOU (France) was sure that no one present could have imagined that his silence was an expression of his indifference in regard to the proposals of the Chairman and Bureau.

He agreed entirely with his colleague and friend, Mr. Eden, in saying that this was no time for speeches. Nevertheless, since men had not yet found any other means of expressing their thoughts, Mr. Eden would not be surprised if he expressed, by means of phrases, what he had to say on behalf of the French delegation. He would endeavour, like Mr. Eden, to be brief and clear.

He would say at once, and in the clearest possible terms, that the French delegation was not prepared to vote for the text before the Bureau. In the first place, he had a preliminary observation to make which, in his view, governed the whole matter—namely, that the question which the Conference had discussed for a number of meetings, and which appeared to have dominated its work, was now placed at the end of the draft resolution before the Bureau, instead of at the beginning. In other words, what had appeared to the majority of delegates to be an essential condition for the signature of a Convention had become an accessory condition ; he referred to the question of security.

M. Barthou did not propose to repeat—at least, to insist upon—what he had said on the previous day ; but he would not hesitate to repeat until the last moment that, from the first day, all the observations that had been exchanged had been dominated by the problem of security. He might add that, on the day when the Conference took up again its work, he had had the liveliest satisfaction in hearing the President place the problem of security before all others. He had noted that the individual and collective proposals put to the Conference reinforced the attitude of the President ; security came before all else.

But what was the present position in regard to security ?

Security figured towards the end of the first, as of the second text, as a secondary and accessory condition. Thus, the terms of the problem were radically altered. The Conference was no longer where it had been on the first day. He for his part, speaking on behalf of the French delegation, could not accept such a mutation. And why ? It was not a question of shading, but of substance. If it were thought that the security problem came before all else, let it be said so and the problem put in the forefront for consideration. If security were considered to be a secondary problem, let that be said with equal clearness. But a choice must be made between two standpoints : that of the first day—namely, that the security problem was the foundation of all else—and the standpoint which seemed to have emerged at the last meeting, that the security problem could be treated as a secondary issue.

It would not be alleged that on this point—or, he hoped, on other points—the French delegation had modified its opinion. The French standpoint was the same to-day as it had been on the previous Wednesday when he had had the formidable honour of laying it before the General Commission.¹ There was no change in the attitude of the French delegation.

The Chairman's proposal relegated security to a secondary or a tertiary place. The French delegation persisted in saying that security should be a primary consideration. These two ideas, in consequence, were different, and M. Barthou, for his part, was not prepared to agree to any compromise which, on the pretext of effecting a reconciliation, endeavoured to bring together that which should not be brought together.

Two different standpoints ! Two different attitudes ! The attitude of the French delegation, which coincided with that of fourteen other delegations, had not changed.

Having shown that on this point the proposed text was of such a nature that, in substance, it was not acceptable, he felt obliged to add certain observations regarding other parts of the text.

It was clear that all the delegates would vote in favour of the first paragraph, and would "welcome the marked desire which has been widely expressed . . ." He would himself have preferred that the amendment proposed by M. de Madariaga should be introduced at this point. That, however, had not been done ; but it was of small importance. Let it be supposed that Conference circles were meant. He did not desire to raise difficulties in regard to the form. The Bureau was not dealing with questions of form.

¹ See Minutes of the eighty-third meeting of the General Commission.

He would continue with the first paragraph : “. . . that the Conference should continue its efforts to secure a Convention”. The fact of continuing to take part in the discussion at the present time indicated a desire that the Conference should succeed.

The second paragraph was in the following terms :

“ Decides that the proposal of the Soviet delegation to convert the Conference into a Permanent Peace Conference should, prior to its discussion, be referred to *the Governments* for their consideration.”

That proposal should be borne in mind. But the draft resolution continued :

“ Considers that the proposal with regard to pacts of mutual assistance might, in the first instance, be most usefully negotiated by the Governments immediately concerned, the results being reported to the President of the Conference.”

The proposal was such as to deserve attention. There would appear to be two stages in this connection. M. Barthou was not concerned with the second stage ; but what of the first stage ? There must be negotiations by *the Governments* either in connection with the proposal of the Union of Soviet Socialist Republics or that for the negotiation of pacts of mutual assistance. What, then, was the meaning of paragraph 4, the terms of which were as follows :

“ Concurs in the view expressed by the Turkish delegation, that the participation in such discussions of any Power directly interested should be secured ” ?

What discussions ? Discussions with regard to the previous paragraph ? There could be no question of any other proposals. So it was the Governments who were to examine these proposals ; and then one was asked to share the views expressed by the Turkish delegation and so ensure that every Power directly interested took part in those discussions. But that was not matter for the Conference. The proposal referred to the Governments questions of the highest importance. Let the Governments be left to take such initiative as they might desire !

What was meant, moreover, by “ Power directly interested ” ? He was perfectly aware of what was meant. He proposed to come to the point. Obviously, the expression referred to Germany.

He did not recoil before the problem. He had not waited for M. Motta's youthful audacity to say the word “ Germany ”. He had mentioned Germany before M. Motta. He had been the first to refer to Germany when he alluded to Powers whose absence constituted a presence weighing on the Disarmament Conference, and he was not sorry he had done so. The reference, then, was to Germany.

What was wanted ? The text of the resolution said that the Governments were to negotiate, to examine one proposal, to negotiate on another. That was understood.

If that was what was meant, it was no longer a matter for the Conference, and M. Barthou had no further motive for referring to the first four paragraphs which the Bureau was asked to discuss. He had nothing against these paragraphs ; they left the Governments entirely free to negotiate. But he asked what relation there was between these independent negotiations, the freedom of which was to be assured, and the work on which the Conference was engaged. There was no objection, therefore, to the text ; he was prepared to admit it. But there was nothing to be gained from the text ; and he felt that, in work of this kind, anything that was useless might be dangerous, and he was not prepared to lend his co-operation to anything which was useless and at the same time dangerous.

The fifth paragraph referred to “ guarantees of execution ”. Guarantees of execution ? Very good ! M. Bourquin would have the task of submitting a report on this subject to the General Commission. M. Barthou condoled with his distinguished colleague. He knew these guarantees of execution, because he had been seeking for them.

There was a moment, before the German budget was officially revealed to the world, when the French Government had endeavoured to give the Government of the United Kingdom the reply for which the latter had pressed. The United Kingdom Government then said to the French Government : “ What guarantees of execution does France want ? ” M. Barthou had considered the question in all good faith. But he had found that guarantees of execution in the vague were an entirely acceptable thing ; but the difficulties arose as soon as it was necessary to deal with realities. It was therefore a task of whose dangers, and, he must almost say, of whose quasi-impossibility, he was aware. It meant covering the ground from the most minor offence to the most serious, from a contravention involving a benevolent reproof to a contravention leading to war ; and M. Massigli knew well the efforts which the French Government had made in this connection. He would not say that the avowals of the German Government had made in this connection. He would not say that the avowals of the German Government had relieved the French Government of a difficult task ; but, if the day should ever dawn when he was in a position to express his gratitude to the German Government, he might say that the latter's avowal, by rendering the French Government's labours useless, had relieved it of the difficulties with which it had been contending.

He wished better luck to M. Bourquin. But he doubted whether M. Bourquin would prove any more successful than the French Government.

Paragraph 6 was the central point of discussion. It had been amended at the request of M. Beck and M. de Madariaga. M. Barthou fully appreciated the motive of both delegates. M. Beck was not concerned to know what had been the subject of discussion between the great Powers. Poland—he spoke in the friendliest spirit—was a very great Power, and did not care for being left outside discussions between other great Powers. That explained M. Beck's statement that the Polish Government had no knowledge of all these negotiations and notes

exchanged between the Powers. It did not wish to talk of them; they were not Poland's affair.

M. de Madariaga in his turn proposed a text, in agreement with M. Beck, in which all mention of the notes exchanged between the Powers was suppressed. M. Barthou was not opposed to that text; but would such a text solve the problem? Certainly not. No one could think so.

M. DE MADARIAGA (Spain) said that, if he had thought it would result in dropping the question, he would not have proposed the text.

M. BARTHOU (France) learned from M. de Madariaga that interruptions were permissible. He had never yet interrupted. M. de Madariaga was creating a dangerous precedent.

M. DE MADARIAGA (Spain) remarked that it was an old habit at Geneva.

M. BARTHOU (France), continuing, said he had not heard M. de Madariaga's interruption because M. de Madariaga had not interrupted him.

Resuming his speech, he said that a text had been proposed which did not do away with the difficulty, because it avoided and dissembled it. He agreed with Mr. Eden, who, in a spirit of compromise, had accepted the wording of the proposal which originated in the Bureau. But he had added that it contained in paragraph 6 a central and essential problem; those were his actual words.

M. di Soragna, the Italian delegate, in his turn, had agreed, first of all, that this point was of importance and then he had added that it was not vital. He disagreed with Mr. Eden, but no matter. M. Barthou quoted the view of Mr. Eden because it was his own. Mr. Eden was right in saying that it was an essential and a central problem.

What was that problem? Had they reached the point where they were afraid to mention names? Would they recoil from historical or geographical facts? The problem indirectly raised in paragraph 6, if that paragraph were completed and made clear, was the problem of Germany. The problem that arose now, still under paragraph 6, was again the problem of Germany.

What was it proposed to do? Let it be said clearly without sheltering behind texts—he would use a mild term to express his thoughts—behind obscure texts. Let them look at the facts.

The return of Germany to the League of Nations? Granted.

What had the French Government replied to the United Kingdom Government's memorandum of January 29th? What had it replied after Mr. Eden's visits to the three capitals?

It had sent a reply on March 17th, the text of which he would read in order to make France's position quite clear and to prove once again how consistent she still was. When M. Barthou had read this passage he would make no further reference to the subject, as it clearly defined the French position:¹

"In the last resort, one must always come back to the League of Nations and to the Covenant on which the League is based. Whatever may have been said against the League, whatever attacks may have been made on it, the League is still the only organisation capable of furnishing a collective guarantee of peace. The Government of the Republic is still faithfully attached to that organisation. Accordingly, it was gratified to find that the United Kingdom Government made the return of Germany to the League of Nations an 'essential condition' for the signature of an armaments convention. Germany can offer no better guarantee to world equilibrium than her return, free from all constraint, to the community of States to which she was admitted. Such a return would relax tension and thus permit of preparing and promoting agreements, of which France, wholeheartedly devoted to the cause of peace, once more affirms the utility."

M. Barthou did not think words could be clearer. They were the words used on January 1st and afterwards on April 6th and on April 17th.

They must not therefore avoid the difficulty; they must face the question. They desired Germany to return to Geneva. Agreed. France held the same view. But what was to be done? Were negotiations to be opened with Germany? Once more the reply was, Yes. On what basis? Would they wait for Germany to lay down conditions to the League which she had left unnecessarily, as the Chairman had said, and without justification, as Sir John Simon had said? Would they countenance negotiations of a kind which would humiliate the League? M. Barthou would wait for someone to make the proposal before he discussed such an attitude. No one would propose it.

Then, would Germany be asked to come and would conditions be imposed on her? He personally would not go so far. There was his note, the note of the French Government. Speaking for the French delegation and for his Government, he desired Germany to return to the League of Nations. He would like her to return without any kind of constraint. She had closed the door behind her; let the door open to admit her. Let her come and take her place, and then the question would be discussed. They would discuss positions, they would discuss

¹ Document Conf.D.166(a).

security, they would discuss re-armament, they would consider all the various conditions in respect of equality of rights which were antagonistic one to the other, and make an effort at conciliation ; but they must not shirk the problem. He personally would not accept paragraph 6 because, whatever might have been intended, that paragraph was ambiguous.

That being so, M. Barthou need not dwell on the following paragraphs ; not that he scorned the prohibition of the manufacture of and trade in armaments, a problem which could be examined forthwith, and he had even said so in his first speech on Wednesday last. Let the Bureau therefore give the Chairman a vote of confidence ; he would support this vote, for he had great respect and sympathy for Mr. Henderson.

On that point also there were two attitudes : the attitude of his friend Mr. Eden, which, while he understood it, he did not share. It was an attitude which was close to that of M. Motta. Yesterday, M. Motta had said that it was better to have a bad convention than no convention at all. M. Barthou would say : better no convention than a bad one.

Mr. Eden had said that the Conference was not a Parliament where the delegates made laws and precise and strict texts. He was quite right, but the Conference was a gathering which had heavier responsibilities to the whole world than any Parliament had.

Mr. Eden had said that the Conference should face the real facts. M. Barthou would take his stand beside him. What were the real facts ?

The Disarmament Conference saw before it such difficulties that a failure was to be feared and that this failure would be a disaster. That failure and that disaster could be avoided only by both sides searching for clarity, light, truth. An accommodating text ? That spelt illusion and disappointment. To-morrow the whole world, which perhaps would have hailed as a relief what at Geneva would be called success, would say, " Is that all ? We are being fooled, not intentionally—delegates are all equally sincere—we are being fooled, there is no agreement on anything, the Conference is being prolonged by artificial means."

No ! He was not for accommodation. He was not for unanimity when unanimity was impossible. The delegates present were familiar with the unanimities of the League of Nations and the Disarmament Conference ! He had not been there, he had either been a Minister at home carrying his responsibilities or a free citizen listening to the discussions and trying to make out what was happening at the League or in the Disarmament Conference. In what had their unanimity consisted ? Misunderstandings, clashes of views ! The next day facts, the true facts, reasserted their rights and then the unanimity broke down ; there was a majority and there was a minority. Their intentions had been excellent ; but, whatever their intentions, they had acted badly.

M. Barthou therefore said : " If I am not part of the unanimity, it can't be helped ! I prefer to be alone if I think I am right. I uphold my view, the view of the French delegation ". Did that mean that he was asking his colleagues to admit failure or to go back on their views ? Quite the contrary. He asked them to return to their principles, those principles which had been laid down on many occasions and always, in any case, in the French notes. Yes ! Let Germany come back to the League of Nations with equality of rights and assume her responsibilities. Security ? Yes ! For without it no convention was possible. But security was mentioned at the very end as if it were a secondary issue, whereas in reality it was the starting-point, the bridge, as it were, which should connect the various proposals with one another.

Germany ? She was not even mentioned, but she would understand. He therefore said, " Yes ! Let Germany come back ; let the League assert its rights ; let the League uphold the principle of security which had seemed to him at one moment to have the support of a large majority." In any case, that was the position of the French delegation. M. Barthou believed the Bureau would do it the justice of admitting that the attitude was definite, clear and consistent.

He had perhaps wearied his hearers. He had perhaps spoken overlong, when he would have liked to be quite simple ; but, in a discussion of that kind, in which each speaker committed his country and in which each knew at the same time that he was engaging the League's responsibility towards the world, it was not a bad idea that each in his own way should say exactly what he thought. In his own way—it was not perhaps the best way ; but M. Barthou had at least been frank, he had spoken his own mind and that of the French delegation.

The CHAIRMAN said that his remark that the Conference's position was most unsatisfactory and almost hopeless could not have had stronger confirmation than it had had in the last speech. He had felt responsible for trying to correct a very definite misunderstanding ; he admitted that he had accepted the responsibility of trying to assist the Bureau of the Conference out of an impasse. He had done so with strict impartiality. He was now told that the subject that had been the outstanding question throughout the discussions, not only of the Bureau, but also of the General Commission, had been relegated to the end of the document. He must refuse to accept that statement, and, lest it should be repeated in the Press, must challenge it, and challenge it with all the force of which he was capable.

What was the position with which the Conference was confronted ? It had been necessary to fix a programme of work arising out of the resolutions submitted to the General Commission. The first resolution had been presented by M. Litvinoff, who—as the Chairman had understood from his speech in the General Commission on the first day—raised two very important questions. As it was the first resolution to be submitted, he had naturally dealt with it first. Its first point related to the conversion of the Conference into a permanent peace conference. In referring to that point in the Bureau on the previous day, the Chairman had used

M. Litvinoff's own words, and so far M. Litvinoff had raised no objection. The next point concerned pacts of mutual assistance and non-aggression, which the Chairman had placed second, as it was in fact part of the first resolution.

He objected to aspersions, either by M. Barthou or by anyone else, on his impartiality, and if M. Barthou took up that position he would resign. So soon as his impartiality was impugned by any delegation he was prepared to leave the Chair. He was happy to say that, after the first six months of the Conference, one of the members of the present French Government had moved a resolution congratulating him upon his impartiality.

Coming back to the statement that security had been relegated to the background, the Chairman said that it was a new argument to him that pacts of mutual assistance had nothing to do with security; they were a most important part of security. But if world security—which he himself desired and for which he had been fighting ever since he had assisted to build up the Geneva Protocol in 1924—could not be secured immediately, there must be regional security schemes. Yet, although that was mentioned in the second paragraph of his draft resolution, he had had to listen to a statement that the President of the Conference—who ought to be impartial—had relegated that big question to the end of the document. He carried his challenge still further. What was the meaning of paragraph 3? "Considers that the proposal with regard to pacts of mutual assistance might, *in the first instance*, be most usefully negotiated by the Governments immediately concerned, the results being reported to the President of the Conference." Was it not common sense to suggest that, if pacts of mutual assistance and non-aggression between seven, eight or nine Powers were to be secured, those Powers should themselves, *in the first instance*, discuss what the pacts should cover? They would then report to the President of the Conference, who would in turn bring the matter before the entire Conference. In spite of that, again he was told that the question of security was relegated to the background.

Paragraph 4 said that the General Commission "concur in the view expressed by the Turkish delegation that the participation in such discussions of any Power directly interested should be secured". How could there be real security, a proper pact of mutual assistance, if someone living in the region the pact was to cover was ignored? Paragraph 4 was rightly included, and he did not intend to be a party to the encircling of any nation, whatever its name might be, by means of mutual assistance pacts. As long as he had to guide the Conference, he would guide it to act fairly to anyone in a region for which a pact of mutual assistance was concluded.

Had the next paragraph—which dealt with guarantees of execution—nothing to do with security? During his presidency of the Conference a French Government had attached the greatest possible importance to them as involving a very definite form of security, and had said that, if it could obtain strict control, effective supervision and penalties for the violation of the Convention, it would begin to feel that security was coming nearer.

That was his reply to the charges brought against him. He really thought there might have been some appreciation of his efforts to get the Conference out of a difficulty, instead of an attack. That was the second day on which he had been attacked. He had, moreover, been attacked more in those two days than in the two and a half years during which he had presided, and he did not intend to tolerate it.

After the last speech the position seemed absolutely hopeless. All M. Barthou had said with reference to the Chairman's opening speech was correct, but was he willing to take the speech as a whole? After all, it was not fair to refer to one part of it, leaving the other part aside. Anyone who cared to examine the speech would see that he had suggested that security and disarmament should be dealt with simultaneously, and that had been his position since the Conference opened. He had tried—and some of the speeches bore him out—to weigh up the whole position. He knew better perhaps than most the position of the different delegations and what was in their minds; they constantly came to him and had no hesitation in telling him. He had tried to state the position impartially.

M. Barthou had declared that he could not support the resolution. Where, then, was the Conference? On the previous evening it had proved impossible to form a drafting committee. Rather than allow the Bureau to meet with nothing to work on, the Chairman had spent a great deal of time, well into midnight and early that morning, to see what was the best course to follow. He had presented suggestions in the draft resolution, which M. Barthou was unable to accept. In all friendliness he asked M. Barthou to prepare a programme of work himself. Meantime he would adjourn the Bureau, though he was sorry that would mean postponing the General Commission. If M. Barthou could not see his way to accept, there was only one course left open—to convene the General Commission for the following day and to report that the Bureau had spent nearly eight hours in trying to prepare a programme of work and had failed to reach agreement.

The Chairman did not know how the Bureau would feel about that, but he knew how he would feel himself. He did not regard the Conference as a debating assembly. The Conference had the lives of the entire youth of the world in its keeping. That was how it had appeared to him for the two and a half years during which he had sat in the chair. He did not view the closing down of the Conference lightly, but it was no use trying to delude the public too long. He believed it was already very impatient, felt that the Conference could do nothing but make speeches, that it could never take any practical decisions. Resolutions and telegrams poured in to him, pleading for decisions which could not be taken. Let the Conference admit it! If

M. Barthou would try to prepare a programme of work, the Chairman would readily give it most careful consideration and would do all he could to influence others, provided it gave a fair, square and impartial representation of all the points referred to the Bureau by the General Commission and was not a one-sided programme, placing security on one footing and disarmament on another.

The Conference was a Disarmament Conference, a Conference for the Reduction and Limitation of Armaments. While security was important, it was only important in so far as it led to reduction. He had been a member of several Governments himself, and had long come to the conclusion that, as long as some Governments had destructive weapons at their disposal, *there could be no security*. He believed, therefore, that the crux of the whole question was to get those weapons reduced to the lowest possible level, and then perhaps people might begin to sleep in their beds feeling that they were secure.

If he had spoken with some heat, it was because he felt the hopelessness of the position. He felt he could do nothing to satisfy certain delegations, and, that being so, he could only put forward two suggestions : (1) that the French delegation should try its hand at providing a programme of work acceptable to the other delegations ; or (2) that the Bureau should decide to call the General Commission on the following day and report that it had failed to agree, which meant that the Conference would close.

M. BARTHOUS (France) said that he also appreciated the seriousness of the position. He had said, before the Chairman had done so, that the question had taken tragic form and that the members of the Conference bore a heavy responsibility to posterity and to the world. It was the first time in the forty-five years during which he had belonged to a parliamentary assembly that he had found himself, outside that assembly, in the position of having to discuss the substance of things with the Chair. He admitted that that might cause him some embarrassment, but his embarrassment was dissipated in face of the responsibility which he assumed. Even if he could express regret for the speech he had made, his fault would be greatly mitigated by the speech the Chairman himself had made. M. Barthou had thus had an opportunity of appreciating the resourcefulness, vigour and flexibility of the Chairman's great gifts as a speaker.

It was necessary to make a distinction between the substance and the form and the personal question.

As regards the form, M. Barthou asked the Chairman to refer to the official Minutes in which, he gave his word, he would not change a single word. If, after reading them, the Chairman considered that he had exceeded the limits of courtesy, he would be willing to apologise, but he was sure that no criticism could be levelled at his speech.

As regards the substance, M. Barthou had a draft resolution before him. He had examined that draft. He had felt that it did not give him, from the point of view which he considered to be essential, a solution of the question. He held that it did not accord him the satisfaction which his reason and his responsibility required. He had dissected it, analysed it, discussed it. That was his right. If he had erred in the discussion, it was for the Bureau and the General Commission to tell him so, but he maintained that he had not exceeded his rights.

The Chairman had told him that, since he rejected the draft resolutions before the Bureau, he should himself submit a text.

M. Barthou would reply that that was his business. As the head of an important delegation, he accepted all his responsibilities. He fulfilled his duties. He assumed his rights. It was for him and for him alone, on his own responsibility and being accountable to his Government, to adopt a course, and he had the right to decline an invitation, however high the quarter from which it came. Moreover, was that invitation necessary ? Had he not, as delegate of France, adopted a definite attitude to-day, as at the previous meetings ? Had he not only yesterday asked the Bureau to adopt a method which seemed to him good—namely, to refer to a special committee all the draft resolutions that had been placed before the Bureau. He maintained that proposal. He only asked that questions foreign to the proposals should not be blended with them.

He agreed with M. Beck, as he had just said, that neither the Bureau nor the General Commission was concerned to discuss notes exchanged between Governments, even in order to reconcile them with one another. That was the affair of the Governments, not of the General Commission of the Bureau. M. Barthou therefore maintained his proposal. It was possible that, if it had been put to the vote yesterday, it would have obtained that majority which he had believed to exist.

He would say no more on the question of substance. He did not desire to continue the discussion in private. He was ready to resume it in public. In public, responsibilities became apparent and public opinion weighed carefully everything that was said. He fully realised the seriousness of the mission he had accepted. He knew also that he had not said just now one word which could hurt anyone's feelings. He had used the right of discussion. That right he maintained. He would exercise it with moderation but firmness in public session. He would not appear in the rôle of a member of a delegation arguing on the substance of things with the President of the General Commission and Chairman of the Bureau.

There remained now the personal question and there he was perfectly easy in his mind. He also desired to appeal to Mr. Henderson's sense of fairness which M. Barthou was glad to

recognise. He asked him to read over his extemporisation in which he would make no change. Mr. Henderson would see that not for a single moment, either directly or indirectly, had he questioned the Chairman's impartiality. Bias on the part of a Chairman meant that he favoured one side at the expense of the other, that he sought to bring pressure to bear on the assembly over which he presided, that he was not entirely independent in the way he presented matters or that he did not present them in their true light. Had he said anything of the kind? The Chairman had referred to the thanks which had been addressed to him on behalf of the French delegation. M. Barthou maintained those thanks. It cost him no effort either of polite observance or of complaisance to renew his thanks and his congratulations. He had belonged to parliamentary bodies for forty-five years. He had never met a President who exercised his powers with the authority Mr. Henderson had displayed in directing the business of the Conference. Mr. Henderson was fair, brave, hard-working; he had made a very great effort to arrive at a text which would find unanimous agreement. In doing so, the Chairman had obeyed the dictates of his conscience. M. Barthou's conscience imposed upon him the duty of declining to accept that text; but he had not criticised Mr. Henderson personally in any way or at any time, and he would ask him to read over his extempore speech as it had been delivered. The worst of attitudes was hypocrisy. He would have been a hypocrite had he cast any doubt directly or indirectly on the Chairman's impartiality. He had not done so, but the Chairman had taken him to task—severely at first and then in a friendly manner—and said that, if his impartiality was questioned, he would relinquish the presidency of the Disarmament Conference. M. Barthou, who was a newcomer, would not care to take the responsibility for such a misfortune. The President, who was, like himself, an old parliamentary hand, must acknowledge the right to exchange views and offer objections in the most courteous and friendly manner. He favoured freedom of speech. M. Barthou had used that freedom. That was all he had done, and he desired to tell the President as clearly as possible, as one man to another and as one old parliamentary hand to another, that he had not challenged his impartiality. He had the greatest respect for the President's authority and the greatest personal sympathy for him. The President would not resign. There might be a clash of opinion between the President and himself, but there could be no personal dispute. He would ask the President to remain at his post for the successful issue of the Disarmament Conference.

The CHAIRMAN said that he was content to leave M. Barthou in the position of the editor, who always had the last word.

The last speech, however, did not relieve him of this difficulty. On the previous day he had proposed a drafting committee, to which he had sought to add M. Barthou. The committee would have had to prepare a programme of work. M. Barthou had declined to act. The Chairman had therefore tried to provide a programme of work himself. M. Barthou declined to accept it. The Chairman had proposed that M. Barthou should prepare a programme of work. M. Barthou had again declined. It appeared that the only thing to do was to allow the debate to continue on the following afternoon. In the meantime, he would take steps to adjourn the General Commission to a date to be fixed later when the position was clearer.

FIFTY-NINTH MEETING (PRIVATE).¹

Held on Wednesday, June 6th, 1934, at 3.30 p.m.

Chairman : Mr. A. HENDERSON.

77. FUTURE PROGRAMME OF WORK FOR THE CONFERENCE : DRAFT RESOLUTION PROPOSED BY THE FRENCH DELEGATION.

The CHAIRMAN said that when the meeting closed on the previous evening, the Bureau was discussing a programme of work which had been presented by him and which remained before the Bureau. Another programme of work had been handed in on behalf of the French delegation: he took that as an augury that the storm was over, that M. Barthou and himself both realised the seriousness and importance of the work, and that out of the resolutions they were going to try to prepare a programme upon which the Bureau and the General Commission could work. He understood that a third set of proposals might be submitted.

¹ Cemal Hüsnü Bey (Turkey) also attended the meeting.

It therefore appeared that at some stage a committee would have to be appointed, not so much for drafting purposes as to try to co-ordinate the three sets of proposals.

He further understood that some delegations felt that it might be necessary for them to consult their Governments on certain points. If so, the opportunity could not possibly be denied them.

He therefore suggested that when the French resolution had been submitted and a discussion had taken place—if the Bureau desired—a co-ordinating or drafting committee should be appointed. It might then be advisable, in order to enable delegations to consult their Governments, not to convene the Bureau before the following Monday (June 11th). In that matter, he was entirely in the hands of the Bureau, but, if consultations had to take place, two or three days would not appear to be too long a period. If it were considered too long, however, he would be pleased to have an intimation from the drafting or co-ordinating committee that it had finished its work and that the Bureau could be summoned earlier.

He would like the delegations to consider whether it would not be advisable to give a little time to everybody to examine the whole position. If the Bureau met on Monday, June 11th, to receive the report of the co-ordinating or drafting committee, the General Commission could start work on the following day.

M. BARTHOU (France) said there was one point only on which he proposed to reply to the Chairman's appeal. Questions of procedure would come up for consideration in due course ; but it was not on questions of procedure that he wished to make his statement. He referred to the Chairman's remark that the storm of yesterday had passed over. Outwardly, it had passed over—at any rate, he hoped so. Inwardly, he was sure it had passed over. The fact was that, on the previous day, he and the Chairman, being of approximately the same age, had been concerned to prove each in his turn the vigour of his youth. They had now demonstrated what they wanted to demonstrate, and had no intention of continuing their exertions, which were only too liable to lead to profitless fatigue. He would content himself therefore with expressing the hope that all present would remember the example they had given of their ardour, no less than the lesson now to be derived from the exhibition of their wisdom.

He had said that there would be questions of procedure on which there would be something to say. One question of procedure would arise at the outset as to the conditions in which the Bureau was to continue its work. Was there any use in prolonging these more or less public "secret" meetings, which had all the disadvantages of secrecy and none of the advantages of publicity ? That was a point on which he reserved the right to submit certain considerations which he considered essential.

Secondly, there would be the question of procedure, on which he was in agreement with the Chairman, and thirdly the question of the date—too distant for his wishes—on which he would have something to say.

M. Barthou then read the draft resolution proposed by the French delegation¹ and proceeded to comment on it paragraph by paragraph.

" The General Commission,

" Taking into consideration the resolution submitted to it respectively by the delegations of six Powers, the Turkish delegation and the delegation of the Union of Soviet Socialist Republics ; "

He reminded the Bureau of the proposal he had submitted two days earlier for the reference to a commission, either the Political or a Special Commission, of all the different resolutions proposed. There was now in addition the proposal put forward on the previous day by the Chairman : and, though there was no reference to it in the first paragraph of the French draft, he thought it should receive the same treatment as the others and that therefore all these resolutions should be considered.

" Convinced of the necessity of the Conference continuing its work with a view to arriving at a general Convention for the Reduction and Limitation of Armaments ; "

This paragraph recalled the original, and the constant, object of the Conference. He imagined that all delegates were unanimous on this point, and that he need say no more on the subject.

" Resolved to continue without delay the investigations already undertaken, without prejudice to any private negotiations into which Governments may wish to enter in order to promote final success ; "

The first part of the paragraph called for no comment. Presumably all delegates wished to continue without delay the investigations already undertaken and to profit from the same.

The second part of the paragraph (" without prejudice to any private negotiations ") meant that all Governments might, or would, engage in negotiations with a view to promoting final success. He would say clearly that this paragraph raised indirectly the question of Germany. On this subject he would make a written statement, in order to express with the utmost clearness his attitude and that of the French delegation. That attitude was in

¹ Document Conf.D./Bureau 63.

conformity with the statements he had made on the previous day. The statement was as follows :

“ The question of the return of Germany to the Conference weighs on our discussions. I have already explained my attitude on this point. I repeat that no country will be more gratified than France if Germany returns to the Conference. No door has been shut. In the matter of the Saar, France has just shown her readiness to participate in an international engagement to which Germany is a party. But a number of delegations have implied that, without Germany, the Conference could not continue its work. The French delegation does not share that view. In presence of this difference of opinion, I say on behalf of my delegation that it would be possible to draw up a programme of immediate work, side by side with which those Governments which think fit can keep a free hand to take such diplomatic steps with the German Government as may be calculated in their opinion to induce that Government to resume its place at the Conference.”

There was consequently one initial idea which was perfectly clear. All had the strongest interest in Germany resuming her place on the General Commission and in the League. He had said on the previous day that this opinion had been expressed in the clearest possible manner by (amongst others) the French memorandum of March 17th. He had also said on the previous day that the Conference should neither submit to Germany's conditions nor impose conditions on Germany. The door must be left open, and the great Power which had passed out through that door must be free to pass in through it again, and take her place in the Conference on a footing of complete equality, and shoulder those responsibilities which, as from that moment, she would share with the present members of the Conference.

The French delegation considered that the absence of Germany was no obstacle to the continuation of the work of the Conference. But it hastened to add that the presence of Germany would place that work in its true aspect, and would possibly enable a solution to be reached.

The French Government had exchanged notes with the German Government which were not for the moment the concern of the Conference. But there might be Governments which would be in a position to take steps to invite Germany to return. The French Government could not raise the slightest objection to such steps ; and it was not to qualify but to affirm the complete freedom of these Governments in this connection that the French delegation had inserted in its declaration the sentence to which he was drawing the Conference's attention.

The French resolution continued :

“ I.

“ Having regard to the peculiar importance attaching to the prompt solution of certain problems to which attention was drawn at the beginning of the general discussion :

“ Takes the following decisions :

“ (1) *Security.*

“ (a) Since the results of the Conference's earlier investigations have enabled certain regional security agreements to be concluded in Europe during the past year, the General Commission requests the Political Commission to resume those investigations forthwith by such procedure as it may consider appropriate with a view to the conclusion of further agreements of the same nature, and in order to determine their relationship, if any, to the General Convention.”

M. Barthou said that on at least two occasions he had explained the importance of security. He had nothing further to add.

“ (b) The General Commission further requests the Political Commission to supplement if necessary the provisions adopted in the matter of supervision, and to proceed to devise guarantees of execution, the study of which has hitherto been held over.”

The French Government had always attached importance to supervision. If he were not mistaken, he had explained on the previous day how much importance his Government attached to guarantees of execution and the attempts it had made to devise them.

“ (2) *Air Forces.*

“ The General Commission instructs its Air Committee to resume forthwith the study of the questions set down in its resolution of July 23rd, 1932, under the heading : (1) ' Air Forces ' (internationalisation of civil aviation, abolition of bombardment from the air, reduction of military air forces, etc.).”

This paragraph dealt with a point which, in the opinion of the French delegation, had been somewhat neglected in the preceding discussions. It was of very great importance, at any rate for his delegation. He thought that it would present, for all delegations, the same importance as air rearmament carried out in violation of the treaties. In that connection, the Spanish representative had made suggestions, the importance of which the Conference would realise.

" (3) *Manufacture of and Trade in Arms.*

" The General Commission requests its Special Committee on Questions relating to the Manufacture of and Trade in Arms to resume its work forthwith and, in the light of the statements made by the United States delegate at the meeting of May 30th, to report to it as early as possible on the solutions it recommends."

In this connection, M. Barthou drew attention to the statements he had made at the eighty-third meeting of the General Commission, on behalf of the French delegation, when he had explained that that delegation attached importance to a consideration of the manufacture of and trade in arms. He had nothing to add on that point, except that the French delegation remained faithful to the French Government's previous action and to the statements M. Barthou had made on its behalf during the same meeting.

" These three Commissions will carry on their work on parallel lines, and it will be co-ordinated by the Bureau."

Here explanations were less necessary, as M. Barthou could not but agree, in principle, with the Chairman's proposal. The paragraph specified that the Commissions should work on parallel lines, but their work would only achieve its purpose if it were co-ordinated, and the General Commission should ask the Bureau to undertake that task.

" II.

" Having thus defined the most urgent tasks, the General Commission leaves it to the Bureau of the Conference to take the necessary steps at the proper time to ensure that, when the President convenes the General Commission, it will have before it as far as possible a complete draft Convention."

Section II was brief, but important. What was the scope of that proposal? The French delegation had felt—and still felt—that there should be a complete draft Convention, that was to say, a serious and efficacious Convention. M. Barthou did not intend to revert to the previous day's discussion, but would confine himself to saying that the French delegation did not consider a bad convention better than no convention. It had always thought that a convention could be concluded. It wanted a complete convention. It defined the method of securing it in the second part of the draft resolution.

" III.

" Being anxious that the new elements contributed to its efforts by the proposal of the Soviet delegation—that the Conference be declared a permanent institution under the title of the Peace Conference—should not be lost, the General Commission requests the President to submit that proposal (document Conf.D./C.G.163) to the Governments."

At first sight it had appeared to the French delegation that M. Litvinoff's proposal had fallen on the Conference like a bombshell. But, on reflection, it had realised that the bombshell might be beneficent. It had examined the proposal with an entirely open mind. Some objections, which had seemed to it very strong, had been less so. Consequently, the French delegation considered that, from the point of view of peace, it was an extremely interesting initiative. The delegations were not in a position to examine it at once and, above all, were not in a position to reach a decision. It was one of those questions which were outside their instructions. It was a question for the Governments, to whom it had not yet been referred. But the French delegation desired to emphasise its importance, and for that reason had found a special place for it in the draft resolution.

In conclusion, M. Barthou desired to remove a misunderstanding which, he had just been warned, his statements had created in the mind of one of his hearers. He had said that the French and German notes could not be discussed in the Bureau. He would explain: The French Government and the German Government had taken up certain positions. Up to the present, their positions had seemed to be irreducible, and although attempts had been made, and one delegate present had made a special effort, the two Governments had not succeeded in reaching agreement. Nobody could put himself in their place and impose upon them an agreement which they had been unable freely to conclude.

Mr. Norman DAVIS (United States of America) said that, while the Bureau must be grateful for the efforts that had been made in the various resolutions to get an agreed programme of work, unfortunately none of them had removed all the differences.

He felt there had been enough discussion of the differences and that a little time for thought was needed. He suggested that it would really be dangerous, and not helpful at any rate, to try to settle them by open discussion and argument. He therefore proposed that the Bureau be adjourned until Friday, June 8th, in the hope that, in the meantime, there could be exchanges of views for the purpose of reconciling the differences. After all, the differences that had been accentuated in the Bureau were mainly differences of method, and they could be reconciled if dealt with in the proper spirit.

M. MOTTA (Switzerland) thought the Bureau could congratulate itself that the French delegation, to whom the Chairman had addressed a friendly invitation on the previous day, had submitted a draft. M. Motta would not venture for the moment to examine the draft in detail or to criticise it. That would be quite inadvisable and even out of place.

He noted that there was a second draft, the draft submitted by the Chairman on the previous day, which had not been supported unanimously, but at all events still constituted a very important contribution to the Bureau's work. The Chairman had been kind enough to say that there might perhaps be another proposal. M. Motta thought he had in mind a proposal which might have been handed in by the group of six Powers. It was true that the six Powers, on behalf of whom M. Motta had the great honour to speak, had met again in an endeavour to make a new contribution to the Bureau's work.

The delegates of those Powers had felt on the previous evening that the difficulties were very great. Perhaps there had been only a storm, which had passed, and the very lofty words of the Chairman on the one hand and the eminent leader of the French delegation on the other had completely dispersed it. If so, the delegations would all be very glad. They had, in fact, endeavoured to make a contribution, but, after a more thorough examination, they had wondered whether, in the interests of prudence—which for countries such as they represented was a necessary and wise rule—it would be advisable immediately to hand in a proposal of that kind. Had M. Motta handed it in on behalf of the six Powers, the Bureau would, he thought, have noticed that it had a fairly close connection with the draft just handed in by M. Barthou, just as it had a certain connection with the Chairman's draft of the previous day.

These were the conclusions at which the representatives of the six Powers had arrived. It would inevitably, in their view, be necessary to set up a drafting committee. It was impossible usefully to discuss the two plans that had been submitted without too easily raising the difficulties which everyone desired to avoid. If, as the Chairman seemed to have suggested at the beginning, a drafting committee could be set up, the Bureau would then allow the group of six Powers to make its contribution to the drafting committee so that, in a spirit of friendship, a draft acceptable to all might be produced.

M. Motta apologised for not having handed in the proposal immediately, but the group of six Powers reserved its right to do so, and hoped that results would then be achieved.

Mr. Norman Davis, the eminent representative of the United States of America, had just said that time for reflection was required. M. Motta was obliged to admit that all the questions discussed were of very great importance, were sometimes even incalculable—that it was a little difficult to ask even men accustomed to business, who had already acquired some experience, to decide such difficult matters immediately. Consequently, he thought Mr. Norman Davis's suggestion was perfectly legitimate. But perhaps the drafting committee could also set to work as soon as possible, if the Bureau agreed to appoint it. And as M. Motta had referred to the drafting committee, perhaps he might be permitted to add at once another observation which seemed to him essential. It would appear that the officers of the Bureau—that was to say, the Chairman, who was himself responsible for a proposal, the Vice-Chairman, the Rapporteur-General and the groups that had submitted proposals—should be represented on the drafting committee. But that was not sufficient. All the delegates were aware—there was convincing evidence—that the work of drafting could only be successful—and he spoke with the greatest respect and friendship—if France, the United Kingdom and Italy were members of the drafting committee. Furthermore, it seemed to him that the French delegation, which was responsible for a proposal, could not refuse to sit on the committee. And, if France were represented, the other countries which he had mentioned should also be represented.

Subject to those observations, M. Motta supported the Chairman's suggestion. He therefore invited him to ask the Bureau to vote on a proposal to set up a drafting committee similar to that which M. Motta had just outlined.

The question when the Bureau should meet again was one which only the Chairman could usefully decide.

M. BARTHOU (France) said that there were two points in the proposals before the Bureau which he could accept.

The first concerned the United States proposal. He understood that a decision could not be reached immediately on extremely important questions. He would therefore make a very discreet recommendation: that the Bureau should not meet at too late an hour on the following Friday, and that the meeting should begin punctually at the time indicated.

The second point related to M. Motta's proposal. Circumstances had changed France's position. So long as no draft resolution had been handed in by the French delegation, M. Barthou considered that there was some objection to its sitting on a drafting committee, particularly as the work might bear on other points than those referred to the Disarmament Conference. He had asked that all the countries who had handed in draft resolutions should sit on the Committee. But France had now handed in a draft resolution. M. Barthou was consequently acting consistently with himself and with the French delegation in replying to M. Motta that France would sit on the Committee.

Mr. EDEN (United Kingdom) shared Mr. Davis's view that prolonged discussion in the Bureau of the details of the resolutions would have certain disadvantages which all the tact of the speakers and the patience of the audience could hardly serve to balance. He did not

intend to enter into a detailed discussion of the French resolution, but there were one or two observations which he must make in order to prevent any misunderstanding as to the position of the United Kingdom Government.

In the first place, on a technical point, rather than on a matter of policy, it was not quite correct to say that there were three resolutions to be sent to a drafting committee, if there was to be such a committee. In his opinion, there was a very real distinction between the Chairman's resolution and the three resolutions referred to in the French text. The former was a just and equitable attempt to meet the divergent points of view expressed in the three resolutions which had been submitted, not to the Bureau, but to the General Commission. If therefore a co-ordinating committee was appointed, its business would be to co-ordinate the text of the Chairman's resolution, the French resolution and M. Motta's resolution, should he submit one.

He must also comment briefly on the general situation as it had been revealed to the Bureau. He made no concealment of the fact that he preferred the Chairman's resolution to the French resolution, but he did not propose to enter into their rival merits, although there were many comments he might make. There was one point of substance, however, as to which he wanted the delegates to be quite clear. In his opinion, the four notes in which the points of view of four Governments were recorded definitely concerned the Conference. They were the outcome of an invitation extended to the Powers by the Bureau in November 1933 to try, by diplomatic means, to overcome the difficulties in which the Conference then found itself. They belonged to the Bureau as much as any other documents which were the direct outcome of its work. He respectfully but firmly maintained that attitude. It was not a question of four Powers who had ventured to enter into conversations among themselves. They had entered into conversations because the Bureau had asked them to do so. They had brought back the results of their efforts, which were recorded in the documents, and with all respect he submitted that those documents could not be ignored.

In conclusion, he said that he had no objection to the proposed committee, although he reminded the Bureau that one of its chief difficulties some hours previously had been the setting up of a committee.

While the Conference was debating at Geneva with the best intentions but not always with the best results, conditions outside did not stand still; and he would not conceal his ever-increasing sense of anxiety at the present situation and the responsibility which lay heavily upon all the delegations. For his part, if accord was to be found between the two resolutions, he would do his best to find it, but he must reaffirm his regret that the Bureau had been unable to accept the Chairman's attempt to reconcile the three original resolutions.

Mr. Norman DAVIS (United States of America) renewed his suggestion that there be no further discussion that day. A drafting committee might be necessary later on, but he did not think the moment had arrived. Some time must be allowed for reflection: if a committee were to ask him for information as to the position of the United States of America, he would at present be unable to supply it.

M. DE MADARIAGA (Spain) said that he had no intention of discussing the question of substance which M. Motta had just cleared up. If he spoke, it was because the remarks just made by the United Kingdom delegate, particularly with regard to the four notes, forced him to do so. In order to clear up a misunderstanding that had occurred on the previous day, the Spanish delegate said that he had done his utmost to make it clear that his country was in complete agreement with the point of view of the United Kingdom representative. The four notes were an integral part of the Conference's work. The Conference had specially entrusted the nations concerned with the negotiations, and, consequently, he fully recognised that the four notes must be studied in some way.

He added that if, on the previous day, he had proposed a drafting amendment, he had acted in the same spirit as the group to which he belonged had acted in proposing a draft resolution, with the idea of facilitating the solution of the problems with which the Conference was faced. Had he thought that his amendment would have been somewhat obscure to some delegations he would have refrained from moving it.

M. LITVINOFF (Union of Soviet Socialist Republics) said that, if the two new resolutions, forming a kind of compromise between the three original proposals, had been discussed and had rallied around them certain groups of delegations, he would be prepared to agree with Mr. Eden that the resolutions submitted by the Chairman and the French delegation and the as yet unborn resolution conceived by M. Motta should be co-ordinated by a drafting committee. But that was not the case. There had been no actual discussion of the original resolutions, and therefore the attitude of the authors towards the compromises submitted by the Chairman and the French delegation was not known. The authors of the original resolutions should certainly reserve the right therefore to maintain them and to defend them before the General Commission, unless they could accept a compromise.

As regarded the United States proposal, other first delegates might, like M. Barthou, be unable to stay long in Geneva. The departure of many first delegates would hardly facilitate the General Commission's work; if therefore an adjournment were inevitable, it should be as short as possible. An adjournment of the Bureau until Friday, June 8th, would give delegates nearly two days in which to consider the situation, communicate with their Governments and obtain instructions. In the meantime, a drafting committee might prepare a document to be presented at the next meeting.

Count RACZYŃSKI (Poland) said that the representative of the United Kingdom had expressed an opinion in his last statement with which the Polish delegation did not agree. Up to a point, it was a question of procedure. It could not be denied that, during a meeting held in November 1933, certain Powers had been asked to enter into negotiations for the purpose of facilitating the future work of the Conference. The results of those conversations had been put on record in documents submitted to the Parliaments of those countries, or brought to the notice of the public. But the documents as such had never been submitted to the Disarmament Conference and had never been discussed at a plenary meeting of the General Commission.

It was difficult to understand why some documents, rather than others, should be regarded as documents to be considered by the Conference. The reports submitted contained numerous documents, reported many conversations. He did not see why four documents in particular should be regarded as submitted to the Conference, while others were not. The Conference could deal with them only in so far as they contained certain arguments: if it was to deal with them, all the ideas and information to be found in them should be submitted to the General Commission by the delegations concerned. The others would then be in a position to indicate their views. So long as that was not done, the Conference could not take them into account.

The CHAIRMAN said that he had great sympathy with M. Barthou's suggestion that the Bureau might meet in public: the same suggestion had been made to him many times during the past few days. While he did not wish to establish a rule that the Bureau should always meet in public, because on some occasions the Bureau, like the Council, must meet in private, he thought that at any rate until the next meeting of the General Commission it might do so, unless its officers recommended otherwise. He hoped that would meet M. Barthou's point.

M. BARTHOU (France) said that he was satisfied.

M. LITVINOFF (Union of Soviet Socialist Republics) suggested that, as some first delegates might have to leave Geneva, the General Commission should be convened instead of the Bureau, in order to save time. If a drafting committee should prove necessary, it could be appointed by the Commission.

The Bureau decided to meet at 10.30 a.m. on Friday, June 8th, and that the General Commission should be convened for 2.45 p.m. on the same day.

SIXTIETH MEETING (PUBLIC).¹

Held on Friday, June 8th, 1934, at 2.45 p.m.

Chairman: Mr. A. HENDERSON.

78. FUTURE PROGRAMME OF WORK OF THE CONFERENCE: AMENDED TEXT OF THE DRAFT RESOLUTION PROPOSED BY THE FRENCH DELEGATION.

The CHAIRMAN reminded the Bureau that it had concluded its work on the previous Wednesday, June 6th, on the understanding that an effort would be made to co-ordinate the two resolutions which then stood before the meeting.² A serious effort had been made to accomplish that task, and he proposed to call upon the head of the French delegation to submit an amended text of his resolution. But, in order to clear the way, he wanted to ask those who had moved amendments to his own draft to agree with him to withdraw that draft entirely, in order that the Bureau might have before it only the French delegation's new text.

¹ Cemal Hüsnü Bey (Turkey) also attended the meeting.

² Draft resolution submitted by the Chairman (document Conf.D./Bureau 62) and draft resolution submitted by the French delegation (document Conf.D./Bureau 63) (see Minutes of the fifty-eighth and fifty-ninth meetings of the Bureau).

During the negotiations that had taken place, his child had been under a foster-mother, but he was sure it had been in very good hands, and he was quite prepared to accept the new conclusions incorporated in the French text. He could not carry his simile any further ; so long as the child was not torn limb from limb he was satisfied. And, to enter into the spirit that he believed would characterise both the Bureau and the General Commission, he would ask those who had been associated with him in that text to allow him to withdraw it.

M. LANGE (Norway) said that, as the Chairman's proposal had been withdrawn, there was no further reason for the amendments, and, for his part, he withdrew those he had moved.

M. DE MADARIAGA (Spain) associated himself with M. Lange's statement.

The CHAIRMAN reminded the Bureau that the General Commission would meet at four o'clock. It might therefore be as well for the delegates to reserve their remarks until then, where possible.

M. BARTHOUS (France) pointed out that, at the meeting held on the previous Tuesday, June 5th, the Chairman had asked the French delegation to take the initiative. M. Barthou had then reserved his right to do so. However, the Chairman's advice was advice which must be listened to and respected. On the following day, therefore, the French delegation had brought a new child to the Conference. Was it altogether the same child as the Chairman's ? Had it changed ? M. Barthou did not intend to go into that point. In any event, he could say, following upon the remarks by the President of the Conference, that the French delegation had been most careful to spare, not only the child's limbs, but also its head and its heart. It therefore resembled on many points the child Mr. Henderson had handed to the Bureau.

M. Barthou thanked the Chairman for the procedure he had recommended and, in compliance with his suggestion, would confine himself to reading the amended text of the French delegation's draft resolution. He would reserve for the General Commission the brief comments which appeared to him to be necessary.

M. Barthou then read the amended text of the French delegation's draft resolution as follows :¹

" The General Commission,

" Taking into consideration the resolutions submitted to it by the delegations of the six Powers, the Turkish delegation and the delegation of the Union of Soviet Socialist Republics respectively ;

" Taking account of the clarification of its work resulting from the French memorandum of January 1st, 1934, the Italian memorandum of January 4th, 1934, the United Kingdom memorandum of January 29th, 1934, and the German declaration of April 16th, 1934 ;

" Convinced of the necessity of the Conference continuing its work with a view to arriving at a general convention for the reduction and limitation of armaments ;

" Resolved to continue without delay the investigations already undertaken :

" I.

" Invites the Bureau to seek, by whatever means it deems appropriate and with a view to the general acceptance of a Disarmament Convention, a solution of the outstanding problems, without prejudice to the private conversations on which Governments will desire to enter in order to facilitate the attainment of final success by the return of Germany to the Conference ;

" II.

" Having regard to the peculiar importance presented by the study and solution of certain problems to which attention was drawn at the beginning of the general discussion :

" Takes the following decisions :

" (1) *Security.*

" (a) Since the results of the earlier work of the Conference have enabled certain regional security agreements to be concluded in Europe during the past year, the General Commission decides to appoint a special committee to conduct such preliminary studies as it may consider appropriate in order to facilitate the conclusion of further agreements of the same nature which may be negotiated outside the Conference. It would be for the General Commission to determine the relationship, if any, of these agreements to the General Convention.

" (b) The General Commission decides to appoint a special committee to study the question of guarantees of execution, and to resume the work relating to supervision.

¹ Document Conf.D./Bureau 64.

“(2) *Air Forces.*”

“The General Commission instructs its Air Committee to resume forthwith the study of the questions mentioned in its resolution of July 23rd, 1932, under the heading: ‘Air Forces’.¹”

“(3) *Manufacture of and Trade in Arms.*”

“The General Commission requests its special Committee on Questions relating to the Manufacture of and Trade in Arms to resume its work forthwith and, in the light of the statements made by the United States delegate at the meeting of May 30th, 1934, to report to it as early as possible on the solutions it recommends.

“These Committees will carry on their work on parallel lines; and it will be co-ordinated by the Bureau.

“III.

“The General Commission leaves it to the Bureau to take the necessary steps at the proper time to ensure that, when the President convenes the General Commission, it will have before it as far as possible a complete draft Convention.

“IV.

“Recognising that the proposal of the delegation of the Union of Soviet Socialist Republics that the Conference be declared a permanent institution under the title of the Peace Conference calls for careful study, the General Commission requests the President to submit that proposal (document Conf.D./C.G.163) to the Governments.”

Mr. EDEN (United Kingdom) said that, in accordance with the Chairman's advice, he would speak in the General Commission.

Mr. Norman DAVIS (United States of America) also intimated that he would speak in the General Commission.

M. DI SORAGNA (Italy) stated, after a hasty though careful examination of the draft resolution just submitted to the Bureau, that the Italian delegation's attitude could be based on one principle only—namely, that the Conference could not resume its work, work commensurate with its real spirit and purpose, until a preliminary and favourable solution had been found for certain fundamental political problems. That having been categorically laid down, it followed that the Italian delegation could accept no draft resolution that did not contain an equally categorical expression of that principle. Any other formula, whether framed to contradict or modify or avoid the clear expression of that principle, or to combine it with principles inconsistent with it, was of no interest to the Italian delegation. The latter believed that that principle was more than a principle: it was a fact with which the cleverest and best adjusted of formulas had nothing to do.

The Italian delegation's attitude would be based on that principle in so far as the meetings contemplated in the draft resolution before the Bureau were concerned.

M. SANDLER (Sweden) also reserved his remarks for the General Commission.

Count RACZYŃSKI (Poland) apologised for his lack of discipline, but added that, after speaking in the Bureau, he would not weary the General Commission with a speech.

He pointed out that the eminent representative of France, in his brilliant extempore speech a few days previously, had interpreted the reservations made by the Polish delegate and had undoubtedly formed very avowable reasons for them which might even be of some interest to certain other delegations. Count Raczyński thought, however, that, to avoid any misunderstanding, he should make the real meaning of the reservations more clear.

¹ “The Conference, deeply impressed with the danger overhanging civilisation from bombardment from the air in the event of future conflict, and determined to take all practicable measures to provide against this danger, records at this stage of its work the following conclusions:

“1. Air attack against the civilian population shall be absolutely prohibited;

“2. The contracting parties shall agree as between themselves that all bombardment from the air shall be abolished, subject to agreement with regard to measures to be adopted for the purpose of rendering effective the observance of this rule.

“These measures should include the following:

“(a) There shall be effected a limitation by number and a restricting by characteristics of military aircraft;

“(b) Civil aircraft shall be submitted to regulation and full publicity. Further, civil aircraft not conforming to the specified limitations shall be subjected to an international regime (except for certain regions where such a regime is not suitable) such as to prevent effectively the misuse of such civil aircraft.”

In expressing doubts as to the advisability of mentioning the memoranda and documents exchanged between certain Powers, the Polish delegation had, in the first place, been concerned only with procedure pure and simple, seeing that, in so far as it was aware, not all the documents mentioned had as yet been distributed to the members of the Conference.

After that first remark, Count Raczyński returned to the question of substance. It should be noted that, during the discussions that had taken place, the General Commission had hitherto accepted the United Kingdom draft as a basis for the future Convention. It had done so in its resolution of June 8th, 1933—that was to say, exactly one year previously. Its decision was as follows :

“ That the draft Convention submitted by the United Kingdom delegation and accepted as a basis of discussion by a formal decision of the General Commission should be accepted as the basis of the future Convention. This acceptance would be without prejudice to amendments or proposals submitted before or during the second reading, particularly as regarded additional chapters concerning the manufacture of and trade in arms and budgetary limitation.”

During the discussions on the United Kingdom draft, the delegations represented had had occasion to submit amendments, and the Polish delegation was among those who had done so.

Reverting to the texts submitted to the Bureau, he said that it would be difficult for the Polish delegation to agree straight away that the opinions—divergent, moreover—expressed in those documents could be placed on the same footing, in the resolution before the Bureau, as the United Kingdom draft, which had been accepted, after a full discussion in the General Commission, as a basis for the Conference's work.

The suggestions or points of view set out in the documents in question had not been discussed. The delegations had had no opportunity of taking up a position in the General Commission. It was true that, on November 22nd, 1933,¹ the Bureau had invited certain Governments to undertake parallel and supplementary conversations. But there was no doubt on that subject ; the Bureau could not undertake to accept the results of those conversations, any more than it could now, after the conversations had taken place, take up a position as to their substance.

The Polish Government had itself shown its willingness to work in the sphere which interested it more particularly, to work for a political *détente* which was the essential condition of any success. It did not intend to hamper the Conference's work. It appreciated the efforts that had been made by the Governments that had entered into conversations for the purpose of facilitating final success ; but it could not agree that the results of those conversations should immediately be adopted as a basis for decisions. Care must be taken to avoid a possible misunderstanding ; it must not be supposed that the divergencies of opinion between all the delegations represented at the Conference were limited to those found in the documents mentioned in the draft resolution.

For the above reasons, Count Raczyński was instructed to make a reservation in the meeting of the General Commission which would follow that of the Bureau, explaining the Polish Government's point of view.

The CHAIRMAN explained that, as agreed when the parallel and supplementary efforts were launched, he had been kept informed of their progress, and, in his turn, had done all that was possible to keep, not only the members of the Bureau, but also the members of the General Commission informed. There were two very extensive memoranda dated April 9th and May 23rd,² which contained full information on the documents that had been referred to in the Bureau, which documents had been sent in either in full or in a summarised form.

Count RACZYŃSKI (Poland) said that he had had no intention of criticising the Chairman's action. What he had intended to convey was that the documents referred to had hitherto been studied in private by the various delegations. Only during a debate in the General Commission would the delegations be able to express their opinions upon them.

M. LITVINÓFF (Union of Soviet Socialist Republics) said that he was in sympathy with much of what the Polish delegate had said with regard to procedure. He might have extended his observations to some of the parallel and supplementary negotiations which had accompanied the Bureau's proceedings. But it would be difficult to do so, as there had been no regular procedure. He would not have dwelt on the point were it not that he felt convinced that one day that procedure—or rather the substitution of irregular for regular procedure—might cause confusion and lead to unpleasant consequences.

As to the substance of the resolution, he would follow the Chairman's advice and reserve the short speech he had to make until the meeting of the General Commission.

The Bureau decided to send forward to the General Commission the draft resolution moved by the French delegation.

¹ See Minutes of the General Commission, Volume II, page 630.

² See Minutes of the fifty-fourth meeting of the Bureau, page 200.

³ Documents Conf.D.166 and Conf.D.166(a).

SIXTY-FIRST MEETING (PUBLIC).

Held on Monday, June 11th, 1934, at 5 p.m.

Chairman : Mr. HENDERSON.

79. ACTION TO BE TAKEN BY THE BUREAU IN PURSUANCE OF PARAGRAPH I OF THE RESOLUTION ADOPTED BY THE GENERAL COMMISSION ON JUNE 8TH, 1934.

The CHAIRMAN recalled that in the resolution adopted by the General Commission on June 8th, 1934, paragraph I read as follows :¹

“ Invites the Bureau to seek, by whatever means it deems appropriate and with a view to the general acceptance of a Disarmament Convention, a solution of the outstanding problems; without prejudice to the private conversations on which Governments will desire to enter in order to facilitate the attainment of final success by the return of Germany to the Conference.”

He had two observations to make : (1) The resolution contemplated that the Governments were going to do something on the question, and he fervently expressed the hope that they would do so ; (2) it contemplated that the Bureau would do something, but he thought that that body would have to wait until it had seen what the Governments had been able to accomplish. If the latter were too long about it, the Bureau would have to meet, and the Chairman would take the liberty of intimating to the members of the Bureau that he would have to be left with the power to call them whenever he thought the business necessitated it:

If there were no objection, he would take it that the members of the Bureau agreed to the foregoing suggestion.

The suggestion of the Chairman was approved.

SIXTY-SECOND MEETING (PRIVATE).

Held on Tuesday, November 20th, 1934, at 10.30 a.m.

Chairman : Mr. HENDERSON.

80. TRIBUTE TO THE MEMORY OF CERTAIN PERSONALITIES WHO HAVE DIED SINCE THE LAST MEETING OF THE CONFERENCE.

The CHAIRMAN said that he felt it to be his duty, as President of the Disarmament Conference, to make a brief reference, before the Bureau began its ordinary work, to certain sad and disturbing events which had happened since the last meeting.

As all his colleagues were aware, several countries had lost leading statesmen under particularly tragic circumstances, and the Bureau had been deprived of the counsel and co-operation of highly-valued colleagues.

He was sure he was voicing the sentiment of all the members of the Bureau in expressing his horror and regret at the dastardly attacks which had cost the lives of King Alexander and M. Barthou, and of Dr. Dollfuss.

He felt it necessary to make a special reference to the death of M. Barthou, who, during the last months of his life, had been so closely associated with the work of the Conference, and he took the opportunity of saying how much he personally deplored the loss to the Bureau and to the Conference caused by that sad event.

The more he had been brought into contact with M. Barthou, the more he had appreciated his extensive experience and his profound insight into international affairs. For his years, he had displayed extraordinary vitality, and in all his efforts he had been moved by a great single-mindedness of purpose : to promote the honour, security and well-being of his country.

The Chairman remembered so well his last conversation with him in June, when M. Barthou had spoken to him with almost affectionate regard and had invited him, on the termination of his proposed visit to Rome, to come to Paris to be his guest at his home.

He would venture to say one further word.

¹ See Minutes of the eighty-fifth meeting of the General Commission.

The resolution moved by M. Barthou in the Bureau on June 8th, 1934,¹ might be regarded as his last will and testament, so far as the Disarmament Conference was concerned. Everyone knew how, with such remarkable energy and devotion, he was preparing the way for the realisation of all he hoped for from the operation of his resolution. Could not the Conference best honour his memory by carrying to fruition the work on which he had actually been engaged at the time of his death ?

The Conference had also to regret the death of M. Dvoglevsky, the Ambassador in Paris of the Government of the Union of Soviet Socialist Republics, who had acted as substitute delegate for M. Litvinoff on several occasions. M. Dvoglevsky, still in the prime of life, had brought to the service of the Conference a knowledge of men and things far beyond his years. If the Chairman might be permitted one personal remark in that connection, it was a pleasant memory that M. Dvoglevsky and himself had opened the negotiations which had eventually led the United Kingdom to recognise the Government of the Union of Soviet Socialist Republics.

(At the Chairman's suggestion, the members of the Bureau then stood for a moment in silence as a tribute to the memory of those whose loss it so deeply deplored.)

M. MASSIGLI (France) expressed his appreciation of the moving tribute which the Chairman had paid to the memory of Louis Barthou. The French Government and France as a nation would be deeply touched. On behalf of the French delegation, he desired to thank the Chairman most sincerely.

It was not for him to recall all that M. Barthou had stood for, or the place that he had occupied in their midst—the Chairman himself had done so better than M. Massigli could ever hope to do. Nor was it for him to speak as a friend : that too the Chairman had done.

Louis Barthou had been a tower of strength to his country, to Europe and to the cause of peace. He had fallen at the side of a great sovereign who had been at the same time an eminent statesman and one of the pillars on which the peace of Europe rested.

That was no moment to point the moral, but, as the Chairman had so rightly said, Louis Barthou had left behind him a work for others to accomplish. That work was to ensure peace in Europe by consolidating the reign of order, whatever obstacles might stand in their path and whatever elements of disorder might rise up to dismay them. The Conference, as all members knew, had it in its power to collaborate in such a work. He need not tell the Chairman how unreservedly to-day, as in the past, the French delegation offered him its help in bringing that work to a successful conclusion.

M. LITVINOFF (Union of Soviet Socialist Republics) sincerely thanked the Chairman and the members of the Bureau who had joined with him for their kind expression of sympathy to his Government. In his friend, M. Dvoglevsky, the Bureau had lost a very devoted worker for international peace and for good international relationships. He had been in the service of the Commissariat for Foreign Affairs for a number of years, and wherever he was sent he had worked in the same spirit and with the same devotion to strengthen the relations between his country and the rest of the world. He was very fortunate in bringing about a *rapprochement* and friendship between the Soviet Union and the French Republic, which M. Litvinoff regarded as one of the corner-stones of European peace. He had also contributed to the success of the work of the Disarmament Conference, in which he had worked as M. Litvinoff's nearest collaborator, and was instrumental in bringing about the acceptance by one of the Committees of the Bureau of the definition of aggression. As the Chairman had rightly said, to continue the work of the Conference and bring it to a successful conclusion would be the highest tribute that could be paid to his memory.

M. PFLÜGL (Austria) thanked the Chairman for his brief allusion to the death of Dr. Dollfuss, who, at the moment he had fallen before the bullets of his assassins, had been head of the Austrian delegation to the Disarmament Conference.

81. COMMUNICATIONS FROM THE DISARMAMENT COMMITTEE OF THE WOMEN'S INTERNATIONAL ORGANISATIONS AND FROM THE INTERNATIONAL CONSULTATIVE GROUP.

The CHAIRMAN drew the Bureau's attention to two communications which he had received.

The first was from the Disarmament Committee of the Women's International Organisations. He understood that it had been addressed to every member of the Bureau, and there was therefore no need for him to read it.

The International Consultative Group had sent him a letter dealing with the present position of the Disarmament Conference, and he begged the Bureau's leave to read out a part of it, which seemed to him particularly opportune :

“ We greet with keen satisfaction your plan that the Conference should achieve agreements quickly on publicity and regulation for the manufacture and sale of arms and munitions for war by air, land or sea, also on armament budget publicity, and on a

¹ See Minutes of the sixtieth meeting of the Bureau.

permanent commission charged—as we understand it—to supervise the execution of these agreements and to continue efforts for further accords completing the structure of a general treaty on disarmament and peace.

“Against the abuses of the arms traffic, the memberships of our organisations throughout the world are particularly stirred. These bodies of people in many lands, aware of their danger after the disclosures of existing evils, have risen to action as never before in a determination to get this perilous trade checked and controlled.”

82. EXAMINATION BY THE BUREAU OF THE PROPOSALS MADE BY THE PRESIDENT OF THE CONFERENCE ON NOVEMBER 5TH, 1934.

The CHAIRMAN recalled that since the last meeting of the Bureau, held on June 11th, 1934, he had transmitted to his colleagues certain communications.

The first, dated July 13th, 1934, read as follows :¹

“The General Commission, in its resolution adopted on June 8th, 1934,² invited the Bureau to seek, by whatever means it deemed appropriate and with a view to the general acceptance of a disarmament convention, a solution of the outstanding problems without prejudice to the private conversations on which Governments would desire to enter in order to facilitate the attainment of final success.

“At a meeting of the Bureau held on June 11th, 1934,³ the President pointed out that the resolution adopted by the General Commission on June 8th contemplated that the Governments would continue their efforts to secure a solution of outstanding problems. Action by the Bureau was contemplated by that resolution, but it seemed necessary to await the results of the steps to be taken by the Governments.

“The Bureau at that meeting authorised me to inform its members whenever it might be considered that the situation made it necessary for them to meet.

“In the light of the information which he has received as to the progress of the conversations between the Governments which are still continuing, the President has the honour to inform the members of the Bureau that he has decided that it may most usefully be convened for September in the early days of the forthcoming session of the Assembly of the League of Nations. The President will notify the members of the Bureau of the exact date on which it will be invited to meet.”

The second, dated September 12th, 1934, read as follows :⁴

“You will perhaps remember that in my communication to you of July 13th, 1934, I promised to notify the members of the Bureau of the exact date on which I would invite them to meet.

“My intention at the time was to consult the representatives of the Governments engaged in the conversations foreseen last June, so that I might fix a date for the next meeting of the Bureau likely to permit it to carry out the duties entrusted to it by the resolution of June 8th, 1934.

“I therefore thought it necessary to come to Geneva on September 9th, when I consulted nearly all the members of the Bureau, discussing with each of them the situation in general and the selection of a date at which the Bureau could usefully meet.

“It appeared from these conversations that the work entrusted to the Bureau under the resolution of June 8th could best be undertaken following on the efforts to be made by the Governments to secure a solution of the outstanding political problems and make it possible for the Bureau to take the necessary steps at the appropriate time ‘to ensure that when the President convenes the General Commission it will have before it as far as possible a complete draft Convention’.

“You are of course aware that, since the Bureau adjourned on June 11th, negotiations have been in progress between the principally interested countries with a view to the Union of Soviet Socialist Republics joining the League of Nations and the conclusion of an all-inclusive Eastern Pact of Mutual Assistance and Non-Aggression.

“The negotiations for an Eastern Pact are still continuing and other negotiations are also contemplated in the very near future. It seemed to me undesirable, while these efforts are being made, to convene the Bureau.

¹ Document Conf.D./Bureau 65.

² See document Conf.D./C.G.168 and Minutes of the General Commission, pages 681 *et seq.*

³ See Minutes of the sixty-first meeting of the Bureau.

⁴ Document Conf.D./Bureau 66.

" Having been informed that the month of October would be devoted to these activities, I have decided that, while in principle the first week of November might be a likely date for the meeting of the Bureau, I should proceed to further consultations towards the end of October and reconsider the position in the light of such further information as I might receive.

" As regards the work entrusted to the various committees in June last by the General Commission, I shall shortly be circulating a note summarising the action so far taken.¹

Finally, on November 5th, 1934, the following communication was sent to the members of the Bureau :²

" 1. Referring to his communications of September 12th³ and 24th, 1934,⁴ the President of the Conference has the honour to bring to the notice of the members of the Bureau the following :

" 2. As several months have elapsed since the Conference last met, the President ventures to remind the members of the Bureau of the fundamental commitments entered into by the Conference under the resolution of June 8th, 1934.

" 3. That resolution put on record the General Commission's conviction that it is necessary for the Conference to continue its work with a view to arriving at a general Convention for the reduction and limitation of armaments.

" 4. For that purpose, the General Commission decided that, on the one hand, certain Committees should endeavour to make progress in various special fields : security, air forces, manufacture of and trade in arms; and, on the other hand, it contemplated amongst other things securing the solution of the outstanding problems by whatever means it deemed appropriate.

" 5. It was, however, realised that the fundamental problems of disarmament could not be effectively dealt with until certain preliminary conversations between Governments had taken place, and it had been hoped that by this time a condition would have been brought about in which we could pursue our efforts successfully. The disastrous assassination of M. Barthou, who was conducting the conversations with such devotion and diligence, has most unfortunately delayed their happy conclusion.

" 6. It will be remembered that, as stated in the President's last report,⁴ the work allotted to the Committees has been satisfactorily, if partially, carried out. There is further work awaiting the Committee's attention.

" 7. In the opinion of the President, the changes which have taken place since June last, and the probable trend of political events in the near future, make it incumbent on the Bureau to reconsider its method of work without prejudicing the principles underlying the commitments entered into by the General Commission in virtue of the resolution adopted last summer.

" 8. It is therefore the opinion of the President that conditions are now such as to make it necessary to postpone until after the beginning of the coming year an attempt to deal with the problems of disarmament, and to modify the procedure of the Conference both as regards the questions which should become the immediate concern of the Conference and also the manner in which they should be approached.

" 9. Consequently, the President ventures to put forward for the consideration of the members of the Bureau the following proposals :

" ' The Conference and its various organs have so far produced a certain amount of work in which agreement has either been reached or is in sight. The procedure which has been followed so far had in view the conclusion of a complete text of a Convention which would have been submitted as a whole for the signature and ratification of the countries represented at the Conference. In the opinion of the President, the time has come when such questions as are considered ripe may be advantageously embodied in separate protocols coming into force one by one without the Conference having necessarily to wait for the completion of the entire Convention.'

" 10. Some of the subjects which are sufficiently advanced to come within this category are the following :

" (a) The question of the regulation of the manufacture of and trade in arms ;

" (b) The question of budgetary publicity ;

" (c) The setting-up of the Permanent Disarmament Commission.

" 11. The President thinks that there are other questions which the Conference may find so mature as to be susceptible of similar treatment.

¹ Document Conf.D./Bureau 67.

² Document Conf.D./Bureau 68.

³ See above.

⁴ Document Conf.D./Bureau 67.

" 12. On the other hand, it should not be forgotten that the air question mentioned in the June resolution has not yet even been considered by the appropriate committee, and should, therefore, be taken at the earliest opportunity when the negotiations concerning it have sufficiently prepared the ground.

" 13. The President invites the members of the Bureau to be good enough to reflect on the advantages of this procedure, with which he hopes they will concur when the Bureau holds its next meeting, which he convokes for the morning of November 20th at 10.30.

" 14. In issuing this statement, the President wishes to emphasise the fact that the fundamental aim of the Conference has been, and remains for the future, the completion of a comprehensive Disarmament Convention. It was to this definite programme that the States represented at the Conference solemnly pledged themselves in the resolution which was unanimously adopted on June 8th."

It would perhaps assist the members of the Bureau in coming to a decision upon those proposals if he indicated the immediate steps which he would feel it necessary to take in the event of their acceptance.

It was suggested that the following questions were sufficiently advanced to be advantageously embodied in protocols coming into force without the Conference having necessarily to wait for the completion of an entire Convention: the regulation of the manufacture of and trade in arms, budgetary publicity, and the setting-up of the Permanent Disarmament Commission.

If the Bureau decided to proceed along those lines, he would consult the Chairmen of the Committees which had been dealing with those questions—that was to say: the Special Committee for the Regulation of the Manufacture of and Trade in Arms, the Committee dealing with Budgetary Publicity, and the Committee on Miscellaneous Provisions—as to the date on which their work might usefully be resumed, and would propose to them that some date towards the middle of January might with advantage be selected.

It would be for the Bureau, on receiving the reports of the three Committees, to consider what co-ordination, if any, was necessary with a view to the preparation of a final draft to be submitted to the General Commission.

The Bureau had also to consider its further responsibilities under the resolution of June 8th, 1934. It had already been notified of the action taken on the decisions embodied in that resolution with regard to Security, Guarantees of Execution, Air Forces and the Manufacture of and Trade in Arms in a statement circulated to the members of the Bureau on September 24th, 1934.¹ That statement summarised the work accomplished by the Special Committee on Security, the Special Committee appointed to study the Guarantees of Execution and the Special Committee on the Manufacture of and Trade in Arms.

It had not yet been possible to convene the Air Committee, which was instructed to study the question of Air Forces. He hoped that arrangements might be made for that Committee to meet in due course.

The Bureau, moreover, under the resolution of June 8th, had itself been invited to seek a solution of outstanding problems without prejudice to the private conversations on which the Governments were at that time engaged.

The outstanding problems to which reference was made in that resolution included the negotiation of an Eastern European Pact, which was to have been the subject of consultations to be undertaken by the late M. Barthou in Paris and in Rome. The assassination of King Alexander and M. Barthou had interrupted the efforts to provide solutions for the outstanding political difficulties.

There remained one other question on which action was required by the Bureau—namely, the proposal of the Soviet delegation that the Disarmament Conference should be declared a permanent institution under the title of the Peace Conference. That proposal, in accordance with the decision of the Bureau, had been forwarded to the Governments for their consideration. The replies so far received were limited in number, and it was to be hoped that other Governments would forward their replies, which might be considered and reported upon by the Committee on Miscellaneous Provisions.

The purpose of the present meeting was to consider the suggestions made in the statement of November 5th, and the procedure to be adopted.

Mr. WILSON (United States of America) said that he was happy to express his appreciation of the frank statement which the Chairman had made on the present situation. His speech was another proof of that unflagging zeal with which, for the past three years, he had guided the deliberations of the Conference. It was a speech characterised by the wisdom and fairness which Mr. Henderson had shown in the management of the work.

Mr. Wilson concurred most heartily in the emphasis which Mr. Henderson had placed, in his statement, on the fact that, in spite of his suggestions for immediate procedure, the fundamental aim of the Conference had been and remained the completion of a general disarmament convention. The Government of the United States had stated, and firmly believed, that without disarmament there was no sound basis for peace. It had never wavered from that conviction, and in the future, as in the past, it would work earnestly to contribute to the final success of the Conference.

¹ Document Conf.D./Bureau 67.

Mr. Henderson had stated that there was at the moment little hope of the General Disarmament Conference reaching definite conclusions on the fundamental problems of disarmament. Mr. Wilson deferred to the Chairman's knowledge in that matter, and indeed his conclusions checked with what appeared to be the definite opinion of many European statesmen. Mr. Henderson believed that it was possible to seize immediately upon certain sections of the work in which a large measure of accord had been realised and to put those sections into such form that they might be embodied concretely and immediately in autonomous treaty form, while recognising at the same time that such results were bricks in the final edifice of a general disarmament convention and indispensable additions thereto. The subjects which Mr. Henderson had mentioned were the manufacture of and trade in arms, the establishment of a Permanent Disarmament Commission, and publicity on budgetary expenditure. There was reason to hope that these three items could rapidly be brought into the shape of a contractual obligation.

The Government of the United States attached peculiar importance to the work which had been done on the manufacture of and trade in arms. The Committee dealing with that subject, as a result of a suggestion made by Mr. Norman Davis in his speech of May 29th last,¹ had presented a text of draft articles which had received general favour,² not only in the Conference itself but throughout the world. Since then there had been an ever-growing demand that something be done, and done without delay, to regulate the manufacture of and trade in arms.

The American delegation had endeavoured to study how much change would be essential in the draft articles on that subject, and in the draft articles for the establishment of the Permanent Disarmament Commission, to render them capable of forming an autonomous treaty including as well a chapter on the publicity of budgetary expenditure. It had had the temerity to prepare a text.³ That text presented very little that was new. In its essence it was drawn from the Bourquin report,⁴ from the report of the Committee on the Manufacture of and Trade in Arms of July 1934,⁵ from the 1925 Treaty on the Traffic in Arms,⁶ as well as from portions of the United Kingdom draft Convention.⁷ Thus its fundamentals had already been considered, and considered favourably, by the various organs of the Conference. Its sources, while unchanged in principle, had been altered or amended in detail only to fit the necessity of making an autonomous treaty without awaiting the realisation of a general disarmament convention.

With the Bureau's permission, he would have the text distributed, and would therefore not enter in detail into its conception. It would suffice to state very generally what his delegation had tried to bring out. It had endeavoured so to amend the categories of the 1925 Convention on Traffic in Arms as to fit modern circumstances. It had endeavoured to bring the full light of publicity to bear upon the production of arms, both State and private, upon the export and upon the import of arms. It had endeavoured to provide that that publicity should be transmitted to a permanent central organisation functioning in Geneva. It had endeavoured to provide that that organisation should have the duty of collecting, examining and publishing the information received; of questioning the Governments further, if necessary, on those matters within the scope of the Convention; of inspecting the accuracy of such reports. As a corollary to publicity, it had endeavoured to put in a system of graded regulation which bore heaviest upon armaments primarily designed and intended for war, and to a lesser extent upon a middle field which might, in case of an emergency, be used for war, and which bore lightest upon those articles which were primarily designed and intended for peaceful commercial production, but which, in the event of a great emergency, might serve some purpose in war.

Thus, in the conception of the United States delegation, the Permanent Disarmament Commission was designed for the purpose of carrying out a specific task and was thus inescapably bound up with the treatment of the manufacture of and trade in arms. Thus, the various sections, which might be worked out under Mr. Henderson's suggestion, formed an inseparable whole and should be subject to one ratification. While the three Committees—that on the Manufacture of and Trade in Arms, the Permanent Disarmament Commission, and the Committee on Budgetary Publicity—would work separately, in the opinion of the United States delegation it would be essential that the progress and results should be co-ordinated into a single document submitted to the Governments for single ratification. Indeed, he was emboldened to suggest to Mr. Henderson that, in consulting with the Chairmen of the various Committees, he should give them instructions that, during its progress as well as at the end of their task, the work of the three Committees should be co-ordinated.

In his remarks about the indivisibility of the work of the Committees, he by no means contemplated that the work of the Permanent Disarmament Commission should, in the final analysis, be confined to the treaty which was now in contemplation. Indeed, he believed that

¹ See Minutes of the General Commission, page 656.

² Document Conf.D./C.G.171.

³ Document Conf.D.167.

⁴ Document Conf.D./C.G.164.

⁵ Document Conf.D./C.G.160.

⁶ Document A.16.1925.

⁷ Document Conf.D.157.

sufficient elasticity had been provided in its suggested constitution to enable it to operate also in connection with further treaties which it was hoped would be agreed to in the future.

All his colleagues would fully realise that a draft text could not hope to be the final word on any subject. It was, of course, open to modification and amendment, and, indeed, he would be much surprised if his own delegation did not feel it advisable in subsequent stages of negotiation to suggest changes. Particularly was that true of certain articles on which there had been a minimum of profound discussion. He cited as an example Article 30 of the draft.

The draft his delegation was presenting covered only two parts of the proposed treaty. The third part—budgetary publicity—it felt, needed more elucidation and precision. Further committee work should bring about a crystallisation of ideas and enable that final section of the treaty shortly to be ready for agreement.

He believed that such a document as Mr. Henderson had suggested, to which the draft of the United States delegation might give elements of precision, would constitute an achievement of the highest value. It should satisfy measurably the insistent demand of the peoples of the world for a special regulation of arms production and traffic. It should go far in eliminating many of the evils of the trade. It would shed light into murky corners. It would tend to lessen between States that constantly increasing fear of the unknown—a fear which was one of the profoundest causes of anxiety and distrust between nations. He went even further, and stated that the adoption of such a text would greatly facilitate the eventual adoption of a general disarmament convention. Furthermore, agreement upon such a document by the States of the world would mean a lessening of anxiety and increased confidence, and might even be the turning-point in the present deplorable situation.

It was submitted with the hope that it might expedite the immediate objective in mind, and that, after reflection, it would be found desirable to adopt it as a basis for discussion for the portion of the treaty with which it dealt.

The CHAIRMAN suggested that two courses should be followed with regard to Mr. Wilson's statement.

First, he would ask the Bureau's permission to send the text prepared by the United States delegation to all the Governments represented at the Disarmament Conference. Secondly, he would ask for authority to submit a copy to the Chairman of each of the three Committees referred to in his speech, so that they could select from it any points that bore upon the work which he hoped the Bureau would that morning ask the Committees eventually to undertake.

M. LITVINOFF (Union of Soviet Socialist Republics) reminded the Bureau that, at the fifteenth session of the Assembly of the League of Nations,¹ he had suggested that stock be taken of the work of the Disarmament Conference and that it be decided in what directions, if any, it should proceed. He would not flatter himself that his suggestion had in any way contributed to the convocation of the Bureau, but in any case he was very glad that the latter had been convened and that the question of disarmament was once again being dealt with.

Not much could be done at the present time. It would be remembered that the great obstacle that had been encountered throughout was the impossibility of ensuring universality of the obligations and restrictions which the States took upon themselves. That obstacle still existed, and he wondered whether it might not also obstruct the work suggested by the Chairman with regard to the manufacture of and trade in arms, budgetary publicity and the establishment of a Permanent Disarmament Commission.

He was afraid that few delegations would be willing to accept any restrictions—for example, on the manufacture and purchase of arms—unless those restrictions were accepted by all the other more or less important States. The same remark applied to budgetary publicity. Consequently, he did not know what recommendation it was proposed to make on the regulation of the traffic in arms.

The Bureau should be grateful to Mr. Wilson for his suggestion on behalf of the United States delegation, that some of the articles of the draft Convention on the Traffic in Arms should be separated and made quite independent of the future General Disarmament Convention. It would be easy for his own Government to adhere to such articles, as there was no private manufacture of arms in his country, and his Government would be glad to sign a convention if other Governments would come into line with its views. He was not sure that that suggestion would be acceptable to other delegations without regard being had to universality, but in any case the matter could be proceeded with.

With regard to the setting-up of a Permanent Disarmament Commission, he did not see what it would be able to do if its work were restricted to disarmament problems and there were no obligations and no restrictions on armaments. To establish a Permanent Disarmament Commission without a convention on disarmament would be to put the cart before the horse. He had himself proposed the establishment of a permanent peace conference precisely because he was aware that for some time to come it would not be possible to deal with the question of

¹ See record of the twelfth plenary meeting of the Assembly, *Official Journal*, Special Supplement, No. 125.

disarmament proper. He had proposed that the scope of that permanent body should be widened so that it could deal with other questions akin to disarmament : questions dealing with peace and security. He was very grateful to the Chairman for recalling to mind the suggestion he had made in the General Commission. That suggestion was still before the General Commission in the form of the draft resolution he had submitted.¹ It would seem hardly practical or expedient to allow one body to deal with permanent disarmament and later on to ask another body to deal with security and peace. To restrict the scope of the activities of the permanent body would be to prejudice the solution of other problems.

If it were the Chairman's intention to instruct some committee of the Bureau to deal simultaneously both with the proposal for a Permanent Disarmament Commission and with the other parallel proposal to establish a Permanent Peace Conference, whatever form it might take, he would be content. Otherwise, he would have further remarks to make.

The CHAIRMAN recalled that he had suggested that the Committee on Miscellaneous Provisions should deal with the question raised by M. Litvinoff in the General Commission. He had also suggested that the Governments that had not replied might do so, and he was quite prepared to appeal to them—since the question must be faced and settled in one way or the other—to send in a reply of some kind to be dealt with by the Committee. There was no reason why it should not also consider the statement just made by M. Litvinoff.

He could not agree, however, that there was little or no work for a Permanent Disarmament Commission to do. It was quite true that if it were set up as speedily as possible, as he hoped it would be, its powers would, for the time being, be strictly defined and limited, but he hoped that as the work of the Disarmament Conference proceeded the powers and scope of the Commission's work would be extended.

He suggested to M. Litvinoff that the time might come when the permanent body might be called by another name. It would always be within the competence of any delegation to raise the issue as to what it should be called.

So far as the delegation of the powers of the present Conference to the Permanent Disarmament Commission was concerned, he pointed out that it had very extensive powers. It was only necessary to consider the number of subjects discussed at the first reading of the draft Convention presented by the United Kingdom delegation. He himself remembered taking out at one time fifteen or sixteen different subjects that had been discussed and might be embodied in separate articles in a comprehensive Convention.

He desired to make it quite clear that, so far as he was concerned, as President of the Conference, it would not be allowed to die. Even if a Permanent Disarmament Commission were set up—and he hoped it would be—the Conference must, in his judgment, continue. There was an English saying : " The longest way round is sometimes the nearest way home ". Perhaps the Conference was taking the longest way round to reach the nearest point to a Disarmament Convention. The members were dealing, as practical men, with the actual circumstances with which they were confronted at the moment. They were giving up nothing ; they were trying to do a piece of work which they hoped would assist in creating a better atmosphere, so that after January, or during January, as he would arrange if he was authorised to do so, the Conference would really get down to work. The three Committees, as the United States delegation had suggested, might meet together occasionally, and also their Chairmen, and try their hands eventually at co-ordinating their work. But the final co-ordination must be left to the Bureau, as was stated very definitely in the resolution of June 8th, 1934.

He hoped he had made the position clear. He did not think there was very much difference between M. Litvinoff and himself. Both wanted some form of permanent organisation. M. Litvinoff wanted that organisation to have extensive powers : it could have whatever powers the Disarmament Conference delegated to it ; it could be given whatever name the Conference decided upon.

The Chairman added that, in suggesting that the Governments' replies on the Litvinoff proposal should be considered by the Committee on Miscellaneous Provisions, he had, of course, intended that the whole question of the position and powers of the Permanent Disarmament Commission should be reconsidered in the light of what was done that morning, so that the whole question would be before the Committee—namely, M. Litvinoff's proposal to set up a Permanent Peace Conference and the question of the Permanent Disarmament Commission, as changed if need be as a result of the points of view put forward that morning.

M. DE MADARIAGA (Spain) said that he desired first to associate himself with the proposals submitted by the Chairman. Seeing that circumstances were not favourable for work on a bigger scale, the Bureau must confine its immediate action to such objects as were within its reach at the moment.

As regards the definition of those objects, he was also in agreement with the Chairman.

He was very glad that the United States delegation had submitted to the Bureau a document summing up the possibilities of achievement in regard to three questions. He

¹ See Minutes of the Bureau, page 212.

regretted, however, that it had not been able to submit a text on budgetary publicity. That question, the Spanish delegation had always maintained, was an essential element in any practical solution of the disarmament problem.

He was glad, too, that the United States delegation had proclaimed the necessity of adopting a single instrument. Work dating back three years had not yet led to results, and the Chairman's proposal for separate protocols was naturally very attractive. Nevertheless, the arguments put forward by the United States delegate in favour of a single text were compelling, and that text would stand a far better chance of acceptance if it contained something concrete. In support of that view, he would refer to the observations submitted by M. Litvinoff.

As regards trade in and manufacture of arms, he had been somewhat disconcerted by the modesty of Mr. Wilson's suggestions in that sphere. Mr. Wilson had spoken only of publicity. While reserving judgment until he had had an opportunity of examining the document which had been announced, he feared that Mr. Wilson might not have gone far enough. The Spanish delegation had always attached great importance to that question, and, in its opinion, a Disarmament Convention without any supervision over manufacture of and trade in arms would be of less use in the cause of peace than a sound Convention on manufacture of and trade in arms without a Disarmament Convention.

That view, he was convinced, would be confirmed by experience, provided that the Convention on control of manufacture of and trade in arms was really effective.

In that connection, he pointed out that any form of supervision that concerned only the statistics of the respective Governments on the tonnage, value, or even the calibre and type, of the arms exported would simply serve to throw dust in people's eyes. Supervision must be based on a system of licences. There must be a licence for every weapon manufactured and that licence must accompany the weapon at the time of manufacture, sale, export, transport in transit, and import. It was essential that all licences should form the subject of a system of control at Geneva and that that system should constitute what was meant by publicity.

M. de Madariaga referred next to the enormous difficulties met with in all the serious political issues that had arisen at Geneva when there had been any question of defining the conduct to be adopted by States Members and non-members of the League as regards the supply of arms and implements of war to countries parties to a conflict. He hoped that it would be possible, in one form or another, to insert definite provisions on the subject when drawing up the Convention on Trade in and Manufacture of Arms.

As regards M. Litvinoff's observations on the Permanent Disarmament Commission, he fully endorsed what the Chairman had already said. In his opinion, the Permanent Commission could not do really useful work in the matter of disarmament unless it also possessed political powers. It was essential, however, to draw a distinction between the political powers of that Commission in the matter of disarmament and the general political powers of the League, which constituted the real Permanent Peace Conference.

In his capacity as Chairman of the Air Committee, he desired to point out that it had been impossible for him to convene the Committee with any conviction that it could do really useful work. If the delegations represented in the Bureau could enable him usefully to convene the Air Committee, he would do so without delay.

He desired next to consult the Chairman in regard to a question of procedure. He wished to know whether the draft submitted by the United States delegation would be sent to the Committee appointed to deal with that question as a basis for its work or for its information.

The CHAIRMAN said, in reply to M. de Madariaga's question, that he could not take the responsibility, since the Bureau had not yet seen Mr. Wilson's document, of asking the Bureau to send it to the Committees as a basis for their work. He would, however, be prepared to ask the Governments to whom it was sent—many of whom would not be represented on the Committees which would deal with it—to send to the Chairman of the Committee any observations they might have to make on the various points raised by the United States delegation. That should meet M. de Madariaga's point.

M. PFLÜGL (Austria) emphasised the fact that six months had passed since the adjournment of the General Commission and no progress had been made in the work of the Conference. That setback, together with the armaments race which was the outcome of it, created a very real danger for peace. It was a situation which Austria, like the other countries, could not ignore and which necessarily influenced her attitude in the field of disarmament. M. Pflügl would like to give a brief account of that attitude. Austria had spared no efforts to promote the conclusion of a general convention for the reduction of armaments. She had never failed to accede to measures for ensuring security as an essential condition for the restoration of equality of rights.

In the meantime, however—and that time must now be measured by years—she herself had been deprived of all security in face of the growth of armaments throughout the world.

That situation, paradoxical in itself, was not all, however. Austria had her own independence to defend, and no State placed in that situation had yet shown her an example of how to remain strong and independent abroad as well as at home without possessing proper means and without equality of defence.

For that reason, the Austrian Government was compelled to take that opportunity to ask the Bureau in its wisdom that the equality which was indispensable to Austria should be

obtained either as the outcome of negotiations between great Powers leading to a resumption of the Conference or—since it was at present proposed to adopt other means as a temporary expedient—by some other method.

It was needless to enlarge upon the danger incurred by Austria on account of her military inferiority, through her inability to avail herself freely of her means of defence in the circumstances which at present existed in Europe and which the other countries took into account, and to insist upon the duties imposed upon her by her international obligations which redoubled her national interest in what was her most vital possession.

There was also no need to dwell upon the long time which must elapse before the work of the Conference could be resumed. That was the reason that had led to the proposals which the Bureau had just heard regarding the adoption of such conventions as might be feasible outside the scope of a general convention.

Without overlooking the desirability of adopting conventions of that kind, which would form a first step towards a general settlement of the question, the Austrian Government regretted that it could not see in the new development any sign of an advance towards what, in its opinion, based on the pressing interests of its country, formed the counterpart of other conventional obligations—namely, equality of rights to defence.

M. Pflügl was therefore instructed to state that, although it would in no way refuse its collaboration, the Austrian Government could not see its way to sign such other conventions until an agreement was reached in regard to the claim which M. Pflügl had just set forth.

Mr. EDEN (United Kingdom) said that he was happy to be able to support, on behalf of His Majesty's Government, the procedure suggested to the Bureau in the Chairman's statement of November 5th and confirmed in his speech that morning. It was all the easier for him to do so, since Sir John Simon himself, as long ago as May 30th last,¹ had suggested the possibility of making progress by drawing up a number of protocols on specific subjects. In the circumstances of the present time, that seemed, indeed, to be the only procedure that the Conference could follow. The course of its work must inevitably be affected by political events taking place outside those walls, and it was scarcely possible at that time to make definite plans for the future course of the work of the Conference beyond the three subjects set out in the Chairman's statement—namely, the regulation of the manufacture of and trade in arms, budgetary publicity and the setting-up of the Permanent Disarmament Commission.

In that connection, Mr. Eden desired to say that he appreciated the force of the remarks made that morning by M. Litvinoff on the subject of universality. It might be that failure to achieve universality would affect the efficacy of the Conference's work; but, all the same, he was glad to find that it was M. Litvinoff's view, as it was his own, that that fear should not stop the Conference from working on those three subjects. In that respect, he particularly welcomed the statement made by the representative of the United States Government. The United Kingdom delegation had been very glad to hear of the proposals which were to be circulated.² He was sure that, taken together with the draft articles which were the outcome of the work of the Committee of the Conference, to which he had no doubt they were related, they would greatly assist the work on that subject.

He cordially agreed with the Chairman and Mr. Wilson that it was highly desirable to deal with those subjects, even apart from and in advance of the main problems of the Conference. Whenever the Committees to deal with them were called together, the United Kingdom delegation would be happy to do its utmost to further their work and to assist them to arrive at agreed results with the least possible delay. He himself was sufficiently optimistic to believe that once they got to work their labours would not be either too prolonged or too difficult.

At the same time, he would like to utter one word of warning. The work of the Committees was no doubt important. His Majesty's Government in the United Kingdom, as he had already made clear, wished to see it brought to a successful conclusion, but at the same time it was very far from regarding work upon one, or even all, of the three subjects as an adequate result for nearly three years' effort by the Disarmament Conference. Those objectives were useful, but they were not the main objective, and it was that main objective that the Conference must keep continuously before it: that was to say, the conclusion, possibly by stages, of a convention for the reduction and limitation of armaments. Only by the conclusion of such a convention could it hope to meet some of the most stubborn of the political difficulties of the present time and only thus could appeasement finally be brought to the nations of the world.

Mr. Eden therefore repeated that, on behalf of His Majesty's Government, he cordially endorsed the proposed programme. The United Kingdom delegation would help to the best of its ability to further the work of the three Committees, but the great problems with which the Conference was confronted remained and must be solved. The lesser could be no substitute for the greater, as the Chairman, in the last paragraph of his statement, had wisely reminded the Conference. It seemed necessary to remind the Bureau of that at the present time, for in

¹ See Minutes of the General Commission, page 665.

² See document Conf.D.167.

three years of work the Conference had been too near to success more than once to lose hope utterly even at this hour. While the stubborn reality of the political problems that beset the Conference was only too well known, those difficulties did not, even now, justify despair.

With those few comments, he warmly endorsed the procedure suggested by the Chairman.

M. LITVINOFF (Union of Soviet Socialist Republics) said that, while it would be premature for him to move amendments to the proposal of the United States delegation until he had seen it, he desired to raise one matter so that delegations might bear it in mind and perhaps pass it on to their Governments in order that they might be in a position to discuss it at the next meeting.

What he desired to suggest was the extension of publicity, not only to the manufacture of and trade in arms, but also to the transit of arms. That might be a very efficacious means of control, not only over the manufacture of arms, but also over the enforcement of embargoes, which were assuming great importance at present.

Turning to the proposals before the Bureau, he expressed satisfaction that they would be dealt with by one and the same body. Whether that body was the Committee on Miscellaneous Provisions or the Bureau did not matter. There would seem, however, to be some inconsistency with what had been said about the Permanent Disarmament Commission, and he hoped that, if it were set up, a permanent name would be found for it.

Mr. Henderson appeared to assume that it would take some time to ascertain the opinions of the Governments on M. Litvinoff's proposal, but they had already had sufficient time to consider it, and he was sure they had already formed an opinion. It was not necessary for them to send in a written reply to the Secretariat; they could express their views to their delegations in order that the latter might place them before a subsequent meeting.

He agreed with the Chairman that the Conference should not be allowed to die. But he wanted it not only to live, but to be infused with fresh and vigorous life.

M. Litvinoff added that he had no intention of proposing that anything should be done outside the framework of the League of Nations.

M. DI SORAGNA (Italy), noting that the arguments previously adduced were based on the essential engagements undertaken by the Conference in virtue of the resolution of June 8th, 1934, thought it desirable to recall the fact that the Italian delegation had not voted for that resolution.¹ It intended to retain the freedom it had reserved for itself then, as indeed was natural, since in the meantime nothing had taken place which could justify Italy in changing her decisions. Moreover, the independence of judgment which the Italian delegation claimed seemed to it particularly necessary, since the work of the Bureau appeared to be tending, not only towards recommendations for the work of certain Committees, but also towards the completion of protocols which would ultimately have to be adopted. It was primarily on that point, which naturally connoted the acceptance to a certain extent of an undertaking by the delegations associating themselves with the instructions given for that purpose, that M. di Soragna intended to claim freedom of judgment for the Italian delegation.

He felt bound to add that, as regards the protocols, the Italian Government felt very definite doubts, in view of the impossibility of ignoring, even for a time, the fact that all the elements of disarmament were completely interdependent. Moreover, in carrying on the work, the aim was to achieve something final, which, however, would be calculated to increase the difficulty of accession on the part of certain States for which the treaties of peace had created a special situation, whether or not these States were now present at Geneva.

As to the constitution of the Permanent Disarmament Commission, M. di Soragna had been struck by M. Litvinoff's observations on the uselessness of such a Commission. Such a body might be either of an investigatory or of a supervisory character. If it were an investigatory body called upon to do the work because the organs of the Conference could no longer do it, what could such a Commission do, composed as it would be of the same persons representing the same States? If it were a supervisory body, M. di Soragna begged to point out that the Italian delegation had always expressed on that point its clear conviction that any kind of supervision was inseparable from a general disarmament convention, and it still adhered to that principle.

As regarded the question of the manufacture of arms, the Italian case had been already indirectly formulated at the time when Italy unreservedly accepted the MacDonal plan, which did not comprise the manufacture of arms. That attitude meant—unlike the view held by M. de Madariaga—that a disarmament convention could be drawn up without a special convention on the manufacture of arms. Indeed, the provisions of a convention of that kind duplicated certain clauses relating to the qualitative and quantitative limitation of armaments. M. di Soragna could not say that the Italian delegation would not eventually be prepared to consider the manufacture of arms also, but it would have to be in close connection with the quantitative and qualitative limitation of armaments and, indeed, would have to be subordinated to the latter.

In conclusion, M. di Soragna stated that the Italian delegation would of course not assume any responsibility for such decisions as the Bureau might take in regard to the instructions to be given to the Committees.

¹ See Minutes of the General Commission, page 687.

M. UNDÉN (Sweden) simply wished to state that the Swedish delegation associated itself with the Chairman's proposals and that it also accepted the suggestions put forward by the United States delegation concerning the plan of work—suggestions which seemed to it to come quite within the scope of the Chairman's communication.

The Chairman had wisely resigned himself to the inevitable in proposing that the Conference should confine itself, for the present, to a limited number of special and very important questions, until political circumstances should make it possible for it to take up the main work again.

He added that his Government attached special importance to the three questions mentioned in the Chairman's statement, particularly the regulation of the manufacture of and trade in arms, and that he hoped that it might be possible quickly to achieve positive results in that sphere on the basis of the United States proposals.

M. MASSIGLI (France) observed that the Chairman had himself pointed out the connection between his proposals and the resolution of June 8th, 1934, and it was, moreover, a well-known fact that the three questions submitted to the Bureau for examination were those on which the French delegation had always insisted as constituting important features in any Convention that might be established. The French Government was in full agreement, as regarded the programme, and thought that good work might be done on those lines. True, the delegate of Italy, with that somewhat brutal frankness to which he had accustomed his colleagues—and which M. Massigli, for his part, very much appreciated as a token of friendship—had just uttered a warning and voiced a somewhat sceptical opinion. M. Massigli felt, however, that experience would show that the Conference could do very valuable work in that way, and the Italian delegation's collaboration would, he felt sure, not be lacking.

The CHAIRMAN desired to clear up what was, he thought, a little misunderstanding on the part of M. di Soragna. He appeared to claim, as a point in his favour, that the United Kingdom delegation had not included in its draft a chapter on the traffic in arms. The reason for that was that a Committee had been sitting at that very time, and its report had not been received; it was not that the United Kingdom delegation was not in favour of taking any action. He ventured to say that, if Mr. Eden were asked, he would reply that his Government was strongly in favour of some action being taken.

M. DI SORAGNA (Italy) thanked M. Massigli for his friendly words and assured him that it was chiefly from him that he had learnt that frankness was the best form of diplomacy.

To avoid any misunderstanding, he desired to point out that he had spoken not of traffic in arms but of manufacture.

He wished to take advantage of that opportunity to inform the Chairman that he had had no intention of compromising the United Kingdom delegation in any way. He remembered quite well that it had been said at the time that certain things could be added to the draft presented to the Conference; he had not intended to engage the responsibility of any but the Italian delegation.

The CHAIRMAN expressed satisfaction at the spirit in which the discussion had taken place that morning. He thought there was general agreement that action should be taken on the lines indicated in his note of November 5th, his speech that morning, and the subsequent suggestions he had made for dealing with both Mr. Wilson's document and M. Litvinoff's statement. He ventured to express the hope that that spirit might be continued, that all the members, whatever position they had felt compelled to take at that meeting, would work for the speedy execution of the programme just discussed, with the definite intention—and he wanted to emphasise that point—to make a start and never to be satisfied until something had been achieved in the way of the larger Convention upon which the Conference had set its mind at its opening nearly three years previously.

The Chairman's proposals were adopted.

Official No: Conf. D. 171 (1).

Geneva, July 1936.

LEAGUE OF NATIONS

CONFERENCE FOR THE REDUCTION
AND LIMITATION OF ARMAMENTS

PRELIMINARY REPORT
ON THE
WORK OF THE CONFERENCE

Prepared by the President, Mr. Arthur HENDERSON

Series of League of Nations Publications

IX. DISARMAMENT

1936. IX. 3.

NOTE BY THE SECRETARY-GENERAL.

The Secretary-General has the honour to communicate to the Members of the Conference for the Reduction and Limitation of Armaments the attached preliminary report which the late Mr. Arthur Henderson, President of the Conference, some time before his death, requested him to distribute.

It was the intention of the President that this document should be issued as a provisional statement on the progress of the work of the Conference which might, at some later date, facilitate the compilation of a final report, to be submitted to the Conference. He had reason to believe that the need for such a document had long been felt by delegations to the Conference, by Government departments dealing with disarmament questions, and by the public at large, which was following its proceedings.

The President hoped that this statement would be received as a sincere attempt to present an impartial survey of the great mass of material lying scattered through the long succession of documents distributed to the Conference, and that it would be regarded, not only as a progress report to the Conference, but as an instrument of work and a guide to its proceedings and documentation.

Geneva, November 1935.

CONTENTS.

Introduction.

	Page
Scope and Purpose of the Present Report	9
Permanent Obligations under Article 8 of the Covenant	9
Short History of the Preparatory Work	9
Was the Convocation of the Conference premature ?	10
Political Conditions at the Opening and during the Course of the Conference	11
Duration of the Conference and Scope of its Work	11
Special Difficulties inherent in the Political and Economic Situation during the Conference	12
Methods of Work of the Conference	12
Armaments Truce	13

Chapter I.—Chronological Record of the Conference.

Opening of the Conference, February 2nd, 1932	14
Appointment of Officers and Commissions of the Conference, February 1932	14
General Progress of the Work of the Conference and its Commissions, February to June 1932	15
Criteria for the Reduction and Limitation of Armaments : Resolutions adopted by the General Commission in April 1932	15
The Proposals of President Hoover, June 22nd, 1932	16
Conclusion of the First Phase of the Conference : Resolution adopted by the General Commission on July 23rd, 1932	17
Attitude of the German and Soviet Delegations to the Conference, September 1932	18
Work of the Bureau, September to November 1932	18
Memorandum on Security and Disarmament submitted by the French Delegation, November 14th, 1932	18
Proposals submitted by the United Kingdom Delegation on November 17th, 1932	19
Equality of Rights : Declaration of the Five Powers of December 12th, 1932	19
Work of the Bureau and of the General Commission from January to March 1933	20
Draft Convention submitted by the United Kingdom Delegation, March 16th, 1933	21
The United Kingdom Draft Convention accepted as a Basis of Discussion : Resolution adopted by the General Commission on March 27th, 1933	21
First Reading of the Draft Convention submitted by the United Kingdom Delegation : Work of the Conference from April 25th to June 8th, 1933	22
The United Kingdom Draft Convention accepted as a Basis for the Future Convention, June 8th, 1933	22
Adjournment of the General Commission : Diplomatic Negotiations from June 8th to October 9th, 1933	22
Meetings of the Bureau and of the General Commission on October 14th and 16th, 1933 : Withdrawal of Germany from the Conference	23
Work of the Bureau of the Conference, October 26th to November 11th, 1933	25
Parallel and Supplementary Efforts, November 1933 to April 1934	25
Memoranda exchanged between the Governments : Statement by the President, April 10th, 1934	26
(a) Reduction of Armaments	27
(b) Effectives	27
(c) Equality of Rights and Date on which the Future German Army should be equipped with the Necessary Defensive Arms	27
(d) Security	27
(e) Duration of the Convention	27
Parallel and Supplementary Efforts continued, April 10th to May 28th, 1934	28
Work of the Bureau and the General Commission, May 28th to June 8th, 1934	28
Programme of Work of the Conference : Resolution adopted by the General Commission on June 8th, 1934	30
Effect given to the Programme of Work adopted by the General Commission : June 11th to November 20th, 1934	32
Modifications in the Programme of Work of the Conference : Decision adopted by the Bureau on November 20th, 1934	32
Effect given to the Programme of Work adopted by the Bureau on November 20th, 1934 : February 14th to April 13th, 1935	34

Chapter II.—Security.

	Page
Treaties, Pacts and Conventions prior to the Conference	35
Security Proposals submitted to the Conference, November 1932 to February 1933	35
Security Proposals referred to the Political Commission, February 13th, 1933	37
Discussions in the Political Commission, February 14th to March 10th, 1933	37
Classification of the Security Proposals before the Conference	38
I. General Undertakings concerning Security	38
II. Undertaking not to resort to Force	39
III. Definition of the Aggressor	40
IV. Procedure for the Establishment of Facts constituting Aggression	40
V. Mutual Assistance.	40
Summary of Events and Conclusions	41

Chapter III.—Effectives.

Provisions of the Draft Convention framed by the Preparatory Commission for the Disarmament Conference	42
Proposals submitted to the Conference, February 1932	42
Constitution and Preliminary Decisions of the Land Commission, February 25th to March 9th, 1932	43
Appointment of a Technical Committee on Definitions, March 9th, 1932	43
Report of the Technical Committee on Definitions, March 16th, 1932	43
Appointment and Constitution of the Committee on Effectives : Resolution adopted by the General Commission on May 10th, 1932	43
Report of the Committee on Effectives, June 9th, 1932	44
The Proposals of President Hoover : Resolution adopted by the General Commission on July 23rd, 1932	44
Constitution of a Special Committee on Effectives : Decision taken by the Bureau of the Conference on September 22nd, 1932	45
Memorandum on Security and Disarmament submitted by the French Delegation, November 14th, 1932	45
Proposals submitted by the United Kingdom Delegation, November 17th, 1932, and January 30th, 1933	45
Work of the General Commission, February 13th to March 6th, 1933 : Appointment of a Drafting Committee	46
Standardisation of European Armies : Discussion in the General Commission on February 16th, 17th, 22nd and 23rd, 1933	46
Questionnaire submitted by the Drafting Committee : Decisions adopted by the General Commission in February and March 1933	48
Draft Convention submitted by the United Kingdom Delegation, March 16th, 1933	49
First Reading of the Provisions relating to Effectives of the United Kingdom Draft Convention in the General Commission, April 28th to May 8th, 1933	50
Work of the Special Committee on Effectives, September 30th, 1932, to June 30th, 1933	51
Adoption of the United Kingdom Draft Convention as the Basis of the Future Convention and Negotiations of the President with the Heads of States, July to October 1933	53
Work of the Committee of the Bureau (Effectives), November 11th to December 5th, 1933	54
Diplomatic Negotiations and Exchange of Memoranda between Governments, October 1933 to April 1934	55
Summary of Events and Conclusions	55

Chapter IV.—Land Material.

Provisions of the Draft Convention framed by the Preparatory Commission for the Disarmament Conference	58
Proposals submitted to the Conference, February to April 1932	58
Constitution of the Land Commission, February 25th, 1932	59
Qualitative Disarmament	59
Qualitative Disarmament : Resolution adopted by the General Commission on April 22nd, 1932	60
Qualitative Disarmament : Report of the Land Commission to the General Commission of June 7th, 1932	61
Action taken by the Bureau of the Conference upon the Report of the Land Commission : Resolution adopted by the General Commission on July 23rd, 1932	62
Conversations with a View to fixing a Limit for Heavy Artillery and Tanks, September to November 1932	63
Memorandum on Security and Disarmament submitted by the French Delegation, November 14th, 1932	63

	Page
Equality of Rights in respect of Land Armaments : Statement to the Bureau by the United Kingdom Delegation on November 17th, 1932	63
Programme of Work of the Conference : Proposals submitted by the United Kingdom Delegation on January 30th, 1933	64
Work of the General Commission, February to March 1933	64
Draft Convention submitted by the United Kingdom Delegation, March 16th, 1933	64
First Reading of the United Kingdom Draft Convention, May 20th to 23rd, 1933	64
Diplomatic Negotiations, July to October 1933	65
Subsequent Proceedings of the Conference, November 1933 to December 1934	66
Parallel and Supplementary Negotiations between Governments, November 1933 to April 1934	66
Programme of Work of the Conference : Resolution adopted by the General Commission on June 8th, 1934	67
Summary of Events and Conclusions	67

Chapter V.—Naval Material.

Provisions of the Draft Convention framed by the Preparatory Commission for the Disarmament Conference	69
Proposals submitted to the Conference, February 1932	70
Constitution of a Naval Commission, February 25th, 1932	70
First Reading by the Naval Commission of Articles 17 to 23 of the Draft Convention, with the Relevant Annexes, February 27th to June 11th, 1932	71
Application to Naval Armaments of the Principle of Qualitative Disarmament, April 22nd to June 11th, 1932	71
The Proposals of President Hoover, June 22nd, 1932	74
Statement of Views by the United Kingdom Delegation, July 7th, 1932	74
Conclusion of the First Phase of the Conference : Resolution adopted by the General Commission on July 23rd, 1932	75
Proposals of the French Delegation, November 14th, 1932	75
Proposals of the Japanese Delegation, December 9th, 1932	75
Programme of Work submitted by the United Kingdom Delegation : Discussions in the Bureau of the Conference in January and February 1933	77
Draft Convention submitted by the United Kingdom Delegation on March 16th, 1933 : Naval Provisions	77
Draft Convention submitted by the United Kingdom Delegation : Discussions in the General Commission during May 1933	78
Aircraft-carriers : Statement made by the Japanese Delegation on June 8th, 1933	78
Negotiations within the Conference subsequent to the First Reading of the Draft Convention, June 29th, 1933, to March 27th, 1934	79
Parallel and Supplementary Negotiations between the Governments, November 1933 to April 1934	79
Summary of Events and Conclusions	80

Chapter VI.—Air Material.

Provisions of the Draft Convention submitted by the Preparatory Commission for the Disarmament Conference	82
Proposals submitted to the Conference by the Delegations, February 1932	82
Constitution of the Air Commission, February 25th, 1932	83
Programme of Work of the Air Commission, March 1932	83
Qualitative Disarmament : Resolution adopted by the General Commission on April 22nd, 1932	83
Report of the Air Commission, June 8th, 1932	83
Internationalisation or Control of Civil Aviation : Discussion in the Air Commission from June 14th to 24th, 1932	85
Draft Rules for Civil Aviation framed by the Sub-Committee of the Air Commission, July 18th, 1932	86
Abolition of Bombardment from the Air and Consequential Measures : Resolution adopted by the General Commission on July 23rd, 1932	87
Appointment of an Air Committee composed of the Principal Air Powers to consider the above Resolution, February 16th, 1933	87
Proceedings of the Air Committee, February 20th to March 17th, 1933	87
Draft Convention submitted by the United Kingdom Delegation, March 16th, 1933	88
Discussion and First Reading of the Draft Convention in the General Commission, May 27th to June 8th, 1933	89
Appointment by the Bureau of a Rapporteur for Air Questions, November 11th, 1933	89
Parallel and Supplementary Negotiations between Governments, November 1933 to June 1934	90
Programme of Work of the Air Committee : Resolution adopted by the General Commission on June 8th, 1934	91
Summary of Events and Conclusions	91

**Chapter VII.—National Defence Expenditure
(Limitation and Publicity).**

	Page
Provisions of the Draft Convention framed by the Preparatory Commission for the Disarmament Conference	94
Proposals submitted to the Conference, February 1932	94
Appointment of a National Defence Expenditure Commission (Limitation and Publicity), February 25th, 1932	94
Preliminary Discussion (March to May 1932) : Appointment of a Technical Committee	95
Resolution adopted by the General Commission, July 23rd, 1932	95
Report of the Technical Committee, April 8th, 1933	96
Report adopted by the National Defence Expenditure Commission, June 3rd, 1933 :	
(a) General Conclusions	96
(b) Bases of a Possible System of Limitation	96
(c) Technical Possibility of applying a System for the Limitation of National Defence Expenditure	97
(d) Base of a Possible Publicity System	97
Draft Convention submitted by the United Kingdom Delegation, March 16th, 1933	97
Proposal moved by the French Delegation, June 7th, 1933	97
Discussion of the Report of the National Defence Expenditure Commission : Meetings of the General Commission on June 7th and 8th, 1933	98
Resolution adopted by the General Commission, June 8th, 1933	99
Draft Articles framed by the Technical Committee, December 11th, 1933	99
Draft Articles noted by the General Commission, June 11th, 1934	100
Supplementary Report of the Technical Committee, January to December 1934	100
Supplementary Report of the Technical Committee circulated to Governments, January 1935	100
Application of the System of Publicity : Resolution adopted by the General Commission on June 11th, 1934	101
Publicity in respect of the Trade in and Manufacture of Arms	101
Summary of Events and Conclusions	102

Chapter VIII.—Chemical, Incendiary and Bacterial Warfare.

Geneva Protocol, June 17th, 1925	103
Provisions of the Draft Convention framed by the Preparatory Commission for the Disarmament Conference	103
Proposals submitted to the Conference, February 1932	103
Appointment of a Special Committee on Chemical and Bacterial Warfare, May 10th, 1932	103
Report of the Special Committee, May 31st, 1932	104
I. Chemical Weapons and Means of Warfare	104
II. Bacterial Weapons and Means of Warfare	104
III. (a) Incendiary Projectiles	104
(b) Flame-projectors	104
Prohibition of Chemical, Bacterial and Incendiary Warfare : Resolution adopted by the General Commission, July 23rd, 1932	104
Preparations for Chemical, Bacterial and Incendiary Warfare and the Problem of Violations : Action taken by the Bureau on September 21st, 1932	105
Report submitted to the Bureau by the Chairman of the Special Committee, November 8th, 1932	105
Discussion of the Report by the Bureau of the Conference, November 8th to 11th, 1932	105
The Question of Sanctions : Text considered by the Bureau on November 12th, 1932	106
Prohibition and Supervision of the Prohibition of Preparations for Chemical, Incendiary and Bacterial Warfare : Report adopted by the Special Committee on December 13th, 1932.	107
Discussion of the Report by the Bureau of the Conference, January 25th and 30th, 1933	108
Provisions relating to Chemical, Incendiary and Bacterial Warfare embodied in the United Kingdom Draft Convention, March 16th, 1933	109
First Reading of the United Kingdom Draft Convention : Discussion of Part IV (Chemical Warfare) in the General Commission on May 30th, 1933	109
Summary of Events and Conclusions	110

Chapter IX.—Control of the Manufacture of and Trade in Arms.

Control of the Trade in Arms : Events prior to the Conference	112
Control of the Private and State Manufacture of Arms : Events prior to the Conference	113
Proposals submitted to the Conference : February 1932	113
Constitution of a Special Committee for the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War, September 22nd, 1932	114
Preliminary Report of the Special Committee : October 1932	114

	Page
Constitution of Sub-Committees to deal separately with the Questions of the Manufacture of Arms and the Trade in Arms, October 1932	114
Questionnaire relating to the Manufacture of Arms in the Different States : October 1932	115
Action taken by the Bureau of the Conference on the Report of the Special Committee, November 22nd, 1932	115
Analogies between the Problems of the Traffic in Narcotic Drugs and the Trade in and Manufacture of Arms : Decision taken by the Council of the League on November 28th, 1932.	116
Report of the Sub-Committee on the Manufacture of Arms, February 17th, 1933	116
Second Report of the Special Committee, March 4th, 1933	117
Report of the Sub-Committee on the Trade in Arms, May 27th, 1933	118
Report of the Technical Committee on Categories of Arms, May 5th, 1933	119
Third Report of the Special Committee, June 3rd, 1933	119
Discussion in the General Commission of the Third Report of the Special Committee : June 6th and 7th, 1933.	120
Report to the President of the Conference, November 27th, 1933	121
Statement submitted to the General Commission by the Delegation of the United States of America, May 29th, 1934	122
Programme of Work adopted by the General Commission, June 8th, 1934	122
Report of the Special Committee to the General Commission, July 2nd, 1934	122
Modification of the Programme of Work adopted by the General Commission on June 8th, 1934 : Decision adopted by the Bureau on November 20th, 1934	123
Work of the Special Committee for the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War, February 14th to April 13th, 1935	123
General Results of the Discussion and Form of Report adopted by the Special Committee, April 13th, 1935	124
Summary of Events and Conclusions	126

Chapter X.—Exchange of Information.

Provisions of the Draft Convention framed by the Preparatory Commission for the Disarmament Conference	130
Special Information furnished by Delegations to the Conference	130
Draft Convention submitted by the United Kingdom Delegation, March 16th, 1933	130
<i>The Armaments Year-Book</i>	131

Chapter XI.—Permanent Disarmament Commission.

A. Supervision.

Provisions of the Draft Convention submitted by the Preparatory Commission for the Disarmament Conference	132
Proposals submitted to the Conference, February 1932	132
Resolution adopted by the General Commission, July 23rd, 1932	133
Preliminary Discussions in the Bureau of the Conference, September 22nd, 1932	133
Submission to the Bureau of a Preliminary Report, November 3rd, 1932	134
Texts approved by the Bureau for Embodiment in the Draft Convention, January 23rd, 1933	135
First Reading of the Draft Convention submitted by the United Kingdom Delegation, June 1st, 1933	135
Proposal to establish the Permanent Disarmament Commission immediately on the Signature of the Convention, October 9th, 1933	136
Preparation of a Revised Text of the Draft Convention for a Second Reading and Work of the Special Committee on Miscellaneous Provisions, November 11th to December 7th, 1933	136
Competence of the Permanent Disarmament Commission with Special Reference to the Regulation of the Manufacture of and Trade in Arms and Implements of War, February 1935	137
Summary of Events and Conclusions	138

B. Guarantees of Execution.

Provisions of the Draft Convention submitted by the Preparatory Commission for the Disarmament Conference	140
First Reading of the Draft Convention submitted by the United Kingdom Delegation, June 1st, 1933	140
Preparations for a Second Reading, October 9th, 1933, to June 8th, 1934	140
Guarantees of Execution referred to the Committee on Miscellaneous Provisions, June 11th, 1934	141
Suggestions submitted by the Committee to the President and forwarded to Governments, June 28th, 1934	141
Summary of Events and Conclusions	142

Chapter XII.—Moral Disarmament.

	Page
Proposals submitted to the Political Commission, March 15th, 1932	143
Work of the Committee on Moral Disarmament, March 15th to July 20th, 1932	143
Work of the Committee on Moral Disarmament, May to December 1933	144
Texts submitted by the Committee on Moral Disarmament, December 1st, 1933	144
Adaptation of Municipal Laws : Work of the Legal Committee, June to December 1933	144

Annexes.

1. Convocation of the Conference : Extracts from the Resolutions adopted by the Council of the League on January 24th and May 22nd, 1931	145
2. Armaments Truce	146
3. List of States invited to the Conference	147
4. Conclusion of the First Phase of the Conference : Resolution adopted by the General Commission on July 23rd, 1932 (Document Conf.D.136(1).)	148
5. Draft Convention : Provisional Text (September 22nd, 1933) prepared in the light of the Modifications adopted in First Reading and of the Amendments presented by the Delegations (Document Conf.D.163(1).)	152

INTRODUCTION.

SCOPE AND PURPOSE OF THE PRESENT REPORT.

The purpose of the present preliminary report is to present a short chronological record of the proceedings of the Conference, a summary of its technical work on specific problems and a general review of the results achieved.

It is not suggested that the report will meet the requirements of those who desire a full account of the discussions and decisions of the Conference or an exact presentation of its technical work. To convey an accurate impression even of the decisions of principle adopted by the Conference would need a document much longer than could be usefully presented on this occasion. Such a record would necessarily have to include the considerations and reservations urged by particular delegations and a precise description of the conditions under which the relevant discussions took place,¹ while to convey an exact appreciation of technical results, it would obviously be necessary to go into the various problems in much greater detail than is possible in a report of these dimensions.

It is hoped, however, that the present document may serve as a useful guide to the Conference and it has been presented in such a way that those who desire a more detailed description of events than is here conveyed or further information on technical matters may consult the necessary records and documents.

PERMANENT OBLIGATIONS UNDER ARTICLE 8 OF THE COVENANT.²

The Conference for the Reduction and Limitation of Armaments, which was convened under resolutions adopted by the Council in January and May 1931,³ cannot be considered apart from a series of events and decisions to which it is closely related. It forms part of the continuous work done under the auspices of the League over a period of years for the maintenance of peace and the fulfilment of permanent obligations lying upon the Members of the League which will remain valid as long as Article 8 stands as part of the fundamental law of the Covenant.

The obligations accepted under Article 8 of the Covenant as necessary to the maintenance of peace have three definite objects in view :

- (1) National armaments are to be reduced in accordance with plans formulated by the Council and adopted by the Governments, these plans being subject to revision at least every ten years ;
- (2) The Council has to advise how the evil effects of the manufacture by private enterprise of munitions and implements of war can be prevented ;
- (3) Members of the League are to exchange full and frank information as to the scale of their armaments, their military, naval and air programmes and the condition of their industries adaptable to warlike purposes.

SHORT HISTORY OF THE PREPARATORY WORK.

In execution of these obligations, the Council, in May 1920, set up, in virtue of Article 9 of the Covenant, a Permanent Advisory Commission for military, naval and air questions, a body of technical experts appointed by the Members of the Council. The first Assembly of the League, however, meeting in September 1920, recognised that disarmament was more than a technical question and that, for its practical solution, it was necessary to consider a whole series of political, social and economic problems. It accordingly decided that a Temporary Mixed Commission should be appointed composed of accepted authorities on the military, political, social, economic and financial aspects of the subject. The Temporary

¹ Note by the Secretariat (July 1936) : The printed edition of the present document contains as footnotes observations put forward by certain Governments after having examined the roneoed text of the document as circulated in November 1935.

² Article 8 :

1. The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

2. The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

3. Such plans shall be subject to reconsideration and revision at least every ten years.

4. After these plans have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

5. 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.

6. The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programmes and the condition of such of their industries as are adaptable to warlike purposes.

³ See Annex 1, extracts from the resolutions adopted by the Council in January and May 1931, under which the Conference was convened and Mr. Arthur Henderson appointed as President.

Mixed Commission worked for four years. Its discussions centred mainly upon the ultimate relationship between disarmament and security and resulted in the submission to the Assembly in 1923 of a draft Treaty of Mutual Assistance.

The draft Treaty of Mutual Assistance was based on the fundamental idea that war as an instrument of aggression must henceforth be regarded as an international crime, and it combined the principle of a general international system of collective security with a system of supplementary defensive agreements or regional pacts between particular nations. The draft Treaty was communicated to the Governments, but was not accepted as a satisfactory solution of the problem.¹

The Assembly in 1924 accordingly abandoned the draft Treaty and framed a more comprehensive plan, the Geneva Protocol of 1924, whereby an attempt was made to create a complete system of compulsory arbitration and resistance by common action to acts of aggression. The relationship between security and disarmament was again emphasised, the entry into force of the Protocol being made to depend explicitly on the adoption by a general Disarmament Conference of a plan for the reduction of armaments.

Discussions which took place in the Council in 1925 showed that the Protocol, accepted by the previous Assembly and signed by fourteen States, would not be generally accepted, and the Government of the United Kingdom, which was one of the States with views in opposition to the Protocol, suggested, as an alternative, that the Covenant should be supplemented by special arrangements to meet special needs.

The Protocol was accordingly set aside in favour of a partial application of the regional system, which was soon afterwards embodied² in the Locarno Treaties signed on October 16th, 1925. These Treaties guaranteed the territorial *status quo* as between Belgium and Germany and as between Germany and France and provided for a peaceful settlement of disputes between these countries. Following their signature, Germany became a Member of the League in 1926.

Meanwhile, the Council, acting in accordance with a resolution adopted by the Assembly in September 1925, set up a Preparatory Commission for the Disarmament Conference, which, from the spring of 1926, worked under the direction of the Council and submitted to that body in December 1930 a final report and a draft Convention. The work of the Preparatory Commission was supplemented by technical reports from a Committee of Budgetary Experts and by the report of Committee of Experts appointed to fix rules for the adoption of a standard horse-power measurement for aeroplane and dirigible engines. All these documents were sent to the Governments invited to take part in the General Conference for the Reduction and Limitation of Armaments in accordance with the resolutions adopted by the Council in January and May 1931.

WAS THE CONVOCAION OF THE CONFERENCE PREMATURE ?

The opinion has been expressed in certain quarters that the Council, when deciding in January 1931 to convoke the Conference, acted prematurely. It would be for the Council to answer such criticism, but a few facts may perhaps be recalled in this connection. It may even be asked from another point of view whether the convocation of the Conference had not been too long delayed.

In January 1931, eleven years had passed since the entry into force of Article 8 of the Covenant, which laid upon Members of the League the obligation to reduce their armaments. More than five years had elapsed since the appointment of the Preparatory Commission for the Disarmament Conference and since the signatories of the Final Protocol of the Locarno Conference had made the following declaration :

" The representatives of the Governments represented here declare their firm conviction that the entry into force of these Treaties and Conventions will contribute greatly to bring about a moral relaxation of the tension between nations, that it will help powerfully towards the solution of many political or economic problems in accordance with the interests and sentiments of peoples, and that, in strengthening peace and security in Europe, it will hasten effectively the disarmament provided for in Article 8 of the Covenant of the League of Nations.

" They undertake to give their sincere co-operation to the work relating to disarmament already undertaken by the League of Nations and to seek the realisation thereof in a general agreement. "

Annually, at each session of the Assembly of the League, a number of States had shown impatience at the delay in the preparatory work for the Conference, and on several occasions the Assembly had formally expressed the wish that this work should be pressed forward and that the first Disarmament Conference should be called at an early date. Thus, on September 25th, 1928, the Assembly declared :

" The present conditions of security set up by the Covenant of the League of Nations, by the Treaties of Peace, and, in particular, by the reductions in the armaments of

¹ Note by the Secretariat (July 1935) : The French delegation points out the following : " The draft Treaty was communicated to the Governments, but was not accepted owing to the opposition of some of them, although it had many supporters "

² Note by the Secretariat (July 1936) : The French delegation has indicated that, in their opinion, it would have been preferable to draft this sentence as follows : " Although the fundamental principle of the Protocol which had been summed up in the formula ' arbitration, security, disarmament ' was maintained, it was therefore thought preferable, in applying it, to proceed by the method, of regional agreements, which was soon afterwards embodied. . . . "

certain countries under these Treaties, and also by the Locarno Agreements, would allow of the conclusion at the present time of a first General Convention for the Reduction and Limitation of Armaments."

Bearing in mind the work of the Preparatory Commission and that of other Committees working within the framework of the League, it can hardly be maintained that the necessary technical preparations for the Conference had not been made.

POLITICAL CONDITIONS AT THE OPENING AND DURING THE COURSE OF THE CONFERENCE.

It may, however, be questioned whether, when the Conference met early in 1932, there existed a minimum of conditions, political and moral, indispensable for ultimate success, or whether the political preparation of the Conference was adequate.

At the Council meeting of January 1931, several members, particularly France, Italy and the United Kingdom, expressed the opinion that, in order to ensure the success of the Conference, a considerable amount of political preparation was necessary and that active negotiations between the Governments on the principal political problems outstanding were essential.

Unfortunately, owing to circumstances which it is not here necessary to recall, little or nothing was done in the year between the convocation and the actual meeting of the Conference to obtain in advance some measure of agreement upon fundamental issues between the principally interested Powers, and, when the Conference came together, none of the political difficulties foreshadowed during the proceedings of the Preparatory Commission and reflected in the draft Convention framed by that Commission had been solved as between the Powers primarily concerned. Suggestions differing widely from one another were, therefore, submitted from the outset, and these suggestions had to be discussed by the Conference before it could take any useful decision on outstanding political problems.

It was soon evident that, unless those problems were previously solved, the initial impetus of the Conference would spend itself in a series of fruitless discussions. Indeed, time after time, the progress of the Conference was checked because the settlement of these political questions had not been sufficiently prepared in advance.

DURATION OF THE CONFERENCE AND SCOPE OF ITS WORK.

Even had there been adequate political preparation for the work of the Conference, it would hardly have been reasonable to expect that its work would be of short duration. Important conferences for the reduction and limitation of armaments had been held in the past, such as the Naval Conferences at Washington, 1921-22, Geneva, 1927, London, 1930, and the Conferences at Rome in 1924 and Moscow in 1927. Never before, however, had there been a general effort to achieve disarmament embracing all States and all categories of forces and weapons.

The Washington and London Conferences, limited in scope and membership, lasted three and a half months and three months respectively. The scope of the Conference which opened in February 1932, unlike these previous Conferences, was not limited to drawing up an agreement between a small number of Powers and relating to special categories of armaments which might be defined with comparative ease. It brought together sixty-one States Members and non-members of the League out of the sixty-five States which had been invited to take part; its discussions were intended to cover the whole field of armaments; it was required to consider cognate subjects, such as the manufacture of arms and trade in arms; last, but not least, it had to deal with the difficult and complex problem of the organisation of a collective peace system under the heading of security.

All these efforts had to be made on a general scale and in regard to questions in respect of which the States concerned were peculiarly sensitive to the claims of national loyalty and the principle of national sovereignty. The armed forces of a country are considered as the most obvious expression of its sovereignty and independence, and never before in the history of the world had an attempt been made to place an agreed and accepted limit upon the exercise by nations of their sovereign rights in this particular sphere. The Peace Treaties had imposed disarmament obligations on certain States, and certain general obligations had been assumed by the signatories of the Covenant. But it is one thing for a State to accept in principle a general obligation and quite another thing to implement such obligations by means of detailed provisions binding upon the military system of every State and based on a system of international limitation and supervision.¹ The effective application of the principle of limitation, apart from any question of reduction, would constitute in itself an unprecedented achievement.

¹ *Note by the Secretariat* (July 1936) : The French delegation has submitted the following observations regarding this sentence : " The last sentence but one of this paragraph might lead to the belief that States that had contracted general obligations wished to avoid giving effect to them in practice. It should be remembered that these obligations were definite, but conditional ; the breakdown of the Conference is due, not to such a cause, but to the fact that the conditions on which the reduction of armaments was made to depend under the Covenant could not be fulfilled."

The limitation of armaments, moreover, cannot be considered as an isolated problem. Disarmament is only one aspect of an organised peace system, and experience in dealing with the problem before and during the Conference has clearly shown that an effort to limit and reduce armaments necessarily entails the discussion of much wider political problems. It soon became obvious that the Conference would have to face the problem of collaboration in the political field between Members and non-members of the League, a harmonisation of the Covenant and the Briand-Kellogg Pact, and the elaboration of a collective system for the preservation of peace.

SPECIAL DIFFICULTIES INHERENT IN THE POLITICAL AND ECONOMIC SITUATION DURING THE CONFERENCE.

In addition to these general difficulties inherent in the problem of disarmament, there were special difficulties created by the conditions obtaining when the Conference met.

The effects of the serious events in the Far East which were in progress at the beginning of the Conference should not be forgotten, and it was inevitable that one of the first passages in the opening speech of the President of the Conference should refer to them.

Two serious armed conflicts in another continent took place during the Conference, a conflict between Colombia and Peru and a conflict between Bolivia and Paraguay.

Further, when the Conference met, the world was faced with the most serious and widespread economic and financial crisis in history. Economic difficulties were creating political unrest, and political unrest was still further aggravating the economic and financial difficulties. The direct bearing of these economic and financial conditions upon the problem of disarmament will be generally appreciated. They complicated the solution of the problem by profoundly affecting international relations, while the burden of more than 20,000 million gold francs annual expenditure on armaments weighed heavily upon the States which were grappling with the immediate problem of finding work or relief for their thousands and millions of unemployed.

Finally, numerous important political developments which took place within many countries while the Conference was in session also had their effects in the international field. Successive changes in the Governments of some of the States represented at the Conference undoubtedly troubled and delayed the progress of its work.

Striking a balance between the forces which favoured and those which endangered the success of the Conference, there would appear on the credit side the immense volume of technical preparatory work accumulated from 1920 to 1932 by the various bodies of the League and culminating in the draft Convention produced by the Preparatory Disarmament Commission, the political efforts which found expression in the draft Treaty of Mutual Assistance, the Geneva Protocol, the Model Treaties drafted by the Committee on Arbitration and Security, the series of resolutions on disarmament adopted by the Assembly on the proposal of its Third Committee, the General Act for the Pacific Settlement of International Disputes, the Convention on Financial Assistance, the Convention to strengthen the Means of preventing War, the Washington and London Naval Treaties, the disarmament of Germany, Austria, Hungary and Bulgaria, the Briand-Kellogg Pact, the numerous treaties of non-aggression, conciliation and friendship signed between the majority of the countries participating in the Conference, and the armaments truce initiated by the League Assembly and put into effect by the Council in 1931.¹

On the debit side would appear the series of events which weakened the faith of the nations in the efficiency of the system of peace and security embodied in the Covenant. Some of these events, located in Europe, hampered the early progress of the League. Others, which took place in South America or the Far East, had a more direct bearing on the destinies of the Conference, in that they happened just prior to its meeting. Nor were the internal political changes which occurred in certain States calculated to smooth the path of the Conference, as, whatever their intrinsic merits, they were felt by some countries to constitute a threat to the system of security which they were anxious to establish. All these events, creating as they did a general uneasiness, struck at the roots of mutual confidence between nations and troubled the atmosphere of the Conference from the very start. The effect was manifest, not only in public meetings of the Conference, but also during the private negotiations carried out by the President himself in the various capitals or at Geneva.

METHODS OF WORK OF THE CONFERENCE.

The Conference decided at an early stage of its proceedings, that, in dealing with its long and difficult task, a certain flexibility as to methods must be maintained. No road was left unexplored and no stone left unturned in the efforts made by its members to advance the work of the Conference.

¹ More specific references to some of these instruments will be found in Chapter II.

General discussions of major principles and problems at plenary sessions of the Conference and in its main Commissions have been supplemented by the technical and detailed work of special and expert committees.

The Officers of the Bureau of the Conference¹ have often been entrusted with the task of removing or minimising differences both at Geneva and elsewhere.

Diplomatic negotiations have on several occasions taken place under the auspices of one or more of the Governments represented.

The Conference adopted, as far as possible, the practice of holding its meetings in public so that public opinion might closely follow its work. Here, perhaps, it should be emphasised that public opinion, owing to the initiative of a number of international organisations and to practical collaboration between them, has shown itself more active and better informed than at any other international conference. Prior to the opening of the Conference, some of these organisations adopted resolutions setting out their point of view as to the way in which the various aspects of the problem of disarmament should, in their opinion, be approached, and their representatives were given access to the Conference. A special plenary meeting was held on February 6th, 1932, at which a great number of petitions were solemnly presented.

Delegations of international or national organisations have from time to time been received by the President and their resolutions and recommendations published in the *Journal* of the Conference. Many thousands of letters, messages and resolutions, official or personal, have been addressed to the President by representatives of organisations or private persons in many lands or forwarded to him from meetings held on behalf of the Conference all over the world.

ARMAMENTS TRUCE.

The Assembly, on September 29th, 1931, adopted a resolution requesting the Council to urge the Governments invited to the Conference to prepare for this event by undertaking, for a period of one year, as from November 1st, 1931, to refrain from any measure involving an increase in their armaments, and the Council on the following day decided to communicate this resolution to the States concerned. Fifty-five Governments replied to this invitation, and on November 14th the Secretary-General of the League of Nations, in a Circular Letter to the Governments invited to the Conference, communicated an opinion from the President of the Council, based on these replies, to the effect that, in so far as no State intimated any objection to this course, the proposed armaments truce might be regarded as having been accepted under the conditions laid down by the Assembly.²

¹ The officers of the Bureau were : the President of the Conference (Mr. HENDERSON), the Vice-President and the Rapporteur of the General Commission (M. POLITIS and M. BENEŠ), and the Secretary-General of the Conference (M. AVENOL), assisted by the Director of the Disarmament Section (M. AGHNIDES).

² Annex 2.

CHAPTER I.—CHRONOLOGICAL RECORD OF THE CONFERENCE.

OPENING OF THE CONFERENCE, FEBRUARY 2ND, 1932.

The Conference for the Reduction and Limitation of Armaments, meeting on February 2nd, 1932, was attended by sixty States, including eight States not members of the League of Nations.¹

The Council of the League of Nations, which convened the Conference, had not submitted a formal agenda, and no such agenda was adopted by the Conference. It was understood that the general aim of the Conference was explicit in Article 8 of the Covenant.

The President of the Conference, in his opening speech on February 2nd, 1932, represented that the task of the Conference might be defined under three heads :

(a) To arrive at a collective agreement on an effective programme of practical proposals speedily to secure a substantial reduction and limitation of all national armaments ;

(b) To determine that no armaments might be maintained outside the scope of the treaty by which all the nations represented were to make the achievement of universal disarmament their common aim ;

(c) To ensure continuity of advance towards the ultimate goal of the Conference, without detracting in any way from the fullest measure of success for its immediate effort, by planning the holding of similar conferences at reasonably short intervals of time.²

APPOINTMENT OF OFFICERS AND COMMISSIONS OF THE CONFERENCE, FEBRUARY 1932.

The Conference appointed a Committee to report on the credentials of delegates and a Committee to draw up its rules of procedure.³

Rules for the hearing of petitions were drafted by a Sub-Committee and adopted by the Conference.⁴

On February 6th, 1932, the Conference, at an extraordinary public meeting, heard petitions presented by women's, students' and labour organisations, religious groups and League of Nations Unions.⁵

In accordance with its rules of procedure, the Conference set up a Bureau to assist the President in directing its work. It was agreed that the Bureau should consist of the President and Vice-Presidents of the Conference and the Chairmen of the Commissions on which all the delegations would be represented, together with the Honorary President of the Conference (M. Motta, delegate of Switzerland). Subsequently, M. Politis, delegate of Greece, as Vice-Chairman of the General Commission, was invited by the Conference to be a member of the Bureau.⁶

On February 8th, the Conference constituted a General Commission composed of one representative of each delegation.⁷

On February 24th, the General Commission was authorised to set up, as and when the need arose, such commissions, sub-commissions and committees as it might consider desirable.⁸

The General Commission elected M. Politis (Greece) to be its Vice-Chairman and M. Beneš (Czechoslovakia) to be its Rapporteur. It constituted five Commissions on which all delegations would be represented : the Political Commission,⁹ the Land Commission, the Naval Commission, the Air Commission and the National Defence Expenditure Commission.¹⁰

¹ Sixty-four States were invited by the Council in 1931. Iraq, after becoming a Member of the League of Nations, was invited in November 1932. The four States which were invited but which have never been represented at the Conference were : Ecuador, Nicaragua, Paraguay and Salvador. A list of the States represented at the Conference is annexed (Annex 3).

² Plenary Meetings, Series A, Vol. I, page 40.

³ Document Conf.D.44(1), Conference Documents, Vol. I, page 73.

⁴ Document Conf.D.54, Conference Documents, Vol. I, page 76.

⁵ Plenary Meetings, Series A, Vol. I, pages 53 and 187.

⁶ A delegate of each of the following fourteen countries was elected Vice-President of the Conference on February 5th, 1932 : United Kingdom, France, Italy, United States of America, Germany, Sweden, Japan, Spain, Argentine, Belgium, Union of Soviet Socialist Republics, Czechoslovakia, Poland, Austria. Plenary Meetings, Series A, Vol. I, pages 52 and 53.

⁷ Plenary Meetings, Series A, Vol. I, page 54.

⁸ Plenary Meetings, Series A, Vol. I, page 176.

⁹ Note by the Secretariat (July 1936) : The French delegation observes that : " It would be advisable to point out that, if the Political Commission reached no agreement, it was because certain delegations refused to enter into undertakings as regards security. It would also be advisable to point out that, though this Commission stopped meeting after some time, that was contrary to the opinion of the French delegation."

¹⁰ Minutes of the General Commission, Series B, Vol. I, pages 1 and 2, 15-25.

GENERAL PROGRESS OF THE WORK OF THE CONFERENCE AND ITS COMMISSIONS,
FEBRUARY TO JUNE 1932.

The period from February 8th to February 24th, was devoted to plenary sessions of the Conference, during which the representatives of more than fifty countries submitted verbal or written proposals or made general declarations of policy.¹

On February 24th, the Conference decided to communicate to the General Commission the draft Convention drawn up by the Preparatory Commission for the Disarmament Conference, together with the draft texts and proposals submitted by the various delegations.²

On February 25th, the General Commission adopted the following resolution as a guiding principle :

“ The General Commission resolves to carry on its discussions within the framework of the draft Convention for the Reduction and Limitation of Armaments, full liberty being reserved to all delegations to develop their own proposals in subsequent debate and to move their amendments in the form of modifications, additions or omissions at the appropriate point ”³.

The Rapporteur of the General Commission, acting upon this resolution, prepared a “ Co-ordinated Table of the Draft Convention and of the Proposals referred to the General Commission ”.⁴ He further drew up a “ List of Questions referred to the Commissions for Examination ”,⁵ containing suggestions for their distribution to the Commissions. These documents were supplemented by a “ Report on the Programme of Work of the Conference. ”⁶

It was decided that, in giving effect to the resolution, the General Commission should itself deal with questions of principle, technical questions being referred, if and when necessary, to the special Commissions. It was understood that the special Commissions would in all cases report to the General Commission. Questions not requiring any preliminary discussion from the point of view of principle were to be referred immediately to the special Commissions, which might, however, at any time submit to the General Commission any question of principle on which they required a preliminary ruling. The special Commissions, during their preliminary discussions, noted that very few technical questions could be usefully studied until the General Commission had for their guidance taken certain general decisions.⁷

The Political Commission, on March 15th, 1932, appointed a Committee on Moral Disarmament to consider proposals submitted by the Polish delegation.⁸

CRITERIA FOR THE REDUCTION AND LIMITATION OF ARMAMENTS : RESOLUTIONS ADOPTED
BY THE GENERAL COMMISSION IN APRIL 1932.

The General Commission, on April 11th, entered upon a discussion of certain questions of principle affecting the substance of the problem of the reduction and limitation of armaments. In the course of the ensuing two weeks, the four following resolutions were adopted :

“ (1) In view of the opinions expressed during the discussion at the Conference for the Reduction and Limitation of Armaments, the General Commission considers that the reduction of armaments, as provided for in Article 8 of the Covenant of the League of Nations, shall, after this Conference has taken the first decisive step of general reduction to the lowest possible level, be progressively achieved by means of successive revisions at appropriate intervals. ”⁹

“ (2) In view of the proposals submitted by various delegations concerning the criteria for the limitation and reduction of armaments, the General Commission declares that, in determining those criteria, the provisions of Article 8 of the Covenant of the League of Nations shall be applied, and that, in consequence, armaments must be reduced to the lowest point consistent with national safety and the enforcement by common action of international obligations.

¹ Classified and analysed in document Conf.D.102. Conference Documents, Vol. I, page 148.

² Plenary Meetings, Vol. I, page 176.

³ Note by the Secretariat (July 1936) : The delegation of the U.S.S.R. has requested that the following two paragraphs be added to the report :

“ The Government of the U.S.S.R. had presented a draft convention for general, complete and immediate disarmament which they had previously submitted to the Preparatory Commission. The general Commission refused, on February 25th, 1932, to take the principle of general and complete disarmament as the basis of the work of the Conference ; this decision was taken by a large majority, three delegations only voting in its favour.

“ The Delegation of the U.S.S.R. had also presented as an alternative another draft convention envisaging a reduction of all existing armaments amounting to as much as fifty per cent. for heavily-armed Powers. This draft, slightly modifying the Soviet draft convention for the reduction of armaments presented to the Preparatory Commission in 1928, was not retained by the General Commission. ”

⁴ Minutes of the General Commission, Vol. I, page 15.

⁵ Document Conf.D.102, Conference Documents, Vol. I, page 148.

⁶ Document Conf.D.103, Conference Documents, Vol. I, page 175.

⁷ Document Conf.D.101, Conference Documents, Vol. I, page 146.

⁸ Document Conf.D.76, Conference Documents, Vol. I, page 117.

⁹ Resolution unanimously adopted on April 19th, 1932 (document Conf.D./C.G.22). Minutes of the General Commission, Series B, Vol. I, pages 81 and 82.

" It will be necessary, further, to take account of the geographical situation and special circumstances of each State.

" The General Commission decides that the application of these criteria and the methods by which the reduction and limitation of armaments must be effected shall be immediately examined from a practical standpoint."¹

" (3) Without prejudice to other proposals which fall to be discussed under later heads of the agenda, the Conference declares its approval of the principle of qualitative disarmament—i.e., the selection of certain classes or descriptions of weapons the possession or use of which should be absolutely prohibited to all States or internationalised by means of a general Convention."²

" (4) In seeking to apply the principle of qualitative disarmament, as defined in the previous resolution, the Conference is of opinion that the range of land, sea and air armaments should be examined by the competent special Commissions with a view to selecting those weapons whose character is the most specifically offensive or those most efficacious against national defence or most threatening to civilians."³

The Land, Naval and Air Commissions resumed their work on April 26th, entering upon a detailed consideration of the armaments to which the principle of qualitative disarmament should apply in accordance with the terms of the resolution adopted by the General Commission, and the General Commission suspended any further study of the questions on its agenda pending their reports. The discussions in the special Commissions under the resolution adopted by the General Commission were concluded in the first week of June and their reports were duly forwarded to the General Commission.

On May 10th, a special Committee was set up to enquire into the question of chemical and bacterial weapons and methods of warfare, a problem common to land, sea and air armaments and not confined specifically to any one of them.⁴

Further, on the proposal of the delegation of the United States of America, the General Commission decided, on the same day, to set up a Committee to study all pertinent information relating to figures for effectives with a view to preparing for the use of the General Commission a report upon the numerical strength on a comparable basis of the effectives maintained by each country.

The reports of the Land, Naval and Air Commissions and of the special Committee on Chemical and Bacterial Weapons were published at the beginning of June. It was clear from these reports that agreement concerning the weapons to which the principle of qualitative disarmament should apply had not been reached in the Commissions. The Bureau of the Conference accordingly invited the delegations to prepare the ground for such agreement by means of private conversations.⁵

All the delegations to the Conference, with but few exceptions, took part in these conversations.

THE PROPOSALS OF PRESIDENT HOOVER, JUNE 22ND, 1932.

Meanwhile, on June 22nd, 1932, while the private conversations concerning qualitative disarmament were still proceeding, a declaration from President Hoover, of the United States of America, embodying definite proposals, was submitted to the Conference.⁶

The general principles underlying these proposals were as follows :

(1) The Briand-Kellogg Pact meant that the nations of the world had agreed that they would use their arms solely for defence ;

(2) The reduction of armaments should be carried out by increasing the comparative power of defence through decreases in the power of attack ;

(3) The existing relativity as between the armaments of the world, which had grown up in mutual relation to one another, should be preserved in making reductions ;

(4) The reductions must be real and positive and effect economic relief ;

(5) The problems of land forces, air forces and naval forces were interconnected and the proposals submitted should not be dissociated one from another.

On the basis of these principles, the United States delegation proposed that the arms of the world should be reduced by nearly one-third.

In regard to land forces, the proposal involved the abolition of all tanks, of chemical warfare and of large mobile guns.

In regard to effectives, there should be a reduction of one-third in strength of all land arms over and above the so-called " police component ", or strength necessary for the maintenance of internal order.

¹ Resolution unanimously adopted, less one vote, on April 20th, 1932 (document Conf.D./C.G.24). Minutes of the General Commission, Series B, Vol. I, pages 91 and 93.

² Resolution unanimously adopted on April 22nd, 1932 (document Conf.D./C.G.26(1)). Minutes of the General Commission, Series B, Vol. I, page 113.

³ Resolution unanimously adopted on April 22nd, 1932 (document Conf.D./C.G.28(2)). Minutes of the General Commission, Series B, Vol. I, page 116.

⁴ See Minutes of the General Commission, Series B, Vol. I, page 120.

⁵ The meetings of the Bureau prior to September 21st, 1932, were private and no Minutes were kept.

⁶ Document Conf.D.126, Conference Documents, Vol. I, page 259.

In regard to air forces, all bombing-planes should be abolished and a total prohibition of all bombardment from the air enforced.

In regard to naval forces, it was proposed that the treaty number and tonnage of battle-ships should be reduced by one-third; that the treaty tonnage of aircraft-carriers, cruisers and destroyers should be reduced by one-fourth; that the treaty tonnage of submarines should be reduced by one-third and that no nation should retain a submarine tonnage greater than 35,000 tons.

The General Commission, recognising that these proposals were calculated to give fresh impetus to the Conference, devoted several meetings to their general discussion in order to enable the different delegations to state their views. All the delegations which took part in the discussions declared themselves in favour, in varying degrees, of President Hoover's proposals.¹ In certain cases, such acceptance was accompanied by reservations rendering unlikely a practical or immediate application of the proposals.²

CONCLUSION OF THE FIRST PHASE OF THE CONFERENCE : RESOLUTION ADOPTED BY THE
GENERAL COMMISSION ON JULY 23RD, 1932.

Following upon these proposals, the Conference was led to survey the whole problem of the reduction and limitation of armaments, and the Bureau of the Conference decided that the results at which the Conference might arrive before suspending its work should be set forth in the form of a resolution covering the points on which agreement had been reached and taking into account the proposals submitted by President Hoover.

After consulting the various delegations, M. Beneš, as General Rapporteur, submitted a draft resolution, which was discussed point by point in the General Commission and which was finally adopted on July 23rd by forty-one votes, two delegations voting against³ and eight abstaining.⁴

The general sense of the resolution was declared in its introductory paragraphs :

" The Conference for the Reduction and Limitation of Armaments,

" Profoundly convinced that the time has come when all nations of the world must adopt substantial and comprehensive measures of disarmament in order to consolidate the peace of the world, to hasten the resumption of economic activity, and to lighten the financial burdens which now weigh upon the peoples of the world ;

" Desirous of avoiding a competition in the power of armaments which would be both ruinous to the peoples and threatening to their national defence ;

" Recalling its resolutions of April 19th, 20th and 22nd, 1932 ;

" Firmly determined to achieve a first decisive step involving a substantial reduction of armaments, on the basis of Article 8 of the Covenant of the League of Nations, and as a natural consequence of the obligations resulting from the Briand-Kellogg Pact ;

" Welcoming heartily the initiative taken by the President of the United States of America in formulating concrete proposals for a substantial reduction of armaments by the prohibition of certain methods of warfare, by the abolition of certain material, and by reductions varying in magnitude and amounting for certain armaments to the proportion of one-third ;

" Bearing in mind also the draft Convention of the Preparatory Commission, the statements and proposals made to the Conference by a number of delegations, and the reports and resolutions of the various Commissions of the Conference :

" Decides forthwith and unanimously, guided by the general principles underlying President Hoover's declaration :

(1) That a substantial reduction of world armaments shall be effected to be applied by a general Convention alike to land, naval and air armaments ;

(2) That a primary objective shall be to reduce the means of attack."

Part II of the resolution,⁵ embodying conclusions relating to the first phase of the Conference, set out the special points (air forces, artillery, tanks, chemical, bacterial and incendiary warfare and supervision) on which agreement had been reached.

Under Part III of the resolution, dealing with the preparation of the second phase of the Conference, the Bureau was requested to continue its work during the period of adjournment of the General Commission with a view to framing draft texts concerning the questions on which agreement had already been reached. Points which called for detailed examination

¹ Minutes of the General Commission, Vol. I, pages 121-153.

² The United Kingdom delegation, for example, tabled alternative proposals, more particularly in reference to naval armaments. See page 74 and document Conf.D.133 (Conference Documents, Vol. I, page 265).

³ Germany and the Union of Soviet Socialist Republics. The German delegation, in the course of the discussion, made an official declaration to the effect that the German Government could not undertake to continue to take part in the work of the Conference unless its proceedings were in future conducted on the basis of a recognition of legal equality between the States. The Soviet delegation, which in the course of the discussion had proposed an immediate quantitative reduction of all categories of armaments by one-third, voted against the resolution on the ground that it did not go as far as certain delegations desired in the direction of disarmament.

⁴ Afghanistan, Albania, Austria, Bulgaria, China, Hungary, Italy and Turkey.

⁵ See Annex 4.

were to be examined by the Bureau or by the appropriate bodies of the Conference with the assistance of the Governments concerned in order that definite conclusions might be framed as soon as the General Commission met again. The following points were mentioned in this connection :

- (1) Effectives ;
- (2) Limitation of national defence expenditure ;
- (3) Trade in and manufacture of arms ;
- (4) Naval armaments ;
- (5) Violations of provisions relating to the prohibition of the use of chemical, bacterial and incendiary weapons and bombing from the air.

It was expressly stated in the resolution that its adoption in no way prejudged the attitude of the Conference towards any more comprehensive measures of disarmament or towards the political proposals submitted by various delegations.

Finally, before adjourning, the Conference decided, in a final paragraph of the resolution adopted on July 23rd, to recommend to the Governments to renew, for a period of four months, as from November 1st, 1932, the Armaments Truce accepted under the resolution adopted by the Assembly of the League of Nations on September 29th, 1931.

ATTITUDE OF THE GERMAN AND SOVIET DELEGATIONS TO THE CONFERENCE, SEPTEMBER 1932

The Bureau of the Conference met on September 21st, 1932, to begin the work assigned to it under the resolution adopted by the General Commission on July 23rd, 1932.

The President of the Conference read a letter from the German Government, dated September 14th, recalling its attitude towards the resolution of July 23rd. The German Government now stated that, as its efforts to clear up through diplomatic channels the question of the recognition of the principle of equality of rights as between nations had proved unavailing, Germany was unable to take part in the further work of the Conference. It would, however, follow the proceedings of the Conference with interest, and its further attitude would be determined by the course which they might take.¹

At the same time, the President informed the Bureau that the Soviet Government did not propose to send representatives to sit on the technical Commissions of the Conference until the General Commission had taken important decisions of principle implying a reduction of existing armaments.²

WORK OF THE BUREAU, SEPTEMBER TO NOVEMBER 1932.

The Bureau, at meetings held during September, October and November 1932, considered most of the items mentioned in the general resolution of July 23rd. It dealt, in particular, with the following questions :

- Supervision ;
- Prohibition of chemical warfare and violations of the prohibition to use chemical, bacterial and incendiary weapons ;
- Trade in and manufacture of arms and ammunition.

MEMORANDUM ON SECURITY AND DISARMAMENT SUBMITTED BY THE FRENCH DELEGATION, NOVEMBER 14TH, 1932.

On November 4th, the Bureau heard a statement by M. Paul-Boncour (France) prior to the submission, on November 14th, by the French delegation of a memorandum dealing with the questions of security and disarmament.³

The French memorandum was based on the principle that the reduction of armaments was necessarily bound up with the security conditions existing or to be created. The aim of the Conference should be to strengthen defence by the reduction of forces of aggression and to this end to work out a form of military organisation which in a given region and in given political conditions would render aggression more difficult.

The French Government, considering it idle to attempt to solve all the questions involved by means of a universal plan, suggested that, in addition to a General Convention for the Limitation, Reduction and Supervision of Armaments, a special plan should be drawn up for Europe.

Chapter I provided that all States should recognise that a war in violation of the Pact of Paris was necessarily a matter of concern to them all, and that, in the case of such a breach or threat of breach, they should be called upon to take concerted action. Further, any breach

¹ Minutes of the Bureau, Series C, Vol. I, pages 3 and 4.

² Minutes of the Bureau, Series C, Vol. I, page 3.

³ Document Conf.D.146, Conference Documents, Vol. II, page 435. Minutes of the Bureau, Series C, Vol. I, page 32.

of the Pact of Paris should involve prohibition of all economic and financial relations with the aggressor State, the States declaring their determination not to recognise any *fait accompli* resulting from a breach of an international undertaking.

Chapter II stipulated that the application of the principles laid down in the preceding chapter should enable the States Members of the League of Nations to give full effect to their obligations under the Covenant and, in particular, under Article 16.

Chapter III outlined a system for Europe which was, however, only practicable on condition that, if not all, at least a sufficient number of States, taking into account their size and geographical situation, adhered to it. This chapter contained both political and military provisions.

It was proposed that, with a view to reducing the offensive character of national forces, the land defence forces of the continental States of Europe should be standardised, in accordance with a uniform type, as short-service armies with limited effectives. In estimating effectives, the conditions peculiar to each State, and, in particular, the inequalities and variations in the recruiting resources of the signatory Powers, should, in conformity with Article 8 of the Covenant, be borne in mind. Likewise, account should be taken of pre-regimental and military instruction received in political formations and effectives in the home police forces.

National armies were to possess no powerful mobile material, and especially no material such as would permit of attack upon permanent fortifications. On the other hand, each State would permanently maintain at the disposal of the League, for purposes of common action, a limited number of specialised units consisting of relatively long-service troops equipped with powerful material. In addition, each State would maintain, under international supervision, stocks of the mobile land material forbidden to national armies, to be placed, should occasion arise, at the disposal of a contracting party on whose behalf collective action was taken.

Other chapters of the memorandum contained proposals dealing with naval and air armaments.

PROPOSALS SUBMITTED BY THE UNITED KINGDOM DELEGATION ON NOVEMBER 17TH, 1932.

On November 17th, 1932, Sir John Simon (United Kingdom) submitted to the Bureau a series of proposals embodying a programme of work for the Conference intended more particularly to meet the claim to equality of rights submitted by the German Government.¹ Sir John Simon emphasised that, although the Treaty of Versailles was a binding document and could only be modified by common consent, the disarmament imposed on Germany was clearly intended to be the prelude to a substantial measure of general disarmament which had yet to be effected.

His proposals began with a suggestion that all the European States should solemnly affirm that they would not in any circumstances attempt to solve any present or future differences between them by resort to force, and it was emphasised in this connection that acknowledgment of the moral right to parity of treatment put forward by Germany entailed upon Germany as upon other countries the acceptance of such an obligation. It was then urged that the claims of Germany to equality should be met so far as they did not involve measures of rearmament. The limitations imposed on the armaments of Germany should be contained in the same Disarmament Convention as that defining the limitations to be imposed on the armaments of other nations; they should last for the same period and be subject to the same methods of revision. In the new Disarmament Convention, the principle should be embodied that the kinds of arms permitted to other countries should not be prohibited to Germany. In other words, the principle of qualitative equality should be acknowledged.

This principle applied to categories of arms and not to the amounts, which must be separately and subsequently treated. By what means and by what stages the principle of qualitative equality could be applied must be the subject of detailed discussions in which it was essential that Germany should join.

The general proposal, thus defined, was supplemented by detailed proposals as to naval material, tanks, mobile land guns, air forces and effectives.

EQUALITY OF RIGHTS : DECLARATION OF THE FIVE POWERS OF DECEMBER 12TH, 1932.

During the autumn of 1932, negotiations took place between the representatives of the United States, the United Kingdom, French, German and Italian Governments in order to render possible the continuation of the work of the Conference with the collaboration of Germany. Agreement was reached on December 11th, 1932.

¹ Minutes of the Bureau, Series C, Vol. I, pages 89-94.

The result of these negotiations was incorporated in the following communication made by the Prime Minister of the United Kingdom to the President of the Conference on December 12th, 1932 :

" 1. The Governments of the United Kingdom, France and Italy have declared that one of the principles that should guide the Conference for the Reduction and Limitation of Armaments should be the grant to Germany, and to the other Powers disarmed by treaty, of equality of rights in a system which would provide security for all nations, and that this principle should find itself embodied in the Convention containing the conclusions of the Conference for the Reduction and Limitation of Armaments.

" This declaration implies that the respective limitations of the armaments of all, States should be included in the proposed Disarmament Convention. It is clearly understood that the methods of application of such equality of rights will be discussed by the Conference.

" 2. On the basis of this declaration, Germany has signified her willingness to resume her place at the Conference for the Reduction and Limitation of Armaments.

" 3. The Governments of the United Kingdom, France, Germany and Italy are ready to join in a solemn reaffirmation to be made by all European States that they will not in any circumstances attempt to resolve any present or future differences between the signatories by resort to force. This shall be done without prejudice to fuller discussions on the question of security.

" 4. The five Governments of the United States of America, the United Kingdom, France, Germany and Italy declare that they are resolved to co-operate in the Conference with the other States there represented in seeking without delay to work out a Convention which shall effect a substantial reduction and a limitation of armaments, with provision for future revision with a view to further reduction."¹

This declaration was noted by the General Commission on December 14th, 1932, in the following terms :

" The General Commission of the Conference for the Reduction and Limitation of Armaments, taking note of the conclusions reached in the conversations of the five Powers as stated in the document handed by the British Prime Minister to the President of the Conference and reported to this Commission to-day :

" (1) Expresses its thanks to the British Prime Minister and his co-signatories for the success of their efforts, which have resulted in a notable contribution to the work of the Conference ;

" (2) Welcomes the declaration that the five Powers are resolved to co-operate in the Conference with the other States represented in seeking without delay to work out a Convention which shall effect a substantial reduction and a limitation of armaments, with provision for future revision with a view to further reduction."²

It was emphasised during the discussion in the General Commission that conversations such as those which had taken place between the five Powers did not constitute a precedent, and that there could be no question of decisions being taken out of the hands of the Conference or of presenting it with agreed solutions. The five-Power agreement was not to be regarded as an act of the Conference, and it in no way modified the rights of the General Commission.³

WORK OF THE BUREAU AND OF THE GENERAL COMMISSION FROM JANUARY TO MARCH 1933.

When the Conference continued its work in January 1933, Germany, following on the adoption of the declaration of December 12th, 1932, resumed her collaboration.

The Bureau, at meetings held between January 23rd and 29th, 1933, continued its discussions on the question of supervision and of chemical, incendiary and bacterial weapons.⁴

The General Commission met again on February 2nd, 1933. Its first meetings were devoted to a general discussion of the French memorandum of November 14th, 1932. During this discussion, the Soviet delegation submitted a draft definition of the aggressor.⁵

On February 9th and 10th, the Bureau considered a programme of work of the Conference submitted by the United Kingdom delegation.⁶

The General Commission decided, on February 13th, to send at once to the Political Commission the various proposals concerning security and to retain for its own consideration the proposals concerning "effectives", "land war material", "air" and "naval forces".

The General Commission, at meetings held between February 13th and March 6th, discussed the questions relating to effectives and air material. On March 9th, it took up the subject of land material and instructed a Drafting Committee, under the chairmanship of M. Politis, to frame either definite proposals or a questionnaire bringing into relief the main principles involved. A questionnaire was drafted and circulated to the General Commission on March 15th.

¹ See Minutes of the General Commission, Series B, Vol. II, page 208.

² See Minutes of the General Commission, Series B, Vol. II, pages 214-215.

³ See Minutes of the General Commission, Series B, Vol. II, pages 208-214.

⁴ Minutes of the Bureau, Series C, Vol. I, pages 113-148 (See Chapter VIII, Chemical, Incendiary and Bacterial Warfare).

⁵ Minutes of the General Commission, Series B, Vol. II, page 237.

⁶ Document Conf.D.154, Conference Documents, Vol. II, page 472.

DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION, MARCH 16TH, 1933.

The General Commission, on March 16th, 1933, heard a statement by Mr. Ramsay MacDonald (United Kingdom) prior to the submission by the United Kingdom delegation of a draft Disarmament Convention.¹

Mr. MacDonald expressed the opinion that the method by which the Conference had been making a thorough survey of problem after problem and group of problems after group of problems in compartments had now yielded its maximum usefulness and that it was necessary to present a complete scheme. Only in the presence of a balance-sheet showing, on one side, what it was going to give, what risks it was going to run and, on the other side, what it was going to get by way of security and by a diminution of the risk it was prepared to run, would each State be able to answer the various compartmental questions.

The draft Disarmament Convention submitted by the United Kingdom delegation was based on an assumption contained in the statement issued by the five Powers on December 11th, 1932, that the Conference would effect a substantial reduction and a limitation of armaments, provision being made for future revision with a view to further reductions. It recognised, however, that there must necessarily be a period of transition.

The following were the characteristics of the transition period :

“ First of all, the period was fixed ; it was not indefinite ; the draft suggested five years. The second characteristic was that reductions in armaments were proposed in order to prove the delegations' *bona fides* to the world. The present Conference was not a Rearmament Conference. The third characteristic was a proposal for international control in order to ensure that the Convention, signed solemnly by all the delegations at Geneva, would be carried out and not shirked by any. The fourth characteristic was the setting up of bodies like the Permanent Disarmament Commission to study further reductions and to seek solutions for unsolved difficulties. The fifth was the affording of opportunity for political work for the purpose of restoring confidence, so that the fears with which the Conference had had to contend would be removed before its next meeting, fixed for a few years hence. ”

In regard to the organisation of peace, the articles of the draft proposal laid down quite clearly that no nation which had signed the agreement to be concluded by the present Conference could be indifferent to the breach of the Pact of Paris by any other nation.

In regard to disarmament itself, the United Kingdom delegation had tried to fit into the framework of the draft Disarmament Convention prepared by the Preparatory Commission a solution which a thorough examination of all questions by the Conference had led it to believe would represent a just basis for negotiation and which would result in a settlement of the problem.

There was a general discussion of the draft Convention at meetings held from March 23rd to March 27th, 1933.²

THE UNITED KINGDOM DRAFT CONVENTION ACCEPTED AS A BASIS OF DISCUSSION :
RESOLUTION ADOPTED BY THE GENERAL COMMISSION ON MARCH 27TH, 1933.

The General Commission, on March 27th, at the close of the general discussion, unanimously adopted the following resolution :

“ The General Commission,

“ In view of the results of the general discussion concerning the draft Convention submitted by the United Kingdom delegation ;

“ Noting that this draft remains within the general framework of the draft Convention drawn up by the Preparatory Commission and, at the same time, embodies new elements resulting, on the one hand, from the studies undertaken in pursuance of the resolution of July 23rd, 1932, and, on the other hand, from the decisions taken since the beginning of the session on the basis of the previous proposals of other delegations, and notably of the French delegation :

“ Decides,

“ (1) To take this draft as a basis for its subsequent discussions, the various delegations retaining the right to propose modifications, amendments or additions according to the wishes then manifested in their communications to the General Commission ;

“ (2) To proceed, at its next meeting, after the Easter vacation, to the examination of this draft, part by part and article by article.

“ Delegations wishing to submit amendments to Part I of the draft are requested to communicate them in writing to the Secretary-General of the Conference not later than April 20th, 1933. ”

Forty-two delegations voted for the resolution. No delegation voted against it.

¹ Document Conf.D.157(1), Conference Documents, Vol. II, page 476. Minutes of the General Commission, Series B, Vol. II, page 352.

² Minutes of the General Commission, Series B, Vol. II, pages 361-403. The substantive proposals embodied in the draft Convention are indicated and discussed in the following chapters.

The Soviet delegation accepted the decisions of the Commission, but could not associate itself with all the considerations. It objected, in particular, to the reference made to the resolution of July 23rd, 1932, against which the Soviet delegation had voted.¹

The German delegation stated that it was in the same position as the Soviet delegation, having voted against the resolution of July 23rd, 1932. There were other points to which the German delegation had raised objections and it could therefore agree only to paragraph 1 and the text of the decision.¹

The Italian delegation voted for the resolution, observing, however, that it was in the same position as the Soviet and German delegations in so far as concerned the reference to the resolution of July 23rd, 1932, having abstained from voting on that resolution. It associated itself with the German and Soviet reservations.¹

The Hungarian delegation stated that it was in the same situation as the Italian delegation as regarded the resolution of July 23rd, 1932, and it made the same reservations as that delegation to the second paragraph of the considerations.¹

The Austrian delegate stated that, since the Austrian delegation had refrained from voting on the resolution of July 23rd, 1932, he must adopt the same attitude as the delegates which had made reservations in that connection.¹

FIRST READING OF THE DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION: WORK OF THE CONFERENCE FROM APRIL 25TH TO JUNE 8TH, 1933.

The General Commission, rising on March 27th, 1933, met again on April 25th to examine, part by part and article by article, the draft Convention submitted by the United Kingdom delegation.

Meanwhile, the technical bodies of the Conference had under consideration questions relating to the definition of the aggressor, the calculation of effectives, the regulation of the trade in arms and the private and State manufacture of arms and implements of war, while questions of security were examined by a special Committee set up by the Political Commission.

At a moment when special difficulties, particularly the question of the priority to be given to the problem of effectives or material, threatened the progress of these discussions, two important statements were made outside Geneva, but of importance to the work of the Conference. On May 16th, the President of the United States of America addressed a message to the heads of States, which was communicated formally to the President of the Conference, urging that the ultimate aim of the Conference must be the complete elimination of offensive measures, recommending that, in the meantime, no nation should increase its armaments, and suggesting that all the nations should enter a solemn pact of non-aggression. On May 17th, the German Chancellor, in a speech to the Reichstag, stated that the German Government desired to seek equality of status, not by the rearmament of Germany, but by the progressive disarmament of other countries.²

The General Commission completed its first reading of the draft Convention on May 30th.

On June 6th, the Commission noted a resolution communicated to the President of the Conference by the Chairman of the Committee for Moral Disarmament and discussed a report from the Committee for the Regulation of the Trade in, and Private and State Manufacture of, Arms and Implements of War.³ On June 7th and 8th, the Commission considered a report from the National Defence Expenditure Commission.⁴

THE UNITED KINGDOM DRAFT CONVENTION ACCEPTED AS A BASIS FOR THE FUTURE CONVENTION, JUNE 8TH, 1933.

Finally, on June 8th, 1933, the General Commission adopted the following recommendation submitted by the Bureau of the Conference :

" That the draft Convention submitted by the United Kingdom delegation and accepted as a basis of discussion by a formal decision of the General Commission should be accepted as the basis of the future Convention. This acceptance would be without prejudice to amendments or proposals submitted before or during the second reading, particularly as regarded additional chapters concerning the manufacture of, and trade in arms and budgetary limitation."⁵

ADJOURNMENT OF THE GENERAL COMMISSION : DIPLOMATIC NEGOTIATIONS FROM JUNE 8TH TO OCTOBER 9TH, 1933.

The General Commission then decided to adjourn for a few weeks in view of the meeting of the Monetary and Economic Conference in London. The Bureau of the Conference was

¹ See Chapter I, page 17.

² See Minutes of the General Commission, Series B, Vol. II, pages 461-467.

³ See Chapter IX.

⁴ See Chapter VII.

⁵ See Minutes of the General Commission, Series B, Vol. II, page 630.

meanwhile instructed to prepare a text of the draft Convention for a second reading, and the President was authorised to undertake any negotiations which might be necessary with a view to its preparation.

The President, at a meeting of the Bureau held on June 27th, reported that he had been unable to make satisfactory progress with his negotiations.¹ The Bureau thereupon convened the General Commission to meet on June 29th, and the General Commission, after hearing a statement from the President in the same sense, decided to adjourn until October 16th, 1933.

The Hungarian delegation abstained from voting upon this decision, and the German delegation, protesting against the adjournment of the Commission, did not associate itself with the vote of the Commission under which the President was authorised to continue his negotiations.²

The President of the Conference visited Paris, Rome, Berlin, Prague, Munich and London in July and continued his negotiations during September in London, Paris and Geneva.

The Bureau met again on October 9th, 1933, and the President of the Conference informed it of the conversations which had taken place in the course of his negotiations.³ He had noted a marked disposition in favour of securing a first-stage Disarmament Convention, but the approach of the Governments to some of the more important questions was clearly influenced by the unsettled state of Europe and the anxieties to which it had given rise.

Agreement appeared to be relatively easy on the following questions :

- (1) Non-resort to force on a universal basis ;
- (2) Definition of the aggressor ;
- (3) Control and supervision ;
- (4) Standardisation of the European continental armies :
 - (a) Trained reserves ;
 - (b) Effectives ;
 - (c) Colonial forces ;
- (5) Budgetary publicity and control ;
- (6) Bombing from the air ;
- (7) Early constitution of the Permanent Disarmament Commission ;
- (8) Naval questions.

The following questions had not proved so easy of adjustment :

- (1) The period of the duration of a first-stage Convention ;
- (2) Size of tanks and artillery ;
- (3) Reduction of land war material, either by destruction or otherwise ;
- (4) Manufacture of and trade in arms ;
- (5) Military and naval aviation ;
- (6) Penalties for a violation of the Convention.

MEETINGS OF THE BUREAU AND OF THE GENERAL COMMISSION ON OCTOBER 14TH AND 16TH 1933 : WITHDRAWAL OF GERMANY FROM THE CONFERENCE.

Sir John Simon, as head of the United Kingdom delegation responsible for the draft Convention, giving to the Bureau, on October 14th, 1933, an account of the conversations in which he had recently participated, stated that, as a result of views expressed by the representatives of France, Germany, Italy, the United States of America and other Powers, he had come to the conclusion that the draft Convention would, in some respects, require to be modified. It had been drawn up on the assumption that it would cover a period of five years. The recent discussions, however, appeared to indicate that the period should be extended to perhaps eight years. It would be necessary, moreover, to proceed by stages, since it was not possible to ignore the disturbed condition of Europe.

The proposed period of eight years would, therefore, begin with the transformation of the continental armies into short-term service armies and with the application, through the Permanent Disarmament Commission, of an adequate system of supervision. A period of four years had been mentioned by certain Governments as necessary for this initial stage, though other Governments thought that the period should be shorter.

The object of the full continuous programme of disarmament was to bring about ultimately a substantial reduction in the armaments of the heavily armed Powers and to secure the application of the principle of equality within a system of security. It was therefore essential that the Convention should, at the time of its signature, embody a detailed and agreed plan of reduction on the lines laid down in the draft Convention submitted by the United Kingdom

¹ Minutes of the Bureau, Series C, Vol. I, pages 176-178.

² Minutes of the General Commission, Series B, Vol. II, pages 637-643.

³ Minutes of the Bureau, Series C, pages 178-181.

delegation. The degree of disarmament expected of the heavily armed Powers must be fully defined in the Convention and must be really adequate. Moreover, as the result of the abolition of certain weapons, or prohibition of their further use, a common list of armaments allowed for all countries would, in effect, be established. This would put an end to existing differences in the situation of the Powers whose armaments had been limited by the Treaties of Peace. The quantities of these arms and methods of disarmament in detail would in each case be the subject of negotiation and agreement.

It was an essential feature of this programme that the Powers whose armaments had been restricted by the Peace Treaties should not begin to increase their armaments immediately, but should conform to the process above described. Agreement, in the view of the United Kingdom Government, could not be reached on the basis of a Convention which contemplated immediate rearmament, and no Government would be authorised to manufacture or acquire any further weapons of the types to be finally suppressed. Since, however, the *Reichswehr* was to be transformed into a more numerous short-term-service army, it would be necessary to provide for an appropriate numerical increase in its defensive armaments.

The delegates of the United States and France agreed, in general terms, with the statement made by Sir John Simon, and the representative of Italy said that his delegation would be happy to associate its efforts with those of the other delegations on the lines laid down.

The representative of Germany reminded the Bureau that the attitude of his Government was determined by two claims : First, there should be a real and substantial disarmament of the heavily armed Powers ; secondly, there should be a practical and immediate application of the principle of equality of status, the question of quantity being left open for negotiation.¹

Immediately after the meeting of the Bureau, the President received from the Minister for Foreign Affairs of Germany the following communication, dated October 14th, 1933 :

" On behalf of the German Government, I have the honour to make to you the following communication : In the light of the course which recent discussions of the Powers concerned have taken in the matter of disarmament, it is now clear that the Disarmament Conference will not fulfil what is its sole object—namely, general disarmament. It is also clear that this failure of the Conference is due solely to the unwillingness on the part of the highly armed States to carry out their contractual obligation to disarm. This renders impossible the satisfaction of Germany's recognised claim to equality of rights, and the condition on which the German Government agreed at the beginning of this year again to take part in the work of the Conference thus no longer exists. The German Government is accordingly compelled to leave the Disarmament Conference.
—Baron VON NEURATH."

On October 16th, 1933, the General Commission considered the reply which the President proposed to send to the German Government and authorised him to transmit it. The reply was in the following terms :

" I have now communicated to the General Commission Your Excellency's telegram of October 14th announcing the decision of the German Government to discontinue participation in the work of the Conference for the Reduction and Limitation of Armaments and indicating the reasons for that decision. The German Government took this step at a moment when the Bureau had just decided to submit to the General Commission a definite programme. This programme, to be completed within a limited period, provided for the realisation progressively, in accordance with resolutions of the Conference in which Germany herself concurred, of reductions of armaments comparable to those contemplated in the draft Convention submitted to the General Commission. This programme provided also, with corresponding measures of security, for the realisation of equality of rights, which the German Government has always placed in the forefront of its demands. I regret therefore that this grave decision should have been taken by your Government for reasons which I am unable to accept as valid.—HENDERSON, *President of the Conference for the Reduction and Limitation of Armaments.*"

The representatives of the Union of Soviet Socialist Republics, Poland and Turkey declared that they could not fully accept the text of the reply, on the ground that it alluded to negotiations which had taken place, outside the Conference, between certain States. The representative of Hungary, moreover, observed that his country was in a special position with regard to the question of disarmament and must regard the disarmament problem in the light of that position.

The General Commission, in view of the entirely new situation with which the delegations were faced and of the necessity they were under to consult their Governments, adjourned until October 26th.^{2 3}

¹ Minutes of the Bureau, Series C, Vol. II, pages 181-185.

² Minutes of the General Commission, Series B, Vol. III, pages 646-648.

³ On October 21st, 1933, Germany notified the Secretary-General of her withdrawal from membership of the League of Nations.

WORK OF THE BUREAU OF THE CONFERENCE, OCTOBER 26TH TO NOVEMBER 11TH, 1933.

The General Commission of the Conference, on October 26th, authorised the Bureau to go forward with the necessary arrangements to enable the General Commission to begin its second reading of a revised text of the draft Convention.¹

It was unanimously of opinion that the Conference should continue to work for the establishment of a Disarmament Convention based on the draft Convention submitted by the United Kingdom delegation. It was obvious, however, that further efforts would have to be made, by way of negotiation between the Powers principally concerned, to clear up existing divergencies and to enable a text, revised and brought up to date in accordance with the views of the various delegations, to be placed before the General Commission for a second reading.

It was understood that the revised text would be prepared by the Officers of the Bureau in consultation with the delegations which desired to submit amendments or suggestions, and that it would take into account the different trends of opinion and the feelings expressed during the past discussions in the General Commission and elsewhere. It was further understood that all the delegations represented on the General Commission remained free to express their views on the text submitted and to propose amendments.

The General Commission then adjourned, to permit of a further effort to narrow existing divergencies, until December 4th, 1933.

The Bureau of the Conference held further meetings on October 25th, October 26th, November 9th and November 11th, in application of the decisions of the General Commission.² It appointed Rapporteurs to consider and report upon the questions of security, land material, naval armaments, air armaments, the manufacture of and trade in arms, guarantee of execution of the provisions of the Convention and its duration. The clauses relating to effectives and those embodying the miscellaneous provisions of the Convention, covering, in particular, the constitution of the Permanent Disarmament Commission and the establishment of a system of supervision, were referred to special Committees.

It was understood that the work undertaken in accordance with these arrangements was not to be restricted to purely technical questions, but to include further efforts to obtain a substantial Disarmament Convention by the solution of outstanding political issues. Special emphasis was laid on this point at the meeting of the Bureau held on November 11th, 1933, in the course of which the representative of Italy expressed considerable doubt as to the expediency of further technical discussions and was assured by the President that, in certain respects, the work proposed was essentially of a political character.

The work of revision was undertaken on the basis of a text, prepared by the Secretariat, of the draft Convention as it had left the General Commission at the close of the first reading on June 29th, 1933. This text embodied the proposals approved during the first-reading discussions either in the General Commission or in special technical Committees.³

The Rapporteurs entrusted with the task of revision, on beginning their work in November, were at once confronted with a number of difficulties which appeared to require the previous solution of certain political problems.

The President accordingly summoned the officers of the Bureau, with the representatives of France, Italy, the United Kingdom and the United States of America, to a consultation. The Bureau, on November 22nd, 1933, after considering the situation in the light of the result of this consultation, noted that the existing divergencies of opinion on certain important political questions were too great to encourage any hope of a successful issue from a premature discussion of texts in the General Commission.⁴

PARALLEL AND SUPPLEMENTARY EFFORTS, NOVEMBER 1933 TO APRIL 1934.

The Bureau intimated that the work of the Conference would at that stage best be assisted by parallel and supplementary efforts between various States and the full use of diplomatic machinery. It was understood that these efforts would be undertaken at once with energy and that the Governments would keep the President of the Conference informed of their progress.

The Bureau decided that, in the circumstances, the General Commission should be adjourned until a date during or immediately after the January session of the Council of the League.

The Officers of the Bureau, meeting in Geneva on January 19th and 20th, 1934, to fix a date for resuming the work of the Conference, felt that it was inexpedient to interrupt the parallel and supplementary efforts still in progress. They also felt that it was highly important that the General Commission should be enabled to meet at an early date and continue its work without further interruption. The Governments in charge of the negotiations were accordingly asked to inform the President, before February 10th, 1934, of the results achieved.

¹ Minutes of the General Commission, Series B, Vol. III, pages 648-652.

² Minutes of the Bureau, Series C, Vol. II, pages 187-200.

³ See Annex 5, Document Conf.D.163(1).

⁴ Minutes of the Bureau, Series C, Vol. II, page 200.

The President, under this arrangement, received early in February copies of the memoranda which had been exchanged between the Governments of the United Kingdom, France, Italy and Germany.¹

The French, Italian and German Governments declared their views on the more important questions at issue, while the United Kingdom, in a memorandum dated January 29th, 1934, indicated the lines of a compromise which, it believed, after reviewing the results of the discussions and closely studying the recent interchanges of views, might be generally acceptable.²

The United Kingdom Government, in forwarding its memorandum to the President of the Conference, informed him at the same time that it was sending Mr. Eden, Lord Privy Seal, to the capitals of the States most directly concerned to ascertain their attitude to its proposals.

The officers of the Bureau, meeting on February 13th, 1934, decided that the diplomatic progress achieved was still inadequate to justify a meeting of the Bureau at an early date. They felt that opportunity should be afforded for further efforts to narrow existing divergencies, more particularly in view of the proposed visits of Mr. Eden to several of the European capitals. They decided provisionally that the Bureau should be convened for April 10th, 1934.

Two days later, Mr. Eden left London upon his mission.

MEMORANDA EXCHANGED BETWEEN THE GOVERNMENTS : STATEMENT BY THE PRESIDENT, APRIL 10TH, 1934.

The President of the Conference, at a meeting of the Bureau on April 10th, 1934,³

¹ See documents Conf.D.166 and Conf.D.166(a). Documents concerning the date of the resumption of the work of the Conference and correspondence between the President of the Conference and the Governments of the United Kingdom, France and Italy. (Conference Documents, Vol. III.)

² The proposals and suggestions of the United Kingdom Government may be summarised as follows :

Agreement was most likely to be reached on a broad basis which combined the regulation of armaments with assurances in the political field. There were two choices before the Conference. Either it must agree upon a Convention which would involve the abandoning of certain classes of weapons by the most heavily armed Powers, or it must reach agreement on the basis that the most heavily armed Powers were unable or unwilling to disarm, but that they would undertake not to increase their present armaments. The United Kingdom Government could not contemplate the second alternative as an acceptable conclusion of the work of the Conference. It accordingly proposed adjustments in the text of the United Kingdom draft Convention with a view to obtaining an agreement on the basis of the first alternative.

First, it was proposed to extend the principle of consultation in the event of a breach or threat of breach of the Pact of Paris to the event of a breach or threat of breach of the Disarmament Convention itself. The United Kingdom Government pointed out in this connection that a further contribution to security had been suggested by an offer of the German Chancellor to conclude pacts of non-aggression with all the neighbours of Germany for a period of ten years.

Secondly, the United Kingdom Government emphasised that the principle of equality of rights was no less essential in the matter of armaments than the principle of security. Both principles must have their practical application. Germany had voluntarily renounced any claim to possess offensive weapons and limited herself to the normal defensive armaments required by the army with which she would be provided under the Convention. The German Chancellor, moreover, had advanced his claim to defensive armaments on the supposition that the heavily armed States were not prepared to abandon any portion of their existing weapons. A positive contribution to disarmament by the heavily armed Powers would, presumably, reduce the demands which Germany might otherwise put forward.

The United Kingdom draft Convention had assigned to Germany 200,000 effectives on a basis of eight months' service. The German Government had suggested 300,000 effectives on a basis of twelve months' service, and accommodation might presumably be found between these two figures, provided it were understood that there would be parity in the matter of effectives as between the home forces allotted to France, Germany, Italy and Poland.

It was suggested that the reduction of the European continental armies to a standard type should be completed in, at most, four years.

The United Kingdom Government suggested that military training, outside the army, of men of military age should be prohibited, this prohibition being checked by a system of permanent and automatic supervision.

The United Kingdom Government expressed the view that certain countries would require for their standardised armies an increased number of such weapons as were at present possessed by their smaller long-service armies. Two weapons, in particular, had to be considered—namely, tanks and mobile land guns. The United Kingdom Government suggested that the maximum limit for tanks should be 16 tons; tanks over 30 tons would be destroyed by the end of the first year, tanks over 20 tons would be destroyed by the end of the third year, and tanks over 16 tons by the end of the fifth year. The German short-term service army might be equipped with tanks up to 6 tons, which the German Government considered necessary for defence. For mobile land guns, the maximum limit provided in the draft Convention had been 115 mm. (4.5"). The German Government maintained, however, that mobile land guns up to 155 mm. (6.1") were necessary as part of the equipment of the proposed new short-term service army. The United Kingdom Government was prepared to accept the higher limit suggested. It proposed that guns over 350 mm. (13.7") should be destroyed by the end of the first year, those over 220 mm. (8.6") by the end of the fourth year and those over 155 mm. (6.1") by the end of the seventh year.

Article 35 of the United Kingdom draft Convention provided that the Permanent Disarmament Commission should immediately consider schemes for the complete abolition of military and naval aircraft, dependent upon the effective supervision of civil aviation to prevent its use for military purposes. The United Kingdom Government now proposed that Germany and other States not at present entitled to military aircraft should postpone their claim to such weapons pending the decision of the Permanent Disarmament Commission as to their abolition, it being understood, however, that, if the Permanent Disarmament Commission had not decided in favour of abolition at the end of two years, all countries would be entitled to possess military aircraft.

The United Kingdom Government affirmed its willingness, if general agreement were reached on all other issues, to agree to the application of a system of permanent and automatic supervision, to come into force with the obligations of the Convention.

³ Minutes of the Bureau, Series C, Vol. II, pages 201-209, and document Conf.D./C.G.164 (Conference Documents, Vol. III.)

summarised as follows the outstanding differences of opinion revealed in the memoranda exchanged between the various Governments :

(a) *Reduction of Armaments.*

The French Government was in favour of a supervised reduction of armaments progressively effected to a level permitting of the achievement of equality of rights within a system of security. Equality should be reached by stages and by reductions successively effected by the armed countries and not by the rearmament of the countries disarmed by the Treaties of Peace.

Germany would accept any measure of disarmament accepted by the other Powers. She did not conclude, however, from the notes exchanged with the heavily armed Powers that they contemplated any measure of disarmament sufficiently effective to modify her general attitude.

The Italian Government, though its policy would continue to be one of disarmament, had come to doubt whether the armed Powers would be able to agree upon such measures of disarmament as would permit of a solution of the present situation and at the same time keep the demands of Germany within the limits originally contemplated.

(b) *Effectives.*

The German Government considered that, for a fair comparison of effectives, account should be taken of trained reserves and of overseas troops stationed near enough to the home country to enable them to be used at home for military purposes. It was prepared, before the Convention was signed, to determine what was to be understood by military organisations outside the army and to define the activities prohibited to such formations.

The French Government considered that French and German effectives could only be compared in respect of effectives intended for the defence of the home territory. Comparison, moreover, was only possible if all forces with a military character were subject to limitation. It did not refuse to consider the limitation of overseas effectives, and was prepared to include overseas forces and the mobile reserve stationed in the home country in the system of limitation. It made explicit reservations with regard to the claim of the German Government to raise its regular army without delay to a strength of 300,000 men, equipped with the necessary material, without any preliminary enquiry into the present position of that army.

The Italian Government presumed that the German demand for 300,000 men was based on the assumption that the armed countries did not intend to reduce their effectives. It considered that the whole problem of reduction and standardisation was too complicated and suggested an agreement on the *status quo*.

(c) *Equality of Rights and Date on which the Future German Army should be equipped with the Necessary Defensive Arms.*

Germany claimed that her army could not be deprived of all its military power during the period of conversion of the Reichswehr into a short-term-service army. The necessary armaments must be made available to Germany at the time of conversion.

France did not consider that Germany might acquire the armaments retained by the other Powers but at present denied to her until after the conversion of the German army and the absorption of the pre-military and para-military formations into the regular effectives to be limited by the Convention.

Italy, noting that equality of rights had been accorded to Germany and the other disarmed States, expressed the view that the main and practical question was no longer how to prevent the rearmament of Germany, but how to avoid its being effected outside all regulation and control.

(d) *Security.*

France considered agreement was unlikely unless a regulation of armaments was combined with assurances in the political field and means to give effect to such assurances. It should be possible to correct any evident breach of the Convention by means of sanctions proportionate to its gravity. Aggression should be explicitly prohibited and effectively dealt with under the Covenant of the League, which remained the only organisation able to furnish a collective guarantee of peace.

The French Government agreed with the United Kingdom and Italian Governments in desiring to secure the return of Germany to the League.

Germany suggested that the European Powers should sign pacts of non-aggression, to be renewed after ten years, without prejudice to the Agreements of Locarno.

(e) *Duration of the Convention.*

The original draft Convention submitted by the United Kingdom Government provided for a duration of five years. The French delegation suggested a Convention for eight years, providing for a reduction of armaments from the fifth year.

The United Kingdom Government subsequently suggested that the Convention should be for a period of ten years, leaving intact, however, the principle of reduction accepted by the Conference in several resolutions.

The Italian Government proposed a period of six years for the duration of a Convention which, however, would provide, not for a reduction, but only for a limitation of armaments.

PARALLEL AND SUPPLEMENTARY EFFORTS CONTINUED : APRIL 10TH TO MAY 28TH, 1934.

The Bureau decided to adjourn until April 30th, 1934, it being understood that the President had discretion to extend this date and that the General Commission, subject to a similar understanding, would be convened for May 23rd, 1934.

The United Kingdom Government, on April 10th, 1934, asked the French Government whether, in the case of agreement being reached on " guarantees of execution " of the future Convention, the latter would be prepared to accept as a basis for such a Convention the United Kingdom memorandum of January 29th, 1934, as modified in accordance with the proposals made by Chancellor Hitler to Mr. Eden and communicated to the French Government. If the answer to this question were in the affirmative, what was the exact nature of the guarantees of execution which the French Government would propose ?

The French Government, in a memorandum dated April 17th, 1934, represented that the German Government had wished to impose its determination to continue every form of rearmament, and that, particularly by the adoption of a budget for 1934-35 showing very considerable increases in the army, navy and air estimates, it had, whether of set purpose or not, made further negotiations impossible.¹

France accordingly felt that, even before seeking to discover whether an agreement could be obtained upon a system of guarantees of execution sufficiently efficacious to permit of the signature of a Convention which would legalise a substantial rearmament on the part of Germany, she must first consider the conditions of her own security, which, moreover, she did not separate from that of other interested Powers.

The return of Germany to the League of Nations might have furnished the opportunity and means of removing her misgivings in regard to security, at least in part. The presence of Germany at Geneva was equally necessary for the realisation of a satisfactory system of guarantees of execution. No favourable indications had, however, been given on this point. The French Government, for its part, could not abandon in principle this essential and necessary condition. Even less could it assume the responsibility of such a renunciation at the very moment when German rearmament was being claimed, prepared and developed, without any account being taken of the negotiations entered upon in accordance with the wishes of Germany herself.

The French Government expressed the opinion that the work of the Disarmament Conference should be resumed. That work should not be abandoned, but taken up at the point at which the Conference left it when it invited Governments to proceed to an exchange of views outside it.

The President of the Conference, exercising the discretion conferred upon him by the Bureau, decided that the meeting of the Bureau arranged for April 30th should be adjourned until May 28th, 1934, and that the General Commission should meet on the following day.

The German Government, in a statement dated April 16th, declared its willingness to accept the United Kingdom memorandum of January 29th, 1934, as the basis of the Convention, subject to certain important modifications.¹ It agreed to postpone reductions of the armaments of other Powers until the end of the fifth year of the Convention on the understanding that the reductions would be effected during a second period of five years. It agreed to ensure the non-military character of the S.A. and the S.S. forces, to be verified under a system of supervision. It considered it impossible, however, to wait two years for appropriate means of aerial defence, and claimed from the outset a defensive air force of short-range machines up to a maximum of 30% of the combined air forces of Germany's neighbours or 50% of the military aircraft possessed by France, it being understood that Germany would attain full equality with the principal air Powers at the end of the second period of five years. The German Government stated in conclusion that the return of Germany to the League could only be considered after the questions of disarmament and, particularly, of Germany's equality of rights had been settled.

WORK OF THE BUREAU AND THE GENERAL COMMISSION, MAY 28TH TO JUNE 8TH, 1934.

When the Bureau met on May 28th, 1934, it had before it, in addition to a summary of the various notes exchanged since its last meeting between the United Kingdom, French, German and Italian Governments,¹ a memorandum, dated April 14th, 1934, submitted by the Danish, Spanish, Norwegian, Swedish and Swiss delegations on the present state of the work of the Conference.² The signatories, with whom the Netherlands delegation stated that it was in substantial agreement, contended (1) that it would be necessary to limit the Disarmament Convention to certain branches of armaments, postponing a comprehensive solution until a later date ; (2) that it was essential to adopt a certain substantial measure of disarmament

¹ Document Conf. D./C.G. 165, Conference Documents, Vol. III.

² Document Conf. D./C.G. 158, Conference Documents, Vol. III.

and that it was not sufficient to accept a limitation of armaments at the *status quo*; (3) that the Convention should involve a moderate practical realisation of the principle of equality; (4) that it would not be possible to secure a Convention of even limited scope without a reinforcement of security going beyond the proposals contained in the United Kingdom memorandum of January 29th, 1934, particularly in respect of concrete and definite guarantees for the execution of the Convention; and (5) that Germany's return to the League of Nations would undoubtedly represent an important contribution to the solution of the problem of collective security.

The President informed the Bureau that, at the beginning of May, he had met the representatives of the United Kingdom, France and Italy in order to obtain a clearer indication as to their views. The French representative had confirmed the French note of April 17th, insisting, in particular, that his Government could not accept an immediate reduction of its armaments accompanied by an immediate rearmament of a qualitative character of the Powers bound by the military clauses of the Treaties.

The President suggested that the Bureau, before deciding on any future plan of work, should await the statements to be made in the General Commission by those who had been actively concerned with the private negotiations.¹

The President, on May 29th, 1934, inviting the General Commission to decide how the work of the Conference was to be continued, emphasised that the situation was really critical.² The parallel and supplementary negotiations between the Governments had not resulted in the removal of several outstanding differences, and the task of the Conference was not rendered any easier by the fact that the general political atmosphere, which had not been particularly favourable when the Conference opened, could hardly be said to have improved during the course of its proceedings.

After a review of the decisions previously taken by the Conference, the President directed the attention of the Commission to three important problems:

- (1) Agreement on air as on land armaments depended upon some solution of the problem of national security;
- (2) There was a danger of a competition in air armaments unless they were speedily regulated by international agreement;
- (3) There was a need for prompt action to secure agreement for the international control of the manufacture of arms and the trade in arms.

The President, emphasising the importance of the question of security, declared that, unless that principle was genuinely embodied in the Disarmament Convention and made a real force in international life, it was highly improbable that nations would consent to reduce their armed forces. It was vital that the Conference should restore a general reliance upon the system of collective international action against an aggressor.

The President further urged that a general reduction in the armaments of the world would itself be an important contribution to the security of nations. Article 8 of the Covenant linked disarmament and security inseparably together. The whole League system was intended to substitute international treaty guarantees of security for reliance by each nation on its own armed forces alone, and that system could not become effective unless national armaments were drastically reduced and limited by international agreement.

During the meetings held on May 29th, May 30th and June 1st, the General Commission heard statements from the delegations of the United States, the Union of Soviet Socialist Republics, the United Kingdom, France, Poland, China, Sweden (speaking on behalf of the delegations which supported the memorandum of April 14th, 1934), Turkey, Roumania and Greece.³

The General Commission, in view of the numerous proposals submitted by the various delegations and the wide divergencies of opinion revealed, decided to adjourn its proceedings in order to allow the Bureau to prepare for the General Commission a programme of work based on the proposals and observations which had been put forward.

At meetings held by the Bureau on June 4th, June 5th and June 6th, 1934, two distinct divergencies revealed in the General Commission were further accentuated.⁴

The French delegation, supported by the Soviet and Turkish delegations, urged that the Conference should take up immediately the question of security, the delegations of the Little Entente being also inclined to lay special emphasis on this aspect of the problem. All these delegations were, in fact, of opinion that the Conference might usefully resume its work immediately, and that it should give prior and special consideration to the problem of security.

The Soviet delegation proposed in this connection that the Disarmament Conference should be replaced by a Permanent Peace Conference with powers to discuss any question affecting the peace of nations.

Other delegations, in particular those of the United Kingdom and Italy, were inclined to doubt whether any further useful work could be done on the problem of security, or, indeed, on any of the questions before the Conference, until the outstanding political difficulties which stood in the way of securing an agreed Disarmament Convention had been removed—in other words, until Germany had resumed her place in the Conference.

¹ Minutes of the Bureau, Series C, Vol. II, pages 209-211.

² Minutes of the General Commission, Series B, Vol. III, page 652.

³ Minutes of the General Commission, Series B, Vol. III, pages 652-679.

⁴ Minutes of the Bureau, Series C, Vol. II, pages 211-240.

The delegations of Denmark, Spain, the Netherlands, Norway, Sweden and Switzerland stood midway between these extremes. These delegations, while putting forward for immediate discussion certain definite proposals for disarmament and for strengthening the system of security and guarantees of execution, emphasised the necessity of consulting every State concerned, and drew special attention to the fact that Germany was not at the moment taking part in the proceedings of the Conference.

It was fully realised by the delegations which thought that an immediate effort should be made to bring back Germany to the Conference that any step in this direction involved an endorsement of the principle of the equality of rights, to which the United Kingdom, France, Italy and the United States of America had agreed on December 11th, 1932, and a resumption of the negotiations between Governments with a view to removing the divergencies of opinion revealed in the notes exchanged between them.

PROGRAMME OF WORK OF THE CONFERENCE : RESOLUTION ADOPTED BY THE GENERAL COMMISSION ON JUNE 8TH, 1934.

As a result of further discussion and negotiation, a text was submitted to the Bureau by the French delegation on June 8th¹ and adopted by the General Commission in the following form :²

“ The General Commission,

“ Taking into consideration the resolutions submitted to it by the delegations of the Six Powers, the Turkish delegation and the delegation of the Union of Soviet Socialist Republics respectively ;

“ Taking account of the clarification of its work resulting from the French memorandum of January 1st, 1934, the Italian memorandum of January 4th, 1934, the United Kingdom memorandum of January 29th, 1934, and the German declaration of April 16th, 1934 ;

“ Convinced of the necessity of the Conference continuing its work with a view to arriving at a general convention for the reduction and limitation of armaments ;

“ Resolved to continue without delay the investigations already undertaken :

“ I.

“ Invites the Bureau to seek, by whatever means it deems appropriate and with a view to the general acceptance of a Disarmament Convention, a solution of the outstanding problems, without prejudice to the private conversations on which Governments will desire to enter in order to facilitate the attainment of final success by the return of Germany to the Conference ;

“ II.

“ Having regard to the peculiar importance presented by the study and solution of certain problems to which attention was drawn at the beginning of the general discussion :

“ Takes the following decisions :

“ (1) *Security.*

“ (a) Since the results of the earlier work of the Conference have enabled certain regional security agreements to be concluded in Europe during the past year, the General Commission decides to appoint a special Committee to conduct such preliminary studies as it may consider appropriate in order to facilitate the conclusion of further agreements of the same nature which may be negotiated outside the Conference. It would be for the General Commission to determine the relationship, if any, of these agreements to the General Convention.

“ (b) The General Commission decides to appoint a special Committee to study the question of guarantees of execution, and to resume the work relating to supervision.

“ (2) *Air Forces.*

“ The General Commission instructs its Air Committee to resume forthwith the study of the questions mentioned in its resolution of July 23rd, 1932, under the heading : ‘ I. Air Forces ’.”

¹ Minutes of the Bureau, Series C, Vol. II, page 240.

² Minutes of the General Commission, Series B, Vol. III, pages 681-688.

“ The Conference, deeply impressed with the danger overhanging civilisation from bombardment from the air in the event of future conflict, and determined to take all practicable measures to provide against this danger, records at this stage of its work the following conclusions :

“ (1) Air attack against the civilian population shall be absolutely prohibited ;

“ (2) The High Contracting Parties shall agree as between themselves that all bombardment from the air shall be abolished, subject to agreement with regard to measures to be adopted for the purpose of rendering effective the observance of this rule.

“ These measures should include the following :

“ (a) There shall be effected a limitation by number and a restriction by characteristics of military aircraft ;

“ (b) Civil aircraft shall be submitted to regulation and full publicity. Further, civil aircraft not conforming to the specified limitations shall be subjected to an international regime (except for certain regions where such a regime is not suitable) such as to prevent effectively the misuse of such civil aircraft.”

“ (3) *Manufacture of and Trade in Arms.*

“ The General Commission requests its special Committee on questions relating to the manufacture of and trade in arms to resume its work forthwith and, in the light of the statements made by the United States delegate at the meeting of May 29th, 1934, to report to it as early as possible on the solutions it recommends.¹

“ These Committees will carry on their work on parallel lines, and it will be co-ordinated by the Bureau.

“ III.

“ The General Commission leaves it to the Bureau to take the necessary steps at the proper time to ensure that, when the President convenes the General Commission, it will have before it, as far as possible, a complete draft Convention.

“ IV.

“ Recognising that the proposal of the Soviet delegation that the Conference be declared a permanent institution under the title of the Peace Conference calls for careful study, the General Commission requests the President to submit that proposal to the Governments.”²

The United Kingdom delegate welcomed the programme of work as embodying a balanced agreement which might aid the immediate future of the Conference and contribute to the final and universal agreement sought by all. He emphasised that his Government could not agree to the indefinite continuance of vague and inconclusive debates. He observed that the difficulties which had arisen during the recent discussions had been due in a large measure to the absence of a great Power whose co-operation was essential. He expressed the hope that the German Government would see its way to play its part and enable the Conference successfully to conclude its work.

The American delegation accepted the resolution as providing a programme of work by which it would be possible to proceed usefully towards the achievement of an ultimate agreement for a reduction and limitation of armaments.

The Soviet delegation noted that a prominent place was reserved in the agreed programme for the problem of security. It expressed the hope that the Soviet proposal for a permanent peace conference, which was to be forwarded to the Governments, would be seriously studied by the Governments and that the necessary instructions would be given to their delegates with a view to its discussion.

The Swedish delegation, speaking for the group of neutral Powers, noting that an important place had been found for the problem of security, did not think that sufficient emphasis had been laid upon the decisive importance of disarmament. It reserved the right of the neutral delegations to urge their views at a later stage, being anxious that the main object of the Conference—namely, the reduction and limitation of armaments—should not be neglected.

The Hungarian delegation made a formal declaration regretting that the draft resolution was not such as to enable the Conference to achieve practical and tangible results within as short a period as possible in the real sphere of the Conference—namely, in material disarmament. Hungary expected the Conference to fulfil its duty under Article 8 of the Covenant and, by removing the unfair inequalities which still existed, to give effect as soon as possible to the principle of equality of rights.

The Italian delegation was unable to vote with the delegations approving the resolution on the ground that the Conference could not resume its work until certain fundamental political problems had been solved. It could accept no draft resolution which was not in harmony with that principle. Italy, however, was always ready to co-operate in the work of the Conference with complete goodwill.

The Austrian delegation associated itself with the attitude assumed by the representatives of the disarmed States present at the meeting.

The Bulgarian delegation hoped that the proposed programme would shortly lead to the conclusion of a general Disarmament Convention confirming in practice the principle of equality of rights with security for all nations.

The Polish delegation entered a reservation to the effect that the references in the resolution to diplomatic notes exchanged between certain Governments must not be interpreted as implying that the Conference accepted them as a basis for its future discussions.

The Persian delegation felt it necessary to make a reservation with regard to any resolution that might weaken or prejudice directly or indirectly the letter or spirit of the Covenant of the League, more particularly Articles 10 and 16, and declared that it could only accept the resolution provided that point was definitely cleared up.

¹ See note 4 on page 32.

² Document Conf.D./C.G.163, Conference Documents, Vol. III.

EFFECT GIVEN TO THE PROGRAMME OF WORK ADOPTED BY THE GENERAL COMMISSION :
JUNE 11TH TO NOVEMBER 20TH, 1934.

The General Commission, on June 11th, took the necessary decisions to give practical effect to the resolution adopted on June 8th, 1934.¹ The Soviet proposal for the establishment of a Permanent Peace Conference was duly referred to the Governments represented at the Conference with a request for their observations.

The Committee on Security, appointed under the resolution adopted by the General Commission on June 8th, met on June 18th, 1934. On June 25th, it adopted a report which has not yet been considered by the General Commission.²

The question of guarantees of execution was referred to the Committee on Miscellaneous Provisions presided over by M. Bourquin. The Committee, on June 28th, 1934, approved a note submitted by its Chairman embodying the result of preliminary conversations with the delegations of the United Kingdom, France, Poland, Roumania, the Netherlands, the Union of Soviet Socialist Republics and the United States of America.³

The air question has not yet been considered by the appropriate Committee.

The Committee for the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War, reinforced by representatives of delegations which desired to be associated with its work, adopted, on July 2nd, 1934, a report to the General Commission embodying its conclusions upon a scheme for the control of the manufacture of arms and the trade in arms submitted by the delegation of the United States of America.⁴

The resolution adopted by the General Commission on June 8th, 1934, contemplated that the Governments would continue their efforts to secure a solution of outstanding problems, and the President was authorised by the Bureau to inform its members when he thought the situation might make it necessary for them to meet.

The President, on July 13th, 1934, notified the members of the Bureau that, in the light of information which he had received as to the progress of the conversations between the Governments which were still continuing, he had decided that the Bureau might most usefully be convened for September, in the early days of the forthcoming session of the Assembly of the League of Nations.⁵

Negotiations were then in progress between the countries principally concerned with a view to the Union of Soviet Socialist Republics joining the League of Nations⁶ and the conclusion of an Eastern European Pact of Mutual Assistance and Non-Aggression. The President, during a visit to Geneva early in September, was informed that the month of October would be devoted to these activities. He accordingly decided that the Bureau could not usefully meet prior to November 1934.⁷

MODIFICATIONS IN THE PROGRAMME OF WORK OF THE CONFERENCE : DECISION ADOPTED
BY THE BUREAU ON NOVEMBER 20TH, 1934.

The President, on November 5th, 1934, subsequent to the assassination of King Alexander of Yugoslavia and M. Barthou, Foreign Minister of France, at Marseilles, circulated to the members of the Bureau a communication suggesting that the probable trend of political events in the near future made it necessary for the Bureau to reconsider its method of work, without prejudice to the principles underlying the decisions taken by the General Commission on June 8th, 1934.⁸ He expressed the view that it would be necessary to postpone until after the beginning of 1935 any attempt to deal with the problems of disarmament and to modify the procedure of the Conference both as regarded the questions to be immediately considered and the manner in which they should be approached. He pointed out that the Conference had examined a number of problems in regard to which agreement had either been reached or was in sight, and he expressed the view that such questions as were considered ripe might be advantageously embodied in separate Protocols coming into force one by one without the Conference having necessarily to wait for the completion of an entire Convention.

He mentioned the following subjects as being sufficiently advanced to come within this category :

- (a) The regulation of the manufacture of arms and the trade in arms ;
- (b) Budgetary publicity ;
- (c) The establishment of the Permanent Disarmament Commission.

He further observed that the air question, to which reference had been made in the resolution adopted by the General Commission on June 8th, 1934, had not yet been considered by the appropriate Committee and he urged that arrangements should be made to deal with this problem at the earliest opportunity.

¹ Minutes of the General Commission, Series B, Vol. III, pages 688-692.

² Document Conf.D./C.G.169(1), Conference Documents, Vol. III (see also Chapter II, Security).

³ Document Conf.D./C.G.170, Conference Documents, Vol. III (see also Chapter XI, B, Guarantees of Execution).

⁴ Document Conf.D./C.G.171, Conference Documents, Vol. III (see also Chapter IX, Control of the Manufacture of Arms and the Trade in Arms).

⁵ Document Conf.D./Bureau 65 (Minutes of the Bureau, sixty-second meeting, Series C, Vol. II).

⁶ The U.S.S.R. became a Member of the League of Nations on September 18th, 1934.

⁷ Document Conf.D./Bureau 66 (Minutes of the Bureau, sixty-second meeting, Series C, Vol. II).

⁸ Document Conf.D./Bureau 68 (Minutes of the Bureau, sixty-second meeting, Series C, Vol. II).

The President emphasised, in conclusion, that the fundamental aim of the Conference had always been and still remained the completion of a comprehensive Disarmament Convention, and he reminded the members of the Bureau that the States represented at the Conference had pledged themselves to this definite programme in the resolution which had been unanimously adopted on June 8th, 1934.

The Bureau of the Conference, meeting on November 20th, 1934, was invited to take a decision upon these proposals.¹

The delegation of the United States of America, in approving the proposals, insisted that the fundamental aim of the Conference had been, and remained, the completion of a General Disarmament Convention. It stated, in reference to specific items, that its Government attached special importance to the work which had been done on the manufacture of and trade in arms and implements of war. It further suggested that the work of the three Committees of the Conference which would presumably consider the three specific problems mentioned by the President should be co-ordinated into a single document and submitted to the Governments for a single ratification, urging that the adoption of such a text would greatly facilitate the ultimate adoption of a General Disarmament Convention.

The Soviet delegation observed that the great obstacle encountered by the Conference in dealing with the question of disarmament had been the impossibility of ensuring that the obligations and restrictions accepted by the States would be universal. It wondered whether this difficulty would not also obstruct the work on the three specific problems in regard to which immediate action was suggested. It further doubted whether a Permanent Disarmament Commission could be usefully appointed until definite obligations and restrictions in respect of armaments had been accepted and it recalled in this connection its proposal for the establishment of a Permanent Peace Conference to deal with questions of peace and security.

The Spanish delegation supported the proposal of the American delegation that a single text covering the three specific problems should be prepared.

The Austrian delegation stated that Austria, in view of the lack of progress of the Conference and the resulting armaments race, now felt compelled to insist that equality of rights in the matter of security and armaments should be accorded her either as the outcome of negotiations between the principal Powers leading to a resumption of the work of the Conference or by some other method. The Austrian Government, though it would in no way refuse its co-operation, would be unable to sign conventions outside the scope of a general Convention until her legitimate claim to equal treatment had been satisfied.

The United Kingdom delegation agreed with the President that it was highly desirable to deal with the three subjects on which immediate action was possible, even apart and in advance of the main problems of the Conference. It emphasised, however, that the main objective of the Conference was the conclusion, possibly by stages, of a Convention for the reduction and limitation of armaments. The great problems with which the Conference was confronted remained and must be solved.

The Italian delegation reminded the Bureau that it had been unable to vote for the resolution adopted by the General Commission on June 8th, 1934. Nothing had in the meantime occurred to change its attitude. The Italian Government felt very definite doubts as to the possibility of adopting separate protocols, since all the elements of disarmament were, in its opinion, interdependent. Such a procedure might even increase the difficulty of securing the accession of certain States, for which the Treaties of Peace had created a special situation. The Italian delegation would not therefore assume any responsibility for any decision which the Bureau might take in issuing instructions to the appropriate Committees.

The Swedish delegation, associating itself with the proposals of the President, agreed that, for the present, the Conference must necessarily confine itself to a limited number of specially important questions until political circumstances made it possible for it to resume its principal task.

The French delegation, accepting the proposal of the President, stated that it had always regarded the three problems which were being offered for immediate consideration to be important features of any Convention that might be established.

The President, noting that the delegations were generally in agreement as to the procedure to be followed, suggested that the proposal of the Soviet delegation for the establishment of a Permanent Peace Conference, together with any observations received from the Governments on that proposal, should be considered by the Committee which would deal with the whole question of the position and powers of the Permanent Disarmament Commission.

The three Committees dealing with the three specific problems under consideration might meet together occasionally with a view to a co-ordination of their work, but the final work of co-ordination should, in his opinion, be left to the Bureau of the Conference.

The President emphasised in conclusion that the immediate results to be secured by the suggested procedure were no alternative for the original and ultimate aim of the Conference. He insisted, more particularly, that, even though the Permanent Disarmament Commission were, in fact, established, the Disarmament Conference must, in his judgment, continue in being. The powers of the Permanent Disarmament Commission would at the outset be strictly defined and limited and its competence would only extend as the work of the Disarmament Conference proceeded and as it delegated to the Commission further powers and further specific duties.

¹ Minutes of the Bureau, Series C, Vol. II, page 246.

As a result of the decision taken by the Bureau on November 20th, 1934, arrangements were subsequently made to call together in February 1935 :

(a) The Special Committee for the Regulation of the Trade in and the Private and State Manufacture of Arms ;

(b) The Technical Committee dealing of the National Defense Expenditure Commission ;

(c) The Committee on Miscellaneous Provisions (Establishment of a Permanent Disarmament Commission).

EFFECT GIVEN TO THE PROGRAMME OF WORK ADOPTED BY THE BUREAU ON
NOVEMBER 20TH, 1934 : FEBRUARY 14TH TO APRIL 13TH, 1935.

The Special Committee for the Trade in and Private and State Manufacture of Arms and Implements of War met on February 14th, 1935. It took as its basis of discussion "Draft Articles for the Regulation and Control of the Manufacture of and Trade in Arms and the Establishment of a Permanent Disarmament Commission", submitted by the delegation of the United States of America,¹ considered in relation to the texts adopted by the Special Committee on July 2nd, 1934.²

The Special Committee was in session from February 14th to April 13th, 1935. It entrusted to a Technical Committee the definition of the categories of arms to which regulation would apply. The provisions relating to the regulation of the manufacture of arms was entrusted to its Sub-Committee on Manufacture and those relating to the regulation of the trade in arms to its Sub-Committee on Trade.

The question of the composition and powers of the Permanent Disarmament Commission was considered by the Committee on Miscellaneous Provisions on February 18th and 21st, 1935, and was subsequently discussed by the Special Committee in plenary session from March 26th to April 1st, 1935, at meetings attended by the members of the Committee on Miscellaneous Provisions.

Special questions were referred to *ad hoc* Sub-Committees, including the question of the transit of arms and implements of war, while a number of questions were referred for elucidation and advice to the Technical Committee of the National Defence Expenditure Commission.

The Special Committee, on April 13th, 1935, adopted a report which was forwarded to the Governments by the President of the Conference.³

The final meeting of the Special Committee was attended by the President of the Conference.

The President, after consulting the delegations of States present in Geneva, decided that for the moment no meeting of the Bureau might be usefully convened.

¹ Document Conf.D.167, Conference Documents, Vol. III.

² Document Conf.D./C.G.171, Conference Documents, Vol. III. See above, page 32.

³ Document Conf.D.168, Conference Documents, Vol. III. Reference will be found to the conclusions of the Special Committee and its Sub-Committees in Chapter IX, Control of the Manufacture of Arms and Trade in Arms; and Chapter XI, Permanent Disarmament Commission.

CHAPTER II.—SECURITY.

TREATIES, PACTS AND CONVENTIONS PRIOR TO THE CONFERENCE.

Articles 51 and 52 of the draft Convention framed by the Preparatory Commission for the Disarmament Conference¹ laid down the procedure to be followed in the event of complaints arising out of a violation of the Convention, any such violation being declared a matter of concern to all the parties.

The draft Convention, however, contained no specific provisions dealing with the main problems of security in its general aspects. This omission was not due to any neglect of the problem either by the Preparatory Commission or by other bodies of the League which, directly or indirectly, had been concerned with the preparation of the Conference. Reference has been made in the introduction of this report to the successive efforts which resulted in the draft Treaty of Mutual Assistance of 1923, the Geneva Protocol of 1924 and the Locarno Treaties of 1925. The Preparatory Commission, in continuation of these preliminary attempts to establish a practicable system of collective security, appointed in 1927 an Arbitration and Security Committee, which drafted a General Act for the Pacific Settlement of International Disputes. The General Act, as finally approved by the Assembly in 1928, contained three Model Conventions dealing respectively with conciliation, judicial settlement and settlement by arbitration. It represented the most considerable effort made up to that time to organise a collective peace system and, when the Conference met, it had been accepted by nineteen countries.

The Arbitration and Security Committee also drafted a series of Model Treaties for the guidance of States wishing to make special regional agreements among themselves. The five models thus established covered the pacific settlement of disputes, mutual assistance and non-aggression. Of these, the most important from the point of view of security was Model D, which dealt with the problem of mutual assistance. These instruments were approved by the Assembly in 1928.

The scheme embodied in the General Act, approved by the Assembly in 1928, was supplemented later by a Convention to improve the Means of preventing War, framed by the same Committee and adopted by the Assembly in 1931. A Convention on Financial Assistance, under which a State victim of aggression might, with the permission of the League, raise loans guaranteed by the signatories, had, moreover, been adopted by the Assembly in 1930. This Convention, when the Conference met, had been signed by forty States, its application, however, being contingent upon the application of a scheme for the reduction of armaments.

Concurrently with this development of security within the League, other events were taking place outside it directed towards the same end. Of these, by far the most important in the field of security was the adoption of the Paris (Briand-Kellogg) Pact for the Prevention of War as an Instrument of National Policy. The Pact came into force in July 1929, and the Assembly began to consider amending the Covenant of the League so that the two instruments might be brought into harmony. It should be noted that throughout these discussions it was again explicitly recognised that any such progress towards a complete and general renunciation of war was intimately connected with the acceptance and application of a general Convention for the reduction of armaments.

The view of those who urged that disarmament must proceed side by side with a development of security and could only be effected in proportion to the amount of security obtained was emphasised by a number of delegations during the general discussion which took place during the plenary meetings at the beginning of the Conference. It found particularly clear expression in proposals submitted by the French delegation on February 5th, 1932.²

SECURITY PROPOSALS SUBMITTED TO THE CONFERENCE, NOVEMBER 1932 TO FEBRUARY 1933.

The French delegation, on November 14th, 1932, submitted to the Conference a general scheme for the establishment of a system of collective security in which States might participate to an extent which varied with their respective interests and necessities.³ It proposed that measures to guarantee security should be taken separately or concurrently (1) by all Powers taking part in the work of the Conference, (2) by all the Members of the League of Nations, and (3) by the States forming part of a special European organisation.

¹ Document C.687.M.288.1930.IX, Conference Documents, Vol. I, page 28.

² Document Conf.D.56, Conference Documents, Vol. I, page 113.

³ Document Conf.D.146, Conference Documents, Vol. II, page 435.

(1) It was suggested that all the Powers taking part in the work of the Conference should effectively subscribe to the following principles, generally recognised to be a necessary consequence of the Pact for the Renunciation of War :

(a) Any war undertaken in breach of the Pact of Paris is a matter of interest to all the Powers and shall be regarded as a breach of the obligations assumed towards each one of them ;

(b) In the event of a breach or threat of breach of the Pact of Paris, the said Powers shall concert together as promptly as possible with a view to appealing to public opinion and agreeing upon the steps to be taken ;

(c) In application of the Pact of Paris outlawing war, any breach of that Pact shall involve the prohibition of direct or indirect economic or financial relations with the aggressor country. The Powers shall undertake to adopt the necessary measures to make that prohibition immediately effective ;

(d) The said Powers shall declare their determination not to recognise any *de facto* situation brought about in consequence of the violation of an international undertaking.

(2) It was argued that the application of the above principles would make it possible to give full effect to the obligations devolving upon the Members of the League of Nations under the Covenant and under treaties concluded in conformity with the Covenant, such as the General Convention to improve the Means of preventing War and the Convention on Financial Assistance. An effective and loyal application of Article 16 of the Covenant was, in particular, considered as an essential feature of the scheme.

(3) The proposals for a special organisation of a system of security for Europe were submitted as a development of the regional system embodied in the Locarno Treaties and it was understood that any such European organisation of peace would have to be accepted by a sufficient number of Powers, regard being had to their importance and geographical position, to ensure the security of each of them in all circumstances.

It was proposed that the measures adopted for Europe should include both political and military arrangements.¹

The fundamental object of the political arrangements was to define the conditions in which each of the States forming part of the European organisation would be entitled to the co-operation of the other contracting States.

It was, in particular, proposed :

(a) That these arrangements should establish the right to assistance in cases of aggression ;

(b) That the object of the assistance should be to put an end to the aggression and to create a *de facto* situation which would allow of a fair settlement of its consequences ;

(c) That the Council of the League should decide that assistance should be given on simply ascertaining that an attack or invasion had taken place, a special commission, established in each of the signatory States and appointed by the Council of the League of Nations, being set up to facilitate any steps that might be necessary to ascertain the facts ;

(d) That the peaceful settlement of disputes between States signing the European agreement should be ensured by their compulsory accession to the General Act for the Pacific Settlement of International Disputes ;

(e) That, in the event of one of the signatories refusing to conform to methods for the peaceful settlement of disputes, or to execute an arbitral award or judicial decision, or to take necessary action when the Council of the League had established that there had been a breach of an international understanding, the other party should submit the matter to the Council, which would decide what steps were to be taken, the contracting Powers undertaking to lend assistance in carrying the decision into effect ;

(f) That the Council, in the cases considered above, should take its decision by a majority vote.

On December 12th, 1932, the Prime Minister of the United Kingdom, in a declaration communicated to the President of the Conference,² submitted a statement by the United Kingdom, France, Germany and Italy to the effect that they were willing to join in a solemn reaffirmation, to be made by all European States, that they would not in any circumstances attempt to resolve any present or future differences between them by resort to force. It was understood that this reaffirmation of an admitted principle would be made without prejudice to fuller discussions on the question of security.

The United Kingdom delegation, in a programme of work submitted to the Conference on January 30th, 1933,³ proposed that the Political Commission should be instructed to study the method of giving effect to the above declaration of principle. It was also suggested that a committee of the continental European States should be immediately constituted to study, with a view to their mutual security, the possibility of reaching political arrangements defining the conditions in which each of them would be entitled to the co-operation of the other contracting States.

¹ For the military measures, see Chapter III, Effectives, and Chapter IV, Land Material.

² Chronological Record, pages 19 and 20. Document Conf.D.151, Conference Documents, Vol. II, page 447.

³ Document Conf.D.154, Conference Documents, Vol. II, page 472.

SECURITY PROPOSALS REFERRED TO THE POLITICAL COMMISSION, FEBRUARY 13TH, 1933.

The General Commission, following a general discussion of the plan submitted by the French delegation, which took place between February 2nd and February 8th, 1933,¹ decided, on February 13th, to refer to the Political Commission the various proposals concerning security which had been placed before the Conference.²

The Political Commission met from February 14th to March 10th, 1933, to consider the questions relating to security referred to it by the General Commission.

In addition to the proposals contained in the French memorandum and in the United Kingdom programme of work, it considered a proposal submitted by the Soviet delegation concerning the definition of the aggressor³ and a proposal by the Belgian delegation on the procedure to be used in establishing the facts in cases of aggression or threat of aggression.⁴

The Soviet proposal established five criteria for the definition of an aggressor :

- (a) Declaration of war ;
- (b) Invasion by armed forces of the territory of another State without declaration of war ;
- (c) Bombardment of the territory of another State by land, naval or air forces, or wilful attack upon its air or naval forces ;
- (d) The introduction within the frontiers of another State of land, naval or air forces without the permission of such State ;
- (e) The establishment of blockade of the coast or ports of another State.

The text of the Belgian proposal was as follows :

" I. There shall be set up at the seat of the Government of each of the High Contracting Parties a Commission for establishing the facts, consisting of x members (five, for example) chosen from among the diplomatic agents and military, naval and air attachés accredited to the said Government.

" II. The members of this Commission shall be appointed, in conditions to be agreed upon, by the Council of the League of Nations (or by the Permanent Disarmament Commission), which shall also designate the President of the Commission.

" III. Any High Contracting Party which believes itself to be the victim of, or to be threatened with, any aggression or violation of its territory shall have the option of calling upon the Commission set up at the seat of its Government to establish all the facts likely to throw light on the situation and, if necessary, to determine responsibilities.

" IV. A High Contracting Party making use of this option must, at the same time, notify the Secretary-General of the League of Nations (or the Secretary of the Permanent Disarmament Commission) as quickly as possible. The latter shall immediately notify the Government of the High Contracting Party accused, in order that the latter may without delay have the facts established on its side by the Commission set up at the seat of its Government.

" V. If the Commission considers it useful for the accomplishment of its task to verify certain facts other than those to which its attention has been drawn by the complainant Government, it shall inform the latter, which shall decide what action should be taken in this respect.

" VI. Any Commission before which a request for the establishment of facts has been laid shall, as soon as possible, make a detailed report on the result of its mission and on the conditions in which it has been carried out to the Secretary-General of the League of Nations (or to the Secretary of the Permanent Disarmament Commission).

" The Commission shall supply the Council of the League of Nations and the Permanent Disarmament Commission with any supplementary written or verbal explanations which it may be asked to give in this connection.

" VII. The decisions of the Commission shall be taken by a majority vote, the members of the minority having the right to add to the report a note explaining the reasons for their disagreement."

DISCUSSIONS IN THE POLITICAL COMMISSION, FEBRUARY 14TH TO MARCH 10TH, 1933.

The Political Commission first considered the proposed declaration of non-resort to force applicable to Europe, and on March 2nd, 1933, adopted a draft declaration and a report defining its intention and scope.⁵

On March 10th, the Political Commission instructed a Committee, under the Chairmanship of M. Politis, to consider (1) the question of the definition of the aggressor on the basis of the Soviet proposal, (2) the procedure for establishing the facts in the case of aggression on the basis of the Belgian proposal, and (3) other questions relating to security, including the question of mutual assistance.

¹ Minutes of the General Commission, Series B, Vol. II, pages 215-262.

² Minutes of the General Commission, Series B, Vol. II, page 263.

³ Minutes of the General Commission, Series B, Vol. II, page 237.

⁴ Document Conf.D./C.P.12, Series D, Vol. 5 (annex).

⁵ Minutes of the Political Commission, Series D, Vol. 5, pages 11-30 (see below, page 39).

CLASSIFICATION OF THE SECURITY PROPOSALS BEFORE THE CONFERENCE.

The subsequent discussions of the Conference in the field of security may be conveniently arranged under the following headings :

- I. General undertakings concerning security ;
- II. Undertaking not to resort to force ;
- III. Definition of the aggressor ;
- IV. Procedure for the establishment of facts constituting aggression ;
- V. Mutual assistance.

Questions concerning the establishment of breaches of the clauses relating to the limitation and reduction of armaments and the sanctions or guarantees of execution attaching to those clauses, although connected in certain respects with security, are dealt with in a special chapter of the report (see Chapter XI, B).

I. *General Undertakings concerning Security.*

The general question of security was covered by Part I of the draft Convention submitted by the United Kingdom delegation on March 16th, 1933,¹ the relevant articles being discussed at a first reading which took place in the General Commission during April and May 1933.²

Mr. Norman Davis, in the course of this discussion, speaking on behalf of the delegation of the United States of America, submitted as an illustration, without, however, committing himself to the exact words, a form of declaration which the United States was prepared to make in ratifying the Convention :

" Recognising that any breach or threat of breach of the Pact of Paris (the Briand-Kellogg Pact) is a matter of concern to all the signatories thereto, the Government of the United States of America declares that, in the event of a breach or threat of breach of this Pact, it will be prepared to confer with a view to the maintenance of peace in the event that consultation for such purpose is arranged pursuant to Articles . . . and . . . of Part I of the Disarmament Convention. In the event that a decision is taken, by a conference of the Powers in consultation in determining the aggressor, with which, on the basis of its independent judgment, the Government of the United States is agreed, the Government of the United States will undertake to refrain from any action and to withhold protection from its citizens if engaged in activities which would tend to defeat the collective effort which the States in consultation might have decided upon against the aggressor."³

The United Kingdom delegate, as a result of the discussion which took place in the General Commission,⁴ presented three new articles to be substituted for Articles 1 to 5 of the original text, and it was decided on May 24th, 1933, that these new articles should supersede the first five articles of the original draft, on the understanding that the delegates might study them at leisure and submit amendments at a second reading.⁵

The new articles were as follows :

" *Article 1.*—In the event of a breach or threat of breach of the Pact of Paris, either the Council or Assembly of the League of Nations or one of the parties to the present Convention who are not members of the League of Nations may propose immediate consultation between the Council or Assembly and any of the said parties to the present Convention.

¹ Document Conf.D.157 (Conference Documents, Vol. II, page 476). See also Chronological Record, page 21. Articles 1 to 5 of Part I of the draft Convention were as follows :

" *Article 1.*—The following articles (2 to 5) are concluded between those of the parties to the present Convention who are parties to the Pact of Paris.

" *Article 2.*—It is hereby declared that any war undertaken in breach of that Pact is a matter of interest to all the High Contracting Parties and shall be regarded as a breach of the obligations assumed towards each one of them.

" *Article 3.*—In the event of a breach or threat of breach of the Pact of Paris, a conference between the High Contracting Parties shall at once meet at the request of any five of them, provided that at least one of the Governments mentioned by name in Article 4 joins in that request. Such request may be addressed to the Secretary-General of the League of Nations, whose duty it will then be to make arrangements for the conference and to notify the High Contracting Parties accordingly. The meeting shall take place at Geneva, unless any other meeting-place is agreed upon.

" *Article 4.*—Any conclusions reached at such meeting shall, to be valid, require the concurrence of the representatives of the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, France, Germany, Italy, Japan and the Union of Soviet Socialist Republics, and of a majority of the representatives of the other Governments participating in the conference, exclusive in each case of the parties to the dispute.

" *Article 5.*—It shall be the object of the said conference, if called in view of a threat of breach of the Pact, to agree upon the steps which could be taken in respect of such threat and, in the event of a breach of the Pact of Paris being found to have occurred, to determine which party or parties to the dispute are to be held responsible."

² Minutes of the General Commission, Series B, Vol. II, pages 405-419 and 494-499.

³ Minutes of the General Commission, Series B, Vol. II, pages 495 and 496.

⁴ Minutes of the General Commission, Series B, Vol. II, pages 405-419.

⁵ Minutes of the General Commission, Series B, Vol. II, page 494.

" *Article 2.*—It shall be the object of such consultation : (a) in the event of a threat of a breach of the Pact, to exchange views for the purpose of preserving the peace and averting a conflict ; (b) in the event of a breach of the Pact, to use good offices for the restoration of peace ; and (c) in the event that it proves impossible thus to restore the peace, then to determine which party or parties to the dispute are to be held responsible.

" *Article 3.*—The provisions of the above article do not in any way prejudice the rights and obligations of the Members of the League, nor conflict with nor limit the powers and duties of the Assembly and Council under the Covenant."

Article 6 of the original United Kingdom draft Convention provided that special regional agreements might be concluded by certain of the contracting parties, such agreements to be incorporated as annexes to the Convention.¹

This article, as a result of the discussions in the General Commission, was further amplified, a new text being framed by the Committee dealing with security questions sitting under the chairmanship of M. Politis. The amended article, being closely connected with texts framed by the Security Committee for a proposed Act concerning the Definition of the Aggressor and a draft European Security Pact, was reserved for further consideration on the ground that its final form and content would necessarily depend on the decisions to be taken upon these two related texts.²

II. *Undertaking not to resort to Force.*

On March 2nd, 1933, the Political Commission, to which the United Kingdom delegation had previously submitted a draft declaration to be signed by all the European States, adopted the following text :

" The Governments of . . .

" Anxious to further the cause of disarmament by increasing the spirit of mutual confidence between the nations of Europe by means of a declaration expressly forbidding resort to force in the circumstances in which the Pact of Paris forbids resort to war :

" Hereby solemnly reaffirm that they will not in any event resort, as between themselves, to force as an instrument of national policy."³

It was emphasised in the report which accompanied the declaration that the question of the universal scope of the obligation was to be a matter of subsequent enquiry by the Conference. Various delegations expressed strongly the hope that the declaration would, in fact, subsequently assume a universal character.

It was also pointed out in the report that the text was not to be considered as an interpretation of the Pact of Paris, but as embodying an obligation distinct from the Pact. The principle underlying the declaration was that it should remove any doubt to which the use of the word " war " might give rise.

Finally, it was observed that the object of the declaration would not be secured if it merely involved a renunciation of resort to force for the settlement of a dispute, since there might well be resort to force in the absence of any formal dispute.

On May 19th, 1933, the President of the Conference read to the General Commission a message from Mr. Franklin Roosevelt, President of the United States of America, proposing :

" That all the nations of the world should enter into a solemn and definite pact of non-aggression ;

" That they should solemnly reaffirm the obligations they had assumed to limit and reduce their armaments and, provided these obligations were faithfully executed by all signatory Powers, individually agree that they would send no armed force of whatsoever nature across their frontiers."⁴

¹ Article 6 was in the following terms :

" Special regional agreements made by certain of the High Contracting Parties for providing information intended to facilitate the decisions to be given under Article 5 and for co-ordinating action to be taken by these Parties as a result of such decisions are contained in Annexes X and Y."

Annex X was to consist of a series of provisions for establishing the facts of aggression. Annex Y was to consist of a European Security Pact in two separate chapters, the first dealing with the obligation not to resort to war and the second with the subject of mutual assistance. Document Conf.D.157(1). Conference Documents, Vol. II, page 476).

² The new text of Article 6 as framed by the Security Committee was as follows :

" The High Contracting Parties recognise that the provisions of Annex Y of the present Convention are likely to contribute to the maintenance of peace, and accordingly agree to base thereon any decisions which they may have to take, particularly in the Permanent Disarmament Commission, with a view to preventing any breach of the Pact of Paris by a Power which has signed Annex Y, determining the responsibility should such a breach occur and fixing the consequences.

" The High Contracting Parties agree to refrain from any action which might hamper the application of the measures to be taken in the cases provided for by Articles 4, 5 and 6 of Annex Y and not to recognise any *de facto* situation brought about by the breach of an international obligation on the part of a State recognised as the aggressor in application of the provisions of the said annex.

" The High Contracting Parties Members of the League of Nations also undertake to comply with the provisions of Article 6 of the said annex as regards the application of Article 16 of the Covenant of the League of Nations to the signatories of the said annex.

" The High Contracting Parties Members of the League and signatories of the Convention for Financial Assistance, signed at Geneva on October 2nd, 1930, likewise undertake to comply with the provisions of Article 6 of the said annex as regards the application of that Convention."

(Document Conf.D./C.G.108(a), Conference Documents, Vol. II, page 690.

³ Document Conf.D.156, Conference Documents, Vol. II, page 475.

⁴ Minutes of the General Commission, Series B, Vol. II, page 462.

III. *Definition of the Aggressor.*

An act defining the aggressor, based on a proposal submitted by the Soviet delegation,¹ was framed by the Committee dealing with security questions appointed by the Political Commission on March 10th, 1933, to sit under the chairmanship of M. Politis.

It defined as the aggressor a State which was the first to commit one of the following five actions :

- (1) Declaration of war ;
- (2) Invasion of the territory of another State ;
- (3) Attack on the territory, vessels or aircraft of another State ;
- (4) Establishment of a naval blockade ;
- (5) Provision of support to armed bands invading the territory of another State

M. Politis, as Chairman of the Committee, in a report dated May 24th, 1933,² stated that " certain members of the Committee (United Kingdom, Germany, Hungary, Italy, Spain, Switzerland) showed a preference for an elastic definition of aggression which would permit the international authorities to take all the circumstances into account ".

The General Commission noted and discussed the draft Act on May 24th, 25th and 29th, 1933.³

The President of the Conference, summing up the position in which the General Commission found itself as a result of its discussions, observed that two very definite lines of thought had run through the debate. There were those who wished to lay down a definition of a rigid character and those who wished to accept something on the lines of the report presented by M. Politis. The President suggested a consultation between some of the principal participants in the debate—Mr. Eden (United Kingdom), M. Dvoglevski (Union of Soviet Socialist Republics), M. de Madariaga (Spain) and M. Politis (Rapporteur)—and hoped it might be possible, without destroying the work of the Committee, to obtain something on the lines of the report not quite so rigid as the definition proposed.

The consultation suggested by the President has not so far led to any general agreed definition of the aggressor.

It should be noted, however, that, at the beginning of July 1933, conventions based on the proposed definition of the aggressor and embodying the provisions of the Act presented to the General Commission, were entered into by the following countries : Afghanistan, Czechoslovakia, Estonia, Finland, Latvia, Lithuania, Persia, Poland, Roumania, Turkey, Union of Soviet Socialist Republics and Yugoslavia.⁴

IV. *Procedure for the Establishment of Facts constituting Aggression.*

The Committee presided over by M. Politis unanimously accepted an " Act relating to the Establishment of Facts constituting Aggression " based on a draft submitted by the Belgian delegation.⁵

The object of the Act was to secure impartial and immediate findings in regard to facts constituting aggression.

It provided for the appointment, on the request of a High Contracting Party, of a commission consisting of five members selected by the Government concerned from a list of ten persons of different nationalities (diplomatic agents and military, naval or air attachés accredited to the Government) nominated by an international organisation. The Governments would be sole judges as to whether they required to make use of the services of such commissions and have the sole power to decide what should be submitted to their investigations.

The General Commission, on May 30th, 1933, noted and gave a first reading to the Act.⁷

V. *Mutual Assistance.*

The Committee presided over by M. Politis also drew up a European Pact of Mutual Assistance.⁸ It consisted of two chapters, and States might accede to the Act as a whole or only to Chapter I.

Chapter I, consisting of two articles, without laying down a system of assistance, comprised in its Article 1 an engagement not to resort to force, and its Article 2 provided for an engagement to adhere to the General Convention to improve the Means of preventing War.⁹

Chapter II, without laying down an engagement to afford assistance, was designed to facilitate its operation so far as it was contemplated under treaties or under the Covenant of the League.

Article 6 of the Pact embodied a definition of the aggressor, based on the Act defining the aggressor to which reference has already been made above.

¹ See page 37 above.

² Documents Conf.D./C.G.108 and 108(a), Conference Documents, Vol. II, page 679.

³ Minutes of the General Commission, Series B, Vol. II, pages 499-502, 510-517 and 547-559.

⁴ Treaties of : (1) July 3rd, 1933 : Afghanistan, Estonia, Finland, Latvia, Persia, Poland, Roumania, Turkey, Union of Soviet Socialist Republics ; (2) July 4th, 1933 : Czechoslovakia, Roumania, Turkey, Union of Soviet Socialist Republics, Yugoslavia ; (3) July 5th, 1933 : Lithuania, Union of Soviet Socialist Republics (see Treaty Series, Volume CXLVII, No. 3391 ; Volume CXLVIII, Nos. 3405 and 3414).

⁵ Document Conf.D./C.G.108. Conference Documents, Vol. II, page 684.

⁶ See page 37.

⁷ Minutes of the General Commission, Series B, Vol. II, page 559.

⁸ Conf.D./C.G.108(a), Conference Documents, Vol. II, page 685.

⁹ Convention of September 26th, 1931 (document C.658(1).M.269(1).1931.IX), Conference Documents, Vol. II, page 312.

Article 7 stipulated that the recommendation relating to military assistance as contemplated in Article 16, paragraph 2, of the Covenant should be binding upon contracting States in relation to contracting States situated in a particular area.

Article 10 embodied an undertaking to accede to the Convention for Financial Assistance of October 2nd, 1930.¹

Discussion of the European Pact in the General Commission revealed a divergence of views, and the Commission, having noted the text, decided that the question should be held over for a second reading.²

The resolution adopted by the General Commission on June 8th, 1934, alluding to regional security agreements already concluded in Europe, provided for the appointment of a special Committee with instructions to "conduct such preliminary studies as it might consider appropriate in order to facilitate the conclusion of further agreements of the same nature which might be negotiated outside the Conference".³

The special Committee, in a report to the General Commission, submitted a number of conclusions concerning regional security agreements.⁴ It urged, in particular, that they should conform to the "rules laid down in the big general pacts (League Covenant, Pact of Paris) and be brought into line with the special agreements previously concluded by the contracting Parties either between themselves or with third States". Such agreements, moreover, "should not be directed against any Power or group of Powers". The clauses relating to security of the Model Collective Treaty of Mutual Assistance (Treaty D), approved by the League Assembly in 1928⁵, were recommended by the special Committee as a suitable basis for the framing of such agreements.

The General Commission has not yet discussed or noted this report.

SUMMARY OF EVENTS AND CONCLUSIONS.

Appreciable progress in the preparation of a system of collective security has been made in two directions as the result of the work of the Conference.

First, substantial agreement was reached in the General Commission as to the measures which should be taken for a consultation of States in the event of a breach, or threat of breach, of the Pact of Paris, and these measures were embodied in the first three articles of the United Kingdom draft Convention in conformity with the decision taken by the General Commission of the Conference on May 24th, 1933. It was a feature of the proposed consultation that it might be set on foot by the Council or the Assembly of the League of Nations or by one of the States not members of the League. The object of the consultation was to provide for an exchange of views for the purpose of preserving peace and averting conflict in the event of a breach or threat of breach of the Pact of Paris, to facilitate the use of good offices for the restoration of peace in the event of a breach, and to determine which party or parties to the dispute was to be held responsible in the event of it proving impossible to restore the peace. Special significance was given to the first reading of these articles by the formal declaration made by the representative of the United States of America that the Government of the United States would be prepared to confer with a view to the maintenance of peace in the event of a consultation being arranged in accordance with the measures laid down. It was understood that the delegates at the Conference would make a further study of the articles and they reserved the right to submit amendments at a second reading.

Secondly, definite progress was made by the adoption, on March 2nd, 1933, by the Political Commission of the draft undertaking not to resort to force, to be signed by all European States. It should be noted in respect of this undertaking that various delegations strongly expressed the hope that it would subsequently assume a universal character, and it should be recalled that the President of the United States, in a message to the Conference on May 19th, 1933, proposed that all the nations of the world should enter into a solemn and definite pact of non-aggression.

The position is less clear in regard to the definition of the aggressor, the procedure for the establishment of facts constituting aggression and the problem of mutual assistance. An Act defining the Aggressor was noted and discussed by the General Commission in May 1933, but there were certain delegations—in particular, those of Germany, Hungary, Italy, Spain, Switzerland and the United Kingdom—which showed a preference for a more elastic formula. The President of the Conference suggested a consultation between some of the principal participants in the discussion, but these consultations have not so far taken place.

An Act relating to the Establishment of Facts constituting Aggression, adopted by the Security Committee and submitted to the General Commission on May 30th, 1933, was to be applied only as requested by the Governments concerned.

A European Pact of Mutual Assistance, framed by the Security Committee and submitted to the General Commission on May 30th, 1933, gave rise in the General Commission to a divergence of views, and the question was left over for a second reading.

The question of regional agreements was again considered by a special Committee in accordance with the resolution adopted by the General Commission on June 8th, 1934, but the report of that Committee has not yet been discussed or noted by the General Commission.

¹ Document C.611(1).M.237(1).1930.IX.

² Minutes of the General Commission, Series B, Vol. III, pages 560-567.

³ Chronological Record, page 30.

⁴ Document Conf.D./C.169(1), Conference Documents, Vol. III.

⁵ See above, page 35.

CHAPTER III.—EFFECTIVES.

PROVISIONS OF THE DRAFT CONVENTION FRAMED BY THE PREPARATORY COMMISSION FOR THE DISARMAMENT CONFERENCE.

Article 2 of the draft Convention framed by the Preparatory Commission for the Disarmament Conference¹ provided that the average daily effectives of the land, sea and air armed forces and formations organised on a military basis of each of the contracting parties should not exceed, in each of the categories defined in tables annexed to the Convention, figures to be specified in the Convention.

Article 3 stipulated that average daily effectives should be reckoned by dividing the total number of days' duty performed in each year by the number of days in each year, thus establishing that the limitation and reduction of effectives should apply only to effectives with the colours, whether men performing their period of service with the active army or reservists undergoing training or serving for a longer or shorter period.

Article 4 embodied a definition of formations organised on a military basis.

The tables annexed to Articles 2, 3 and 4 of the draft Convention defined each category of effectives and established for each of them average daily effectives which were not to be exceeded in the military forces of the contracting parties or in their land formations organised on a military basis. Separate tables were provided for forces stationed in the home country and overseas.

Articles 5 to 9 of the draft Convention, dealing with the period of service of effectives recruited by conscription, provided that for each of the contracting parties the maximum total periods of service to which such effectives were liable in the land, sea or air armed forces or formations organised on a military basis respectively should not exceed the figures to be fixed by the Convention, an exception being provided, however, to meet the situation which might arise for certain countries at a given moment owing to a falling-off in the number of births. It was stipulated that for each man the total period of service should be the total number of days comprised in the different periods of service for which he was liable under the national law.

Part IV of the draft Convention, relating to exchange of information, included three articles covering information to be annually communicated in respect of effectives.

Article 30 provided for information to be exchanged through the Secretary-General of the League of Nations in regard to the average daily number of effectives reached during the course of the preceding year in the land, sea and air armed forces and formations organised on a military basis of each of the contracting parties, to be accompanied by an explanatory note showing the elements on which the figures supplied were based.

Article 31 provided for information to be exchanged as to the number of units compulsorily receiving preparatory military training during the preceding year.

Article 32 provided for an exchange of information at the end of each year concerning the provisions of the respective laws of the contracting parties relating to the total number of days comprised in the first period of service of effectives recruited by conscription and the total duration in days of the ensuing periods.

PROPOSALS SUBMITTED TO THE CONFERENCE, FEBRUARY 1932.

Proposals relating to effectives were submitted by various delegations during the general discussion which took place at plenary meetings of the Conference in February 1932.²

The German delegation, for example, proposed that effectives should be recruited only by means of voluntary enlistment. The delegations of Sweden, the Netherlands and the Union of Soviet Socialist Republics submitted proposals for the limitation and reduction of trained reserves, and the German, Soviet and Turkish delegations for a limitation of police and gendarmerie forces. The Soviet delegation proposed that civil bodies organised on a military basis by specialised military instructors, together with the military training of the civilian population at the instance of civil associations, should be prohibited. The German delegation proposed that the maintenance of military air force personnel should be prohibited, while the Soviet delegation proposed that effectives of the military air forces should be reduced in proportion

¹ Document C.687.M.288.1930.IX, Conference Documents, Vol. I, pages 7-30.

² The proposals submitted to the Conference during its plenary meetings in February 1932 are analysed in document Conf.D.102 (Conference Documents, Vol. I, page 154-158), in which all the necessary references will be found.

to reductions made in the number of machines in service. The Turkish delegation proposed the reduction of effectives to a maximum equal for all nations by means of an annual 10% decrease in the difference between actual strength and the maximum fixed, while the Soviet delegation proposed a method of progressive and proportional reduction of peace effectives based on a classification of States according to the amount of their armaments.

Finally, the French delegation, supported by the delegations of Haiti, Denmark and Bulgaria, submitted proposals providing for a contribution by each of the contracting parties to the constitution of a permanently available international police force.

CONSTITUTION AND PRELIMINARY DECISIONS OF THE LAND COMMISSION, FEBRUARY 25TH TO MARCH 9TH, 1932.

The Land Commission, constituted by the General Commission on February 25th, 1932,¹ noted that, while certain questions relating to effectives had been reserved for discussion by the General Commission as involving decisions of principle, there were a certain number of questions which were regarded as suitable for immediate examination by the Technical Commissions of the Conference.² It observed, in particular, that Articles 2 and 3 of the draft Convention contained certain definitions and a method of calculating average effectives in regard to which it would be necessary to come to an agreement, especially in view of the fact that the interpretations given to these definitions and methods by the various Governments had differed widely.

APPOINTMENT OF A TECHNICAL COMMITTEE ON DEFINITIONS, MARCH 9TH, 1932.

The Land Commission decided to postpone the discussion of any questions of principle until the necessary decisions had been taken by the General Commission, but to appoint at once a Technical Committee to consider the interpretations placed by the various Governments on the terminology used in Articles 2, 3 and 4 of the Convention in the information which they had forwarded to the League of Nations.³

REPORT OF THE TECHNICAL COMMITTEE ON DEFINITIONS, MARCH 16TH, 1932.

The Technical Committee, on March 16th, 1932, confined itself to examining the definitions contained in Articles 2 and 3 of the draft Convention, basing its report on replies to a questionnaire circulated to the various delegations.

The replies received indicated that three conceptions of the term "effectives" had been adopted either separately or jointly by the Governments in supplying information in regard to their effectives. Certain Governments had adopted the conception of theoretical or legal effectives; others had adopted a conception of budgetary effectives; a third group had based their returns upon real or actual effectives.

Legal or theoretical effectives were expressed in terms of numbers fixed by the army laws or regulations or obtained by a full application of existing legal provisions. These numbers represented a maximum and did not as a rule take into account temporary and unforeseen absences.⁴

Budgetary effectives meant either the number of effectives on which the budgetary estimates were based or the number which could be maintained with the credits opened in the budget. Budgetary effectives were therefore an estimate or probable average of the number of days' maintenance.

Actual or real effectives were the number of persons performing a day's duty. The number might be recorded on a given day or obtained by taking the average number of persons performing days of duty over a certain period.

The Technical Committee noted the variety of interpretations given by the different Governments and the resulting absence of uniformity in their returns.⁵

APPOINTMENT AND CONSTITUTION OF THE COMMITTEE ON EFFECTIVES: RESOLUTION ADOPTED BY THE GENERAL COMMISSION ON MAY 10TH, 1932.

The General Commission, on May 10th, 1932, adopted the following resolution submitted by the United States delegation:⁶

"Since the question of 'effectives' is upon the agenda to be considered by the Conference in the near future, and

¹ Minutes of the General Commission, Series B, Vol. I, page 21.

² Document Conf. D.103, Conference Documents, Vol. I, page 175. Minutes of the Land Commission, Series D, Vol. I, page 1.

³ Minutes of the Land Commission, Series D, Vol. I, page 4.

⁴ Note by the Secretariat (July 1936): The French delegation observes that one of the main difficulties encountered by the Conference would go unrecorded unless the following passage were added to this paragraph:

* In some countries, owing to their special legislation, legal effectives were far higher than real effectives and were purely theoretical, so that a reduction (and *a fortiori* a limitation) of legal effectives could have no effect."

⁵ Document Conf. D./C.T.4, Series D, Vol. I, pages 100-108.

⁶ Minutes of the General Commission, Series B, Vol. I, page 120.

" Since any reasonable, just and acceptable steps for the mutual limitation and reduction of effectives must be based upon comparable figures, and

" Since the various countries, in submitting their figures in regard to the strength of average daily effectives and formations organised on a military basis, have not interpreted the terms employed in the same sense ; and,

" In consequence, since no figures on a comparable basis are available for the use of this Conference :

" It is the opinion of the Bureau that there be set up a Technical Committee for the purpose of studying all pertinent information relating to figures for effectives with a view to preparing a report as to the numerical strength, on a comparable basis, of effectives maintained by each country, for submission to the General Commission. The Committee will invite representatives of each country concerned to appear before it in connection with the study of any figures submitted by that country, in order to aid in reaching the desired conclusion."

The Committee consisted of representatives of the following delegations : Argentine, Belgium, the United Kingdom, France, Germany, Italy, Japan, Poland, Switzerland, the United States of America, the Union of Soviet Socialist Republics and Yugoslavia.

REPORT OF THE COMMITTEE ON EFFECTIVES, JUNE 9TH, 1932.

The Committee on Effectives forwarded a report to the General Commission on June 9th, 1932.¹

The report embodied a text declaring that it had not been possible to obtain unanimity upon the precise definition to be used as a basis for the compilation of comparative tables of the average daily effectives of the armed forces in service, actual or realised, of the parties to the Convention. It declared that certain reservations had been made, relating, in particular, to persons receiving para-military training, and that it would be for the General Commission to take a final decision on these matters. Varying definitions of para-military training had been submitted by the French, Italian and Soviet delegations.

The Committee decided that, pending a decision of the General Commission, the furnishing by States of the information in regard to which reservations had been made should be optional, and that any final conclusions as to the possibility of rendering the figures of effectives comparable should be suspended.

The Committee further drew the attention of the General Commission to a certain number of questions which had not as yet come up for discussion and in regard to which the question of the competence of the Committee had been raised.

The Committee on Effectives, after forwarding its report to the General Commission, suspended its work until the necessary decisions of principle had been taken.²

THE PROPOSALS OF PRESIDENT HOOVER : RESOLUTION ADOPTED BY THE GENERAL COMMISSION ON JULY 23RD, 1932.

The proposals of President Hoover, submitted to the General Commission on June 22nd, 1932, embodied specific suggestions relating to land effectives.³

It was suggested that there should be a reduction of one-third in the strength of all land armies over and above the so-called " police component " or forces necessary for the maintenance of internal order. Under the Peace Treaties, Germany had been assigned a police component of 100,000 troops for a population of 65 million people. It was proposed that a basic police component of soldiers should be accepted for all nations proportionate to the average thus allowed to Germany and the other disarmed States, allowances being made for forces required by Powers with colonial possessions.

The General Commission, in the resolution adopted on July 23rd, 1932⁴, decided :

(a) That a strict limitation and a real reduction of effectives should be brought about ;

(b) That for this purpose the Bureau should examine, with the co-operation of such delegations as it considered necessary, the proposals of President Hoover regarding effectives, it being understood that these studies would take into consideration, in the case of each country, the actual conditions of defence and the number and character of its forces.

¹ Document Conf. D./C.G. 30, Conference Documents, Vol. I, page 275.

² The Committee on Effectives as constituted by the General Commission on May 10th, 1932, did not meet again. It was succeeded by the Special Committee on Effectives appointed by the Bureau of the Conference on September 22nd, 1932.

³ Document Conf. D. 126, Conference Documents, Vol. I, page 259.

⁴ See Annex 4, document Conf. D. 136(1).

CONSTITUTION OF A SPECIAL COMMITTEE ON EFFECTIVES : DECISION TAKEN BY THE BUREAU OF THE CONFERENCE ON SEPTEMBER 22ND, 1932.

The Bureau of the Conference, on September 22nd, 1932,¹ decided that the question of effectives should be studied by a special Committee consisting of delegates of the countries represented on the former Committee on Effectives, with the addition of delegates of countries members of the Bureau, but not represented on the former Committee. It was understood that the members of the special Committee would be Government delegates and not experts. The Committee was instructed to determine its programme and submit a report to the Bureau of the Conference.²

MEMORANDUM ON SECURITY AND DISARMAMENT SUBMITTED BY THE FRENCH DELEGATION, NOVEMBER 14TH, 1932.

The French delegation, on November 14th, 1932, submitted to the Conference a memorandum dealing with questions of security and disarmament.³

The French memorandum was based on the principle that the reduction of armaments was necessarily bound up with security conditions existing or to be created, and the object of the proposals embodied in the memorandum was to strengthen defence by reducing the forces of aggression. The military provisions of the plan had a twofold object : first, to reduce, according to the principles laid down by President Hoover, the offensive character of national forces ; and, secondly, to specialise certain elements with a view to urgent operations to be undertaken in common in accordance with the provisions of Articles 8 and 16 of the Covenant of the League of Nations. The plan had finally a third aim : the impossibility of comparing effectives being one of the main obstacles to their reduction, it was sought in the French memorandum to make them comparable by the adoption, as regards armies, of a standard type (selected from among those that might least easily lend themselves to aggression).

It was proposed that, to attain the first of these objects, the land defence forces of the continental States of Europe should be reduced to a uniform general type—that of a national short-term-service army with limited effectives. In estimating effectives, the conditions peculiar to each State and, in particular, inequalities and variations in the recruiting resources of the signatory Powers should, in conformity with Article 8 of the Covenant, be borne in mind. Likewise, account should be taken of pre-regimental training or military training received in political organisations and of effectives in the home police forces.

Each of the contracting parties would, in fulfilment of the second object of the scheme, permanently maintain at the disposal of the League for purposes of common action a limited number of specialised units consisting of relatively long-service troops equipped with powerful material.

The general organisation of the proposed system would be carried into effect within a period to be fixed and by successive stages, guarantees being afforded that there would be no increase of forces or expenditure on armaments by any State save under exceptions duly justified and accepted by the Conference.

Overseas forces would not be directly affected by the continental system embodied in the memorandum. They would be strictly calculated and specialised in view of their particular duties.

PROPOSALS SUBMITTED BY THE UNITED KINGDOM DELEGATION, NOVEMBER 17TH, 1932, AND JANUARY 30TH, 1933.

The United Kingdom delegation, in proposals submitted to the Bureau on November 17th, 1932, emphasised, in special reference to the subject of effectives, that the admission of Germany's claim to equality of treatment and freedom to readjust her fighting forces should be governed by the condition that such readjustment should not conflict with the principle of the limitation and reduction of armaments. A reorganisation of the German forces must not involve an increase of Germany's powers of military aggression.⁴

The United Kingdom Government was favourably impressed by the proposal submitted by President Hoover in regard to military effectives and was prepared to accept them in principle as constituting a basis for discussion.

The United Kingdom delegation, in a programme of work submitted to the Bureau of the Conference on January 30th, 1933,⁵ proposed that the Bureau :

- (1) Should, in accordance with the plan for the calculation of land forces contained in the proposals of President Hoover, compute the totals of personnel of the " police component " (the irreducible component) of the existing land forces of each country,

¹ Minutes of the Bureau, Series C, Volume I, page 19.

² The work of the Special Committee on Effectives is summarised below, pages 51-53.

³ Document Conf.D.146, Conference Documents, Vol. II, page 435. Chronological Record, page 18.

⁴ Minutes of the Bureau, Series C, Volume I, page 93.

⁵ Document Conf.D.154, Conference Documents, Vol. II, page 472.

both metropolitan and overseas, instructing the Committee on Effectives to submit for this purpose recommendations concerning the ratios to be employed ;

(2) Should agree upon the percentage by which the "defence component" (the excess over the "police component") of each State should be reduced, such reduction to be effected by a certain date or dates to be specified ;

(3) Should determine the stages and methods by which the continental European armies might be brought into harmony with the general type of organisation adopted, referring, if necessary, for advice to the Committee on Effectives.

WORK OF THE GENERAL COMMISSION, FEBRUARY 13TH TO MARCH 6TH, 1933 :
APPOINTMENT OF A DRAFTING COMMITTEE.

The General Commission discussed, on February 13th, 1933, a proposal of the United Kingdom delegation that outstanding questions in regard to effectives should be forwarded to the Special Committee on Effectives appointed by the Bureau on September 22nd, 1932, with instructions to report within a period of twenty-one days.¹

The French delegation urged that it was impossible for the General Commission to take up the question of land material until it was known what type of armies would be called upon to use that material, and pressed for an immediate consideration of the problem of effectives in the General Commission. The German delegation represented, on the other hand, that the General Commission might well discuss the prohibition of certain material while the Special Committee on Effectives was simultaneously framing its recommendations in accordance with the terms of reference suggested by the United Kingdom delegation.

The General Commission finally decided to retain for its own consideration proposals relating to effectives and to discuss them in the light of the proposals embodied in the French memorandum of November 14th, 1932, and the programme of work submitted by the United Kingdom delegation.

A Drafting Committee was instructed to study these proposals and to draw up a list of questions in regard to which the General Commission would have to take decisions of principle before they could be referred for detailed examination to the Special Committee on Effectives.²

A list of questions was submitted to the General Commission on February 16th, 1933.³

The Commission noted that there were three series of questions to be considered : (a) questions relating to the French plan for the standardisation of the European continental armies, (b) questions relating to effectives in general, and (c) questions relating to overseas effectives.

STANDARDISATION OF EUROPEAN ARMIES : DISCUSSION IN THE GENERAL COMMISSION
ON FEBRUARY 16TH, 17TH, 22ND AND 23RD, 1933.

The first question put to the General Commission—namely, whether it was of opinion that the European continental armies should be standardised by being converted into armies with a short-term service and limited effectives—gave rise to a preliminary exchange of views between members of the Commission at meetings held on February 16th, 17th, 22nd and 23rd, 1933.⁴

On February 17th, the French delegation submitted the following draft resolution :

" The General Commission notes :

" (a) That only a military status of a definitely defensive character is compatible with a regime of security.

" (b) That in continental Europe an army with a short-term service and limited effectives is the type of military organisation which represents the most defensive character and with which mobilisation is slowest and which therefore is the most capable of ensuring that the pacific procedures provided for in the Covenant can be set in motion, without the League of Nations, in case of aggression, being faced with an accomplished fact.

" It considers that the general adoption of this type of army will in itself bring about a general reduction of effectives both by a decrease in the number of men called up and by a reduction in the duration of service ; that in addition it will render the effectives comparable and will permit of the application of methods of calculation like those which have been proposed by the United States delegation and of which the Effectives Committee has undertaken the study.

" It decides to pass on to the study of the conditions in which this general adoption might be brought about on the European continent in order to lead to an equality of defensive status between the Powers of that continent."

The German delegation, on February 22nd, 1933, urging that the aggressive possibilities of armies would be influenced not so much by the introduction of a particular standard military system as by a substantial reduction of armaments in accordance with the right of all States to security, submitted a counter resolution in the following terms :

¹ See above, page 45, and below, pages 51-53.

² Minutes of the General Commission, Series B, Vol. II, pages 264-270.

³ Minutes of the General Commission, Series B, Vol. II, page 276.

⁴ Minutes of the General Commission, Series B, Vol. II, pages 277-303.

“ The General Commission notes :

“ (a) That only armies of a specifically defensive character are compatible with a system of security ;

“ (b) That, in order to give armies a defensive character, it is necessary, in the first place, to deprive them of the means of aggression by abolishing arms of a specifically offensive character (mobile heavy guns, tanks, air forces, prohibition of air bombardment) and to fix the quantity of war material authorised for each army ;

“ (c) That, in order to establish a system of security, it is further necessary to carry out a substantial reduction in the effectives of powerfully armed States and an equalisation of the effectives of all States. It is understood that, in this respect, oversea forces in oversea territories near the home country, and oversea forces stationed in the home country itself, should be regarded as part of the home forces.

“ In this connection, before pronouncing on the principle of the standardisation of types of army, the General Commission decides :

“ (a) Itself to settle without delay the question of the abolition of specifically offensive weapons and the limitation of authorised war material ;

“ (b) To instruct the Committee on Effectives to frame rules for the reduction and equalisation of effectives on the basis of the principles of the Hoover proposal, and to submit a recommendation on the subject to the General Commission within days.”

The United Kingdom delegation, observing that many delegations would be unable to accept a final decision upon effectives until decisions had been reached upon material, argued that decisions upon effectives might nevertheless be taken subject to satisfactory conclusions being reached upon material at a later stage.

The Italian delegation argued that the two problems of effectives and material, being commensurate in importance, should be placed on the same footing and, with this conception in mind, submitted a resolution in the following terms :

“ The General Commission notes :

“ (a) That only a military status of a definitely defensive character is compatible with a system of security ;

“ (b) That, in continental Europe, an army with short-term service, limited effectives and a corresponding limitation of material in service and in reserve would be the type of military organisation which represents the least aggressive character and with which mobilisation is slowest, and which therefore would be the most capable of ensuring that the pacific procedures provided for in the Covenant can be set in motion without the League of Nations, in case of aggression, being faced with an accomplished fact.

“ It considers that the general adoption of this type of army would permit more easily of the realisation of a general reduction of armaments, both in the sphere of effectives and in that of material ; in addition, it would progressively render the different armies more comparable with one another ; in particular, as regards *effectives*, it would assist in the application of methods of calculation like those which have been proposed by the United States delegation, and of which the Committee on Effectives has undertaken the study. It is understood that, in this connection, overseas forces stationed in the vicinity of the home country and in the home country itself should be considered on the same footing as the forces of the home country.

“ The General Commission decides to entrust to the Committee on Effectives the study of the conditions in which this general adoption might be brought about on the European continent ; and decides, at the same time, to instruct the Drafting Committee to draw up as soon as possible a similar questionnaire as regards material.”

The General Commission, on February 23rd, took a vote upon the resolutions submitted by the delegations of France, Germany and Italy. One delegation voted in favour of the German resolution, five in favour of the Italian resolution and twenty-one in favour of the French resolution.¹

QUESTIONNAIRE SUBMITTED BY THE DRAFTING COMMITTEE : DECISIONS ADOPTED BY THE GENERAL COMMISSION IN FEBRUARY AND MARCH 1933.

The General Commission, during meetings held between February 23rd and March 6th, 1933, in reply to the specific questions submitted on February 16th, 1933, decided :²

(1) That the European continental armies should be standardised by being converted into armies with short-term service and limited effectives ;

¹ Document Conf.D./C.G.44(2), Conference Documents, Vol. II, pages 669 and 670 ; Minutes of the General Commission, Series B, Vol. II, page 283, and penultimate paragraph of page 285.

² Of these decisions, some were taken by a majority vote on a show of hands, while others were regarded as having been unanimously approved in the absence of any declared objection to the principle involved. For the voting procedure, see Minutes of the General Commission, Series B, Vol. II, pages 327 and 328, and for the decisions, pages 297-343. See also documents Conf.D./C.G.41 and C.G.43, Conference Documents, Vol. II, pages 665-669.

(2) That this transformation should not apply either to all or part of the effectives stationed overseas ;

(3) That pre-military training should be reckoned in the period of training ;

(4) That military training received in any form elsewhere than in the army should be reckoned in the period of training ;

(5) That professional or long-service military personnel should be limited on common bases ;

(6) That the effectives of police forces of a military character should be limited on common bases ;

(7) That any excess in the effectives of police forces of a military character should be set off by an equivalent reduction of professional or long-service military personnel ;

(8) That the numerical limitation of effectives should apply to average daily effectives ;

(9) That it should be prohibited to maintain in the forces assigned for the defence of the home territory units consisting of professional effectives or soldiers serving longer than the period fixed for the national army, apart from specialised elements retained for common action ;

(10) That the division of effectives stationed in the home country into two components, one irreducible and the other reducible, should in principle be accepted ;

(11) That, in order to obtain a basis for calculating the strength of the irreducible component for home territories, a first approximation should be based upon figures of population, it being understood that the index figure thus obtained in terms of professional soldiers would be subsequently adjusted in order to take into account the character of the forces of each country and that corrections would be made in consideration of the special conditions of States ;

(12) That the effectives of countries with armaments fixed by the Peace Treaties should be taken as a basis for calculating the irreducible component and that persons receiving military training elsewhere than in the army should, for the purpose of establishing such effectives, be added to the effectives fixed by the Peace Treaties ;

(13) That the reducible component should be obtained by subtracting the irreducible component from the total effectives and that legal effectives should be taken as a basis of calculation ;

(14) That account should be taken in calculating total effectives of all persons receiving military training in any place or in any form whatever ;

(15) That a special system of limitation should be provided for certain categories of effectives, the definition of the categories and the system to be applied being referred to the Special Committee on Effectives ;

(16) That Governments might be left completely free to apply reductions to whatever categories of effectives they might choose ;

(17) That naval effectives employed in shore operations or coast defence should be considered jointly with land effectives ;

(18) That naval effectives should be considered in relation to naval tonnage.

The General Commission decided to postpone a decision as to the proportion in which the reducible component when established should be in effect reduced and to refer to an *ad hoc* committee all questions relating to effectives overseas.

The General Commission, in taking these decisions, referred a series of technical questions to the Special Committee on Effectives appointed on September 22nd, 1932, and asked that Committee for advice upon certain questions in regard to which a decision was postponed. The Special Committee, for example, was asked to determine the criteria of military, pre-military and para-military training, the distinguishing characteristics of professional or long-service personnel and the factors deciding whether a military character might be attributed to police forces. It was further asked to define the different categories of personnel (professional soldiers serving long terms, conscripts, recruits under instruction, militiamen and reservists in course of training or outside their periods of training) and to study the special systems of limitation to be provided for certain of these categories. Finally, it was directed to furnish tables of effectives for each country as they would be if the principles approved by the General Commission were applied.

The important question whether a distinction should be drawn between the effectives stationed in the home country and the effectives stationed in overseas territories was reserved.¹

¹ The General Commission postponed consideration of this question in view of the fact that the special questionaire relating to effectives stationed in overseas territories might come up for discussion at a later stage. (See document Conf.D./C.G.43.) Conference Documents, Volume II, page 668.)

DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION,
MARCH 16TH, 1933.

On March 16th, 1933, the draft Convention framed by the United Kingdom delegation was submitted to the General Commission.¹

Chapter I of Section I of Part II of the draft Convention embodied provisions for the numerical limitation of effectives.

Article 8 provided that the average daily effectives in the land, sea and air armed forces of each of the contracting parties should not exceed figures laid down for each party in tables annexed to the Convention.

Fifteen Powers were mentioned by name and the following figures assigned to them for total land forces, including the oversea forces of such countries as possess them : 500,000 men for the Union of Soviet Socialist Republics, 400,000 for France, 250,000 for Italy, 200,000 for Germany, 200,000 for Poland, 170,000 for Spain, 150,000 for Roumania, 100,000 for Yugoslavia and Czechoslovakia, 75,000 for Belgium, 60,000 for Bulgaria, Greece, Hungary and Portugal, 75,000 for the Netherlands, while a maximum of 50,000 men was proposed for each other European continental State. The effectives laid down for forces stationed in the home country were : 500,000 men for the Union of Soviet Socialist Republics, 200,000 for France, Italy, Germany and Poland, 150,000 for Roumania, 120,000 for Spain, 100,000 for Yugoslavia and Czechoslovakia, 60,000 for Belgium, Bulgaria, Greece and Hungary, 50,000 for Portugal, and 25,000 for the Netherlands.

The principle was laid down that figures for the effectives in the sea and air armed forces should be related to the naval and air material allowed to each country.

Article 9 defined the categories of persons covered by the term "effectives".

Article 10 provided that the contracting parties should prohibit any military training whatsoever except in organisations under the control of their respective Governments.

Article 11 defined the method whereby average daily effectives should be reckoned and the factors to be taken into account.

Article 12 defined the characteristics which would determine the inclusion of police forces or similar formations in the total effectives allotted to each of the contracting parties. It was laid down that a police force or similar formation would be included in the total effectives if it had one of a given list of characteristics, such as the possession of certain specific weapons, training of a military character other than certain kinds of training specifically excepted and equipment such as would enable it to be employed by units in tactical operations. Doubtful cases would be referred to the Permanent Disarmament Commission, which would be required to give a decision on the military capacity of the forces in question in the light of the specified characteristics and taking into account certain confirmatory conditions.

Article 13 defined the characteristics of the naval effectives to be included among the effectives of the land armed forces.

Chapter 2 of Section I of Part II of the draft Convention embodied special provisions for the organisation of the land armed forces stationed in continental Europe.

Article 14 provided that these special provisions applied only to the land armed forces stationed in continental Europe, and under Article 15 troops whose primary function was to provide drafts or reinforcements for overseas garrisons were explicitly excluded.

Article 16 provided that the maximum total period of service for the effectives in the land armed forces stationed in continental Europe should not exceed eight months, it being understood that the maximum total might, in special cases to be decided by the Conference, be extended to twelve months.

Article 17 defined the total period of service for each effective as the total number of days comprised in the different periods of service to which he was liable under national law or by the terms of his contract.

Article 18 provided that effectives whose length of service was greater than that prescribed in Article 16 should not at any time exceed certain fixed proportions of the average strength of the land armed forces to which they were attached and that they should not be grouped into units except in the case of such specialised units as might be allowed under the Convention.

The United Kingdom delegation, submitting the draft Convention, indicated that it would be necessary to add to Section I dealing with effectives a third chapter embodying provisions as to the methods by which the reductions and reorganisations entailed by the previous chapters would be achieved. These provisions were ultimately submitted to the General Commission by the United Kingdom delegation on May 4th, 1933, in three articles.²

Article A provided that reductions in the average daily effectives in the land armed forces of the contracting parties should be carried out as follows : 30 per cent of the total reduction

¹ Chronological Record, page 21.

² Minutes of the General Commission, Series B, Vol. II, pages 456 and 457. See also Annex 5, document Conf.D.163(1).

required by the end of the second year from the coming into force of the Convention, 75 per cent by the end of the fourth year and 100 per cent by the end of the fifth year.

Article B provided that any increases in average daily effectives should be carried out at a rate not exceeding that laid down for reductions.

Article C provided that reductions in the existing long-service personnel of countries which were required to transform their armies in accordance with the system prescribed for continental Europe should, as in the case of the average daily effectives covered by Article A, be effected in the proportions of 30 per cent by the end of the second year, 70 per cent by the end of the fourth year and 100 per cent by the end of the fifth year from the coming into force of the Convention, allowance being made, however, for such long-service personnel as might be allowed under Article 18.

FIRST READING OF THE PROVISIONS RELATING TO EFFECTIVES OF THE UNITED KINGDOM DRAFT CONVENTION IN THE GENERAL COMMISSION, APRIL 28TH TO MAY 8TH, 1933.

The General Commission, after a general discussion of the draft Convention submitted by the United Kingdom delegation, which took place between March 25th and March 27th, 1933,¹ entered upon a first reading of the articles of the draft Convention relating to effectives on April 28th, 1933. The discussion gave rise to numerous amendments and several important questions of principle were raised, more particularly in regard to proposals submitted by the German delegation.²

The German delegation represented :

(1) That the word "effectives" should cover, not only reservists called to the colours at a given moment, but all the trained reserves who, having completed their active service, remained on the rolls and were liable, under the law, to follow periods of training and to perform military service in time of war ;

(2) That police forces should be regarded as having a military character in the event of their possessing all and not only one of the characteristics defined in Article 12 of the draft Convention, and that the military organisation of such forces should be taken as one of the chief criteria ;

(3) That a special provision should be laid down to prevent the use of armed forces stationed in overseas territories from being used outside those territories ;

(4) That the question of the standardisation of the European continental armies was not yet ripe for an immediate decision and should be referred for consideration to the Permanent Disarmament Commission to be established under the Convention.

The French delegation represented that the amendments proposed by the German delegation in effect destroyed the plan and purpose of the Convention submitted by the United Kingdom delegation. The United Kingdom delegation expressed its misgiving at the extent and significance of the German amendments and the United States delegation confessed itself somewhat concerned at the turn taken by the discussion.

The German delegation, in support of its amendment to the effect that trained reserves should be taken into account in the calculations of effectives, argued that a reservist during the first few years following his period of service had a much greater military value than a soldier with the colours who was not fully trained. It submitted a proposal that a reservist who had done no training during the year should be reckoned as having performed one week's duty—in other words, that a reservist should represent one-fifty-second of a soldier with the colours. The French delegation refused to accept this proposal and maintained that the German amendment destroyed the principle underlying the formula of average daily effectives.

The German delegation, on May 1st, 1933, moved its amendment relating to the characteristics which should determine whether a police force should be included in whole or in part in the calculation of effectives, but accepted, on May 4th, 1933, the general provisions of Article 12 subject to amendments accepted by the United Kingdom delegation and with the addition of a paragraph to the effect that a certain percentage of the police force maintained by any contracting party and possessing one or more of the characteristics defined by the article, might be exempted from inclusion in the effectives of the land armed forces of the contracting party. The figure was provisionally fixed at 10 per cent.³

The German amendment proposing that the contracting parties should undertake not to use the armed forces stationed in distant overseas territories except for the maintenance of order and for defence was declared to be unacceptable both by the French and United Kingdom delegations.

The amendment submitted by the German delegation to the effect that the question of the standardisation of the European continental armies should be referred to the Permanent Disarmament Commission was firmly opposed by the French delegation. The German

¹ Minutes of the General Commission, Series B, Vol. II, pages 361-403.

² Minutes of the General Commission, Series B, Vol. II, pages 420-460.

³ Minutes of the General Commission, Series B, Vol. II, pages 453-455.

delegation, in moving its amendment, questioned whether a professional long-term-service army such as the German Reichswehr could necessarily be regarded as having an offensive character and, further, pleaded that, if standardisation was necessary for the purpose of comparing armies, it would be necessary to standardise, not only the armies of continental Europe, but those of the world at large.

The French delegation represented that the proposal of the German delegation would in effect result in the possession by certain Powers of mixed land forces in which a regular army would exist side by side with an army of militia or short-term-service effectives. Such a system would endow a country possessing it with the most formidable army for aggression conceivable. The French delegation could only agree that the question of standardisation should be postponed for consideration by the Permanent Disarmament Commission if, at the same time, the level of armed forces and the systems laid down in the Treaties of Peace were maintained until a final decision was reached.

The German delegation, on May 22nd, 1933, in a statement addressed to the General Commission, withdrew its amendment and agreed that the question on the standardisation of armies should be settled by the Convention to be concluded, reserving, however, the right to express its point of view regarding the particulars and execution of the measure. The withdrawal of its amendment by the German delegation followed a speech made by the Chancellor of the Reich on May 17th, 1933, in the Reichstag.¹

The discussion in the General Commission turned mainly upon the amendments submitted by the German delegation. Important proposals, however, were also submitted by other delegations. The Soviet delegation, for example, presented a series of amendments to the effect that the provisions laid down in the draft Convention in respect of the European continental armies should be universal. It moved the deletion from the draft Convention of the articles and phrases which suggested that a distinction would be drawn between armies stationed in continental Europe and elsewhere and proposed to introduce a general provision to the effect that the maximum total period of service for effectives in the land armed forces of all nations should not exceed eight months.

The delegations of the United States and Canada declared that it would be quite impossible for them to accept a system of military organisation based on conscription in time of peace. The Soviet delegation nevertheless maintained its amendments.²

The Soviet delegation further declared itself unable to express any final opinion on the numbers of effectives proposed for certain of the contracting parties under Article 8 before knowing the numbers which would be assigned to States not yet included and, particularly, to States in the vicinity of Soviet Russia. The Soviet delegation emphasised that the figures for effectives assigned to the different countries had more than an absolute value and that their relative value was of even more importance.³

The draft articles embodying the methods whereby the reductions and reorganisations involved by the provisions of the draft Convention should be effected, submitted by the United Kingdom delegation on May 4th, 1933, were discussed at meetings of the General Commission held on May 5th and May 8th, 1933.⁴

The French delegation represented that it was impossible to decide whether the rate of reductions or increases proposed was or was not acceptable without further consideration. Certain delegations agreed that the whole question was too technical to be at once considered. Other delegations were prepared to accept the provisions as they stood. The Hungarian delegation, supported by the Austrian delegation, moved an amendment to the effect that the reductions or increases should be effected within a shorter period.

It was finally agreed that no immediate decision could be taken on these provisions.

The General Commission, concluding its first reading of the articles of the draft Convention relating to effectives, noted that final decisions in regard to the amendments submitted by the various delegations remained reserved and would come up again for discussion at a later stage.

WORK OF THE SPECIAL COMMITTEE ON EFFECTIVES, SEPTEMBER 30TH, 1932, TO JUNE 30TH, 1933.

The Special Committee on Effectives, appointed by the Bureau of the Conference on September 22nd, 1932, in accordance with the resolution adopted by the General Commission on July 23rd, 1932, finished its work on June 30th, 1933.⁵

The Special Committee, instructed to establish its own programme of work, adopted an agenda based on the proposals submitted to the General Commission by President Hoover. The Special Committee accepted the principle of dividing effectives into a reducible and an irreducible component.

The Special Committee, having decided to consider the question of home forces apart from the question of overseas effectives, adopted, on October 11th, 1932, a basis for calculating the strength of the irreducible component for home territories. It was decided that a first approximation should be based upon figures of population, corrections to be made, if necessary, by taking into account the factors of area, length and nature of frontiers, and the situation of vital centres in relation to them. (Document Conf.D./C.S.E.10(1).)

¹ Chronological Record, page 22.

² Minutes of the General Commission, Series B, Vol. II, pages 447-449.

³ Minutes of the General Commission, Series B, Vol. II, page 439.

⁴ Minutes of the General Commission, Series B, Vol. II, pages 458-460.

⁵ For a general review of the work of the Special Committee, see the reports: documents Conf.D./C.G.41 (Annex); Conf.D.162 and Conf.D.164. Conference Documents, Vol. II, pages 665, 583 and 654. For the appointment of the Special Committee, see above, page 45.

The Special Committee referred the question of overseas effectives to a Sub-Committee consisting of representatives of countries possessing colonies, with instructions to consider the factors to be selected as a basis for calculating the irreducible components.

The Special Committee decided that naval and air effectives should provisionally be omitted in calculating effectives covered by the proposals of President Hoover.

The Special Committee, on October 14th, 1932, appointed a Technical Committee of Experts, with instructions (a) to examine the characteristics of the various police forces and similar formations belonging to the States represented on the Special Committee on Effectives, so that the Special Committee might later determine which police forces of the various States should be taken into account in calculating effectives, and (b) to determine the part of the naval forces to be assimilated to land forces in establishing the irreducible component.

The Technical Committee submitted a report to the Special Committee on October 28th, 1932 (document Conf.D./C.S.E.13). The recommendations contained in this report served as a basis for the provisions of Articles 12 and 13 of the draft Convention submitted to the General Commission by the United Kingdom delegation on March 16th, 1933.¹ They laid down in respect of police forces and similar formations the characteristics which should, in principle, determine their inclusion, in whole or in part, in the calculation of effectives and specified the categories of naval shore services to be assimilated to land effectives.

The General Commission, on March 6th, 1933, referred to the Special Committee on Effectives the whole series of decisions taken in the course of its meetings held between February 23rd and March 6th, 1933, together with a series of technical questions on which further advice was required and which still awaited decision² (document Conf.D./C.S.E.13). It further instructed the Special Committee to furnish tables of effectives for each country as they would be if the principles approved by the General Commission were applied.

The Special Committee on Effectives, following the decision adopted by the General Commission on March 29th, 1933, to take the draft Convention submitted by the United Kingdom as a basis for its further discussions, instructed its Technical Committee to study the questions arising under the draft Convention. It was noted, in particular, that it would be necessary to resume the examination of the characteristics of the various police forces and similar formations and to consider the question of military training given outside the army and of pre-military training.

The Special Committee, on June 13th, 1933, considered a report submitted by its Technical Committee,³ and decided to forward the report to the General Commission without expressing any opinion on the non-technical aspect of the questions involved and without prejudice to the attitude which the various delegations represented on the Special Committee might take up when these questions came up for discussion by the General Commission.

The Technical Committee, submitting its observations in regard to police forces and similar formations, informed the Special Committee that it had examined the police forces of thirty-nine States in the light of information contained in replies to Circular Letters which had been addressed to the various Governments. It had further examined the police forces in the overseas territories of nine States. For each of these two categories of police forces the Technical Committee submitted a list, drawn up according to countries, of the police formations which it considered should be included in their total effectives.

The Technical Committee, in considering naval effectives to be assimilated to land effectives, had examined information furnished by the delegations of twenty-five countries, and concluded that the rules to be applied in determining the categories of naval personnel to be assimilated to land forces were construed in the same way by the various Governments.

The Technical Committee considered the problem of pre-military training and military training given elsewhere than in the army in the light of information received from thirty-eight delegations. Each delegation, in a Circular Letter addressed to it by the President of the Conference on March 16th, 1933, had been asked to supply the Special Committee on Effectives with particulars of all cases of pre-military training or military training elsewhere than in the army in their several countries. The information included particulars as to the number of persons receiving training and the nature and duration of such training.⁴

The Technical Committee decided to study simultaneously by countries the information given in respect of pre-military training and military training elsewhere than in the army,

¹ See above, page 49.)

² See above, page 48.)

³ Document Conf.D.162. Conference Documents, Vol. II, page 583.

⁴ Delegations were asked to base their information on the following definition of military training :

* By military training is understood any training given to persons not less than 18 years of age, in accordance with military regulations in force in each State or in accordance with regulations containing similar provisions with a view to preparing those who receive it for service in the armed forces in war time.

* The principal characteristics of such training are the following :

* (1) Technical and tactical training in the use of individual and collective arms used in war ;
* (2) Training for field service in varied terrain.

* In addition, individual cases will have to be examined, taking into account especially the following criteria :

* (1) Training of cadres in indoor (on the map) and outdoor exercises ;
* (2) Use of military means of liaison and signalling.

* Physical and athletic training, properly so-called, given for any reason whatever, must not be considered as military training."

military training being often given by the same organisations both to young men before their enlistment and to fully grown men.

The Committee received and considered information furnished by twenty-five countries and accepted their figures.

The information afforded in regard to pre-military training by the delegations of Germany, Italy, Hungary, Yugoslavia, Czechoslovakia, Poland and Bulgaria gave rise to long discussion and revealed serious differences of opinion. Certain delegations maintained, for example, that Italian pre-military training was in every way similar to the training of recruits during the first few weeks after enlistment and proposed in calculating effectives to count all the time comprised in the Italian programme of pre-military training, a decision which would add to the average daily effectives of Italy about 24,000 men. A proposal to that effect was provisionally adopted by seven votes to five with five abstentions. Similarly, the Committee, by nine votes to two with eight abstentions, considered that the training given in certain German associations had a military character. Statements by the Hungarian and Yugoslav delegations to the effect that neither pre-military training nor training elsewhere than in the army was given in their countries were disputed by other delegations. Statements submitted by the delegations of Czechoslovakia, Poland and Bulgaria also gave rise to objections on the part of other delegations, which held that the activities of certain associations in those countries must be regarded as being in some respect of a military character.

The Technical Committee, in its general conclusions, noted that large organisations in numerous countries gave training to young men between 18 and 20 years of age, varying widely in character. There were organisations which gave military training of the same kind as was given to recruits in the armed forces during the early months of their service and, at the other extreme, there were athletic associations in which membership might be voluntary or compulsory. The Technical Committee did not consider that the definition of military training, submitted by the Special Committee on Effectives, succeeded in drawing a distinct line between these different kinds of training. It doubted, moreover, whether it was possible to draw such a line, since purely athletic or labour associations might have a military value. The Technical Committee, emphasising the importance of the problem, expressed the fear that countries might seek to make up for a short term of service by measures which would enable them to devote the entire period with the colours to technical and collective instruction, having ensured that recruits before coming up for service should have received pre-military training in preparation for their service. It expressed the view that recruits receiving highly specialised training for eight months, combined with pre-military courses of instruction, would be, in fact, even better soldiers than had been trained under the old system.

The Technical Committee, while confessing that it had not succeeded in finding a solution of the problem as a result of its technical examination, recommended, among other things that all physical exercises which had not a purely athletic character should be prohibited in all organisations not under the supervision of the State; that, in organisations under the supervision of the State, the annual number of hours of non-continuous exercises of military preparation, including training and exercises without arms, should not in any case, except in military schools, exceed a specific number of hours per man and should be given according to regulations and programmes to be communicated to the Permanent Disarmament Commission; that all physical, athletic or pre-military training of young people and of compulsory labour service of youths previous to their military service involving incorporation in permanent units or continuous service should be prohibited, except in the case of preparatory military schools in the strict sense and specialised high schools of physical training; finally, that all military training given elsewhere than in the army should be absolutely prohibited, it being left to the Permanent Disarmament Conference to satisfy itself that the prohibition was in effect observed.

The Special Committee, on June 27th, 1933, was instructed, on the basis of an amendment moved to Article 8 by the Polish delegation and of a declaration made by the Swiss delegation, to study the question whether an absolute maximum should be fixed for effectives serving with the colours at any time of the year. The Special Committee forwarded to the General Commission the text of an article to be embodied in the draft Convention, providing that the effectives of the land forces of each of the contracting parties should at no time exceed the figures laid down for that party in an annexed table. In this table would be laid down the figures of total personnel having completed their first period of service and recalled to the colours.¹

ADOPTION OF THE UNITED KINGDOM DRAFT CONVENTION AS THE BASIS OF THE FUTURE CONVENTION AND NEGOTIATIONS OF THE PRESIDENT WITH THE HEADS OF STATES, JULY TO OCTOBER 1933.

The General Commission, on June 8th, 1933, adopted the draft Convention submitted by the United Kingdom delegation as the basis of the future Convention.

The President of the Conference, on October 9th, 1933, gave an account to the Bureau of the results of his negotiations with heads of States, Ministers and delegations to the Conference in July, August and September 1933.²

¹ Document Conf.D.164. Conference Documents, Vol. II, page 654.
² Chronological Record, page 23.

He stated that among the questions on which agreement appeared to be relatively easy was the standardisation of the European continental armies, including the questions which had arisen under that head on trained reserves, effectives and colonial forces.

WORK OF THE COMMITTEE OF THE BUREAU (EFFECTIVES), NOVEMBER 11TH TO
DECEMBER 5TH, 1933.

The Bureau of the Conference, on November 11th, 1933, appointed a special Committee to make a further study of the problem of effectives. The Committee was composed of the delegations of France, the United Kingdom, Poland, the Netherlands, Hungary, Yugoslavia, Sweden, the United States of America and the Union of Soviet Socialist Republics. The Bureau, in appointing the Committee, stated that, as certain aspects of the question of effectives had not even formed the subject of a preliminary study, the Committee might deal with the question as a whole.¹

The Committee found it was not possible to deal finally with all the questions relating to effectives, and accordingly decided to confine itself to certain definite questions corresponding with specific articles of the draft Convention submitted by the United Kingdom delegation.

(1) The Committee considered the provisions of Chapter 3 of Section I of Part II of the draft Convention dealing with the provisions governing the reduction and reorganisation of effectives.

The Committee adopted a series of articles providing for progressive reductions or increases of average daily effectives and progressive reductions of long-term-service personnel according to a system of percentages to be fixed for each of the first five years of the period of application of the Convention. The articles further provided for a gradual dissolution of units composed of long-term-service personnel or their conversion into short-term-service units, and fixed a maximum period of service for effectives other than long-term-service personnel.

The provisions framed by the Committee were based on the assumption that the process of reduction and reorganisation would be spread over a period of five years, and that figures would be based upon actual and not legal effectives.

The Committee recommended percentages of 30, 75 and 100 for the second, fourth and fifth years respectively. The percentage applicable at the end of the first year, though relatively low, should, nevertheless, be appreciable in order to permit of supervision, and the percentage applicable at the end of the third year would depend upon certain technical investigations. The percentages in question should be laid down as soon as possible and in any case prior to the signature of the Convention. It was understood that increases would synchronise with reductions.

(2) The Committee, on November 15th, 1933, was invited by the United Kingdom delegation to prepare, in view of the exchange of information which would be required under Part III of the draft Convention, a list and description of the returns to be forwarded by Governments to the Permanent Disarmament Commission in respect of questions relating to effectives. The Committee prepared a list of documents for submission by the delegations to the competent services of their countries, asking the Governments to state whether it would be possible to furnish the proposed documents or others of a similar character.

The Committee observed that it had confined itself to the question of a normal exchange of information between Governments and that it was not dealing with the question of documents to be produced in the event of an investigation under Article 69 of the draft Convention.

(3) The Committee considered the ratios to be fixed under Article 18 of the draft Convention between long-term-service or professional elements and the average strength of effectives throughout the year. The Committee noted that the General Commission had decided to add to Article 18 a second paragraph which would, in effect, prohibit the existence in short-term-service armies of units composed of professional soldiers.

The Committee came to the conclusion that it would be difficult to lay down a uniform percentage for all countries, and the majority of the delegations preferred that specific limits should be fixed in the case of each country for effectives whose length of service might exceed the normal period. It pointed out, however, that such a system would necessarily be more complicated than the system of ratios as embodied in Article 18 of the United Kingdom draft Convention.

(4) The Committee further considered questions arising under Articles 16 and 17 of the draft Convention dealing with the length of the period of service. It unanimously approved the principle of a limitation of the period subject to temporary exceptions justified by special circumstances, such as a temporary decrease in the birth rate, which might make it impossible for a country to achieve its average strength under normal conditions.

The Committee considered three possibilities: a general maximum limit, distinct limits for the several arms, and an average limit. It expressed no definite opinion as to the merits of these solutions. The United Kingdom delegation, however, emphasised that a maximum limit fixed at the lowest possible level was one of the fundamental principles underlying the provisions of the draft Convention.

¹ Chronological Record, page 25. The German delegation had withdrawn from the Conference on October 14th, 1933

The question of a minimum level for the period of service was also raised in view of the fact that States might adopt a shorter term of service in order to give military training in the army to a greater number of men.

The Committee also discussed whether the limits to be accepted should be fixed in respect of each country or group of countries or all the contracting parties. A suggestion was accepted by the French, Polish, Hungarian and Yugoslav delegations to the effect that, in respect of limits, there should be a system of adjustment within the framework of regional groups.

The Committee did not feel itself able to express any final opinion on these various questions or to put forward definite proposals, and it expressed the view that it would be for the competent authorities in the various countries thoroughly to examine the points which had been raised.¹

DIPLOMATIC NEGOTIATIONS AND EXCHANGE OF MEMORANDA BETWEEN GOVERNMENTS, OCTOBER 1933 TO APRIL 1934.

The Bureau of the Conference, following the withdrawal of Germany in October 1933, decided that the work of the Conference might best be assisted by parallel and supplementary efforts between various States.²

Notes and memoranda as a result of this decision were exchanged between the Governments of the United Kingdom, France, Germany and Italy.

The United Kingdom Government, in a memorandum dated January 29th, 1934, noted that Germany, which, under the terms of the United Kingdom draft Convention, had been allowed an army of 200,000 men on the basis of eight months' service, was claiming to be allowed an army of 300,000 men on the basis of twelve months' service. The United Kingdom Government expressed the view that accommodation might presumably be found between these two figures, provided it was understood that there would be parity in the matter of effectives as between the home forces allotted to France, Germany, Italy and Poland. It was further suggested that the reduction of the European continental armies to a standard type should be completed in, at most, four years, and that military training outside the army of men of military age should be prohibited, this prohibition being checked by a system of permanent and automatic supervision.

The President of the Conference, at a meeting of the Bureau held on April 10th, 1934, reviewed the outstanding differences of opinion between the various Governments in regard to effectives as set forth in the memoranda exchanged between them.³

The German Government considered that, for a fair comparison of effectives, account should be taken of trained reserves and of oversea troops stationed near enough to the home country to enable them to be used at home for military purposes. She was prepared, before the Convention was signed, to determine what was to be understood by military organisations outside the army and to define the activities prohibited to such formations.

The French Government considered that French and German effectives could only be compared in respect of effectives intended for the defence of the home territory. Comparison, moreover, was only possible if all forces with a military character were subject to limitation. She did not refuse to consider the limitation of oversea effectives, and was prepared to include oversea forces and the mobile reserve stationed in the home country in the system of limitation. She made explicit reservations with regard to the claim of the German Government to raise its regular army without delay to a strength of 300,000 men, equipped with the necessary material, without any preliminary enquiry into the present position of that army.

The Italian Government assumed that the German demand for 300,000 men was based on the assumption that the armed countries did not intend to reduce their effectives. She considered that the whole problem of reduction and standardisation was too complicated and suggested an agreement on the *status quo*.

The German Government, in a statement dated April 16th, 1934, agreed in principle to ensure the non-military character of the S.A. and the S.S. forces, to be verified under a system of supervision.⁴

The French Government, in a memorandum dated April 17th, 1934, expressed the opinion that the German Government appeared to be less anxious to suppress or adapt to civilian purposes her para-military organisations than to perfect their training for warlike purposes.

There has been no discussion of the specific problem of effectives, either in the Bureau of the Conference or the General Commission, since April 1934.

SUMMARY OF EVENTS AND CONCLUSIONS.

The results achieved in dealing with the problem of effectives, as with other disarmament problems, cannot be accurately measured by the proposals made and the decisions taken in

¹ Preliminary Report of the Committee of the Bureau (Effectives). Document Conf.D./Bureau 53. Conference Documents, Volume III.

² Chronological Record, page 25.

³ Chronological Record, page 26.

⁴ Document Conf.D./C.G.105. Conference Documents, Volume III.

the course of the proceedings of the Conference. Political events constantly outran these proposals and decisions, which served rather as landmarks of what might have been achieved at a given moment than as evidence of effective progress.

Among these landmarks was the proposal of President Hoover, submitted to the General Commission on June 22nd, 1932, that there should be a reduction of one-third in the strength of all land armies over and above the forces necessary for the maintenance of internal order. The General Commission on the following day adopted a resolution to the effect that a strict limitation and real reduction of effectives should be brought about.

Of paramount importance to the work of the Conference was the proposal of the French delegation, submitted on November 14th, 1932, for the reduction to a uniform general type of the land defence forces of the continental States of Europe on the basis of armies with short-term-service and limited effectives. This proposal was adopted in principle by the General Commission in February 1933, together with a series of decisions relating to the methods and conditions in accordance with which the transformation should be carried out, the criteria to be applied in estimating effectives and the determination of the categories of service to be included in their computation. Of these decisions, however, some were taken by a majority vote on a show of hands, while others were regarded as having been unanimously approved in the absence of any declared objection to the principle involved.

The articles embodied in the draft Convention submitted by the United Kingdom delegation to the General Commission on March 16th, 1933, represented an effort to declare and obtain approval for principles and decisions approved by the Conference or in regard to which agreement seemed at that moment likely to be secured. These articles, however, gave rise to numerous amendments and counter-proposals, which were reserved for a second reading. The German delegation abandoned its proposal that the question of the standardisation of the European continental armies should be referred for consideration to the Permanent Disarmament Commission, but reserved its views regarding the particulars and execution of that measure. The articles laying down the methods and rate of progress whereby the provisions of the draft Convention relating to effectives should be carried out were also reserved, it being recognised that no immediate decision could be taken upon them. No agreement, moreover, was reached in regard to perhaps the most striking feature of the proposals put forward by the United Kingdom delegation, under which definite figures for effectives were assigned to the several Powers. The subject was frequently discussed, both in the General Commission and in the Special Committee on Effectives, but it was impossible to reach agreement either as to the figures themselves or as to their method of computation. The results represented by the decisions taken by the General Commission in February and March 1933, and by the articles of the United Kingdom draft Convention as adopted on a first reading in April and May 1933, should be read in the light of these observations.¹

Valuable work, on the other hand, was done by the Special Committee on Effectives, which, with the assistance of its Technical Committee, explored all the more important aspects of the problem of effectives and provided the basis for any decisions of principle which the Conference might be called upon to take. The Special Committee on Effectives, appointed in September 1932, accepted the principle of dividing effectives into reducible and irreducible components, and adopted a basis for calculating the strength of the irreducible component for home territories. Definite conclusions were reached by the Special Committee in October 1932 in regard to the categories of naval effectives to be assimilated to land forces and in regard to the characteristics of police forces and similar formations which should, in principle, determine their inclusion in whole or in part in the calculation of effectives. These conclusions were embodied in the United Kingdom draft Convention submitted in March 1933; but, following a first-reading discussion, which revealed serious divergencies of opinion, they were referred for further consideration, together with the question of para-military and pre-military training, to a Technical Committee, which examined them in the light of detailed information supplied by delegations to the Conference.

Further studies, based on the provisions of the draft Convention and on detailed information supplied by the delegations, resulted in the framing of a technical report which, in June 1933, was forwarded by the Special Committee to the General Commission. Definite recommendations were submitted in regard to naval effectives and in regard to police forces and similar formations, but no opinion was expressed on the non-technical aspect of the questions involved, and the attitude of the various delegations represented on the Special Committee was expressly reserved. No agreed solution was found in respect of para-military and pre-military training.

The question of oversea effectives was, in October 1932, referred to an *ad hoc* Sub-Committee consisting of representatives of countries possessing colonies. No decision was reached either in that Sub-Committee or in the General Commission. The German delegation, during the first reading of the United Kingdom draft Convention in the General Commission proposed that the contracting parties should undertake not to use the armed forces stationed in distant oversea territories except for the maintenance of order and defence. That amendment was declared to be unacceptable both by the French and United Kingdom delegations.²

¹ See above, pages 49-51.

² For the position of the various articles relating to effectives embodied in the United Kingdom draft Convention as it emerged from first reading, see Annex 5, document Conf.D.163(1).

Further technical studies undertaken by the Special Committee appointed by the Bureau of the Conference on November 11th, 1933, have not yet been considered by the Conference. Among other things, the Special Committee adopted a series of provisions relating to the reductions and reorganisations of effectives to be carried out under the United Kingdom draft Convention during the first five years of its period of application, the term of service and the ratios to be fixed between long-term-service or professional elements and the average strength of effectives.

The question of effectives thereafter became the subject of diplomatic negotiations between the Governments. The German Government, which, under the United Kingdom draft Convention, had been allotted 200,000 men on the basis of eight months' service, claimed, in January 1934, to be allotted an army of 300,000 men on the basis of twelve months' service. Subsequent developments outside the Conference are described in the previous section of the present chapter.¹

¹ See above, page 55.

CHAPTER IV.—LAND MATERIAL.

PROVISIONS OF THE DRAFT CONVENTION FRAMED BY THE PREPARATORY COMMISSION FOR THE DISARMAMENT CONFERENCE.

The draft Convention framed by the Preparatory Commission for the Disarmament Conference contained only one article providing for the limitation of land material—namely, Article 10—which provided that the annual expenditure of each contracting party on the upkeep, purchase or manufacture of war material for land armaments should be limited to figures laid down for each party in accordance with conditions to be prescribed. Article 10 embodied a decision, taken by a majority of sixteen votes to three, with six abstentions, in the Preparatory Commission, to apply to land war material the principle of indirect or budgetary limitation. The principle of direct limitation to be applied to land material had been discussed in the Preparatory Commission with inconclusive results, a resolution to the effect that direct limitation should apply resulting in a vote of nine delegations in favour of the proposal and nine against it, with seven abstentions.¹

PROPOSALS SUBMITTED TO THE CONFERENCE, FEBRUARY TO APRIL 1932.

Proposals for a direct limitation of land armaments were submitted by various delegations during the general discussion which took place in February 1932, during the plenary meetings of the Conference, and in the General Commission during March and April 1932. These proposals, both oral and written, showed that a large number of delegations considered the method of indirect limitation of land war material to be inadequate, and they provided for varying degrees of direct limitation and reduction. Far-reaching suggestions for an absolute prohibition of certain classes of land material were put forward. The delegations of Austria, Italy, Latvia and Switzerland, for example, proposed that all kinds of heavy artillery should be prohibited; the delegations of Spain, Sweden and the United Kingdom proposed that mobile heavy artillery should be prohibited; the delegations of Belgium, Portugal and the Union of Soviet Socialist Republics moved that the prohibition should apply to heavy long-range artillery; the Chinese and Turkish delegations, that it should apply to heavy artillery above a calibre to be specified; the German delegation, that it should apply to heavy and field artillery and to mortars and trench mortars above a calibre to be specified. Proposals to the effect that tanks should be prohibited were submitted by the delegations of Austria, China, Germany, Italy, Latvia, Spain, Sweden, Switzerland, Turkey and the Union of Soviet Socialist Republics.

During these preliminary discussions, many important questions of principle were raised which applied to the land, sea and air armaments of all countries. The French delegation, for example, supported by other delegations, asked that powerful land material subject to prohibition should be placed at the disposal of the League of Nations in the event of the application of Article 16 of the Covenant. The German delegation, supported by the delegations of Austria and Hungary, were of opinion that the disarmament measures laid down in the Treaties of Peace should be regarded as an indicative model for the reductions to be applied to all the Members of the League. These same delegations, supported by the delegation of Bulgaria, urged that only one system of disarmament should be applicable equally to all States. The Italian delegation also urged that equality of rights as between all States should be adopted as a principle and that there should be a perequation of armed forces at the lowest possible levels.

The Turkish delegation proposed that, within ten years, the land, sea and air armaments of all countries should be reduced to an equal limit, while the Soviet delegation proposed that reductions should be effected at a rate directly proportional to the extent of the armaments of the various countries on a determined date, such reductions to be less drastic in the case of weak States and to have regard to alliances or military agreements existing between the parties.

Among the general questions of principle raised by delegations putting forward specific proposals for a limitation of land material were the criteria to be applied in deciding the limitations or reductions to be effected by each country, the extent to which the special circumstances of the different countries must be taken into account, the period within which reductions should be effected, the application of a progressive system of reduction by stages,

¹ Document C.690.M.289.1930.IX. Conference Documents, Vol. I, page 40. Article 10 of the draft Convention was referred by the Conference to its National Defence Expenditure Commission, whose proceedings are summarised in Chapter VII of this report.

the creation of an international force for the application of sanctions, the relative importance of qualitative and quantitative limitation, the extent to which the reduction of land armaments should be dependent upon the organisation of a collective peace system, the need for a control of the private or State manufacture of armaments, the application of the principle of uniformity and equality to a general reduction of armaments and the combination of quantitative with budgetary limitation.¹

CONSTITUTION OF THE LAND COMMISSION, FEBRUARY 25TH, 1932.

On February 25th, 1932, the General Commission set up a Land Commission, on which all delegations might be represented by a delegate, for consideration of questions dealing with Land Armaments and Effectives.²

QUALITATIVE DISARMAMENT.

The principle of a qualitative limitation of land material was urged upon the Conference as one of its basic problems by the United States delegation in a resolution moved in the General Commission on April 11th, 1932.³ The resolution was in the following terms :

“ Whereas all States of the world are animated with the same legitimate concern for the defence of their territory and peoples ;

“ Whereas many States now feel that they exist under the menace of aggression from their neighbours ;

“ Whereas that fear of aggression is primarily caused and intensified by the existence of weapons which can break down national defences such as fortifications—in other words, which give superiority to attack over defence ;

“ Whereas the establishment of a constant superiority of defence over attack would promote in the peoples of all States a feeling of security :

“ The General Commission believes that the abolition of aggressive weapons would constitute a first and essential requisite, not only for the reduction of armaments, but for the establishment of security ;

“ And resolves :

“ 1. (a) That the following weapons are of a peculiarly aggressive value against land defences—tanks, heavy mobile guns and gases—and as such should be abolished ; and

“ (b) To request the Land Commission to draw up and submit to the General Commission a plan for scrapping tanks and mobile guns exceeding 155 mm. (6.1”) in calibre and for the abolition of the use of gases in war ;

“ 2. (a) That an undertaking by the States not to avail themselves of the aforementioned weapons in the event of war is equally essential ; and

“ (b) To request the Political Commission to draw up and submit to the General Commission texts for these purposes.”

The discussion which ensued in the General Commission on the general principles raised by Article 1 of the draft Convention was concentrated largely upon the problem of a qualitative reduction of land armaments.

The Swiss delegation welcomed the proposal submitted by the American delegation as removing the discussions of the Conference from a theoretical and general plane and providing a scheme which embodied a possible solution.

The United Kingdom delegation, while welcoming the suggestion that heavy mobile guns should be limited at 155 mm. (6.1”), observed that another weapon providing means of aggressive attack was the heavy tank, whose weight and power gave it a great capacity for crushing obstacles of defence.

The German delegation approved the principles of the United States proposal, assuming, however, that it was only a first step toward the measures of disarmament which the heavily armed Powers were required to undertake under Article 8 of the Covenant.

The French delegation, welcoming the American proposal as to land armaments, proposed that they should apply also to bombing-planes and battleships of over 10,000 tons and large

¹ The proposals submitted to the Conference in the course of its plenary meetings are analysed in document Conf. D. 102 (Conference Documents, Vol. I, page 148), in which all the necessary references will be found. The proposals submitted to the Conference during the discussions which took place in the General Commission, with the discussions relating to them, will be found in the Minutes of the General Commission, Series B, Vol. I, pages 36-116. The specific question of the qualitative and quantitative limitation of land war material was necessarily discussed in the light of the general principles and criteria to be applied in the general reduction of armaments contemplated in Article 1 of the draft Convention, and most of the relevant proposals were submitted by the delegations as questions which would necessarily be raised under Article 1. The General Commission entered upon a discussion of the general principles raised by Article 1 on April 11th, 1932, and these discussions were concluded on April 22nd, 1932.

² See also page 43.

³ Minutes of the General Commission, Series B, Vol. I, pages 40 and 41.

submarines, adding, moreover, two essential elements missing from the United States proposals—namely, supervision and sanctions in respect of any country disregarding its undertakings. The French delegation pointed out that the principle of qualitative reduction was implicit in its proposal that the more powerful armaments by land, sea or air should be placed at the disposal of the League of Nations. It doubted whether it was either political or moral indiscriminately to deprive a country, which might be forced to defend itself from aggression, of the most powerful weapons of war, and in this connection drew a definite distinction between the term "aggression", with which was connoted a political idea, and the term "offensive", which referred to a method of using military weapons. It emphasised that the real criterion lay in the intentions of the country concerned and that effective self-defence must involve the possibility of employing the technical means of offensive warfare.

The delegations of Uruguay, Yugoslavia and Poland were generally in agreement with the views in regard to security, sanctions and the organisation of peace urged by the French delegation.

The Spanish delegation, while insisting that the most offensive armaments were those which could most easily be used for purposes of aggression, emphasised the need for an international institution which would, in effect, determine the quantity and quality of the armaments which countries would retain, and expressed its sympathy with the proposals of the French delegation that the possession of certain categories of armaments should be vested in an international authority.

The Italian delegation, referring to the proposals which it had submitted to the Conference for the abolition of aggressive weapons of all kinds, including heavy artillery, tanks, capital ships, submarines, aircraft-carriers, bombing-aircraft and chemical and bacterial weapons, represented that these proposals aimed at a simultaneous and complete abolition of all arms which determined in a particular manner the aggressive capacity of a State.¹ It considered that the immediate destruction of all such means of war was the more desirable method of abolition, but it was prepared to accept a system of destruction by instalments and in accordance with methods appropriate to the special requirements of the various categories of armaments.

The Soviet delegation observed that the wider proposals which it had submitted for a substantial, progressive and proportional reduction of armaments did not exclude qualitative reduction or the abolition of certain classes of armaments, and recalled, in this connection, that it had provided in its proposals for a total abolition of tanks and heavy artillery of a calibre considerably lower than 155 mm. (6.1"). It appeared, however, that isolated proposals for the abolition of any given kind of armaments were likely to meet with serious obstacles, owing to the varying relations between different categories of armaments as between the several States.

The Japanese delegation expressed its sympathy with the proposals of the United States delegation, but urged that the qualitative principle must be discussed simultaneously in relation to all three categories of armaments—by land, sea and air. It further represented that the qualitative reduction of material must necessarily be considered in its relation to other factors which influenced the security of nations, such as the existence of superior forces or a disturbed situation in neighbouring countries. It urged, in conclusion, that, in view of existing realities, a certain moderation in efforts to achieve a first stage of world disarmament was necessary.

The Turkish delegation welcomed proposals for the suppression of certain weapons, but formally moved a resolution in favour of its own solution of the disarmament problem by a substantial and progressive reduction of existing armaments directed towards an equalisation of forces as between the different States.

The Persian delegation expressed the view that an abolition of aggressive weapons could not be carried out without an effective control of the armaments industry, and submitted a proposal for the internationalisation of all factories producing arms, munitions and war material.

Finally, the delegation of Denmark submitted a resolution to the effect that the General Commission should request the special Commissions of the Conference to draw up plans for the prohibition of arms specially calculated to give the aggressor a pronounced advantage and to specify the different categories of such arms, it being understood that the prohibition would extend to all forms of manufacture and preparation of such arms and to all training in their use.

**QUALITATIVE DISARMAMENT : RESOLUTION ADOPTED BY THE GENERAL COMMISSION
ON APRIL 22ND, 1932.**

The General Commission, on April 22nd, 1932, adopted a resolution inviting its competent Commissions to examine the range of land, sea and air armaments with a view to selecting those weapons whose character was most specifically offensive or those most efficacious against national defence or most threatening to civilians.²

¹ For the proposals submitted by the Italian delegation, see document Conf.D.106. Conference Documents, Vol. I, page 161.

² Minutes of the General Commission, Series B, Vol. I, page 116.

The Land Commission, as the result of a meeting held on April 26th, 1932, concluded that, in respect of land material, the weapons which were "most efficacious against national defence" should be considered as being those whose character was "the most specifically offensive", and that the first two criteria named in the resolution of April 22nd might thus be held to form one single criterion. It further decided that, without dealing successively with the whole series of land armaments, it would confine its examination to those armaments which had already been indicated as requiring special treatment under concrete proposals submitted to the Conference. It decided in accordance with this conclusion to consider (1) artillery, (2) armoured vehicles, and (3) certain fortifications.¹

QUALITATIVE DISARMAMENT : REPORT OF THE LAND COMMISSION TO THE GENERAL COMMISSION OF JUNE 7TH, 1932.

The Land Commission, sitting from April 28th to June 6th, 1932, forwarded to the General Commission, on June 7th, 1932, a report based upon replies received from a Committee of Experts to a series of technical questions concerning artillery and armoured fighting vehicles.¹

The report of the Land Commission contained certain unanimous conclusions in regard to artillery material, together with an indication of the views of the various delegations in regard to points on which no agreement could be reached.

Artillery.

The Land Commission unanimously decided :

(1) That all artillery might be used for offensive and for defensive purposes, but that its offensive capacity became greater with the increase of its power and range ;

(2) That the types of mobile artillery most threatening to national defence were those which were capable of destroying permanent fortifications of considerable strength—namely, in the case of permanent fortifications of great strength, artillery of a calibre exceeding 320 mm. (12.6") ; and, in the case of permanent fortifications of medium strength, artillery of a calibre of about 250 mm. (10") ;

(3) That in a lower category of an inferior power should be included pieces of a calibre between 250 mm. (10") and about 100 mm. (3.9").

(4) That artillery of a calibre under 100 mm. (3.9") could only be effectively used against the least strongly protected personnel and objectives of the battlefield.

Unanimity was not reached, however, as to the threatening character in relation to national defence of artillery of the lower category between 250 mm. (10") and 100 mm. (3.9"). Some delegations considered that this category was more necessary for national defence than threatening to it, while other delegations placed at 100 mm. (3.9") or 155 mm. (6.1") or 220 mm. (8.6") the limits above which artillery might be regarded as threatening to national defence. Certain delegations urged, moreover, that the limit of calibre above which the artillery of a State was of an essentially offensive character was necessarily relative and that it might be lower in proportion as the means at the disposal of the defender were weaker. Among the specific factors mentioned by certain delegations as determining the limit of the calibre above which artillery must be regarded as possessing an essentially offensive character were the power of the artillery capable of resisting it, the nature and protection of its objectives and the strategic situation of the combatants.

Certain delegations, in regard to the third criterion defined by the General Commission, took the view that artillery material of over 200 mm. (8") calibre having an effective range of more than 25 km. (15½ miles) was the most menacing to the civil population. Other delegations attributed this character to artillery of a calibre of over 105 mm. (4.1") and an effective range of over 15 km. (9¼ miles). There were also delegations who thought it necessary to include in the zone of the battlefield tactical reserves which might be 50 km. (31 miles) away from the front.

Armoured Vehicles.

There was a very marked divergence of views in the Commission on the subject of armoured fighting vehicles and no unanimous conclusions were reached. Difficulties arose as to the distinction established between tanks and armoured cars, as well as on the fundamental question whether, and to what extent, the different kinds of armoured vehicles answered to the criteria defined by the General Commission.

A large number of delegations were of opinion that all tanks should be included in the list of weapons to which the criteria of the General Commission would apply. These delegations urged that, however useful tanks might be for defensive purposes, the menace which they

¹ Document Conf.D.122. Conference Documents, Vol. I, page 227. The Land Commission noted that chemical warfare gases would, as an aggressive weapon, be considered by a special Committee of the Conference.

constituted to national defence in the hands of an aggressor outweighed the advantages which they might confer on the defence. They accordingly considered that tanks of whatever type should be regarded as particularly efficacious against national defence and for that reason as specifically offensive. The delegations taking this view could not agree that tanks should be included among the weapons most dangerous to civilians, since their action could be regulated with precision and confined to military objectives.

A second large group of delegations proposed to include among the weapons to which qualitative disarmament should apply only tanks exceeding a certain tonnage. Distinctions were drawn between heavy tanks of a weight from about 25 tons upwards, medium tanks of a weight between about 20 and 10 tons and light tanks below the limit of 10 tons. It was suggested that tanks between the limit of about 20 and 25 tons had offensive qualities which should render them liable to qualitative disarmament, whereas tanks of a lower weight should not fall within this category. The delegations which took this view were of opinion that tanks, whatever their type, were not particularly dangerous to civilians.

The report of the Land Commission embodied a memorandum submitted by the French delegation, in which it was argued that only tanks specially designed for the purpose and of a minimum weight of 70 tons could be effective against permanent fortifications and that there was no technical reason for regarding armoured fighting vehicles as more specifically offensive, more efficacious against national defence, or more threatening to civilians than any other means of warfare.

Further differences of opinion arose in regard to armoured cars. Certain delegations regarded armoured cars of all types as liable to qualitative disarmament, whereas other delegations, even among those which were in favour of including all tanks in the list of specially offensive weapons, unreservedly excluded armoured cars.

The Commission submitted a number of general observations regarding the possible conversion and use of agricultural or commercial motor-vehicles for military purposes. Some delegations urged that it would be useless to prohibit or restrict the lighter classes of tanks and armoured cars, in view of the ease with which they might be replaced by certain vehicles used for economic purposes, while other delegations applied a similar argument to all armoured fighting vehicles, contending that, if these vehicles were subject to qualitative disarmament, countries with a powerful metallurgical industry might encourage the construction of non-military vehicles capable of being easily adapted to military use.

Fortifications.

The Commission submitted no conclusions or recommendations in regard to fortifications, finding it extremely difficult to make any practical proposals on the subject. It decided, however, to forward to the General Commission a note submitted by the German delegation urging that fortresses possessing certain characteristics fulfilled all three criteria laid down by the General Commission and should therefore be liable to qualitative disarmament, together with the observations of such other delegations as had submitted memoranda on the subject.

ACTION TAKEN BY THE BUREAU OF THE CONFERENCE UPON THE REPORT OF THE LAND COMMISSION : RESOLUTION ADOPTED BY THE GENERAL COMMISSION ON JULY 23RD, 1932.

The Bureau of the Conference, noting that divergencies of views still existed on the subject of qualitative disarmament in the Land, Naval and Air Commissions, invited the delegations, in June 1932, to make further efforts to seek an agreement by means of private conversations among themselves.

The results of these conversations were embodied in a resolution adopted by the General Commission on July 23rd, 1932, recording the points on which agreement had been reached and indicating the methods to be followed in continuing the work of the Conference.¹

The resolution adopted on July 23rd contained the following paragraphs dealing with land armaments :

(a) Land Artillery.

1. All heavy land artillery of calibres between any maximum limit as determined in the succeeding paragraph and a lower limit to be defined shall be limited in number.

2. The limitation of calibre of land artillery shall be fixed by the Convention.

Subject to an effective method being established to prevent the rapid transformation of guns on fixed mountings into mobile guns, different maxima for the calibre of land guns may be fixed as follows :

¹ Annex 4.

(a) A maximum limit for the calibre of coastal guns, which shall not be less than the maximum calibre of naval guns ;

(b) A maximum limit for the calibre of guns in permanent frontier or fortress defensive systems ;

(c) A maximum limit for the calibre of mobile land guns (other than guns employed for coastal defence).

(b) *Tanks.*

The maximum unit tonnage of tanks shall be limited.

CONVERSATIONS WITH A VIEW TO FIXING A LIMIT FOR HEAVY ARTILLERY AND TANKS,
SEPTEMBER TO NOVEMBER 1932.

The Bureau of the Conference, on September 22nd, 1932, invited the Chairman of the Land Commission to get into touch with the various delegations with a view to fixing limits in respect of number and calibre for heavy land artillery and a maximum tonnage for tanks.¹ The Chairman of the Land Commission, on November 15th, advised the Bureau that his conversations with the various delegations had not sufficiently advanced to enable him to submit definite conclusions, and proposed that the Bureau should, for the moment, adjourn the examination of the questions relating to heavy artillery and tanks. The Bureau acquiesced in this proposal.²

MEMORANDUM ON SECURITY AND DISARMAMENT SUBMITTED BY THE FRENCH DELEGATION,
NOVEMBER 14TH, 1932.

The French delegation, on November 14th, 1932, submitted to the Bureau a memorandum on questions relating to security and disarmament which contained political and military provisions in respect of land material.³

The object of the military provisions was to reduce the offensive character of national forces and to place in special categories certain armaments with a view to emergency operations to be undertaken by the nations in common in accordance with the terms of Articles 8 and 16 of the Covenant. The national armies, standardised in accordance with a uniform type, would no longer possess powerful mobile land material, more particularly material which would enable attacks to be carried out upon permanent fortifications. Each Power, on the other hand, would permanently hold at the disposal of the League of Nations, for purposes of common action, a reduced number of specialised units composed of troops subject to a more or less long-term period of service and equipped with powerful material. In addition to this specialised material, mobile land material prohibited to the national armies would be stocked in each State under international control, to be placed, if necessary, at the disposal of a party entitled to the benefits of a collective intervention.

The unification of war material belonging to the different countries would be progressively achieved and a regular and permanent system of supervision would be organised, subject to investigation at least once a year.

The successive stages in establishing the proposed organisation would be achieved in such a way that there would be no increase in the national forces or in the national expenditure on armaments of any State, save in cases where exceptions were duly justified and approved.

EQUALITY OF RIGHTS IN RESPECT OF LAND ARMAMENTS : STATEMENT TO THE BUREAU
BY THE UNITED KINGDOM DELEGATION ON NOVEMBER 17TH, 1932.

The United Kingdom delegation, on November 17th, 1932, submitted a series of proposals which were intended to meet the views of the German Government concerning equality of rights.⁴

It was indicated in these proposals that the draft Disarmament Convention should recognise the principle that the categories of arms permitted to other countries should not be prohibited to Germany, it being understood that the question of figures and amounts would be dealt with at a later stage.

The United Kingdom delegation suggested, in respect of land armaments, that all tanks exceeding a certain weight should be abolished and that the maximum weight should be fixed with a view to prohibiting those tanks which were specially suitable for offensive employment in battle.

¹ Minutes of the Bureau, Series C, Volume I, page 19.

² Minutes of the Bureau, Series C, Volume I, page 83.

³ Chronological Record, page 18.

⁴ Minutes of the Bureau, Series C, Volume I, pages 89-94.

The United Kingdom delegation, in regard to large mobile land guns, expressed the view that the best method of according equality of treatment to Germany would be to effect a general reduction of their calibre.

PROGRAMME OF WORK OF THE CONFERENCE : PROPOSALS SUBMITTED
BY THE UNITED KINGDOM DELEGATION ON JANUARY 30TH, 1933.

The programme of work submitted by the United Kingdom delegation to the Bureau on February 9th, 1933,¹ contained the following proposals dealing with land material :

The Bureau shall :

- (1) Fix the maximum tonnage of tanks ;
- (2) Fix for the future the maximum calibre of mobile land guns ;
- (3) Decide whether there should be a limitation of the number of tanks of allowed tonnage and of mobile land guns of allowed calibre ;
- (4) If a limitation of the number of tanks is accepted, decide as to the disposal of tanks exceeding that limit.

WORK OF THE GENERAL COMMISSION, FEBRUARY TO MARCH 1933.

The General Commission decided, on February 13th, 1933, to retain for its own consideration the proposals relating to land material, and on March 9th, 1933, there was an exchange of views in regard to these proposals between the members of the Commission.²

The Polish delegation submitted a proposal to the effect that a Committee of Experts should be entrusted with the task of framing a list of weapons known or in use, giving their chief characteristics, special attention being directed to the maximum calibre, weight, efficacy, rapidity of fire and maximum range of artillery. States parties to the Convention, once this list had been adopted, would undertake not to possess, manufacture or import weapons exceeding the characteristics laid down. The object of the proposal was to prevent States, in the event of a qualitative reduction of armaments being adopted, from evading the purposes of the prohibition by means of scientific discoveries and improvements which would enable weapons below the limit to be rendered more effective.

The General Commission instructed a small Committee to prepare a questionnaire defining the essential questions of principle which would have to be decided in relation to any practical system of qualitative or quantitative limitation.

The questionnaire prepared in accordance with this decision was forwarded to the General Commission on March 15th, 1933.³

DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION,
MARCH 16TH, 1933.

On March 16th, 1933, the United Kingdom delegation submitted to the General Commission a draft Disarmament Convention. Provisions dealing with land material were embodied in Articles 19 to 22.⁴

Article 19 provided that the maximum limit for the calibre of mobile land guns should be fixed at 105 mm. (4.1"). Existing mobile land guns might be retained up to 155 mm. (6.1"), but all replacements or new construction of guns should be within the maximum limit of 105 mm. (4.1"). The maximum limit for the calibre of coast-defence guns was fixed at 406 mm. (16").

Article 20 defined a tank for the purposes of the Convention.

Article 21 provided that the maximum limit for the unladen weight of a tank should be 16 tons.

Article 22 provided that all mobile land guns above 155 mm. (6.1") and tanks above 16 tons should be destroyed, one-third within twelve months and two-thirds within three years of the coming into force of the Convention. It was further stipulated that all guns above 105 mm. (4.1") should be destroyed as soon as they were replaced by new guns of, or below, 105 mm. (4.1").

FIRST READING OF THE UNITED KINGDOM DRAFT CONVENTION, MAY 20TH TO 23RD, 1933.

Articles 19 to 22 of the draft Convention were read for a first time in the General Commission at meetings held on May 20th, 22nd and 23rd, 1933.

The provisions of the draft Convention relating to land material were first discussed in the light of a message delivered to the Conference on the previous day from the President

¹ Chronological Record, page 20.

² Minutes of the General Commission, Series B, Vol. II, pages 343-352.

³ Document Conf.D./C.G.51. Conference Documents, Volume II, page 670. The questionnaire was not examined by the General Commission, which, on March 27th, 1933, accepted as a basis for its further discussions of land material the provisions of the draft Convention submitted by the United Kingdom delegation on March 16th, 1933.

⁴ Chronological Record, page 21. Document Conf.D.157(1). Conference Documents, Vol. II, page 479.

of the United States of America suggesting, among other things, that the ultimate objective of the Conference was the complete elimination of all offensive weapons, and that the Conference should lay down the stages and methods by which such elimination should be effected.¹

The United States delegation, in submitting the proposals of President Roosevelt to the Commission, emphasised that the United States of America was prepared to join other nations in abolishing weapons of an aggressive character. It recalled that almost a year before the United States Government had submitted proposals along those lines which had received the approval of a large number of States, but which had not been acceptable to certain delegations and had not therefore been adopted. The United States delegation, observing that the provisions embodied in the United Kingdom draft Convention represented a real measure of disarmament, accepted it as a definite step towards the ultimate objective of the Conference.

The General Commission entered upon a detailed discussion of the provisions of the draft Convention on May 23rd, 1933.

Amendments were submitted suggesting different maxima for the calibre of the various kinds of artillery, while the Chinese delegation submitted an amendment to the effect that the number as well as the calibre of mobile land guns and coast-defence guns should be limited.²

Articles 20 and 21, relating to tanks, gave rise to several amendments. The delegations of Afghanistan, Turkey, China and Hungary proposed that all tanks should be abolished. Other delegations suggested different maxima for tanks, the Italian delegation proposing a maximum of six and the Japanese delegation a maximum of twenty tons. It was also suggested that the number of tanks not exceeding the prescribed maximum of tonnage should be limited.

In respect of the time-limits within which artillery and tanks exceeding the prescribed maxima should be destroyed, it was suggested that shorter periods than those mentioned in the draft Convention might be fixed.

The German delegation expressed itself as in favour of the complete abolition and destruction of heavy land material, but accepted the provisions of the United Kingdom draft Convention as a preliminary step.

The French delegation, referring to its memorandum of November 14th, 1932,³ recalled its proposal that weapons exceeding the limits authorised by the Convention should be internationalised and not destroyed. The French delegation, moreover, supported by the Polish delegation, submitted reservations of a general character whereby their acceptance of the provisions relating to land war material was made conditional upon the decisions to be taken in regard to other questions before the Conference, such as the organisation of an effective system of supervision, control of the manufacture of arms and the establishment of acceptable provisions relating to national security.

The Turkish delegation, observing that under Article 19 heavy land artillery would be abolished, whereas heavy naval artillery would be left unaffected, drew attention to the special situation which would arise in respect of the defence of the Straits of the Dardanelles and the Bosphorus. It urged that the special provision in favour of heavy coast-defence guns should be extended to the cities of the Straits, in order to ensure that no fleet would be able to block their free passage, as guaranteed by Turkey, to the ships of Europe and the entire world.

It formally submitted the following draft resolution :

“ The General Commission decides to set up a special Committee, composed of representatives of Mediterranean and Black Sea riparian States, together with representatives of the United States of America and Japan, to consider the situation of the Straits (Dardanelles and Bosphorus), as put forward by the Turkish delegation.”

The Commission decided to postpone the discussion of this resolution until the second reading of the draft Convention.

DIPLOMATIC NEGOTIATIONS, JULY TO OCTOBER 1933.

The President of the Conference, reporting to the Bureau on October 9th, 1933, on the result of his negotiations with the various Governments, classified as among the questions which had not proved easy of adjustment the maximum limits to be fixed for tanks and artillery and the reduction of land war material either by destruction or otherwise.⁴

The delegate of the United Kingdom, in a statement to the Bureau on October 14th, 1933, giving an account of the conversations held at Geneva and elsewhere between the heads of delegations, and referring, in particular, to the possibility of giving effect to the principle of equality between States in the matter of armaments, insisted that the degree of disarmament to be effected by the heavily armed Powers should be fully defined in the Convention and really adequate.⁵ He pointed out, moreover, that the result of abolishing various kinds of armaments

¹ Minutes of the General Commission, Series B, Vol. II, page 462.

² Minutes of the General Commission, Series B, Vol. II, pages 481-493. For an analysis, with specific references, of the various amendments submitted, see Annex 5 to the present report.

³ Document Conf.D.146. Conference Documents, Vol. II, page 435.

⁴ Chronological Record, page 23.

⁵ Minutes of the Bureau, Series C, Volume I, pages 182.

and of prohibiting their future use would be to constitute a common list of permitted weapons which would become the same for all countries, and that the differential position of the Powers whose armaments were limited by the Peace Treaties would thereby finally cease. Quantities and other detailed regulations would, he contended, in each case be the subject of negotiation and agreement.

He recalled that the draft Convention of the United Kingdom Government, which had been adopted as the general framework for the Disarmament Convention, had been framed to cover a period of five years. Certain Powers, however, had expressed a wish that the period should be extended to perhaps eight years. It was further proposed that this total period of eight years should be occupied by the fulfilment of a continuous programme designed to ensure at the end of it two essential conditions—namely, a substantial measure of disarmament realised and completed on the part of the heavily armed Powers, and the achievement of the principle of equality in a regime of security which, since December 11th, 1932, had been the declared objective of the Conference. The proposed period of eight years would begin with a transformation of continental armies on the lines set out in the United Kingdom draft, together with the setting up, through the Permanent Disarmament Commission, of an adequate system of supervision. This preliminary stage would be followed by a period during which the detailed scheme of disarmament which was the final objective of the Convention would be attained.

The delegate of the United Kingdom further emphasised that one of the essential features of the programme was that the Powers whose armaments were limited by the peace treaties should not begin to increase their armaments immediately, but should express their willingness to conform to a definite time-table. It was the view of the United Kingdom delegation that no agreement could be reached on the basis of a convention which would provide for any immediate rearmament and that no Government should manufacture or acquire any further weapons belonging to any of the types to be eventually abolished. Since, however, in accordance with provisions already accepted by the Conference, the German Reichswehr was to be transformed into a more numerous army, recruited on a short-term basis, it would be necessary to provide for a proportional numerical increase of its defensive armaments.

SUBSEQUENT PROCEEDINGS OF THE CONFERENCE, NOVEMBER 1933 TO DECEMBER 1934.

Following the withdrawal of Germany from the Conference on October 14th, the General Commission, on October 26th, 1933, authorised the Bureau to go forward with the necessary arrangements to enable it to begin a second reading of the United Kingdom draft Convention on the basis of a revised text.¹ It was understood that the revised text would be prepared by the officers of the Bureau in consultation with the delegations which desired to submit amendments or suggestions.

The revision of the provisions regarding land war material was entrusted by the Bureau, on November 11th, 1933, to M. Beneš, acting as General Rapporteur of the Conference.

A revised text of the provisions of the draft Convention relating to land war material was, in accordance with this decision, prepared, containing the articles as adopted on a first reading, together with the proposals and amendments suggested.²

PARALLEL AND SUPPLEMENTARY NEGOTIATIONS BETWEEN GOVERNMENTS, NOVEMBER 1933 TO APRIL 1934.

The Bureau, on November 22nd, 1933, agreed that the work of the Conference might best be assisted by parallel and supplementary efforts between various States and the full use of diplomatic machinery.³

Memoranda and notes were exchanged during the period October 1933 to April 1934 between the Governments of the United Kingdom, France, Italy and Germany.⁴

The United Kingdom Government, in a memorandum dated January 29th, 1934, declared itself in favour of a Convention which would involve the abolition of certain categories of armaments in the possession of the most heavily armed Powers.⁵

It emphasised the importance of the principle of equality of rights in respect of armaments, pointing out in this connection that Germany had voluntarily renounced any claim to possess offensive weapons and would limit herself to the normal defensive requirements required by the army with which she would be provided under the Convention. The German Chancellor, moreover, had advanced his claim to defensive armaments on the supposition that the heavily armed States were not prepared to abandon any portion of their existing weapons. A positive contribution to disarmament by the heavily armed Powers would presumably reduce the demands which Germany might otherwise put forward.

¹ *Chronological Record*, page 25.

² See Annex 5 (Document Conf.D.163(1)).

³ *Minutes of the Bureau, Series C, Volume I*, page 200. *Chronological Record*, page 25.

⁴ For a summary of the general results of this exchange of views, see *Chronological Record*, pages 25-28.

⁵ Document Conf.D.166. *Conference Documents, Volume III*.

The United Kingdom Government expressed the view that certain countries would require for their standardised armies an increased number of such weapons as were at present possessed by their smaller long-service armies. Two weapons in particular had to be considered in this connection—namely, tanks and mobile land guns. The United Kingdom Government suggested that the maximum limit for tanks should be 16 tons. Tanks over 30 tons would be destroyed by the end of the first year, tanks over 20 tons by the end of the third year and tanks over 16 tons by the end of the fifth year. The German short-term-service army might be equipped with tanks up to 6 tons, which the German Government considered necessary for defence. For mobile land guns, the maximum limit provided in the draft Convention had been 115 mm. (4.5"). The German Government had maintained that mobile land guns up to 155 mm. (6.1") were necessary as part of the equipment of the proposed new short-term-service army, and the Government of the United Kingdom declared itself ready to accept that higher limit. It proposed that guns over 350 mm. (13.7") should be destroyed by the end of the first year, those over 220 mm. (8.6") by the end of the fourth year and those over 155 mm. (6.1") by the end of the seventh year.

The German Government represented, among other things, that her army could not be deprived of all its military power during the period of conversion of the Reichswehr into a short-term-service army. The necessary armaments must be made available to Germany at the time of conversion.

The French Government did not consider that Germany might acquire the armaments retained by the other Powers but at present denied to her until after the conversion of the German army and the absorption of her pre-military and para-military formations into the regular effectives to be limited by the Convention.

The Italian Government doubted whether the armed Powers would be able to agree upon such measures of disarmament as would keep the demands of Germany within the limits originally contemplated. Noting that equality of rights had been accorded to Germany and the other disarmed States, it expressed the view that the main and practical question was no longer how to prevent the rearmament of Germany, but how to avoid its being effected outside all regulation and control.

PROGRAMME OF WORK OF THE CONFERENCE : RESOLUTION ADOPTED BY THE GENERAL COMMISSION ON JUNE 8TH, 1934.

The General Commission, meeting from May 28th to June 8th, 1934, discussed a programme of work of the Conference in the light of the negotiations which were still proceeding between the Governments.

The delegations of Denmark, Spain, Norway, the Netherlands, Sweden and Switzerland, in the course of this discussion, submitted the following proposals relating to land war material :¹

(1) Prohibition of the manufacture of land war material of a calibre or tonnage superior to those authorised for all States ;

(2) Destruction of tanks and mobile land guns as provided in the United Kingdom memorandum of January 29th, 1934, during the second period of the application of the Convention ;

(3) Determination by the Bureau of the Conference of the figures relating to land war material to be inserted in the tables annexed to the draft Convention with a view to preventing a general increase of armaments.

The programme of work adopted by the General Commission on June 8th, 1934, defining the most urgent tasks of the Conference, contained no reference to the subject of land war material.*

SUMMARY OF EVENTS : CONCLUSIONS.

The draft Convention framed by the Preparatory Commission contained no provisions for a direct limitation of land material. Proposals, not only for a direct limitation, but for an absolute prohibition of certain classes of land material were, however, put forward by a large number of delegations during the plenary meetings of the Conference in February and in the General Commission during March and April 1932, and the United States delegation gave definite shape to these suggestions by moving a formal resolution embodying the principle of qualitative disarmament, suggesting, among other things, that tanks and heavy mobile land guns should be abolished. These proposals were, in principle, welcomed by the General Commission, which, on April 22nd, 1932, invited its competent Commission to examine the range of land, sea and air armaments with a view to selecting those weapons whose character was most specifically offensive or those most efficacious against national defence or most threatening to civilians.

¹ Minutes of the General Commission, Series B, Volume III, page 676.

* Chronological Record, pages 30-31.

The report of June 7th, 1932, of the Land Commission to the General Commission, dealing with the technical aspects of qualitative disarmament, was inconclusive. The technical experts to whom the question was entrusted found that it was not always easy to fix limits either for land artillery or for tanks at which they became specifically offensive weapons. Though certain types of mobile land artillery and tanks might be regarded as definitely offensive weapons, unanimity was not reached as to the threatening character in relation to national defence of artillery of a calibre between 250 mm. (9.8") and 100 mm. (3.9"), nor of tanks with a weight of less than 20 tons, while there was a very marked divergence of views in the Commission on the subject of armoured fighting vehicles in general. The Bureau of the Conference, in June 1932, invited the delegations to make further efforts to seek agreement by means of private conversations among themselves.

The results of these conversations were embodied in the resolution adopted by the General Commission on July 23rd, 1932. It was agreed that the limitation of the calibre of land artillery should be fixed by the Convention and that the maximum unit tonnage of tanks should also be limited. It was further laid down that limitation by numbers would apply to all heavy land artillery of calibres between a maximum laid down in the Convention and a lower limit also to be defined. The Chairman of the Land Commission was, in September 1932, invited to get into touch with the various delegations with a view to fixing these limits; but, on November 15th, 1932, he was obliged to advise the Bureau that the result of these negotiations did not enable him to submit definite conclusions.

The negotiations in regard to land material which took place subsequent to November 1932 were largely conditioned (a) by the proposals put forward by the French delegation on November 14th, 1932, which embodied suggestions, among other things, for the standardisation of the European continental armies and for the retention of powerful land material under international control, to be placed if necessary at the disposal of a party entitled to the benefits of collective intervention, and (b) by proposals put forward by the United Kingdom delegation on November 17th, 1932, which were intended to meet the views of the German Government concerning equality of rights. The specific aims of the Conference during the period November 1932 to March 1933 were to fix a maximum calibre for mobile land guns and a maximum tonnage for tanks, and to decide whether there should be a limitation by number of these categories of material.

The technical work undertaken with a view to fulfilling these intentions was, on March 16th, 1933, superseded by the submission to the General Commission of the United Kingdom draft Convention, provisions dealing with land material being embodied in Articles 19 to 22. The maximum limit for the calibre of land mobile guns was fixed at 105 mm. (4.1"), and all replacement or new construction of guns was to be kept within this limit. Existing mobile land guns might, however, be retained up to 155 mm. (6.1"). The maximum limit of the unladen weight of a tank was fixed at 16 tons. All mobile land guns above 155 mm. (6.1") and all tanks above 16 tons were to be destroyed, one-third within twelve months and two-thirds within three years of the coming into force of the Convention. These provisions were discussed in the General Commission in May 1933, and various amendments were submitted suggesting different maxima for the different categories of land material, and different time-limits within which material exceeding the prescribed maxima should be destroyed. The French delegation, moreover, referring to its proposal that weapons exceeding the prescribed limits should be internationalised, made their acceptance of the provisions relating to land material conditional upon the organisation of an effective system of supervision, particularly as regards manufacture of arms and the establishment of acceptable provisions relating to national security.

The maximum limits to be fixed for tanks and artillery and the reduction of land war material, either by destruction or otherwise, were not again considered by the Conference, but were subjects of negotiation between the Governments. The President of the Conference, reporting to the Bureau in October 1933 on the result of his conversations with the heads of States, classified this question as among those which had not proved easy of adjustment. The delegate of the United Kingdom, in his statement to the Bureau of October 14th, 1933, dealt, in particular, with the difficulties which had arisen in the attempts to settle by negotiation the methods whereby the principle of equality between States in the matter of armaments might be progressively achieved. The nature of these difficulties, the circumstances in which Germany, on October 14th, withdrew from the Conference, and the subsequent negotiations between Governments in the period between November 1933 and April 1934 are described in the immediately preceding paragraphs.¹

It should be recalled in conclusion that the General Commission, on October 26th, 1933, authorised the Bureau to go forward with the necessary arrangements to enable it to begin a second reading of the United Kingdom draft Convention on the basis of a revised text, prepared by the officers of the Bureau in consultation with the delegates who desired to submit amendments or suggestions. The revised text of the provisions relating to land war material, prepared in accordance with this decision, and containing the articles as adopted on a first reading, together with the proposals and amendments suggested, may be regarded as presenting the situation to date, so far as the work of the Conference is concerned, in respect of land war material.²

¹ See above, pages 66-68.

² See Annex 5 (Document Conf.D.163(1)).

CHAPTER V.—NAVAL MATERIAL.

PROVISIONS OF THE DRAFT CONVENTION FRAMED BY THE PREPARATORY COMMISSION FOR THE DISARMAMENT CONFERENCE.

The provisions of the draft Convention framed by the Preparatory Commission for the Disarmament Conference relating to naval material were based on the Washington and London Naval Treaties, and certain articles and annexes of those treaties were reproduced.¹

Article 11 provided that the global tonnage of the vessels of war of each of the contracting parties, other than certain vessels specifically exempted from limitation, should not exceed a figure laid down for such party in an annexed table.

Article 12 provided for the distribution in tonnage by categories of the limited global tonnage, this distribution to be shown for each of the contracting parties in a table annexed to the Convention.

Article 13 provided for a modification of the distribution of tonnage by categories under Article 12, subject to specified conditions, and rules for transfer. These rules provided that account should be taken of the special circumstances of each Power and of the classes of ships involved; that Powers whose total tonnage did not exceed a certain figure (100,000 tons being given as an illustration) should have full freedom of transfer in regard to surface ships, and that, as regards other Powers, the amount of the transfer permitted should vary in inverse ratio to the amount of their total (global) tonnage.

Articles 14, 15 and 16 limited the standard displacement and gun calibre of capital ships, aircraft-carriers and submarines. No capital ship was to exceed 35,000 tons standard displacement or carry a gun exceeding 16 inches (406 mm.) in calibre; no aircraft-carrier was to exceed 27,000 tons standard displacement and certain restrictions were placed on the number and calibre of their guns; no submarine was to exceed 2,000 tons standard displacement or carry a gun exceeding 5.1 inches (130 mm.) in calibre.

Article 17 prohibited the acquisition or construction of vessels of war exceeding these limits by any of the contracting parties.

Article 18, with Annex IV, provided for the replacement of vessels of war limited by the Convention.

Article 19 provided that no preparation should be made in merchant ships in time of peace for their conversion into vessels of war, other than the necessary stiffening of decks for the mounting of guns not exceeding 6.1 inches (155 mm.) in calibre.

Article 20 provided that a contracting party engaged in war should not use as a vessel of war any vessel of war under construction within its jurisdiction for another Power, or such a vessel constructed and not delivered.

Article 21 prohibited the disposal by gift, sale or any mode of transfer of any vessel of war in such a manner that such vessel might become a vessel of war in the navy of any foreign Power.

Article 22, with Annex V, provided for the disposal of vessels of war surplus to the tonnage figures allowed under the Convention. Such disposal comprised scrapping, conversion to hulks, conversion to target use and retention for experimental or for training purposes.

Article 23 permitted the retention, in a non-seagoing condition, of existing ships which, prior to a specified date, had been used as stationary training-ships or hulks.

Article 24 provided that the annual expenditure of each contracting party on the upkeep, purchase and manufacture of war material for naval armaments should be limited to figures laid down in the Convention and in accordance with prescribed conditions.

Article 34, included in Part IV of the draft Convention (Exchange of Information), provided for the communication by the contracting parties to the Secretary-General of the League of Nations of the date of laying down the keel and the date of completion of each vessel limited under the Convention, together with certain particulars in regard to the characteristics of the vessels in question. This information was to be communicated by the Secretary-General to all contracting parties and published by him within a specified period.

Article 35 provided for the communication to the Secretary-General of the names and tonnages of vessels constructed in accordance with Article 19 or already in being.

¹ The questions of naval personnel and chemical warfare from the naval point of view are covered by Chapter III and Chapter VIII of this report.

PROPOSALS SUBMITTED TO THE CONFERENCE, FEBRUARY 1932.

Proposals going much further than those contained in the draft Convention were submitted to the Conference during its plenary discussions in February 1932. Some delegations suggested the total abolition of certain naval weapons, while others advocated a reduction in the size and power of such weapons or a more drastic limitation by numbers.¹

The German delegation proposed that no future war vessel should exceed 10,000 tons or carry guns of over 11 inches (280 mm.) in calibre. It further suggested that aircraft-carriers and submarines should be abolished.

The Spanish delegation proposed that no State should build war vessels of over 10,000 tons or capable of carrying guns of over 8 inches (203 mm.) in calibre, and that no submersible vessel should have a displacement exceeding 1,000 tons or a radius of action greater than that to be determined by the Conference.

The Soviet delegation proposed that countries having a fleet of an aggregate tonnage exceeding 500,000 tons should reduce it by 50%, such reduction to affect both the aggregate tonnage of the entire fleet and the tonnage of each category, without right of transfer. The countries having a fleet with an aggregate tonnage of 100,000 to 500,000 tons were to reduce it both as regards aggregate tonnage and the total of each of the categories up to 50% in accordance with a scale of progressive and proportional reduction with a limited right of transfer. States having a fleet with an aggregate tonnage not exceeding 100,000 tons were to retain it at its present level, with unlimited right of transfer. The Soviet delegation further proposed that all aircraft-carriers should be destroyed and that limits should be placed upon the tonnage of warships and the calibre of the guns mounted in warships constructed in replacement of vessels of the corresponding classes or categories retained. A limit of 10,000 tons displacement was proposed as a maximum for warships, and a calibre of 12 inches (304.8 mm.) as a maximum calibre for the guns carried.

The Argentine delegation proposed that countries not signatories of the Washington and London Treaties should undertake not to build or acquire capital ships of over 10,000 tons.

The Chinese delegation proposed the abolition of capital ships, aircraft-carriers and submarines.

The Japanese delegation proposed a reduction in the unit size of capital ships and the calibre of their guns, a reduction in the tonnage allotted by existing treaties to aircraft-carriers, prohibition of the fitting of aircraft landing-platforms or decks on naval vessels other than aircraft-carriers and, if this measure were adopted, the abolition of aircraft-carriers.

The Italian delegation proposed the simultaneous abolition of capital ships and submarines and the abolition of aircraft-carriers.

The Yugoslav delegation proposed the abolition of all naval forces the purpose of which was to make war at a distance and their restriction to what was necessary for defence of national coast-lines.

The United Kingdom delegation proposed (without attempting to draw up anything in the nature of an exhaustive list) that the following questions should be closely studied with a view to the adoption of such proposals as might seem practicable: the abolition (and prohibition) of submarines as a humanitarian measure and consideration of the most practical method of reducing the size of war vessels and the maximum calibre of guns carried by them.

The Turkish delegation, in accord with its suggestion that the armaments and armed forces of all countries should be equalised within ten years by successive reductions of 10% each year, proposed that warships of a tonnage to be determined and carrying guns of a calibre to be determined should be abolished.

The delegation of the United States of America proposed that the Washington and London Naval Agreements should be prolonged as soon as they were completed by the adherence of France and Italy, and that there should be a proportional reduction of the naval tonnage allowed under those Treaties as soon as all the parties to the Washington Agreement had entered that framework. It further suggested the abolition of submarines.

The Netherlands delegation proposed to prohibit the use of automatic contact mines in the open sea.

The French delegation included among the categories of material to be retained only by those Powers who undertook to place them at the disposal of the League for purposes of common action (1) capital ships carrying guns exceeding 8 inches (203 mm.) or of a tonnage exceeding 10,000 tons and (2) submarines exceeding a tonnage to be determined.

CONSTITUTION OF THE NAVAL COMMISSION, FEBRUARY 25TH, 1932.

On February 25th, 1932, the General Commission set up a Naval Commission, on which all delegations might be represented by a delegate, and referred to it for consideration a list

¹ The proposals submitted to the Conference in February 1932 are surveyed and co-ordinated with the provisions of the draft Convention in documents Conf.D.99 and Conf.D.102. Conference Documents, Vol. I, pages 93 and 148. Specific references to the various proposals will be found in these documents.

of questions dealing with naval matters.¹ The list comprised the articles in the draft Convention dealing with personnel (from the naval point of view), the material of naval armaments, exchange of information (in regard to naval matters), chemical warfare (from the naval point of view) and proposals in regard to naval matters made during the plenary meetings of the Conference.

The Naval Commission considered that it could only usefully examine Articles 11 to 16, containing general provisions for the limitation of naval armaments, after their previous discussion in the General Commission, and it notified the General Commission to that effect.² The same applied to Article 19, dealing with the preparation of merchant vessels for warlike purposes.

FIRST READING BY THE NAVAL COMMISSION OF ARTICLES 17 TO 23 OF THE DRAFT CONVENTION WITH THE RELEVANT ANNEXES, FEBRUARY 27TH TO JUNE 11TH, 1932.

The Naval Commission, at meetings held between February 27th and June 11th, 1932, adopted provisionally at a first reading, subject in certain cases to abstentions or reservations, the following articles and annexes of the draft Convention framed by the Preparatory Commission, mostly in the original text.³

Article 17.—Undertaking not to acquire or construct war vessels exceeding the limitations prescribed by the Convention (Minutes of the Naval Commission, Series D, Vol. II, page 4).

Article 20.—Undertaking not to use in war any war vessel under construction for another Power (Minutes, page 7).

Article 21.—Undertaking not to dispose of war vessels so that they might become war vessels in the navy of a foreign Power (Minutes, page 8).

Annex III : Definitions (Minutes, page 14).—Provisionally adopted as a guide for the conduct of the Commission's work.

Article 18.—Undertaking to comply with prescribed rules for the replacement of war vessels limited by the Convention (Minutes, page 94).

Annex IV.—Rules for the replacement of war vessels (Minutes, page 93).

Annex V.—Rules for the disposal of war vessels (Minutes, page 109).

Annex I.—Exempt vessels, characteristics (Minutes, page 111).

Article 23.—Retention of ships used, prior to April 1st, 1930, as stationary training-ships or hulks (Minutes, page 112).

Article 34.—Information to be communicated on laying down and on completing a war vessel (Minutes, page 113).

The most important change made in the draft Convention framed by the Preparatory Commission was an increase in the age for replacement of capital ships from twenty to twenty-six years (Minutes, page 85).

APPLICATION TO NAVAL ARMAMENTS OF THE PRINCIPLE OF QUALITATIVE DISARMAMENT, APRIL 22ND TO JUNE 11TH, 1932.

On April 22nd, 1932, the General Commission adopted a resolution,⁴ in regard to the application of the principle of qualitative disarmament, which requested the Naval Commission to examine the range of sea armaments with a view to selecting those weapons :

- (1) Whose character is the most specifically offensive ;
- (2) Which are most efficacious against national defence ;
- (3) Which are most threatening to civilians.

As the result of discussion⁵ at meetings from April 26th to May 27th, the Naval Commission adopted a report to the General Commission.⁶

The discussions in the Naval Commission were not confined to the matters directly raised in the resolution of the General Commission. Certain delegations stated their views on naval

¹ Chronological Record, page 15. Document Conf.D.103. Conference Documents, Vol. I, page 179.

² Document Conf.D./C.G.9. Conference Documents, Vol. I, page 273.

³ Points raised in connection with Annexes I, IV and V were referred to a Sub-Commission, which reported on them to the Plenary Commission on June 11th, 1932. The Commission noted the report (Minutes of the Naval Commission, Series D, Vol. II, pages 114-118).

⁴ Chronological Record, page 16.

⁵ Minutes of the Naval Commission, Series D, Volume II, pages 22-81, 113 and 114.

⁶ Document Conf.D.121. Conference Documents, Vol. I, page 215.

problems in general and on the special needs and circumstances of their particular countries, thus indicating the fundamental considerations which determined their respective attitudes. Among the questions discussed were :

- The abolition of certain forms of naval armaments ;
- Reductions of unit tonnage and combatant power ;
- Difficulties arising in the application of the term " aggression " ;
- The definition of the relative offensive and defensive power of the different types of war vessels.

The Naval Commission, summing up the results of its discussion and defining its task, adopted the following resolution :

" The Naval Commission,

" Having found that nearly all naval weapons possess to some extent both an offensive and defensive character at the same time ;

" Being convinced that it is very difficult, if not impossible, from a purely technical point of view, to define the criteria of these arms so far as their mainly offensive or defensive character is concerned, since this character varies according to the circumstances of the different countries :

" Has come to the conclusion that it can most usefully answer the questions put by the General Commission in giving them the following interpretation :

" Supposing one State either (a) adopts a policy of armed aggression, or (b) undertakes offensive operations against another State, what are the weapons which, by reason of their specific character and, without prejudice to their defensive purposes, are most likely to enable that policy or those operations to be brought rapidly to a successful conclusion ? "

It was understood that delegations, in indicating the weapons which they considered to be the most specifically offensive and the most efficacious against national defence, might intimate whether they based their attitude on hypothesis (a) or (b), as stated in the resolution of the Naval Commission, and that they might also, if they so wished, refrain from distinguishing between criteria (1) and (2) of the resolution adopted by the General Commission on April 22nd, 1932.

General reservations to the report were made by the German and Soviet delegations, and efforts to establish a single text acceptable to all the delegations were unsuccessful. It was therefore necessary to compile the report as a series of statements by delegations or groups of delegations setting forth their particular points of view. The general tenor of these statements, apart from the explanations, qualifications and amplifications attached to them, may be summarised as follows :

A. *As regards Capital Ships.*

1. The delegations of certain States, including those possessing the greatest number of the largest sized capital ships, considered that these vessels came under none of the three criteria (1), (2), (3) of the General Commission's resolution, whether considered under hypothesis (a) or (b) of the Naval Commission's resolution.

2. Other delegations considered that such vessels came under all three criteria of the General Commission's resolution when they exceeded a certain tonnage and carried guns exceeding a certain calibre, in some cases specified.

3. Other delegations considered that under (a) of the Naval Commission's resolution all capital ships were :

- (1) Specifically offensive ;
- (2) Efficacious against national defence ;
- (3) Threatening to civilians.

B. *As regards Aircraft-carriers.*

1. The delegations of certain States, one of them possessing aircraft-carriers, stated that an aircraft-carrier could not of itself be utilised for offensive purposes.

2. The delegation of a State possessing aircraft-carriers represented that they did not come under criteria (1), (2) or (3) of the General Commission's resolution.

3. The delegations of certain States, some possessing aircraft-carriers and others not, considered that these vessels came under all three criteria of the General Commission's resolution.

4. The delegation of a State possessing aircraft-carriers stated that, in certain specified circumstances, they did not come under (1), (2) or (3) of the General Commission's resolution ; on the other hand, it considered that, if a State adopted a policy of armed aggression, all aircraft-carriers were specifically offensive, efficacious against national defence and threatening to civilian populations.

C. *Submarines.*

The delegations of certain States considered that submarines were most threatening to civilians, but not most specifically offensive and not most efficacious against national defence.

Another delegation considered that submarines came under (1) and (2) and that they were (3) specifically threatening to civilians.

Other delegations considered that the defensive character of the submarine was clearly preponderant and that submarines were indispensable to the defence of certain Powers. They declared that these vessels were (1) not specifically offensive, (2) not particularly efficacious against national defence and (3) not threatening to civilian populations.

The delegations of other States considered that the offensive character of submarines would become preponderant if capital ships were non-existent. They stated that, consequently, (a) if capital ships formed part of fleets, submarines were necessary for defensive purposes, and (b), if capital ships did not form part of fleets, submarines would have a specifically offensive character.

The delegations of certain States represented that, in the event of a country adopting a policy of armed aggression, submarines were specifically offensive and efficacious against national defence.

Several delegations considered that heavily armed submarines of large tonnage were most capable of offence and most efficacious against national defence, but that their effectiveness for these purposes diminished in proportion to the decrease in their tonnage and armament to such an extent as to make those of lesser tonnage preponderantly defensive. They consequently considered that submarines of large tonnage came under criteria (1) and (2).

These delegations considered, further, that submarines were not specifically threatening to civilians so long as they conformed, in the same way as do other vessels, to the rules of international law.

One delegation considered that, compared with surface craft, the submarine was a far less effective weapon, afloat or submerged, and was therefore a weapon indispensable for the defence of a Power with an inferior navy.

This delegation further considered that any fear that submarines might be so used as to endanger civilians had been removed by the rules of international law, and that consequently they could not be said to be :

- (1) Specifically offensive ;
- (2) Efficacious against national defence ;
- (3) Threatening to civil populations.

This delegation also stated that the defensive character of submarines did not alter according to their size, and that the type best adapted to a given country naturally varied with its peculiar conditions.

Several delegations declared that the fear of danger to civilians from submarines had been removed by international law. Other delegations were of the contrary opinion.

D. *Automatic Contact Mines.*

The delegations of several States stressed the specifically offensive character of mines laid outside a coastal zone to be determined. They drew attention to the difference between mines which once laid were beyond the control of those who had laid them and other naval weapons.

Other delegations considered that mines laid within the coastal zone to be determined were definitely defensive.

The Commission was of opinion :

- (1) That contact mines were not particularly efficacious against national defence ; and
- (2) That, when laid outside a coastal zone to be determined, these mines exposed non-combatants to very serious dangers, especially when laid without timely notification or on a sea-route necessary to non-combatant and neutral shipping.

Several delegations, while supporting the proposal to consider automatic contact mines laid in the open sea as specifically dangerous to non-combatants, stated that they regarded such mines as a very effective anti-submarine defence and could only recommend their prohibition if submarines were also abolished.

Certain reservations and proposals in regard to the above were put forward.

River War-vessels and Monitors.

The delegations of certain European States considered that river war-vessels and monitors exceeding a specified tonnage and gun-calibre specially constructed for service on European rivers, came under criteria (1), (2) and (3) of the General Commission's resolution.

Other European delegations considered that river war-vessels came under none of these criteria.

The Commission decided to refrain from expressing an opinion. Noting that the question of river war-vessels and monitors had arisen only in regard to European rivers, it pointed out that they existed also in other continents, and should therefore be considered under a broader aspect. As the Commission had not all the necessary data for a general examination of the problem, it referred these observations to the General Commission.

THE PROPOSALS OF PRESIDENT HOOVER, JUNE 22ND, 1932.

Proposals submitted to the Conference in June 1932 by Mr. Hoover, President of the United States of America,¹ contained the following proposals relating to naval forces :

" I propose that the treaty number and tonnage of battleships shall be reduced by one-third ; that the treaty tonnage of aircraft-carriers, cruisers and destroyers shall be reduced by one-fourth ; that the treaty tonnage of submarines shall be reduced by one-third and that no nation shall retain a submarine tonnage greater than 35,000 tons.

" The relative strength of naval arms in battleships and aircraft-carriers as between the five leading naval Powers was fixed by the Treaty of Washington.

" The relative strength in cruisers, destroyers and submarines was fixed as between the United States, Great Britain and Japan by the Treaty of London. For the purpose of these proposals it is suggested that the French and Italian strength in cruisers and destroyers be calculated as though they had joined in the Treaty of London on a basis approximating the so-called accord of March 1st, 1931."

The proposals of President Hoover were discussed in the General Commission on June 22nd and following days.² Upon the naval proposals no decisions were taken.

STATEMENT OF VIEWS BY THE UNITED KINGDOM DELEGATION, JULY 7TH, 1932.

On July 7th, 1932, however, the United Kingdom delegation submitted a statement³ urging, in regard to the naval proposals of President Hoover, that, in view of the widely scattered responsibilities of the British Navy, it was not practicable to cut down the number of its naval units beyond a certain point. It recalled that numerical reductions in the British Navy had already been effected on a very large scale and affirmed that cruiser numbers would require special consideration. The delegation felt, however, that it would be possible to secure by other means a large diminution in naval armaments, urging, in particular, that the present treaty limits of unit size and gun-calibre were far too high, and that very large reductions, amounting to about one-third both in the case of capital ships and cruisers, might be made in future construction.

The following specific proposals were put forward by the United Kingdom Government for immediate adoption by international agreement :

(1) Reduce the maximum size of any future capital ship to 22,000 tons and the maximum calibre of the guns carried to 11 inches (280 mm.) ;

(2) Reduce the maximum size of cruisers hereafter constructed to 7,000 tons and the maximum calibre of the guns carried to 6.1 inches (155 mm.) ;

(3) If international agreement on point (2) could not be secured, the Government of the United Kingdom would still urge that the maximum size of capital ships should be reduced to 25,000 tons and their guns to 12 inches (305 mm.) as a maximum ;

(4) Reduce the maximum for aircraft-carriers to 22,000 tons with 6.1-inch guns (155 mm.) ;

(5) Abolish submarines ;

(6) Reduce destroyer tonnage by approximately one-third, contingent upon the abolition of submarines ;

(7) If submarines could not be completely abolished, fix their maximum surface displacement at 250 tons, with a strict limitation both of total tonnage and number of units.

There was no discussion in the General Commission of this statement of the United Kingdom delegation.

¹ *Chronological Record*, page 16.

² *Minutes of the General Commission*, Series B, Vol. I, pages 121 and following.

³ *Document Conf.D.133. Conference Documents*, Vol. I, pages 265-268.

CONCLUSION OF THE FIRST PHASE OF THE CONFERENCE : RESOLUTION ADOPTED BY THE
GENERAL COMMISSION ON JULY 23RD, 1932.

The General Commission, on July 23rd, 1932, adopted a resolution¹ which included the following passage dealing with naval armaments :

“ As regards the proposals made by President Hoover and other related proposals concerning naval armaments, the Conference invites the Powers parties to the Naval Treaties of Washington and London, which have already produced important results, to confer together and to report to the General Commission, if possible before the resumption of its work, as to the further measures of naval reduction which might be feasible as a part of the general programme of disarmament.

“ The Conference further invites the naval Powers other than the Powers parties to the above Treaties to make arrangements for determining the degree of naval limitation they are prepared to accept in view of the Washington and London Treaties and the general programme of disarmament envisaged in the present resolution.

“ The Bureau will be kept informed of the progress of these negotiations, which it will be its duty to co-ordinate within the framework of the General Convention in preparation for the comprehensive decisions of the General Commission.”

The delegate of the United Kingdom, when the Conference resumed work in September 1932, undertook to keep the Bureau informed of the progress made in regard to naval questions under this resolution.

PROPOSALS OF THE FRENCH DELEGATION, NOVEMBER 14TH, 1932.

The French memorandum dealing with questions of security and disarmament, submitted to the Conference on November 14th, 1932,² contained the following reference to naval matters :

“ As regards naval forces, the solutions to be contemplated, whether in connection with security or in connection with the limitation and reduction of armaments, necessarily find a place within a *general* framework applying equally to all maritime Powers. But the conclusion at the Washington Conference of the Pacific Agreement which made possible the signature of the Naval Treaty of 1922 has clearly shown the advantage of *regional* understandings of a political character for the purpose of facilitating the reduction of fighting fleets. If such was the effect of an agreement whose scope was limited to certain restrictions on the use of naval bases and a simple undertaking on the part of the signatories to consult one another, it is reasonable to suppose that very much larger reductions of tonnage would be facilitated by agreements organising, with all the necessary stipulations of detail, the co-operation of fleets in cases analogous to those contemplated in Section A of Chapter III.³ This applies in particular to the case of the conclusion of a Mediterranean Pact between the naval Powers concerned.”

The French delegation assumed that it would be in accordance with the spirit of the Hoover proposals for the principal reductions in naval armaments to be effected, in the categories of vessels recognised as being the most offensive, by means of a qualitative reduction of the characteristics at present fixed for certain types of war vessels.

It further observed that, in the matter of quantitative reductions, it was desirable to apply real and positive reductions of tonnage, while leaving the relative strengths of the various naval Powers as they stood, and it suggested that, subject to a special system applicable to fleets whose aggregate tonnage did not exceed 100,000 tons, the uniform percentage of reduction to be accepted should apply to the aggregate tonnages declared by the naval Powers in 1931.

The naval proposals of the French delegation were an integral part of the general system of security. They accordingly provided that vessels of every category, in proportions to be fixed by the Convention, should be held in readiness to supply the emergency assistance to which any State a victim of aggression might be entitled.

There was a general discussion of the French memorandum in the General Commission on February 2nd, 1933, and following days. No decisions in regard to the naval proposals were taken.

PROPOSAL OF THE JAPANESE DELEGATION, DECEMBER 9TH, 1932.

The Japanese delegation, in a memorandum submitted to the Conference on December 9th, 1932, put forward a Proposal for the Reduction and Limitation of Naval Armaments.⁴

¹ Annex 4.

² Chronological Record, page 18. Document Conf.D.146. Conference Documents, Vol. II, page 435-439.

³ Organisation of assistance in case of aggression.

⁴ Document Conf.D.150. Conference Documents, Vol. II, page 444.

It was suggested :

(1) That the general outline of agreements to be concluded should form the subject of prior negotiations between the United States of America, the British Empire, France, Italy and Japan, as contemplated in the General Commission's resolution of July 23rd, 1932 :

(2) That the agreements should be of two kinds—general and special—discussions on matters of general interest being followed by those on matters of a sectional and detailed character :

(3) That a distinction should be made between powerful naval vessels, possessing a high degree of relativity as between Powers, and less powerful vessels, which, being closely related to geographical situation and special circumstances, were primarily necessary for defence, and that these two types of vessels (capital ships, aircraft-carriers and A-class cruisers, on the one hand, and B-class cruisers, destroyers and submarines, on the other hand, should be dealt with separately.

The Japanese delegation proposed, in effect, that a general agreement, covering the naval armaments of the five leading naval States and reducing their offensive power, should be supplemented by special agreements between groups of Powers with related interests. For the purposes of these special agreements, the world would be divided broadly into the Pacific, Atlantic, European and South American regions or groups.

The Japanese delegation put forward the following concrete proposal for the general agreement :

" 1. The maximum unit size and gun-calibre of vessels to be constructed in the future shall be reduced and limited as follows :

Type	Tonnage	Inches	Gun-calibre (Mm.)
Capital ship	25,000	14	(355)
A-class cruiser	8,000	8	(203)
B-class cruiser	6,000	6.1	(155)
Destroyer (including flotilla-leader)	1,500	5.1	(130)
Submarine	1,800	5.1	(130)

" Aircraft-carriers shall be abolished and at the same time the construction of aircraft landing-platforms or decks on naval vessels be prohibited.

" 2. The strength of the United States of America, the British Empire, France, Italy and Japan in capital ships and A-class cruisers shall be reduced to the following figures :

" Capital Ships.

	Tonnage	Number of Units
United States	275,000	11
British Empire	275,000	11
Japan	200,000	8

" For France and Italy the maximum tonnage shall be fixed at 150,000 (number of units not fixed), and within that limit the actual tonnage to be allowed each Power shall be agreed upon between the Powers concerned.

" A-class Cruisers.

	Tonnage	Number of units
United States	96,000	12
British Empire	96,000	12
Japan	80,000	10

" For France and Italy, the maximum tonnage shall be fixed at 56,000 (number of units, 7) and within that limit the actual tonnage to be allowed each Power shall be agreed upon between the Powers concerned.

" 3. The maximum tonnages, applying uniformly to the United States, the British Empire, France, Italy and Japan for B-class cruisers, destroyers and submarines shall be fixed as follows :

Type	Tonnage
B-class cruiser	150,000
Destroyer	150,000
Submarine	75,000

So far these proposals have not been discussed.

PROGRAMME OF WORK SUBMITTED BY THE UNITED KINGDOM DELEGATION : DISCUSSIONS
IN THE BUREAU OF THE CONFERENCE IN JANUARY AND FEBRUARY 1933.

It was suggested in the programme of work submitted to the Conference by the United Kingdom delegation on January 30th, 1933,¹ that, as regards naval forces, the Bureau of the Conference should fix the maximum tonnage and maximum calibre of guns for :

- (1) Capital ships ;
- (2) Aircraft-carriers (if to be retained or replaced) ;
- (3) Cruisers ;
- (4) Destroyers ;
- (5) Submarines (if to be retained or replaced).

The United Kingdom delegation informed the Bureau that, in accordance with the desire of the General Commission, conversations were proceeding between the Powers parties to the Washington and London Naval Treaties, but had not yet reached a stage at which it would be possible to make a report to the Conference. The United Kingdom Government, however, was doing, and would continue to do, all in its power to find the basis of a satisfactory agreement between these Powers in regard to naval armaments.²

The Chairman of the Naval Commission expressed the view that it would be useless for the Bureau to attempt, as suggested by the United Kingdom delegation, to fix the maximum tonnage and gun-calibre for capital ships, aircraft-carriers, cruisers, destroyers and submarines. The Naval Commission, in discussing the questions referred to it by the General Commission, had been faced with divergencies of opinion between the great naval Powers, and the General Commission, in its resolution of July 23rd, 1932, had recommended that a further consideration of these matters should be postponed until the Washington and London Treaty Powers had agreed on a reduction of the maximum figures.³

The Bureau decided that this part of the suggested programme of work should be referred to the General Commission. The item of naval forces was not, however, reached, and consequently not discussed by the General Commission.

DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION ON MARCH 16TH, 1933 :
NAVAL PROVISIONS.

The naval provisions of the draft Convention submitted by the United Kingdom delegation on March 16th, 1933,⁴ were based on the retention of the Washington and London Naval Treaties pending the Naval Conference to be held in 1935. It was proposed, however, that the existing system should be completed by bringing France and Italy within the framework of the London Naval Treaty and that States not already bound by the Naval Treaties should stabilise their positions and maintain the *status quo*—any new construction undertaken in the meanwhile being only in replacement of tonnage over age—until the meeting of the Naval Conference in 1935. It was intended that the Naval Conference to be held in 1935, in accordance with the Washington and London Naval Treaties, should be followed by a conference in which all the naval Powers would participate, and that it would establish generally the limitations to be observed after December 31st, 1936. It was a feature of these provisions that they would free Germany from the naval clauses of the Treaty of Versailles and bring her into the Conventions on the same footing as the other naval powers.

It was understood that none of the provisions of the draft Convention would prejudice the attitude of any Government at the 1935 Naval Conference. They would not create any permanent ratio for any category of vessels nor any precedent as to whether, and if so in what manner, tonnage remaining over age on December 31st, 1936, for which replacement tonnage had not been laid down, might ultimately be replaced.

It was proposed that the Permanent Disarmament Commission to be set up under another part of the Convention should make the necessary preparations for the 1935 Naval Conference, and that it should examine, for report to that Conference, such technical questions regarding qualitative reduction in the sizes of vessels and such other relevant questions as it might consider appropriate for consideration by that Conference.

¹ Chronological Record, page 20.

² Minutes of the Bureau, Series C, Vol. I, page 150.

³ Minutes of the Bureau, Series C, Vol. I, page 154.

⁴ Chronological Record, page 21. Document Conf.D.157(1). Conference Documents, Vol. II, page 480.

DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION : DISCUSSIONS
IN THE GENERAL COMMISSION DURING MAY 1933.

The naval provisions of the draft Convention submitted by the United Kingdom delegation were discussed in the General Commission on May 25th and 26th, 1933, and various amendments were presented.¹ The points raised included references to the following features :

- The omission of qualitative disarmament ;
- An alleged differentiation in treatment of the large and small naval Powers ;
- The inclusion in a Convention designed to be of general application of references to the Washington and London Naval Treaties ;
- The omission of the provisions in regard to transfer between categories embodied in the draft Convention framed by the Preparatory Commission ;
- The fact that the draft Convention did not provide for a final settlement of the naval question, but only for the maintenance of the *status quo* pending the Naval Conference to be held in 1935.²

The United Kingdom delegate, commenting on the discussion, recapitulated that the essential purpose of the draft Convention was (a) to retain the existing Naval Treaties, (b) to complete them, where incomplete, by bringing France and Italy within the framework of the London Naval Treaty, and (c) to ask States not already bound by the Naval Treaties to stabilise their position and maintain the *status quo* until the meeting of a general Naval Conference to be held in 1935.

The United Kingdom delegation, referring to the question of transfer between categories, further declared that, prior to a second reading of the Convention, it was prepared to discuss special difficulties with the delegations concerned in the hope of meeting their views without upsetting the general balance of the Convention.

The General Commission agreed that the amendments submitted by the various delegations should stand and that the United Kingdom delegation should carry on negotiations in regard to them. It was understood that, in the event of these negotiations proving unsuccessful, the amendments would come up again on the second reading of the Convention and that a vote would be taken upon them.

Further amendments to the naval provisions of the draft Convention were subsequently notified. The amendments have not, so far, been discussed by the Conference, but were taken into consideration by the Chairman of the Naval Commission in negotiations which he was authorised to undertake at a later stage.

The draft Convention, including its naval provisions, was adopted at a first reading by the General Commission on June 8th, 1933, as the basis of the future Disarmament Convention, without prejudice to amendments or proposals which might be submitted before or during the second reading.³

AIRCRAFT-CARRIERS : STATEMENT MADE BY THE JAPANESE DELEGATION ON JUNE 8TH, 1933.

The Japanese delegation, on June 8th, 1933, stated in the General Commission that it could accept a complete prohibition of bombing from the air if it were freed from certain apprehensions with regard to its national security.

To this end it would be necessary :

- (1) To provide for the abolition of aircraft-carriers and the prohibition of the fitting of war-vessels with landing bridges or platforms ;
- (2) To draw up an agreement which would effectively prevent the use of civil aircraft for military purposes in war.

The Japanese delegate then referred to the London Naval Treaty, which, he said, had created an atmosphere heavy with uneasiness and apprehension. Its conclusion had been followed on every side by inflammatory speeches not calculated to tranquillise the minds of the people concerned, and the feeling of security in the various countries had not been enhanced as a consequence of the 1930 Naval Conference.

The delegation of the United States of America observed in reply that the issues raised by the statement of the Japanese delegate might involve a discussion which would necessarily be prolonged, and which might delay the realisation of the immediate objective of the draft Disarmament Convention ; while the United Kingdom delegation, pointing out that the question of the abolition of aircraft-carriers would in any event have to be considered prior to the Naval Conference of 1935, represented that its immediate discussion would complicate the issues at that moment before the Commission. The delegate of Japan thereupon assured the Commission that he was ready to study the problem in private conversations with the delegations concerned.

¹ Minutes of the General Commission, Series B, Vol. II, pages 502-510 and 518-528.

² The observations and amendments submitted in the course of these discussions are analysed in document Conf. D.163/1 (see Annex 5 to the present report).

³ Chronological Record, page 21.

The President of the Conference, as one of those who had been responsible for the London Naval Treaty, declared that he could not accept the reflections upon that Treaty of the Japanese delegate.¹

NEGOTIATIONS WITHIN THE CONFERENCE SUBSEQUENT TO THE FIRST READING OF THE DRAFT CONVENTION, JUNE 29TH, 1933, TO MARCH 27TH, 1934.

The President of the Conference, on October 9th, 1933, reporting to the Bureau upon the results of his negotiations since the adjournment of the General Commission on June 29th, divided the outstanding disarmament questions into (a) those on which agreement appeared to be relatively easy and (b) those which had shown themselves not so easy of adjustment. Naval questions be placed in the first of these categories.²

The Bureau of the Conference, on November 11th, 1933, taking steps with a view to the preparation of a revised text of the draft Convention for a second reading, appointed M. Moresco (Netherlands), Chairman of the Naval Commission, to act as Rapporteur for naval questions. It was understood that M. Moresco would confer with the United Kingdom delegation, which had assumed responsibility for conducting negotiations with other delegations upon the subject.³

The Rapporteur, in a report dated March 27th, 1934,⁴ gave an account of his subsequent negotiations with the various delegations. He indicated generally that no appreciable changes had occurred in the positions already assumed by the delegations, and he concluded his report as follows :

“ At present the questions of land and air armaments are more to the fore than that of naval armaments, which, it should be noted, are already limited in certain regards for certain Powers, and it would seem reasonable to suggest that the naval question should be taken up as soon as the general situation has been eased by the solution of the other problems now exercising the minds of the Governments and delegations.

“ It should further be recalled that the naval problem will be dealt with in a comprehensive way at the Conference to be held in 1935. Any agreement reached now would necessarily be of short duration, which would be unsatisfactory from the point of view of building programmes.”

Since this date, no further action in the naval sphere has been taken by the Conference or any of its organs.

PARALLEL AND SUPPLEMENTARY NEGOTIATIONS BETWEEN THE GOVERNMENTS, NOVEMBER 1933 TO APRIL 1934.

The Bureau of the Conference, on November 2nd, 1933, decided that the work of the Conference would at that stage be best assisted by parallel and supplementary efforts between States and the full use of diplomatic machinery.⁵

The following passages from the memoranda and notes exchanged between the Governments of the United Kingdom, France, Italy and Germany, between December 1933 and April 1934, refer to naval armaments.⁶

(a) Memorandum of the Italian Government, January 4th, 1934 :

“ 7. In regard to naval armaments, under reserve of the examination of precise explanation which Germany would give in this connection, eventual revision of the conditions applying to German naval armaments ought, in principle, to be postponed until the next Naval Conference.”

(b) Memorandum of the United Kingdom Government, January 29th, 1934 :

“ 17(d) *Naval Armaments*.—His Majesty's Government, for their part, still stand by the naval chapter of the draft Convention. They appreciate, however, that the time which has passed since they put forward that draft Convention last March has brought much closer the assembling of the Naval Conference of 1935. Should it be thought, in view of this consideration, that the situation prior to the 1935 Conference could appropriately be dealt with by some simpler arrangement than that contained in the naval chapter, his Majesty's Government would be prepared to make proposals to that end in due course. They suggest, however, that prompt agreement on other matters, and embodiment of that agreement in a worldwide Convention, would be of great assistance to the naval discussions proposed in Article 33 of the draft Convention.”

(c) A memorandum of the German Government, dated January 19th, 1934, asking for an elucidation of a number of points, enquired as to the attitude of the French Government in the matter of naval armaments.

¹ Minutes of the General Commission, Series B, Vol. II, pages 631-635.

² Chronological Record, page 23.

³ Chronological Record, page 25.

⁴ Annex III to document Conf.D./C.G.164, Conference Documents, Vol. III.

⁵ Chronological Record, page 25.

⁶ Document Conf.D.166. Conference Documents, Vol. III.

The French Government replied on February 14th that, in view of the general circumstances then existing, the German questionnaire, of which the enquiry as to naval armaments formed part, served no useful purpose.

(d) The Danish, Spanish, Norwegian, Swedish and Swiss delegations, in a memorandum circulated to the Conference on April 14th,¹ expressed the view that "the problem of naval armaments might be left until 1935".

(e) A memorandum of the French Government, dated April 17th, 1934 :

" 5. . . . The German Government intends to increase immediately on a formidable scale, not only the strength of its army, but also of its navy and of its air force. . . ."

SUMMARY OF EVENTS AND CONCLUSIONS.

The provisions of the draft Convention framed by the Preparatory Commission for the Disarmament Conference were based on the Washington and London Naval Treaties, and the discussions of the naval problem during the Conference were largely determined by the fact that these instruments were subject to revision at a Naval Conference to be held in 1935. A large number of delegations, however, during the discussions which took place at the plenary meetings of the Conference in February, submitted proposals which went considerably further than these provisions, and were intended to apply universally to all States. It was, for example, suggested that capital ships should be abolished, that no vessels should be built exceeding 10,000 tons or carrying guns exceeding a certain calibre, and that submarines and aircraft-carriers should be suppressed.

The discussions on qualitative disarmament which took place in the Naval Commission in April and May 1932 were inconclusive. The Commission finally decided that it was very difficult, if not impossible, from a purely technical point of view, to define the criteria for selecting those naval weapons whose character was the most specifically offensive, or most efficacious against national defence, or most threatening to civilians. Certain delegations, including those possessing the greatest number of the largest-sized capital ships, considered that these vessels came under none of the three criteria, that aircraft-carriers could not of themselves be regarded as offensive weapons and that submarines, though most threatening to civilians, were not most specifically offensive or most efficacious against national defence. These propositions were contested by other delegations and no definite agreement was reached.

The proposals submitted to the Conference in June 1932 by President Hoover involved a reduction in the treaty number and tonnage of battleships by one-third, a reduction in the treaty tonnage of aircraft-carriers, cruisers and destroyers by one-fourth and a reduction in the treaty tonnage of submarines by one-third. The United Kingdom delegation, unable to accept these proposals, submitted on July 7th, 1932, counter-suggestions : a reduction in the maximum unit size of capital ships, cruisers and aircraft-carriers, and of the calibre of the guns carried by them, to be in future constructed, together with the abolition or restriction in the size, total tonnage and number of submarines. Neither the proposals of President Hoover nor those submitted by the United Kingdom delegation were discussed either in the General Commission or in the Naval Commission.

The resolution adopted on July 23rd by the General Commission, which concluded the first phase of the work of the Conference, invited the Powers parties to the Naval Treaties of Washington and London to confer together and report to the Conference as to any further measures of naval reduction which might be feasible as part of a general programme of disarmament.

Proposals relating to naval armaments submitted on November 14th, 1932, by the French delegation in their memorandum dealing with questions of security and disarmament and a memorandum on naval questions submitted by the Japanese delegation on December 9th, 1932, were not discussed by the Conference and no decision was taken with regard to them. The French proposals involved real and positive qualitative reductions of tonnage which would leave unaffected the mutual relation between naval armaments and a qualitative reduction of the characteristics of certain types of war-vessels.

The Japanese delegation proposed, in effect, that a general agreement covering the naval forces of the five leading States and reducing their offensive power should be supplemented by special agreements between groups of Powers with related interests. The scheme included proposals under the general agreement for a reduction in the maximum unit size and gun-calibre of all categories of war-vessels.

The United Kingdom delegation, on January 30th, 1933, proposed that the Bureau of the Conference should make an attempt to fix a maximum tonnage and a maximum calibre of guns for capital ships, cruisers and destroyers, and, if they were to be retained or replaced, for

¹ Document Conf.D./C.G.158. Conference Documents, Vol. III.

aircraft-carriers and submarines. The Chairman of the Naval Commission, however, expressed the view that the only possible course, in view of the differences of opinion which had already arisen in the Naval Commission on these questions, was to await the progress of events.

The naval provisions embodied by the United Kingdom delegation in the draft Convention submitted to the General Commission on March 16th, 1933, were intended to complete the system in existence prior to the Conference. The stipulations of the Washington and London Naval Treaties were to be retained pending the Naval Conference to be held in 1935; France and Italy were to be brought within the framework of the London Naval Treaty, and those Powers not already bound by the Naval Treaties were to stabilise their positions and maintain the *status quo*—any new construction undertaken in the meanwhile being only in replacement of tonnage over age—until the meeting of the Naval Conference in 1935. The only new feature of the proposals put forward at this stage was a suggestion that the Permanent Disarmament Commission to be set up under the Convention should make the necessary preparations for the Naval Conference to be held in 1935.

The naval provisions of the draft Convention submitted by the United Kingdom delegation were discussed in the General Commission in May 1933. The observations and amendments submitted on this occasion included, on the one hand, reservations in regard to particular points on the part of the Powers which were parties to the Naval Treaties and, on the other hand, of protests from delegations which considered that the embodiment in a general Disarmament Convention of provisions contained in treaties between certain naval Powers was an inadequate and not very appropriate solution of the general problem of naval disarmament. Attention was more particularly directed to the omission from those provisions of any form of qualitative disarmament.

The provisions embodied in the United Kingdom draft Convention were adopted, at a first reading, on June 8th, 1933, but without prejudice to the observations, amendments and proposals of the various delegations. Meanwhile, the United Kingdom delegation was authorised to discuss with the delegations the difficulties which had arisen and to conduct with them negotiations with a view to a second reading.

The last report to the Conference dealing specifically with naval questions was submitted on March 27th, 1934, by the Chairman of the Naval Commission, who stated that no appreciable changes had occurred in the positions already assumed by the various delegations. Since that date, no further action in the naval sphere has been taken by the Conference.¹

¹ Reference should be made to the following events which have since occurred :

On December 29th, 1934, the Government of Japan gave notice, in accordance with Article XXIII of that Treaty, of its intention to terminate the Washington Naval Treaty.

Consequently, this Treaty will cease to be in force after December 31st, 1936, and, also in accordance with its Article XXIII, all the contracting parties should meet in conference within one year from December 29th, 1934.

On June 18th, 1935, the United Kingdom and German Governments, by an exchange of notes, reached agreement that the future strength of the Germany navy in relation to the aggregate naval strength of the British Commonwealth of Nations should be in the proportion of 35 : 100.

This agreement also contained stipulations as to the submarine tonnage to be possessed by Germany and the ratio to be observed between that tonnage and the total submarine tonnage of the British Commonwealth of Nations.

Note by the Secretariat. — During the period which has elapsed between the drawing-up of the present report and its publication in printed form, the following events have occurred and should be added to the above note :

1. The Naval Conference in London from December 9th, 1935, to March 25th, 1936, which resulted in the Naval Treaty, signed on March 25th, 1936;

2. The Conference at Montreux from June 22nd to July 20th, 1936, at which was concluded the Convention dealing with the Regime of the Straits, dated July 20th, 1936.

CHAPTER VI.—AIR MATERIAL.

PROVISIONS OF THE DRAFT CONVENTION SUBMITTED BY THE PREPARATORY COMMISSION FOR THE DISARMAMENT CONFERENCE.

The provisions relating to air armaments contained in the draft Convention framed by the Preparatory Commission for the Disarmament Conference were embodied in Articles 25, 26, 27, 28, 36 and 37.

Articles 25 and 26 provided that the number and total horse-power of aeroplanes capable of use in war, in commission and in immediate reserve in the armed forces of the contracting parties, or in their land, sea and air formations organised on a military basis, should not exceed certain figures to be laid down by the Convention.

Article 26 embodied similar provisions limiting the number, total horse-power and total volume of dirigibles.

Article 27 provided for the adoption of standard rules for measuring the horse-power of aeroplanes and the volume of dirigibles.¹

Article 28 provided that the contracting parties should refrain from prescribing the embodiment of military features in the construction of civil aviation material, that they should undertake not to require civil aviation enterprises to employ personnel specially trained for military purposes, that they should undertake not to subsidise directly or indirectly air lines principally established for military purposes, and that they should undertake to encourage, as far as possible, the conclusion of economic agreements between civil aviation undertakings in the different countries.

Article 36 provided for publicity in respect of the air material limited under Articles 25 and 26, and Article 37 provided for publicity in respect of the number and total horse-power of civil aeroplanes and dirigibles.

PROPOSALS SUBMITTED TO THE CONFERENCE BY THE DELEGATIONS, FEBRUARY 1932.

During the general discussions of the Conference in plenary meeting from February 2nd to 24th, the delegations submitted, in speeches and memoranda, a series of proposals with a view to strengthening the provisions relating to air armaments embodied in the draft Convention.² These proposals may be summarised as follows :

1. Abolition of military aeroplanes (Germany, Denmark, Sweden, the Hejaz).
2. Abolition of military dirigibles (Union of Soviet Socialist Republics).
3. Abolition of military aviation, combined with the internationalisation of civil aviation (Spain).
4. Abolition of aerial bombing (Netherlands).³
5. Abolition of bombing aircraft (Austria, Belgium, China, Hungary, Italy, Portugal and Switzerland).
6. Reduction of air armaments to an equal limit for all States, to be attained within ten years (Turkey).
7. Progressive and proportional reduction of air armaments on the basis of material existing at a specific date (Union of Soviet Socialist Republics).
8. Creation of an international air force and placing at the disposal of the League of Nations of military air-machines above a certain tonnage or volume (France).
9. Internationalisation of civil air transport under a system to be organised by the League (France).
10. Internationalisation of civil aviation (Belgium, Spain).
11. Internationalisation or strict international control of civil aviation (Denmark, Sweden).
12. International control of civil aviation (Switzerland, Germany and the Union of Soviet Socialist Republics).
13. Publicity relating to non-military aviation (Union of Soviet Socialist Republics).

¹ A special Committee of Experts, meeting in the spring of 1931, had prepared for the Conference the standard rules to be adopted for the measurement of the horse-power of aeroplane and dirigible engines. (See documents C.259. M.115.1931.VIII and C.260. M.116.1931.VIII. Conference Documents, Volume II, pages 298 and 301.)

² The proposals are analysed in document Conf.D.102 (Conference Documents, Vol. I, page 148), in which specific references to them in detail will be found.

³ The United Kingdom delegation proposed that the Air Commission should make a practical examination of the whole problem of aerial bombing in its widest sense.

CONSTITUTION OF THE AIR COMMISSION, FEBRUARY 25TH, 1932.

The General Commission of the Conference, on February 25th, 1932, constituted an Air Commission for the study of air questions as a whole. The proposals submitted to the Conference during the general discussion were referred to the Air Commission, together with the text of the draft Convention.

PROGRAMME OF WORK OF THE AIR COMMISSION, MARCH 1932.

The Chairman of the Air Commission, at a meeting held on March 10th, 1932, represented that the whole problem of military aviation turned upon the question of its total or partial abolition. Certain delegations proposed that this measure should be adopted, together with the internationalisation of civil aviation; others had demanded the abolition of certain categories of air armaments, such as dirigibles or bombing aircraft; while still others had proposed the prohibition of certain weapons. There was also a French proposal to the effect that certain types of aircraft should be surrendered to the League and that certain other types should be placed at the disposal of the League for the establishment of an international air force. Finally, the Commission would have to consider the question of civil aviation. It had been suggested that civil aviation should be internationalised, or supervised, or subjected to a system of publicity.

The Air Commission, on March 14th, decided that it could not undertake a technical discussion of the question of the internationalisation of civil aviation until the General Commission had given a decision of principle on the subject. The General Commission, however, on March 16th, 1932, adopted a resolution to the effect that a previous technical study of the internationalisation of civil aviation and its possibilities of execution would be likely to facilitate a decision on the question of principle, and it formally requested the Air Commission to undertake such a study and submit any conclusions which might be likely to assist it in forming an opinion either with regard to the internationalisation of civil aviation or any other measure calculated to prevent signatory Powers from using civil aviation for military purposes.

The Air Commission, on March 17th, 1932, feeling that it required further technical guidance and information before undertaking this task, instructed its secretariat to undertake, with the assistance of the competent international organisations, an objective study of the problem, and authorised its officers to circulate to the delegations a questionnaire inviting them to furnish all necessary information as to the organisation of their national aviation systems.¹

QUALITATIVE DISARMAMENT : RESOLUTION ADOPTED BY THE GENERAL COMMISSION
ON APRIL 22ND, 1932.

Under the resolution on qualitative disarmament adopted by the General Commission of the Conference on April 22nd, 1932,² the Air Commission was asked to decide :

- I. What are the air armaments whose character is the most specifically offensive ?
- II. What are the air armaments which are the most efficacious against national defence ?
- III. What are the air armaments which are the most threatening to civilians ?

The Air Commission, meeting on April 27th, 1932, after a preliminary exchange of views, appointed a Sub-Committee to prepare a basis of discussion. The Sub-Committee submitted a report to the plenary Commission on May 18th, 1932. The report gave rise to a detailed discussion, which concluded on June 8th, 1932, with the adoption of a final report to the General Commission.³

REPORT OF THE AIR COMMISSION, JUNE 8TH, 1932.

The Air Commission, in this report to the General Commission, stated that the offensiveness of air armaments, their efficacy against national defence, and the threat which they represented for civilians must vary considerably on account of the wide differences in the geographical position of different countries, the location of their vital centres and the state of their anti-aircraft defences. It further pointed out that any qualitative question in connection with air armaments was closely bound up with quantitative considerations. The Commission, however, found it possible to set down certain general conclusions.

¹ Minutes of the Air Commission, Series D, Volume III, pages 1-10.

² Chronological Record, pages 15-16.

³ Document Conf.D.123. Conference Documents, Vol. I, page 245. For the discussion which preceded the adoption of the report, see Minutes of the Air Commission, Series D, Vol. III, pages 10-92.

These conclusions were formulated as follows :

I. Offensive Character.

(a) All air armaments can be used to some extent for offensive purposes, without prejudice to the question of their defensive uses.

If used in time of peace for a sudden and unprovoked attack, air armaments assume a particularly offensive character. In effect, before the State victim of the aggression can take the defensive measures demanded by the situation, or before the League of Nations or States not involved in the conflict could undertake preventive or mediatory action, the aggressor State might in certain cases be able rapidly to obtain military or psychological results, such as would render difficult either the cessation of hostilities or the re-establishment of peace.

(b) Civil aircraft, to the extent that they might be incorporated into the armed forces of a State, could in varying degrees subserve military ends.

(c) Independently of the offensive character which air armaments may derive from their use, their capacity for offensive action depends on certain of their constructional characteristics.

(d) The possibilities of offensive action of aeroplanes carried by aircraft-carriers or warships equipped with landing-platforms (or landing-decks) must be regarded as being increased by the mobility of the vessels which carry them.

(e) The capacity for offensive action of air armaments resulting from such constructional characteristics should first be considered from the point of view of the efficacy of such armaments against national defence, and secondly from the point of view of the threat offered thereby to the civilian population.

II. Efficacy against National Defence.

(a) The aircraft forming a part of the air armaments of a country that may be regarded as most efficacious against national defence are those which are capable of the most effective direct action by the dropping or launching of means of warfare of any kind.

(b) The efficacy against national defence of an aircraft forming part of such armaments, and considered individually, depends upon its useful load and its capability of arriving at its objective.

(c) The efficacy against national defence of means of warfare of every kind launched from the air depends upon the material effect which they are capable of producing.

III. Threat to Civil Population.

(a) The aircraft forming part of the air armaments of a country which can be regarded as the most threatening to the civil population are those which are capable of the most effective direct action by the dropping or launching of means of warfare of any kind ; this efficacy depends primarily upon the nature of the means of warfare employed and the manner in which they are employed.

(b) The degree of threat to the civil population represented by an aircraft forming part of those armaments, and considered individually, is in proportion to its useful load and its capability of arriving at its objective.

(c) The means of warfare, intended to be dropped from the air, which are the most threatening to the civil population are those which, considered individually, produce the most extended action, the greatest moral or material effect ; that is to say, those which are the most capable of killing, wounding and immobilising the inhabitants of centres of civil population or of demoralising them, so far as concerns immediate consequences, and, so far as concerns future consequences, of impairing the vitality of human beings. Among these means the Commission specially mentions poisonous gases, bacteria and incendiary and explosive appliances.

IV.—The useful load of aircraft and their capability of arriving at their objective are determined by a large number of variable factors. Where useful load is concerned, the Air Commission has noted among these variable factors, for purposes of examination, the unladen weight, the horse-power and the wing area for aeroplanes, the volume and the horse-power for dirigibles.

The Commission further presented a technical study of the efficacy and the use of air armaments, a commentary on the conclusions of its report and statements by various delegations.

Some of the more important conclusions embodied in the report were adopted only by a majority vote, and the report must be read in the light of the statements made in the Commission and of the comments, reservations and declarations appended to the text.

Thus, the German delegation was of opinion that all military aviation, and especially the dropping of means of warfare of every kind from the air, was subject to all three criteria. An amendment in this sense was, however, rejected by twenty-two votes to seven. Austria, Bulgaria, China, Hungary, Turkey and the Union of Soviet Socialist Republics voting with the German delegation.

The reference to possibilities of the offensive action of aeroplanes carried by aircraft-carriers or warships was subject to a reservation by the United States delegation, with which the Portuguese and the United Kingdom delegations associated themselves. These delegations considered that it was misleading to suggest that aircraft based on ships were more specifically offensive than aircraft taking off from bases close to land frontiers.

Another important question on which a more general difference of opinion was expressed related to the efficacy of air armaments against national defence. Nineteen delegations desired to include in the report a statement to the effect that the air armaments most efficacious against national defence might also in certain circumstances be the most efficacious for defensive purposes. Twenty-two other delegations considered that it was unnecessary to insert this statement.

There were further differences of opinion as to the factors necessary to determine the useful load of aircraft and their capability for arriving at their objective. Eighteen delegations considered that, for purposes of practical comparison, unladen weight alone was an adequate criterion.

The technical study of the efficacy and the use of air armaments embodied in the report of the Air Commission was undertaken as the result of a questionnaire submitted by the French delegation. The study was based on the assumption that the offensive character of air armaments could not be determined arbitrarily, but must depend on the conditions which they must fulfil in order to be effective against whatever objectives might be assigned to them and on the defence requirements which they would have to meet. It was, for example, clear that, for many countries, the effectiveness of air armaments against national defence was due principally to the fact that they were able to attack the vital centres of a State and thus weaken internal resistance. Twenty-three delegations voted for including this study in the report and twelve delegations voted in the contrary sense. The delegations which voted against its inclusion were of opinion that the study was unnecessary for the purpose of giving a clear and adequate reply to the questions put by the General Commission.

The Air Commission was unanimously of opinion that air bombardment was a grave threat to civilians. Certain delegations maintained, in regard to the means of carrying out such bombardment, that it was impossible to draw a distinction between the different kinds of air armaments and that all military aviation complied with the criteria laid down by the General Commission. Other delegations contemplated the possibility of designating bombing aeroplanes as the most specifically offensive, the most efficacious against national defence and the most threatening to civilians. Certain delegations thought that it would be possible to fix a limit based on technical data, above which the majority of aeroplanes should be regarded as specially suitable for bombing, and suggested that this limit might be fixed at an unladen weight of 1,500 to 1,600 kgs. with the addition of 300 to 400 kgs. for seaplanes. One delegation regarded as subject to the three criteria of the General Commission all dirigibles and all aeroplanes seating two persons and over, provided they fulfilled certain conditions as to unladen weight, horse-power and wing area, while another delegation proposed to include all kinds of air bombs and all appliances for the aiming and launching of such bombs.

INTERNATIONALISATION OR CONTROL OF CIVIL AVIATION : DISCUSSION IN THE AIR COMMISSION FROM JUNE 14TH TO 24TH, 1932.

The Air Commission, on June 14th, 1932, entered upon a general discussion of the internationalisation or control of civil aviation.

The Commission had before it for the purpose of this discussion documents prepared in accordance with instructions given to its Secretariat on March 17th, 1932.¹

The Chairman of the Commission, as delegate of Spain, submitted a memorandum embodying general principles which might permit of the total or partial abolition of military aviation. The memorandum was based on the assumption that, while the intrinsic interests of aviation, still at an experimental stage and needing the financial support of Governments, must be adequately safeguarded, aviation activity must, at every stage, be submitted to some form of control by an international institution. All air material without exception should become international ; schemes and estimates for the construction of aircraft should be approved by an international body ; aviation pilots and staff should be regarded as international and their military training prohibited ; statistics of the movement of aircraft all over the world should be recorded by an international service.²

¹ The documents at the disposal of the Air Commission included the following :

Information as to the organisation of national aviation (document Conf.D./C.A.8. Addendum) ;

An objective study of the internationalisation of civil aviation prepared by the Belgian delegate, M. de Brouckère (document Conf.D./C.A.9) ;

A report submitted by the Air Transport Co-operation Committee (document Conf.D./C.A.15, C.467.M.237.1932.VIII) ;

The above-mentioned documents will be found as annexes to the Minutes of the Air Commission (Series D, Vol. III).

A study concerning the present situation in regard to the publicity of civil aviation, with a collection of provisions in force concerning the exchange or publication of information relating to civil aviation, prepared by the Organisation for Communications and Transit of the League (document Conf.D.53, C.95.M.47.1932.VIII. Conference Documents, Vol. II, page 323).

² Document Conf.D./C.A.36, Minutes of the Air Commission, Series D, Volume III, pages 94-95.

The general discussion in the Air Commission was concluded on June 24th, 1932.¹ Many delegations, in particular those of Belgium and France, declared themselves in favour of the principle of internationalisation.

The German delegation stated that it would not oppose any reasonable control of civil aviation, provided definite progress were made in the matter of military disarmament. It expressed the view, however, that the measures taken by the Conference of Ambassadors with a view to preventing the use of German civil aviation for military ends would be found adequate.

The delegations of the United States of America and Canada emphasised the regional character of the question and presumed that internationalisation would not necessarily apply to the continent of North America.

The Soviet delegation considered that it was essential to prevent any possibility of transforming civil into military aircraft and represented that this was a more important matter than internationalisation. It agreed with the German delegation that the restrictions laid upon the disarmed Powers by the Conference of Ambassadors in 1919 would provide adequate safeguards.

The United Kingdom delegation urged that the essential object was to demilitarise civil aviation, but expressed itself as ready to participate in discussing the problem of internationalisation.

The French delegation, on June 22nd, 1932, submitted the following proposals in the hope that they would be accepted as a practical compromise :

- (1) Absolute prohibition of aerial, chemical, bacterial and incendiary warfare ;
- (2) Prohibition of aerial bombardment, apart from the field of battle or air bases and long-range artillery emplacements ;
- (3) Fixing of a maximum tonnage per unit of unladen weight for military aeroplanes, limitation of the number of military aeroplanes in excess of this tonnage essential for defensive purposes and the placing of these machines at the disposal of the League ;
- (4) Continental internationalisation of commercial transport aviation ;
- (5) Fixing on a similar basis of maximum tonnage per unit for non-internationalised civil aeroplanes ;
- (6) Corresponding measures concerning the trade in arms and the private manufacture of arms.²

DRAFT RULES FOR CIVIL AVIATION FRAMED BY THE SUB-COMMITTEE OF THE AIR COMMISSION, JULY 18TH, 1932.

The Air Commission, on June 24th, 1932, appointed a Sub-Committee to draw up for the plenary Commission draft proposals based on the suggestions submitted by the various delegations.

On July 18th, 1932, the Sub-Committee appointed by the Air Commission on June 24th adopted a report embodying draft rules for civil aviation.³

It was stipulated that the contracting parties should refrain from prescribing military characteristics in the construction of aircraft and should prohibit the construction of civil aircraft with a view to their possible use for military purposes. They would undertake, in particular, to ensure that civil aircraft were not provided with apparatus, armaments or appliances which might facilitate their employment for military purposes. They would not require or encourage, either by subsidies or otherwise, the construction or maintenance of commercial aircraft exceeding the normal requirements of civil aviation. They would refrain from requiring civil aviation enterprises to employ staff specially trained with a view to military activities and prohibit all supplementary instruction or special training for such a purpose. Finally, they would undertake to supply an international organisation with statistics relating to their civil aircraft and to subsidies granted to civil aviation and with special particulars in regard to civil aircraft exceeding a limited maximum of unladen weight.

Several delegations appended important reservations. The French delegation declared that the work of the Sub-Committee had confirmed its opinion that no rules for civil aviation could effectively prevent its employment for military purposes, and represented that it was essential to delegate to an international organisation, not merely a right of inspection, but a right of decision and supervision in respect of civil aircraft. These views were shared by the Polish delegation. The Hungarian delegation said that it could only accept rules for civil aviation if they formed part of a plan for the abolition of military aviation. The Swedish delegation did not consider the rules as adequate, and doubted whether it would be possible to base upon them a total abolition or even any serious limitation of military aviation ; while the Soviet delegation represented that the effects of the rules would necessarily depend on the decisions taken in regard to military aviation.

¹ Minutes of the Air Commission, Series D, Vol. III, pages 93-116.

² Minutes of the Air Commission, page 108. The French delegation had submitted two previous sets of proposals, the first being contained in the original French plan submitted to the Conference on February 5th, 1932 (document Conf.D.56) and the second being submitted to the Conference on April 14th, 1932 (document Conf.D.115) (Conference Documents, Vol. I, page 113, and Vol. II, page 346). The United Kingdom delegation, on June 22nd, 1932, stated that, though it had been unable to accept the original proposals of the French delegation, it was prepared to give to the new proposals its closest attention.

³ Document Conf.D./C.A.70(1). Series D, Vol. III.

ABOLITION OF BOMBARDMENT FROM THE AIR AND CONSEQUENTIAL MEASURES :
RESOLUTION ADOPTED BY THE GENERAL COMMISSION ON JULY 23RD, 1932.

The General Commission, on July 23rd, 1932, adopted, by forty votes to two, with eight abstentions, a resolution¹ which contained the following provisions as to air forces :

- “ 1. Air attack against the civilian population shall be absolutely prohibited.
- “ 2. The High Contracting Parties shall agree as between themselves that all bombardment from the air shall be abolished, subject to agreement with regard to measures to be adopted for the purpose of rendering effective the observance of this rule.
- “ These measures should include the following :
- (a) There shall be effected a limitation by number and a restriction by characteristics of military aircraft ;
- (b) Civil aircraft shall be submitted to regulation and full publicity. Further, civil aircraft not conforming to the specified limitations shall be subjected to an international regime (except for certain regions where such a regime is not suitable) such as to prevent effectively the misuse of such civil aircraft.”

APPOINTMENT OF AN AIR COMMITTEE COMPOSED OF THE PRINCIPAL AIR POWERS TO CONSIDER
THE ABOVE RESOLUTION, FEBRUARY 16TH, 1933.

The Bureau of the Conference, on September 26th, 1932, requested the Chairman of the Air Commission to submit a report indicating the best procedure for the study of the above resolution.

The Chairman, submitting a report on October 24th, 1932,² proposed that an Air Committee should be appointed with the following agenda :

- (1) General regulation and publicity for civil aviation and an international regime to be applied to civil aircraft whose characteristics exceed the limits laid down for military aircraft ;
- (2) Restriction on the characteristics of military aircraft ;
- (3) Quantitative limitation of military aircraft ;
- (4) If necessary, further measures to be adopted in order to render effective the total abolition of aerial bombardment.

The General Commission, on February 16th, 1933, in accordance with this proposal, constituted an Air Committee of twenty members, representing the principal air Powers.

PROCEEDINGS OF THE AIR COMMITTEE, FEBRUARY 20TH TO MARCH 17TH, 1933.

The Air Committee met on February 20th, 1933.

The Committee, after a preliminary discussion of its programme of work, adopted, on March 1st, 1933, the following resolution :

“ The Committee finds :

“ (1) That its present work is based entirely on the hypothesis of the total abolition of military and naval aviation and bombing from the air, which it is its object to make possible ;

“ (2) That the only two preliminary questions still to be discussed with a view to a decision as to the abolition of military and naval aviation are :

“ (a) Internationalisation,

“ (b) Air police force ;

“ (3) That all the views expressed in the discussion on these two questions are directly conditional upon the acceptance of the abolition of military and naval aviation, and that, if no agreement is reached as to the scope of that measure, the opinions expressed and the decisions reached on the subject of civil aviation will be null and void.

“ (4) That it is the Committee's intention to report to the General Commission as early as possible and in any case before March 11th.”

The Committee, on March 1st, 1933, in accordance with this resolution, entered upon a discussion of the measures to be taken for the internationalisation of civil aviation and for the constitution of an air police force with a view to rendering possible the abolition of military aviation. Further important declarations of principle were made. The case for the internationalisation of civil aviation and the creation of a force of air police, submitted by M. Pierre Cot, Air Minister of France, was met with varying degrees of opposition and reserve by other

¹ Annex 4.

² Document Conf.D.141. Conference Documents, Vol. II, page 368.

delegates on the Committee, which, in view of the divergencies of opinion still remaining, appointed a Drafting Committee to establish a list of the main questions raised during the discussion. A questionnaire framed in accordance with these instructions was submitted to the plenary Committee on March 13th, 1933.

The questionnaire framed by the Sub-Committee indicated the numerous points on which it was necessary to reach agreement in order to render possible the total abolition of military and naval aviation and of bombing from the air. It raised, in particular, the questions whether any scheme of regulation or internationalisation would necessarily apply to the whole world, to Europe alone, or to certain regions geographically defined; whether the regulation of civil aviation was essential for the purpose of preventing the military use of civil aviation; whether the application of any rules to be adopted should be supervised by the Permanent Disarmament Commission or some other body; whether air lines operating over more than one country should be internationalised; whether it would be necessary to set up an international air organisation consisting of representatives of all the contracting parties with commercial aircraft undertakings; what should be the constitution, objects and powers of such an international organisation. The questionnaire also contained a section devoted to questions which would necessarily arise in the event of the creation of an international air police force. Was the creation of such a force necessary to avoid the possible use of civil aviation for military purposes? Should it extend to the whole world? In what circumstances and by what constitutional means should it be called upon to act? How should it be recruited, distributed, officered, controlled and financed? (Document Conf.D./C.G./C.A.8.)

The Chairman of the Air Committee, on March 17th, 1933, expressed the view that the discussion could not usefully be continued until it was definitely ascertained whether there were any countries which did not desire any kind of interference with their civil aviation and whether these countries were nevertheless prepared to agree to the abolition of military and naval aviation. The delegations of the United States of America, the United Kingdom, Italy and Japan thereupon moved that the Committee should adjourn in order to allow the delegations of distant countries to consult their Governments. The United Kingdom delegation, in particular, felt that it was essential to further progress that the attitude of continents other than Europe towards the problem of the internationalisation or control of civil aviation should be clearly ascertained.¹

DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION, MARCH 16TH, 1933.

Meanwhile, on March 16th, 1933, the United Kingdom delegation submitted to the General Commission a draft Convention embodying in Chapter 3, Section II, a series of articles dealing with air armaments.²

Article 34 of the draft Convention provided for a complete abolition of bombing from the air except for police purposes in certain outlying regions.

Article 35 provided that the Permanent Disarmament Commission should immediately devote itself to working out schemes for a complete abolition of military and naval aircraft, to be dependent on an effective supervision of civil aviation to prevent its misuse for military purposes. The Permanent Disarmament Commission was alternatively instructed, should it prove impossible to ensure an effective supervision of civil aviation, to determine the minimum number of machines required by each contracting party consistent with its security, obligations and particular circumstances. It was understood that these schemes would be reported to a second Disarmament Conference.

Article 36 provided that the number of aeroplanes capable of use in war should not, at the end of the period of the Convention, exceed figures laid down for each of twenty-six countries specified as possessing such aeroplanes,³ and that the *status quo* existing on January 1st, 1933, should be maintained for the other contracting parties.

Article 37 fixed a limit for aeroplanes capable of use in war of three tons unladen weight, exceptions being allowed for troop-carriers and flying-boats.

Article 38 provided that no dirigible should be constructed or acquired during the period of the Convention by any of the contracting parties for war purposes.

Article 39 provided a definition of unladen weight.

Article 40 provided that aeroplanes capable of use in war in excess of the number indicated for each contracting party should be put out of commission or otherwise disposed of by the end of the period of the Convention and that at least half of such excess should have been so dealt with by June 30th, 1936.

Article 41 provided that aeroplanes exceeding the maximum unladen weight fixed by the Convention should be destroyed by the end of the period of the Convention and that at least half of their number should be destroyed by June 30th, 1936.

¹ There have been no further meetings of this Committee.

² *Chronological Record*, page 21. Document Conf.D.157(1). Conference Documents, Vol. II, page 485.

³ The United Kingdom, France, Italy, Japan, the Union of Soviet Socialist Republics and the United States of America, 500 aeroplanes; Czechoslovakia, Poland, Spain and Yugoslavia, 200; Belgium, the Netherlands and Roumania, 150; China and Turkey, 100; Greece, Norway, Siam, Sweden and Switzerland, 75; Denmark, Estonia, Latvia and Lithuania, 50; Finland and Portugal, 25.

DISCUSSION AND FIRST READING OF THE DRAFT CONVENTION IN THE GENERAL COMMISSION,
MAY 27TH TO JUNE 8TH, 1933.

The General Commission, on May 27th, 1933, entered upon a general discussion of these provisions. Amendments were submitted by various delegations and their discussion gave rise to a series of declarations and observations.¹

The Spanish delegation submitted an alternative draft Convention in four chapters and twenty articles, based on the principle that aircraft would not henceforth be used for war purposes and providing for the establishment of an international directorate of civil aviation. It was proposed that the contracting parties should undertake to prohibit the construction, storage or sale of military aircraft or any ground equipment or training of pilots for military purposes. Provision was made for the establishment, under the authority of the international directorate of aviation, of a system of main international air lines, and rules were laid down with regard to their administration, material and staff. A special chapter of the Convention embodied measures for the organisation by the international directorate of aviation of an international force of air police with specific duties.

The delegations of Hungary, Austria, China and Germany submitted amendments in favour of the total abolition of military aviation, the German delegation moving that all military and naval air material should be destroyed within two years of the coming into force of the Convention.

Article 34 of the United Kingdom draft Convention, which provided for the complete abolition of bombing from the air except for police purposes in outlying regions, gave rise to considerable discussion, special attention being directed to the exception defined in the article. The Soviet delegation urged that no exception to the general rule prohibiting bombing from the air could be allowed and this view was strongly supported in varying degrees by other delegations, more particularly by the delegations of Poland, Switzerland, Norway, the United States of America, China and Germany. Certain delegations proposed intermediate solutions to the effect that the exception should apply only to regions outside Europe or to police measures taken by the contracting parties within their own territories. The United Kingdom delegation explained that, in providing for the exception contained in Article 34, it had merely in view the maintenance of order in inaccessible districts, representing that the only alternative method was the despatch of expeditionary forces, which might involve heavy casualties and prove in effect to be a less humane method of dealing with a situation. The Japanese delegation declared that it could accept the complete prohibition of bombing from the air only if the total abolition of aircraft-carriers and of war-vessels equipped with landing bridges and platforms were accepted. It further stipulated that an agreement would be necessary for the effective prevention of the use of civil aircraft for military purposes.

Several delegations insisted that the abolition of military aviation must be contingent upon an effective regulation of civil aviation, while others considered that, if military aviation were abolished, civil aviation should be internationalised.

The case for the internationalisation of civil aviation was strongly urged by the French delegation, whose attitude upon this question received support from the Polish, Roumanian, Czechoslovak and Yugoslav delegations. The French delegation, in the absence of internationalisation, pleaded for a supervision of civil aviation sufficiently effective to render it impossible for civil aeroplanes to be used for military purposes, pointing out that, if the material of military aviation were limited in quality and quantity, civil aircraft, which would necessarily tend to increase in speed and power, would become all the more dangerous from the military point of view. It contended that measures concerning civil aviation should be progressive, following the stages contemplated in the United Kingdom draft Convention for the reduction of military aviation. The French delegation was prepared to abolish bombing from the air, to limit air material quantitatively by fixing maximum numbers for aircraft, to limit air material qualitatively by fixing a maximum unladen weight and to reduce existing material by stages.

The General Commission, as a result of this discussion, decided to regard the articles of the United Kingdom draft Convention relating to air armaments as having been read a first time and to take no further action until the draft Convention came up for a second reading, when decisions would have to be reached on all the amendments proposed. The delegations were meanwhile invited to communicate directly to the United Kingdom delegation any proposals or observations which they desired to submit in preparation for a second reading.

APPOINTMENT BY THE BUREAU OF A RAPPORTEUR FOR AIR QUESTIONS, NOVEMBER 11TH, 1933.

The Bureau, on November 11th, 1933, decided that a Rapporteur should be appointed to "consider the question of the universality of Article 34 concerning the abolition of bombing

¹ Minutes of the General Commission, Series B, Volume II, pages 529-546, and document Conf.D.163(1) (Annex 5 to the present report).

from the air as well as questions connected with civil aviation regarding which precise measures should be provided for in the Convention". The Bureau expressed the view that the question of the complete abolition of military aviation and the correlative questions which would be raised with regard to civil aviation by such an abolition were matters which should be left to the mature consideration of the Permanent Disarmament Commission as contemplated in the United Kingdom draft Convention.¹

Dr. Lange (Norway), Vice-Chairman of the Air Committee, was appointed to act as Rapporteur.²

The Rapporteur, in a memorandum addressed to the President of the Conference on November 24th, 1933,³ stated that several of the delegations which had submitted amendments to the United Kingdom draft Convention refused to take up any definite position on the question of air armaments, on the ground that these problems could only be solved if studied in the light of the general political situation or of problems raised in other spheres, and more especially in the light of naval problems. The Japanese delegation, for example, made its consent to the abolition of bombing from the air conditional upon the abolition of aircraft-carriers. The French delegation considered that the various aspects of armaments were interdependent and that the value of a separate discussion on air armaments would only be relative. The Italian delegation, while accepting the United Kingdom draft Convention in general, was unable, in existing circumstances, to discuss the possibility of accepting any amendments to that draft Convention.

The United Kingdom delegation stood by a declaration by the Under-Secretary of State for Foreign Affairs in the House of Commons on July 5th, 1933, to the effect that there would be no question of allowing the Conference to break down as a result of any insistence upon the exception embodied in Article 34.⁴ The delegations of the United States of America and the Union of Soviet Socialist Republics were unreservedly in favour of the complete abolition of bombing from the air.

The Rapporteur, as a result of his conversations with the delegations, submitted to the President an amended text of Article 34 in the following terms :

"The High Contracting Parties accept the complete abolition of bombing from the air and undertake to prohibit in their territory all preparations for such bombardment and all training in its methods."

Owing to the reservations made by some of the delegations, no thorough examination of the question of the supervision of civil aviation seemed to be possible. The delegations, however, generally agreed that the preparatory work to be undertaken with a view to the complete abolition of air armaments should be entrusted to the Permanent Disarmament Commission, while the delegations of the United States of America, France, Japan and the Union of Soviet Socialist Republics supported a suggestion that the parties to the Convention should bind themselves to participate in a Conference to meet during the period of application of the Convention for the purpose of discussing and, if possible, finally accepting the total abolition of military and naval air armaments.

PARALLEL AND SUPPLEMENTARY NEGOTIATIONS BETWEEN GOVERNMENTS, NOVEMBER 1933 TO JUNE 1934.

The Bureau of the Conference, on November 22nd, 1933, decided that the work of the Conference might best be assisted by parallel and supplementary negotiations between various Governments and a full use of diplomatic machinery.⁵

As a result of this decision, memoranda were exchanged between the German, United Kingdom, French, Italian and United States Governments.⁶

The main opinions and proposals of the Governments relating to air armaments may be briefly summarised.

The French Government, in a note dated January 1st, 1934, stated that, from the outset of the application of the Convention, France not only agreed to the abolition of bombardment from the air, subject to the conditions defined in the resolution of July 23rd, 1932, but would even be prepared to consider, if such a general reduction was accepted by the principal air forces and was accompanied by an effective supervision of civil aviation and aircraft manufacture, a proportional reduction of 50% of her air material at that time in service. The ultimate aim of these important reductions should be the abolition of all national military aviation and its replacement by an international air force.

The German Government, replying to the French note on January 19th, 1934, enquired whether, in view of the method of reduction contemplated in the French memorandum, the principle of equalising all the major air fleets at a common level would be retained ; whether, during the second, as well as during the first, stage of the Convention, Germany must continue to have no military air force ; whether the system applied in the second stage would depend entirely on the facts ascertained in the first stage ; within what period the abolition of 50% of the aeroplanes at present in service would be carried out ; whether the aeroplanes would

¹ Document Conf.D./Bureau 50(1). Conference Documents, Vol. III.

² Minutes of the Bureau, Series C, Vol. II, page 197.

³ Document Conf.D./C.G.164, Annex II. Conference Documents, Vol. III.

⁴ See page 89.

⁵ Chronological Record, page 25.

⁶ Documents Conf.D.166 and 166(a). Conference Documents, Vol. III.

all be destroyed ; what was to be the scope of the supervision of civil aviation and aircraft manufacture ; whether the Convention would provide specifically for the abolition of military aviation by a stated date and, if so, at what date would the prohibition of bombing from the air be absolute and general and, if not, what definite limitations would be attached to it.

The United Kingdom, in a memorandum dated January 29th, proposed that the provisions of Article 36 of the draft Convention should be amended in the following sense :

“ If the Permanent Disarmament Commission has not decided on abolition at the end of two years, all countries shall be entitled to possess military aircraft. Countries would reduce or increase by stages, as the case might be, in the following eight years, so as to attain by the end of the Convention the figures in the table annexed to Article 41 of the United Kingdom draft Convention or some other figures to be agreed on. Germany would obtain parity with the principal air Powers by these stages and corresponding provisions would be made for other Powers not at present entitled to possess military or naval aircraft. It is, of course, understood that all construction or fresh acquisition of weapons of the kinds which are to be destroyed during the life of the Convention would be prohibited.”

The Italian Government, in a letter dated January 4th, 1934, addressed to the British Minister for Foreign Affairs, expressed the view that a Convention might be realised to remain in force up to December 31st, 1940, providing in particular for the prohibition of the bombardment of civil populations. It added that, in the field of prohibition of bombardment from the air, more radical measures might be possible when the rule of the interdependence of land, sea and air armaments so permitted. It further noted that such a measure ought greatly to facilitate the solution of the problem of the parity of German air armaments.

The Danish, Spanish, Norwegian, Swedish and Swiss delegations, supported by the Netherlands delegation, addressed to the President of the Conference, on April 14th, 1934, a memorandum stressing the view that it would be necessary to be content with a Convention limited to certain branches of armaments and to postpone a comprehensive solution until later. They proposed, in particular, that any decision concerning the maintenance or abolition of military aviation should be postponed, measures being taken, however, to prevent an aggravation of the existing situation and to strengthen the proposals embodied in the United Kingdom draft Convention by an unconditional prohibition of aerial bombardment.¹

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PROGRAMME OF WORK OF THE AIR COMMITTEE : RESOLUTION ADOPTED BY THE GENERAL COMMISSION ON JUNE 8TH, 1934.

The General Commission, meeting in May 1934, noted that the parallel and supplementary negotiations between various States had not yet made it possible to eliminate essential differences and, by a resolution adopted on June 8th, 1934, it decided, amongst other things, to instruct its Air Committee to resume the study of the questions mentioned in the resolution of July 23rd, 1932, under the heading ' Air Forces ' ”.²

The Chairman of the Air Committee, however, after consulting the delegations, did not think that any useful purpose would be served by summoning the Committee while negotiations between the Powers principally concerned were still proceeding.³

The President of the Conference, at a meeting of the Bureau held on November 20th, 1934, observing that the air question had not been considered by the appropriate Committee as recommended in the resolution of June 8th, 1934, urged that arrangements should be made to deal with the problem at the earliest opportunity.⁴

No further action, however, has as yet been taken in the matter.⁵

SUMMARY OF EVENTS AND CONCLUSIONS.

The provisions of the draft Convention submitted by the Preparatory Commission provided only for a limitation of the number and total horse-power of military aircraft. Proposals, however, were at once submitted with a view to strengthening these provisions. Certain delegations suggested the total abolition of military aviation, while others recommended the abolition of bombing from the air.

It was realised from the outset that these further measures would depend on the adoption of methods for internationalising or regulating civil aviation with a view to preventing States from adapting and using such aviation for military purposes. During the discussion which

¹ See Chronological Record, page 28.

² See Chronological Record, page 30.

³ Document Conf.D./C.G.174. Conference Documents, Vol. III.

⁴ Chronological Record, page 32.

⁵ The Chairman of the Air Committee, on consulting the delegations, again considered that the situation in regard to air questions did not render it possible for the Air Committee to resume its proceedings. It should be recalled in this connection, that, in March 1935, the right to possess adequate military air forces was publicly claimed by the German Government.

took place in the Air Commission in June 1932, many delegations, in particular those of Belgium and France, declared themselves in favour of the principle of internationalisation. Other delegations were of opinion that measures for the regulation of civil aviation analogous to those taken by the Conference of Ambassadors in 1919 with a view to preventing the use of German civil aviation for military ends would be adequate.

The Air Commission, on July 18th, 1933, with a view to precluding the adaptation and employment of civil aviation for military purposes, adopted a series of draft rules for civil aviation. Several delegations, however, appended important reservations. More particularly, the French delegation adhered to its opinion that, failing internationalisation, no rules for civil aviation could effectively prevent its use in war.

The discussions in the Air Commission on the subject of qualitative disarmament also gave rise to important divergencies of opinion. The Commission, invited to state which air armaments were most specifically offensive, the most efficacious against national defence or the most threatening to civilians, in its report to the General Commission on June 8th, 1932, stated that the extent to which air armaments fulfilled these criteria must vary considerably on account of the wide differences in the geographical position of different countries, the location of their vital centres and the state of their anti-aircraft defences. Certain delegations were of opinion that all military aviation, and especially the dropping of means of warfare of every kind from the air, came under all three criteria. But a declaration in that sense was rejected by the Commission, while nineteen delegations desired to state that the air armaments most efficacious against national defence might also, in certain circumstances, be the most efficacious for defensive purposes. The Commission was unanimously of opinion that bombardment from the air was a grave threat to civilians. Some delegations inferred that all military aviation should accordingly be brought within the sphere of qualitative disarmament. Other delegations, however, suggested that bombing aeroplanes should be regarded as forming a special category for which limits based on technical data might be fixed.

The General Commission, in its resolution adopted on July 23rd, 1932, decided that air attack against civil population should be absolutely prohibited, all bombardment from the air being abolished subject to agreement with regard to measures to be adopted for the purpose of rendering the abolition effective. The measures contemplated by the General Commission included a limitation by number and characteristics of military aircraft and the application to civil aircraft of a system of regulation and publicity. An Air Committee, consisting of representatives of the principal air Powers, was appointed to make a further study of the problem.

In the discussions which took place in this Committee in March 1933, the whole question of the interdependence of measures for the restriction or total or partial abolition of military aviation and for the internationalisation of civil aviation was again considered. The Committee based its work on the assumption that military aviation and bombing from the air would be suppressed and, in the light of that hypothesis, it discussed the problem, not only of the internationalisation of civil aviation, but also the proposals put forward by the French delegation for the constitution of an air police force. The case for these measures submitted by the French delegation was met with varying degrees of opposition and reserve by other delegates on the Committee, and, on March 17th, 1933, on the motion of the delegations of the United States of America, the United Kingdom, Italy and Japan, the Committee adjourned in view of the fact that the discussion could not usefully be continued until it was definitely ascertained whether there were any countries which did not desire any kind of interference with their civil aviation and whether these countries were nevertheless prepared to agree to the abolition of military and naval aviation.

The provisions relating to air armaments embodied in the United Kingdom draft Convention submitted to the General Commission on March 16th, 1933, provided for the complete abolition of bombing from the air except for police purposes in certain outlying regions. It was recognised that a complete abolition of military and naval aircraft must depend on an effective supervision of civil aviation, and it was left for the Permanent Disarmament Commission to study the possibilities of this alternative with a view to measures to be taken by a Second Disarmament Conference. The Convention provided at once, however, for a limitation to definite figures of aeroplanes capable of use in war.

The provisions of the United Kingdom draft Convention were read a first time, but they gave rise to a series of declarations and observations which, in effect, postponed any definite decision to a second reading. The case for the internationalisation of civil aviation was again strongly urged by the French delegation, whose attitude received support from the Polish, Roumanian, Czechoslovak and Yugoslav delegations. The French delegation, in default of internationalisation, pleaded for its effective supervision, and the Spanish delegation submitted an alternative draft Convention in four chapters and twenty articles providing for the complete abolition of military and naval aircraft and the establishment of an international directorate of civil aviation.

The question of air material was not again formally discussed by any Committee of the Conference, but became the subject of conversations and negotiations between the delegations to the Conference and between the Governments concerned. The Bureau, in November 1933, in appointing a Rapporteur for air questions to keep in touch with the delegations to the Conference, expressed the view that the question of the complete abolition of military aviation and the correlative question with regard to civil aviation were matters which should be left to the mature consideration of the Permanent Disarmament Commission. The Rapporteur,

as a result of his conversations with the delegations, in a memorandum addressed to the President of the Conference on November 24th, 1933, submitted a text providing for the complete abolition of bombing from the air and the prohibition of all preparations for such bombardment and training in its methods; but he at the same time reported that, owing to reservations made by some of the delegations, no thorough examination of the question of the supervision of civil aviation appeared to be possible.

The results of the parallel and supplementary conversations between Governments in respect of air armaments, which took place outside the Conference between November 1933 and June 1934, are briefly summarised in the preceding paragraphs.¹ The General Commission, meeting in May 1934, noted that they had not eliminated essential differences, and, on June 8th, 1934, it instructed its Air Committee to resume the study of the questions mentioned in the resolution of July 23rd, 1932, under the heading of "Air Forces".

No further action, however, has been taken in the matter, and the position, so far as the proceedings of the Conference is concerned, remains as it stood upon the conclusion of the first reading of the United Kingdom draft Convention in June 1933.

¹ See above, pages 90-91.

CHAPTER VII.—NATIONAL DEFENCE EXPENDITURE (LIMITATION AND PUBLICITY).

PROVISIONS OF THE DRAFT CONVENTION FRAMED BY THE PREPARATORY COMMISSION FOR THE DISARMAMENT CONFERENCE.

The draft Convention framed by the Preparatory Commission contained a series of articles providing for the limitation and publicity of national defence expenditure.

Article 10 and Article 24 provided for a limitation of annual expenditure on material for land and naval armaments respectively.

Article 29 provided for a limitation of the total annual expenditure of each of the contracting parties on armed forces and formations organised on a military basis; Article 33, for publicity of expenditure by categories of material for land and naval armaments; Article 38, for publicity of total expenditure on national defence.

The report drawn up by the Committee of Budgetary Experts set up by the Preparatory Commission¹ contained detailed proposals for the application of the articles of the draft Convention concerning limitation and publicity.

PROPOSALS SUBMITTED TO THE CONFERENCE, FEBRUARY 1932.

Supplementary proposals were submitted or questions raised during the plenary meetings of the Conference in February 1932.²

The delegations of Sweden, Switzerland and the United States of America put forward proposals which involved a combination of budgetary with quantitative limitation.

The delegation of Poland expressed approval of the limitation of aggregate expenditure allocated to armed forces and formations organised on a military basis, but urged that it was necessary to examine the ratios to be established between the expenditure of countries which had a fully organised defence system and that of countries which had been obliged to build up a national defence system within recent years.

The Soviet and Danish delegations proposed that budgetary expenditure should be reduced proportionately to the amount of direct reduction.

Various delegations—*e.g.*, the delegations of Sweden and Germany—insisted on a thorough examination of the budgetary method of limitation, more especially with a view to the difficulties caused by fluctuations in the purchasing power of currencies, while the German delegation questioned whether it was expedient to limit expenditure in view of the abandonment of the gold standard by certain countries and the resultant changes in purchasing power.

The Norwegian delegation submitted proposals for the limitation both of aggregate expenditure and expenditure under particular chapters. The Soviet delegation urged that provisions should be adopted for the abolition of secret funds and a unification of military budgets.

The delegations of Germany, the Netherlands, Spain, Switzerland and the Union of Soviet Socialist Republics insisted on a complete system of publicity in respect of armaments, in conformity with Article 8 of the Covenant. No specific proposals were submitted regarding the publicity to be established for annual expenditure on armaments.

APPOINTMENT OF A NATIONAL DEFENCE EXPENDITURE COMMISSION (LIMITATION AND PUBLICITY), FEBRUARY 25TH, 1932.

The General Commission of the Conference, on February 25th, 1932, decided that a National Defence Expenditure Commission should be constituted. The Commission met for the first time on February 27th, 1932.

The Commission was asked to deal with the following questions without awaiting their previous discussion by the General Commission :

(I) A limitation of total annual expenditure as provided by Article 29 of the draft Convention and, in particular, proposals for :

(a) A thorough study of budgetary methods, having regard to fluctuations in purchasing power ;

(b) Budgetary limitation relating to total expenditure and to individual chapters ;

(c) The abolition of secret funds and unification of the military budget ;

¹ Document C.182.M.69.1931.X.

² The proposals submitted to the Conference in February, 1932 are analysed in document Conf.D.102. (Conference Documents, Vol. I, page 148.)

- (2) Publicity of land and naval expenditure, as provided under Article 33 ;
- (3) Publicity of total expenditure, as provided under Article 38 ;
- (4) Examination of the report of the Committee of Experts on Budgetary Questions :
 - (a) The part of the report concerning publicity ;
 - (b) The part of the report concerning limitation in so far as it dealt with the questions enumerated under Item (1) above.

The Commission, in considering its programme of work on March 10th, 1932, noted that the principle of budgetary limitation had been reserved by the General Commission both in respect of land and naval material.¹

PRELIMINARY DISCUSSION (MARCH TO MAY 1932) : APPOINTMENT OF A TECHNICAL COMMITTEE.

The National Defence Expenditure Commission, on March 16th, 1932, appointed a Technical Committee of twelve members, with power to co-opt other experts, to study the details of the application of a system of publicity and limitation of expenditure on armaments. During the months of March, April and May 1932, a preliminary discussion of the principal points concerning budgetary limitation and publicity took place in the plenary Commission, but the detailed examination of the whole matter was carried out by the Technical Committee.

The terms of reference of the Technical Committee, as laid down by the Expenditure Commission, were as follows :

- “ (a) To study the documentation regarding national defence expenditure supplied in accordance with the decision of the League Council, dated May 23rd, 1931 . . . ;²
- “ (b) To study the documentation, information and additional explanations to be supplied . . . by the delegations of the States represented at the Conference ;
- “ (c) To study the technical questions in connection with the limitation and publicity of expenditure which the Commission may subsequently consider it advisable to refer to the Committee ;³
- “ (d) To submit to the Commission in due course reports on the questions referred to it for examination.”

The Commission at the same time invited the delegations to furnish as early as possible complete information on the budgetary systems in force in the various countries to be considered and reported upon by the Technical Committee. The Technical Committee, in order to obtain the necessary information, framed a questionnaire, which was distributed to all delegations.

The Technical Committee devised a written and oral procedure designed to secure an effective examination of the necessary data. A very considerable number of questions were put in writing to the delegations, and, finally, the entire documentation received was discussed by the Committee in the presence of the delegates of the Power concerned. For each country, a summary of the essential facts was drawn up.⁴

RESOLUTION ADOPTED BY THE GENERAL COMMISSION, JULY 23RD, 1932.

The resolution adopted by the General Commission on July 23rd, 1932⁵, contained the following reference to National Defence Expenditure :

- “ (a) The Conference shall decide, on the resumption of its labours, taking into account the special conditions of each State, what system of limitation and publicity of expenditure on national defence will provide the peoples with the best guarantee of an alleviation of their financial burdens, and will prevent the measures of qualitative and quantitative disarmament to be inserted in the Convention from being neutralised by increases or improvements in authorised armaments.
- “ (b) With a view to the decisions to be taken under this head, the Conference requests the Committee on National Defence Expenditure and its Technical Committee to continue and complete the work entrusted to its organs and to submit their report as soon as possible. The Conference requests its Bureau to draw up, on the basis of this report, a plan accomplishing the purpose aimed at and taking into consideration the special conditions of the various States.”

¹ Minutes of the National Defence Expenditure Commission, Series D, Vol. IV, page 2.

² By a Circular Letter from the Secretary-General of the League of Nations, dated March 30th, 1931 (C.L.63.1931. IX), communicating this decision of the Council to Governments, the attention of the latter was directed to Chapter 4 of the report of the Committee of Experts on Budgetary Questions, recommending the various States to fill in, by way of experiment, and before the opening of the Conference, the Model Statement of actual expenditure framed by the experts. The documents forwarded by Governments in reply to this circular letter, before the setting-up of the Technical Committee, have been printed in the series “ Particulars with regard to the Position of Armaments in the Various Countries ”.

³ As will be seen from the Minutes of the Expenditure Commission, the questions referred, after discussion, to the Technical Committee cover practically all the points dealt with in the report of the Committee of Experts on Budgetary Questions or in the plenary meetings of the Expenditure Commission (March to May 1932).

⁴ Document Conf.D.158. Vols. II and III.

Annex 4.

REPORT OF THE TECHNICAL COMMITTEE, APRIL 8TH, 1933.

The Technical Committee published its report on April 8th, 1933.¹ The report was the result of a year's almost continuous work, including the examination of the information furnished by a considerable number of Governments represented at the Conference relative to their budgetary systems and national defence expenditure.

The Technical Committee took "national defence expenditure" to mean all expenditure necessitated or entailed by the creation, maintenance and training in time of peace of armed forces and formations organised on a military basis and by measures immediately connected with the preparations for national mobilisation.

In order to secure a uniform presentation of the figures, the Committee established a common framework or Model Statement in which States might enter all their national defence expenditure.

The Committee was of opinion that actual payments made in the course of a financial period should be taken as the juridical basis for either the publicity or limitation of expenditure. It recommended, however, that the States should every year forward to the Permanent Disarmament Commission, not only their closed accounts and Model Statements based thereon, but also draft estimates, budgets as adopted and a simplified Model Statement of estimated expenditure.

The Committee recognised that it was possible for all practical purposes for States to draw up a complete statement of their national defence expenditure within the meaning of the Convention, and that it was also possible for an international supervisory body to verify with a high degree of accuracy the manner in which the total amount of national defence expenditure was calculated.

Three of the members of the Committee (the Japanese, Italian and German experts) submitted a joint reservation expressing the view that, technically, a period of from four to five years would be necessary, during which the system of publicity alone could be applied, after which it would be possible to ascertain whether the system of budgetary limitation recommended in the report could be adopted. They drew special attention to two difficulties in the way of an immediate application of a system of limitation—namely, the delay which occurred in the publication of budgets and accounts in several countries and the fact that fluctuations in the purchasing power of currencies might, in the present state of the world, render the system inoperative.

The United States expert on the Committee limited his concurrence to measures on budgetary publicity and made full reservation on all subjects relating to budgetary limitation.

It was recognised that the separate limitation of expenditure in respect of land, naval and air forces or the separate limitation of land material and naval material would have the effect of compelling certain countries to modify considerably their accountancy systems and would give rise to difficulties from the point of view of supervision.

The report of the Technical Committee was discussed by the National Defence Expenditure Commission between May 22nd and 27th, 1933. The results of the discussion were incorporated in a report² adopted by the Commission on June 3rd, 1933, and thereafter submitted to the General Commission.

REPORT ADOPTED BY THE NATIONAL DEFENCE EXPENDITURE COMMISSION, JUNE 3RD, 1933.

(a) *General Conclusions.*

The Expenditure Commission was unanimously of opinion :

(1) That the States whose documentation had so far been examined by the Technical Committee would be able to draw up, for practical purposes, complete returns of their total expenditure on national defence as set forth in the Technical Committee's report ;

(2) That, in view of the present system of accounting of a number of States, it was not possible, for purposes of limitation, to separate, with sufficient possibility of supervision, (a) the expenditure on each of the three forces, (b) the expenditure on land and naval material respectively, as had been contemplated in the draft Convention proposed by the Preparatory Commission ;

(3) That, as the accounts of most countries were drawn up at present, it was not possible to give effect to Article 33 of the draft Convention, which provided for publicity of expenditure by categories of land and naval material ;

(4) That the expenditure of the various countries on armaments could not, generally speaking, serve as a criterion for a comparison of their armaments, but that a comparison of the expenditure returns of the same country from one year to another would enable the evolution of its financial outlay on its armaments to be followed and would provide very useful information on the variations of its armaments.

(b) *Bases of a Possible System of Limitation.*

The Commission agreed that a system of global limitation of expenditure on national

¹ Document Conf.D.158, Volumes I and II.

² Document Conf.D.161. (Conference Documents, Vol. II, page 577.)

defence offering the greatest possibilities of realisation would, in present circumstances, according to the Technical Committee's proposal, have to be based on :

- (1) The definition and conventional list of items of national defence expenditure given in Chapter II of the Technical Committee's report ;
- (2) A uniform presentation of such expenditure in accordance with the Model Statement recommended by the Technical Committee (Chapter III of the report) ;
- (3) The payments made and entered in the published accounts (Chapter IV of the report) within periods and in forms suitable for the requirements of the Convention (Chapters V and VI of the report) ;
- (4) A special procedure designed to take into account fluctuations in the purchasing power of the currencies of the different countries ;
- (5) A special procedure for taking into consideration unforeseeable and exceptional expenditure (Chapter XV of the report).

(c) *Technical Possibility of applying a System for the Limitation of National Defence Expenditure.*

The Commission was divided as to the possibility of inserting in the first Convention a clause providing for an immediate application of the principle of global limitation of national defence expenditure.

A majority, consisting of eighteen delegations, was of opinion that it was already at present technically possible to apply the principle. They were aware that the putting into force of limitation would call for modifications in the accountancy systems of several States, but they did not regard this as a valid argument against the conclusion of a Limitation Convention, since any measure of international disarmament necessarily involved internal reforms.

Other delegations, whether they accepted the principle of limitation (Japan), or whether they held the view that a trial period of publicity would be necessary in order to decide whether limitation was feasible (Austria, Bulgaria, Cuba, Germany, Hungary and Italy), considered that all the technical conditions necessary for the application of the proposed system were not at present fulfilled in all States and that it was not accordingly possible to apply the system immediately.

These delegations, with which the United States delegation associated itself generally, expressed the opinion that the enforcement of publicity during a period of four or five years would be necessary before it could be ascertained that all the technical conditions necessary for limitation could be fulfilled and considered that the situation would have to be re-examined at the end of this period to decide whether it would be possible to put the system of limitation into practice.

The arguments brought forward during the discussion regarding the possibility of an immediate application of the principle of limitation principally centred round the difficulties caused by fluctuations in purchasing power and the present state of accountancy in certain countries.

(d) *Base of a Possible Publicity System.*

The Commission was unanimously of opinion that a system of publicity for national defence expenditure on the lines defined by the Technical Committee was possible.

DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION, MARCH 16TH, 1933.

The draft Convention submitted by the United Kingdom delegation on March 16th, 1933, contained no article dealing with budgetary limitation or publicity, and this fact was noted by various delegates during its discussion in the General Commission. Sir John Simon, representative of the United Kingdom, pointed out on March 27th, 1933, that this omission was due to the fact that the special Committee dealing with the matter was still continuing its studies, and that it was thought better to refrain from prejudging the results of its work, on which it was hoped that a final report might be available very shortly.¹

PROPOSAL MOVED BY THE FRENCH DELEGATION, JUNE 7TH, 1933.

On June 3rd, 1933, the French delegation circulated the following draft article, which was formally moved by the French delegate in the General Commission on June 7th :²

" The total expenditure on national defence of each of the High Contracting Parties shall be limited to the figure fixed for it in the table appended to the present section.

" The conditions for the application of this limitation are defined in the annex to the present section.

" (The annex will define what is to be meant by national defence expenditure and will determine the rules for the application of limitation on the basis of the recommendations made in connection with point 6 of the report of the Expenditure Commission and in the report of the Technical Committee.) "

¹ Minutes of the General Commission, Series B, Vol. II, page 400.
² Minutes of the General Commission, Series B, Vol. II, pages 612 and 613.

DISCUSSION OF THE REPORT OF THE NATIONAL DEFENCE EXPENDITURE COMMISSION :
MEETINGS OF THE GENERAL COMMISSION ON JUNE 7TH AND 8TH, 1933.

The General Commission considered the report of the National Defence Expenditure Commission on June 7th and 8th, 1933.¹

The Chairman of the National Defence Expenditure Commission stated that the Technical Committee had examined completely the information submitted by nineteen States and examined partially information communicated by ten other States. The national defence expenditure of the twenty-nine States examined represented 90% of the national defence expenditure of the whole world and amounted to over four milliards of gold dollars.

He recalled that the General Commission had put certain definite questions. First, was an immediate, supervised, aggregate limitation of national defence expenditure by budgetary means possible? The Expenditure Commission had answered that question in the affirmative by a large majority, while a considerable minority had answered it in the affirmative subject to certain conditions and provided the system was not immediately applied. Secondly, was immediate supervised publicity of national defence expenditure by budgetary means possible? That question had been unanimously answered in the affirmative. Thirdly, was a separate limitation of expenditure on land, naval and air forces possible? The Expenditure Commission had unanimously replied to that question in the negative.

The most important part of the system submitted for approval consisted of the Model Statement, in which all national defence expenditure would be entered in a uniform manner for all States. The scheme had been unanimously adopted by the Technical Committee as a framework in which both limitation and publicity might operate. Both the limitation system and the publicity system, moreover, found their essential field of operation in the system of general supervision to be adopted under the draft Convention.

The Rapporteur-General of the National Defence Expenditure Commission pointed out that it had been instructed to examine the technical conditions for the possible application of a suitable system of limitation and publicity. It had not been asked to decide whether such limitation or publicity was desirable. There had been general agreement regarding the principles which should form the basis of any system of limitation, but a difference of opinion as to whether all these conditions were at present fulfilled. The main difficulties which, in the opinion of a minority of the Commission, stood in the way of an immediate application of the system were fluctuations in the purchasing power of currencies and the present state of accountancy in certain countries. Unanimity had been reached as regards the technical possibility of a system of publicity of expenditure, and even those delegations which were opposed to the immediate application of the system of limitation were in favour of applying a system of publicity which, if put into effect for a period of four or five years, would indicate whether the difficulties anticipated really existed.

The French delegation, supporting its resolution,² argued that budgetary limitation would fulfil one of the aims of the resolution adopted by the General Commission on July 23rd, 1932, which aimed at "lightening the financial burdens which weighed upon the peoples of the world". Budgetary limitation would constitute the most tangible sign of the persevering efforts made by the Conference, and it was impossible to conceive of a true Disarmament Convention without it.

The Roumanian delegation, speaking on behalf of the delegations of the Little Entente,³ was not opposed in principle to a limitation of expenditure, provided it was based upon Article 8 of the Covenant and provided disarmament by the indirect method of the limitation of expenditure was subordinated to the special conditions of each State. The three delegations were ready, subject to that proviso, to agree to an immediate application of the principle of limitation.

The United Kingdom delegation reserved its opinion on the principle of budgetary limitation, representing that it would be wise to decide first to institute provisionally and at once, for a period of years, a system of budgetary publicity. The working of such a system would show to what extent budgetary limitation was feasible.

Arguments in favour of an immediate introduction of a system of budgetary limitation were urged by the delegations of Belgium, Poland, Sweden, Spain and Norway.

The German delegation considered that it would be preferable not to introduce a system of budgetary limitation, in view of the grave objections which had been raised. It referred particularly to the variations in accountancy systems of the different States and the fluctuations in the purchasing power of currency. The German delegation was nevertheless in favour of the publicity of military expenditure.

The Italian delegation, after reviewing the arguments for and against including budgetary limitation in the draft Convention, expressed the view that it would be better to await a second reading before taking a decision, particularly in view of the fact that several delegations considered that budgetary limitation was a supplementary form of indirect limitation which could only be usefully studied in detail when the provisions relating to the direct forms of limitation were known.

¹ Minutes of the General Commission, Series B, Vol. II, pages 612-629.

² See above, page 97.

³ Czechoslovakia, Roumania, Yugoslavia.

Finally, the Japanese delegation, while believing in the utility of budgetary limitation as a method additional to direct limitation, realised the force of the arguments advanced against its immediate application and expressed the view that, for the moment, it was technically impossible to apply the method immediately.

RESOLUTION ADOPTED BY THE GENERAL COMMISSION, JUNE 8TH, 1933.

The General Commission on June 8th, 1933, finally decided:¹

- (1) That the President of the Conference should be entrusted with the necessary negotiations with the various delegations, particularly those which had presented, or might present, proposals in respect of the limitation of national defence expenditure and that he should submit the results of such negotiations to the General Commission for discussion at its next session ;
- (2) That the first General Convention for the Reduction and Limitation of Armaments should contain provisions for the application of the principle of publicity of national defence expenditure subject to international supervision in the conditions indicated in the report of the Technical Committee of the National Defence Expenditure Commission ;
- (3) That the Technical Committee of the National Defence Expenditure Commission should prepare the necessary draft articles, with annexes, to give effect to this decision ;
- (4) That the Technical Committee should continue, in view of a universal application of a system of publicity, its examination of the documents transmitted by the various States ;
- (5) That the Secretary-General should be asked to send an urgent appeal to Governments which had not yet submitted the necessary information to do so without delay, in order to enable the Technical Committee to complete its work.

DRAFT ARTICLES FRAMED BY THE TECHNICAL COMMITTEE, DECEMBER 11TH, 1933.

The Technical Committee, in accordance with the instructions thus received from the General Commission, framed the necessary articles and, on December 11th, 1933, adopted unanimously a draft of the " instruments necessary for the application of a system of publicity of national defence expenditure ".²

The draft contained a series of articles to be incorporated in the Convention and five annexes conveying the necessary instructions.

The contracting parties undertake to give publicity to all national defence expenditure by whomsoever incurred and whatever the nature and origin of the resources from which the expenditure is met.

The contracting parties shall communicate regularly to the Permanent Disarmament Commission their draft budgets, budgets and closed accounts, all these documents to be despatched within thirty days of their publication. The communication will include the draft budgets, budgets and closed accounts of the Defence Departments and those of other Ministries whenever they contain national defence expenditure ; the same applies to colonies, protectorates, etc.

The contracting parties shall also forward for each financial year two summary statements showing, in relation to the grand total of the initial national defence expenditure authorisations, what changes have been made in that total from the time when the authorisations were fixed up to the end of periods of nine and fifteen months respectively, reckoned from the beginning of the financial year.

Finally, the various States shall despatch, within fourteen months of the end of the financial year, a statement of the payments effected both by the central Government, regional or public bodies, colonies, etc. This statement will be filled in according to a model drawn up by the Technical Committee and in accordance with detailed instructions prescribed in the annexes to the draft articles.

For the first two financial years after the coming into force of the Convention, the contracting parties shall also forward a statement of the estimates of national defence expenditure in the same form as that utilised for the statement of payments. For the third financial year, and following financial years, the statement will be made in a simplified form to be indicated by the Permanent Disarmament Commission.

Further articles contain detailed provisions as regards the examination and verification by the Permanent Disarmament Commission of the documents communicated to it in the field of national defence expenditure.

Annexes to the draft articles contain detailed instructions as regards the methods to be followed by the Governments in filling in the model statements of expenditure and other documents.

¹ Minutes of the General Commission, Series B, Vol. II, page 629.
² Document Conf.D./C.G.160.

DRAFT ARTICLES NOTED BY THE GENERAL COMMISSION, JUNE 11TH, 1934.

The texts framed by the Technical Committee were forwarded to the General Commission in January 1934 and noted by the General Commission on June 11th, 1934.

The General Commission, while reserving its right to examine the texts in detail on a later occasion, recommended the Governments, with a view to the future application of a system of publicity of national defence expenditure, to transmit to the Technical Committee before October 15th, 1934, to the extent they were able, the various documents scheduled in the texts relating to the last budgetary year for which they could be furnished.¹

WORK OF THE TECHNICAL COMMITTEE, JANUARY TO DECEMBER 1934, AND SUPPLEMENTARY REPORT.

The report of the Technical Committee published in April 1933, as already noted, was based on a complete examination of the documentary material submitted by nineteen Powers and a partial examination of the documentary material submitted by ten other Powers.²

The report was issued with the following reservation :

“ It is regrettable from the point of view of the universality of its work that the Committee has not yet been able to examine the documents of all the countries represented at the Conference, and it is therefore necessary to make all reservations regarding the application of the system of limitation and publicity to those countries . . . ”³

The General Commission, on June 8th, 1933, in adopting the principle of publicity of national defence expenditure, requested the Technical Committee “ to continue, in view of the universal application of a system of publicity, its examination of the documents transmitted by the various States ”.

The Committee, in the course of a new session from January 17th to March 16th, 1934, following a more summary procedure than that previously applied, concluded its examination of the documents referred to it. In the case of a number of countries, the documentary material supplied by the Governments was far from complete, and the Committee was therefore compelled to have recourse to other means of obtaining the particulars required regarding their budgetary systems and defences. It referred for this purpose to the general documentary material available in the records of the Secretariat of the Conference and in the library of the League of Nations.

It was possible for the Committee by these means to draw up for all the States represented at the Conference summaries of essential information.

The Committee, in the autumn of 1934, considered whether the draft Convention for publicity of national defence expenditure which it had previously framed could be applied by the States whose documentary material had since been examined or whether the Governments of these latter States would have special difficulties in subscribing to the obligations which would be imposed on them by the draft Convention.

As a result of these further studies, the Committee in a Supplementary Report ⁴ expressed its opinion that the conclusions formulated in its previous report remained valid, and that the provisions of the articles of the draft Convention held good. It introduced a few minor changes in the text of the original draft of the annexes to the Convention.

In conclusion, the Committee, in the light of its examination of the further documentary material placed at its disposal, made the following observation :

“ The financial rules customary in the States whose budgetary material served as a basis for the first report of the Committee are not always applied with the same strictness in all States. If the Governments, while realising the difficulties that they may encounter in the application of the provisions of the Convention, are prepared to apply them faithfully, the Committee is unanimous in its opinion that, technically, it is possible to ensure the satisfactory working of the system which it proposes.”

SUPPLEMENTARY REPORT OF THE TECHNICAL COMMITTEE CIRCULATED TO GOVERNMENTS, JANUARY 1935.

In January 1935, the supplementary report of the Technical Committee as well as the final draft ⁵ of the Convention on publicity of national defence expenditure were circulated to Governments. The Committee, in a covering letter, made the following observations :

“ The Committee desires to point out, first, that, in submitting its final draft for a Convention, it has only taken into consideration the technical requirements of a system of publicity of national defence expenditure. Accordingly, should it be thought advisable ultimately to co-ordinate budgetary publicity with other forms of publicity, this co-ordination should, from the technical point of view, be achieved by means of supplementary instruments independent of the system of budgetary publicity proper.

¹ See page 101.

² See page 98.

³ Document Conf.D.158, Vol. I, page 6.

⁴ Document Conf.D.158, Vol. III.

⁵ Document Conf.D./C.G.160(1).

" The stipulations of the draft Convention on budgetary publicity comprise all the obligations the observance of which is requisite for the application of the proposed system. The Committee considers, moreover, that, in present circumstances, it is not possible to ask the Powers to agree to an extension of these obligations.

" The Committee recalls that its draft Convention has been drawn up without prejudice to the general provisions which may be adopted as regards supervision.

" It also draws attention to the fact that subsequent decisions of the Conference regarding police forces and similar formations would make it possible to define, as regards these formations, the items of expenditure to which budgetary publicity should relate."

APPLICATION OF THE SYSTEM OF PUBLICITY : RESOLUTION ADOPTED
BY THE GENERAL COMMISSION ON JUNE 11TH, 1934.

The General Commission, on June 11th, 1934, noted a statement submitted by the Chairman of the National Defence Expenditure Commission observing that the budgetary documents at the disposal of the Technical Committee for a considerable number of countries referred back to the years 1929 and 1930, and urging that the Technical Committee should be provided with more recent information. The General Commission, in view of these representations, adopted a resolution on June 11th, 1934, recommending the Governments, with a view to the future application of the system of publicity of national defence expenditure, to forward to the Technical Committee the various budgetary documents (budgets, accounts, model statements of estimated and actual expenditure, etc.) relating to the last budgetary year for which they could be furnished.¹

The object of the request was :

(1) To complete and keep up to date the budgetary information already communicated to the Conference ;

(2) To draw the attention of Governments to the system of budgetary publicity as contemplated in the draft Convention, and to familiarise the various departments with the practical working of the system ;

(3) To provide the Conference with documents which would make it possible to proceed quickly with the preparatory work of an administrative and technical character which might be necessary at a later date, with a view to ensuring that the system of budgetary publicity might be effectively applied as quickly as possible.

The Technical Committee, at meetings held in March and April 1935, framed certain general principles to be applied in the examination of information received from the Governments, and it decided, on April 16th, on rising for the Easter recess, that this work should be resumed at a date to be determined by the Chairman.

PUBLICITY IN RESPECT OF THE TRADE IN AND MANUFACTURE OF ARMS.

The Technical Committee of the National Defence Expenditure Commission, during the meetings of the Special Committee for the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War between February 14th and April 13th, 1935, was invited to consider a number of questions relating to the system of publicity to be adopted in connection with the control of the manufacture of and trade in arms.²

One of the main objects of the requests addressed to the Technical Committee and of the advice which it tendered to the Special Committee was to secure co-ordination between the provisions relating to publicity to be adopted in the field of trade and manufacture and the provisions relating to publicity in the budgetary field.

The Technical Committee was, for example, consulted as to a rearrangement of the categories of arms and implements of war to be embodied in the draft Convention on Trade and Manufacture with a view to bringing them into line with the conventional list of items on national defence expenditure embodied in the draft Convention on Budgetary Publicity.

The Technical Committee was requested to advise in regard to the particulars which should be shown in the event of a return of estimates of annual instalments of expenditure on arms and ammunition being required from the Governments, and as to the determination of what should be regarded as constituting expenditure on manufacture for purposes of Article 7 of the draft Convention, in which it was proposed that Governments should forward to the Permanent Disarmament Commission a return of national defence expenditure proposed in respect of the manufacture and purchase of arms and implements of war in categories I, II and III. The Technical Committee was further asked to what extent it would be possible for Governments to communicate modifications introduced during the financial year in annual programmes of manufacture and purchase and whether it would be possible to relate and synchronise returns made under the draft Convention for the control of trade and manufacture with those required under the draft Convention on Budgetary Publicity.

¹ Minutes of the General Commission, page 692.

² See Chapter IX, Regulation of the Trade in and Private and State Manufacture of Arms.

The replies to these questions framed by the Technical Committee, for the most part of a provisional and hypothetical character, were appended to the report adopted on April 13th by the Special Committee on the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War.¹

SUMMARY OF EVENTS AND CONCLUSIONS.

The Conference, in dealing with the question of national defence expenditure, began with a programme framed in general terms which provided for a limitation of annual expenditure on war material and on the armed forces and formations organised on a military basis of the various States. This general scheme, moreover, provided for publicity, not only in respect of total expenditure on national defence, but for publicity of expenditure by categories of material for land and naval armaments.

The technical work of the Conference in this field, though it resulted in limiting this programme, also resulted in giving much greater precision to those portions of it which a majority of the Governments were prepared to accept. It may, in fact, be claimed that, from the technical point of view, the requirements of a system of limitation and publicity of national defence expenditure are now entirely clear.

No particular difficulties were encountered in the field of publicity, and the relevant articles of the draft Convention with their annexes are available for immediate application.

Differences of opinion, however, were expressed, in the Technical Committee of the National Defence Expenditure Commission and in the Expenditure Commission itself, as to the possibility of an immediate application of an effective system of budgetary limitation. The Technical Committee recognised that it was possible for States to draw up for all practical purposes a complete statement of their national defence expenditure and that it was also possible for an international supervisory body to verify with a high degree of accuracy the manner in which the amount of national defence expenditure was calculated. Certain members of the Technical Committee, however, expressed the view that, owing, among other things, to the present fluctuation in currencies and the different methods of accountancy used by Governments, a period of from four to five years would be necessary before it would be possible to ascertain whether budgetary limitation on the lines recommended in the report of the Committee could be adopted. Opinion in the National Defence Expenditure Commission was also divided. A majority considered that it was already technically possible to apply the principle, though it would necessarily call for modifications in the accountancy systems of several States; but an important minority did not think that all the technical conditions necessary for its application were in being.

The General Commission, on June 8th, 1933, after a discussion which again reflected these differences of opinion, accordingly decided that, while the draft Convention should contain provisions for the immediate application of the principle of publicity subject to international supervision, further negotiations would be necessary with the delegations concerned before any further progress could be made in framing provisions for a limitation of national defence expenditure.

The Technical Committee thereafter framed the necessary articles, and on December 11th, 1933, adopted unanimously a draft of the "instruments necessary for the application of a system of publicity of national defence expenditure". A slightly revised draft Convention was issued in December 1934.

It should be noted, in estimating the technical results achieved by the Conference, that general agreement was reached as to the principles which should form the basis of any system of limitation, and that the work of the Technical Committee of the National Defence Expenditure Commission has thrown considerable light on the military expenditure and general budgetary systems of all the States represented at the Conference.

¹ Document Conf.D.168 (Annex 3). Conference Documents, Vol. III.

CHAPTER VIII.—CHEMICAL, INCENDIARY AND BACTERIAL WARFARE.

GENEVA PROTOCOL, JUNE 17TH, 1925.

On June 17th, 1925, a Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacterial Methods of Warfare was signed at Geneva by the following States: Germany, the United States of America, Austria, Belgium, Brazil, the British Empire, Canada, the Irish Free State, India, Bulgaria, Chile, China, Colombia, Denmark, Egypt, Spain, Estonia, Abyssinia, Finland, France, Greece, Hungary, Italy, Japan, Latvia, Lithuania, Luxemburg, Nicaragua, Norway, Panama, the Netherlands, Persia, Poland, Portugal, Roumania, Salvador, Siam, Sweden, Switzerland, Yugoslavia, Czechoslovakia, Turkey, Uruguay and Venezuela. When the Conference met on February 2nd, 1932, thirty-three States had either ratified or definitely acceded to the Protocol. It was provided by the Protocol that it would come into force for each signatory Power as from the date of deposit of its ratification.

PROVISIONS OF THE DRAFT CONVENTION FRAMED BY THE PREPARATORY COMMISSION FOR THE DISARMAMENT CONFERENCE.

Article 39 of the draft Convention framed by the Preparatory Disarmament Commission was in the following terms:

“The High Contracting Parties undertake, subject to reciprocity, to abstain from the use in war of asphyxiating, poisonous or similar gases and of all analogous liquids, substances or processes. They undertake unreservedly to abstain from the use of all bacterial methods of warfare.”

The German delegation, when this text was adopted, submitted a reservation declaring that the effect of prohibiting the use of chemical weapons would be incomplete unless it referred also to preparations for their use.

PROPOSALS SUBMITTED TO THE CONFERENCE, FEBRUARY 1932.

Supplementary proposals going further than the provision embodied in Article 39 were submitted by various delegations during the general discussion in plenary session of the draft Convention framed by the Preparatory Commission.¹

There was a general agreement that the use of such weapons should be prohibited, and a large measure of agreement to the effect that such prohibition should not, as provided by the draft Convention, be subject to reciprocity. The delegations of Austria, Denmark, Germany, Haiti, Italy, the Netherlands, Sweden, Turkey and the Union of Soviet Socialist Republics moved, moreover, that there should be a prohibition of the preparation of chemical weapons and of training in their use. The delegation of the Union of Soviet Socialist Republics proposed that all appliances used for purposes of chemical aggression or bacterial warfare should be destroyed. The delegation of Denmark submitted that the manufacture of chemical products should be subject to control. The delegations of France, Yugoslavia and Czechoslovakia proposed that the provisions relating to these prohibitions should be subject to special sanctions.

APPOINTMENT OF A SPECIAL COMMITTEE ON CHEMICAL AND BACTERIAL WARFARE, MAY 10TH, 1932.

The General Commission of the Conference, on May 10th, 1932, noted that the prohibition of chemical and bacterial weapons and methods of warfare was a problem common to land, sea and air armaments, and appointed a Special Committee to consider the question. The Special Committee met on May 18th, 1932, and, on May 31st, 1932, submitted a report to the General Commission.²

¹ Document Conf.D.102. Conference Documents, Vol. I, pages 170 and 171.

² Document Conf.D.120. Documents of the Conference, Vol. I, pages 210-215.

REPORT OF THE SPECIAL COMMITTEE, MAY 31ST, 1932.

The Committee, considering the problem in the light of the resolutions on qualitative disarmament adopted by the General Commission on April 22nd, 1932,¹ had to decide whether chemical weapons and methods of warfare came under the three criteria laid down—*i.e.*, whether they were amongst those most specifically offensive in character, most efficacious against national defence or most threatening to civilians.

The Special Committee was unanimously of opinion that chemical weapons and methods of warfare answered to the third criterion, and there was general agreement that the third criterion was sufficient to justify their inclusion within a system of qualitative disarmament. The majority of the members considered that all three criteria applied. Certain members, however, represented that chemical weapons might be equally effective both for and against national defence.

The Special Committee expressed the view that bacterial warfare should be included in a system of qualitative disarmament quite irrespective of whether it answered any of the criteria laid down by the General Commission, being so particularly odious that it revolted the conscience of humanity more than any other form of warfare.²

PROHIBITION OF CHEMICAL, BACTERIAL AND INCENDIARY WARFARE :
RESOLUTION ADOPTED BY THE GENERAL COMMISSION ON JULY 23RD, 1932.

The General Commission, in a resolution adopted on July 23rd, 1932,³ decided that "chemical, bacterial and incendiary warfare should be prohibited under the conditions unanimously recommended by the Special Committee".

¹ Chronological Record, page 16.

² The special Committee submitted to the General Commission the following resolutions :

" I. *Chemical Weapons and Means of Warfare.*

" The Committee considers :

" That chemical substances, whether elements or natural or synthetic compounds, as well as appliances or devices for releasing them, can be described as weapons or means of warfare only in virtue of the use that is made of them, for they may be employed or made with a view to entirely different and essentially peaceful uses ;

" That, when used for the purpose of injuring an adversary, they answer to one or other of the criteria laid down in the General Commission's resolution of April 22nd, 1932, and, in any case, more particularly to the third of those criteria.

" It declares that there should be included in qualitative disarmament the use, for the purpose of injuring an adversary, of all natural or synthetic noxious substances, whatever their state, whether solid, liquid or gaseous, whether toxic, asphyxiating, lachrymatory, irritant, vesicant, or capable in any way of producing harmful effects on the human or animal organism, whatever the method of their use.

" It also declares that appliances, devices or projectiles specially constructed for the utilisation of the said noxious bodies with a view to injuring an adversary should be included in qualitative disarmament.

" It observes that, unless the use of explosives as such is included in qualitative disarmament, the above definition cannot be extended to the noxious substances arising from the combustion or detonation of explosives, provided that the latter have not been designed or used with the object of producing noxious substances.

" It further observes that the above definition should not apply to smoke or fog used to screen objectives or for other military purposes, provided that such smoke or fog is not liable to produce harmful effects under normal conditions of use.

" II. *Bacterial Weapons and Means of Warfare.*

" The Committee considers :

" That the use of pathogenic microbes for the purpose of injuring an adversary is condemned by the conscience of humanity, quite apart from the fact that it answers to the criteria laid down by the General Commission in its resolution of April 22nd, 1932, and more particularly to the third of those criteria.

" It declares that all methods for the projection, discharge or dissemination in any manner, in places inhabited or not, of pathogenic microbes in whatever phase they may be (virulent or capable of becoming so), or of filter-passing viruses, or of infected substances, whether for the purpose of bringing them into immediate contact with human beings, animals or plants, or for the purpose of affecting any of the latter in any indirect manner—for example, by polluting the atmosphere, water, foodstuffs, or any other objects—should be included in qualitative disarmament.

" III. (a) *Incendiary Projectiles.*

" The Committee considers :

" That the use of incendiary projectiles involves a particularly grave menace to civilians.

" It declares that projectiles specifically intended to cause fires should be included in qualitative disarmament.

" It observes that this definition does not apply either to projectiles specially constructed to give light or to be luminous and, generally, to pyrotechnics not intended to cause fires, or to projectiles of all kinds capable of producing incendiary effects accidentally.

" It considers that qualitative disarmament should not extend to projectiles designed specifically for defence against aircraft, provided that they are used exclusively for that purpose.

" (b) *Flame-projectors.*

" The Committee considers :

" That the use of flame-projectors is calculated to cause needless suffering, quite apart from the question whether it answers to any of the criteria laid down by the General Commission's resolution of April 22nd, 1932.

" It declares that appliances designed to attack persons by fire, such as flame-projectors, should be included in qualitative disarmament.

³ Annex 4.

The delegations of Belgium, Czechoslovakia, Denmark, Spain, the Netherlands, Norway, Sweden and Switzerland represented that the prohibition of these methods of warfare necessarily involved a consideration of the question of prohibiting their preparation or training in their use.

The Soviet delegation voted against the decision, on the ground that its Government had already signed the Geneva Protocol of 1925, which contained the same provisions, and it formally moved that the States represented at the Conference, in so far as they had not done so already, should undertake to sign the Protocol of 1925 within three months and to ratify it as soon as possible.

The resolution adopted on July 23rd by the General Commission provided that "rules of international law should be formulated in connection with the provisions relating to the prohibition of the use of chemical, bacterial and incendiary weapons and bombing from the air, and should be supplemented by special measures dealing with the infringement of these provisions".

PREPARATIONS FOR CHEMICAL, BACTERIAL AND INCENDIARY WARFARE
AND THE PROBLEM OF VIOLATIONS : ACTION TAKEN BY THE BUREAU
ON SEPTEMBER 21ST, 1932.

The Bureau, on September 21st, 1932, having considered whether the prohibition of chemical warfare should be extended to cover preparations for chemical warfare in time of peace, requested the Secretary-General of the League to submit a report on the following questions :

- (1) What is the state of expert opinion as to the practicability of prohibiting the preparation of gas as distinguished from prohibiting its use in warfare ?
- (2) Whether there is any sufficient reason why the preparation and possession of machines and instruments for the use of gas should not be forbidden ?
- (3) Whether training in the use of gas should not be prohibited ?¹

The Bureau, on the following day, requested M. Pilotti (Italy), the Chairman of the Special Committee, to submit a report on the subject and on the problem raised by possible violations of the prohibition of chemical, bacterial and incendiary warfare.²

REPORT SUBMITTED TO THE BUREAU BY THE CHAIRMAN OF THE SPECIAL COMMITTEE,
NOVEMBER 8TH, 1932.

The Chairman of the Special Committee submitted his report to the Bureau on November 8th, 1932.³

The conclusions of the report may be summarised as follows :

The contracting parties renounce as against any State, whether or not a party to the present Convention, and in any war, however unlawful such war may be on the part of their adversaries, the use of chemical and bacterial weapons for the purpose of injuring an adversary, the use of projectiles specifically intended to cause fires or the use of appliances designed to attack persons by fire.⁴

All preparations for chemical, incendiary and bacterial warfare shall be prohibited in time of peace as in time of war, but this prohibition shall not apply to material intended exclusively to protect individuals against the effects of such warfare or to the training of individuals in measures of protection.

A special section shall be set up in the Permanent Disarmament Commission to deal with questions relating to preparations for chemical, incendiary and bacterial warfare.

The Permanent Disarmament Commission will establish the fact of the use of chemical, incendiary or bacteriological weapons. It will have the right to carry out for this purpose any preliminary enquiries, both in the territory subject to the authority of the complainant State and in the territory subject to the authority of the State against which a complaint is made.

The declaration of the Commission establishing the fact of the use of chemical, incendiary or bacterial weapons will entail immediate action on the part of third States. It will be their right and duty to bring pressure to bear on the offending State ; third States will, at the earliest possible moment, decide, if necessary, on the punitive or other action to be taken ; the State victim of the breach will have the right of retaliation within the fighting area.

DISCUSSION OF THE REPORT BY THE BUREAU OF THE CONFERENCE,
NOVEMBER 8TH TO 11TH, 1932.

The report submitted by the Chairman of the Special Committee was discussed by the Bureau at meetings held from November 8th to 11th, 1932.⁵

¹ Minutes of the Bureau, Series C, Vol. I, pages 10-12.

² Minutes of the Bureau, Series C, Vol. I, page 20.

³ Document Conf.D.142. Conference Documents, Vol. II, page 370.

⁴ Certain substances and weapons used in the normal process of warfare were explicitly excepted.

⁵ Minutes of the Bureau, Series C, Vol. I, pages 56-78.

Certain delegations maintained that the question whether the prohibition of chemical, incendiary and bacterial methods of warfare should be absolute or relative must necessarily depend on the conclusions to be reached in regard to the prohibition of their preparation and the forms of control or penalties to be provided as guarantees that the prohibitions would be effective. This fact was recognised even by those delegations which urged that the prohibition should be absolute and subject to no exception and which represented that the use of chemical weapons, even by way of reprisals, should be forbidden.

The prohibition of all preparations for chemical warfare gave rise to a prolonged discussion and serious divergencies of opinion.

The Japanese delegation declared itself in favour of the absolute and universal prohibition of the use of all noxious gases and even of the use of defensive material, urging that a prohibition strictly enforced and made universally compulsory would render it unnecessary even to consider a study of the means of defence.

The French delegation desired that preparations for purposes of chemical warfare should be prohibited, but hesitated to prohibit the preparation of defensive material, suggesting, however, that the private manufacture of such material might be prohibited or subject to strict Government or international supervision.

The delegation of the United States of America represented that insufficient consideration had been given to the matter of preparation. Would it not be necessary to provide for group protection and training and for the maintenance of material for remedying the effects of gas which had been illegally used? No really final decision could be taken until these questions had been discussed.

The United Kingdom delegation felt it was necessary to know exactly what were the chemical appliances and substances suited exclusively for the conduct of chemical, incendiary and bacterial warfare before any final decision could be taken on the subject of preparation.

The Swiss delegation, observing that there could be no real distinction between material intended exclusively for war purposes and material which might be used for both peaceful and military purposes, also thought that further expert opinion must be obtained. Was it possible for a State to renounce all defensive preparations?

The Bureau finally decided to ask the Rapporteur of the Special Committee to draw up a list of the questions which would need to be settled before a final decision could be taken on this aspect of the problem. The Bureau, in particular, would desire to know whether any technical means existed which could allow of defensive preparations without simultaneously allowing preparations for attack, and whether a list could be drawn up of appliances and substances exclusively suited to the conduct of chemical, incendiary and bacterial warfare.

THE QUESTION OF SANCTIONS : TEXT CONSIDERED BY THE BUREAU ON NOVEMBER 12TH, 1932.

The question of the sanctions to be applied in the event of the use of chemical, incendiary and bacterial weapons presented further difficulties.

The French delegation considered that effective sanctions were essential to an entirely efficacious system of prevention, and expressed the view that the only possible solution would be recourse to collective retaliation by the community of States upon any nation violating the prohibition. It urged that, for this purpose, it would be necessary to make preparations for international punitive action. It represented that the provisions embodied in the conclusions submitted by the Chairman of the Special Committee were definitely inadequate.

The United Kingdom delegation, pointing out that no country really anxious to observe the Convention would be in a position to undertake immediate reprisals, admitted the necessity for collective action on behalf of the victim of a breach of the Convention, and submitted that such measures must include all means of action, from moral to active pressure. It was, however, unable to say what sanctions the United Kingdom Government would be prepared to apply in given circumstances and urged that it was necessary to avoid any rigid definitions.

The Japanese delegation expressed itself in favour of the strictest and most severe sanctions, but was unable to define their extent or the method of bringing them into play. It was definitely opposed, in any case, to the employment of gas as a retaliatory measure.

The Greek delegation felt that the crux of the problem lay in a system of sanctions sufficiently serious to supplement the inadequacy of preventive measures, urging that, if the right of reprisal were rejected, accentuated measures of repression were required.

The Spanish delegation declared itself opposed to any right of retaliation by the use of chemical weapons and supported the French delegation in demanding effective collective action against States violating the prohibition.

The United States delegation, noting that there was general agreement that there must be a prompt establishment of the fact of violation, to be followed by a consultation of the signatory Powers, confessed that it was not very clear as to what further measures should be provided. It was inclined to leave the development of such measures to the Permanent Disarmament Commission.

The Swedish delegation, urging that the admission of a right to retaliate would be a retrograde step on the part of the Conference, hoped that further progress would be made in the direction of a collective guarantee.

The Bureau, as a result of this discussion, considered, on November 12th, 1932, the following text relating to penalties :¹

“ The declaration of the Permanent Disarmament Commission establishing the fact of the use of chemical, incendiary or bacterial weapons shall have the following effects :

“ 1. Third States shall individually be under an obligation to bring pressure to bear, chosen according to circumstances, and notably according to the special situation in which they are placed in relation to the belligerents, upon the State which has used the chemical, incendiary or bacterial weapons to induce it to give up the use of the said weapons or to deprive it of the possibility of continuing to use them.

“ 2. A consultation shall be held among third States, through the agency of the Permanent Disarmament Commission, at the earliest possible moment to determine what joint steps shall be taken and to decide on the joint punitive action of every description to be taken.

“ These decisions shall be taken by a majority vote (character of the majority to be decided by the General Commission). The minority shall not be bound, but it shall be under an obligation not to hinder the action of the majority.

“ The Permanent Disarmament Commission shall be entitled to take in advance all preparatory measures with a view to the possible application of the decisions referred to in the foregoing paragraph.

“ 3. Third States situated in a given region may further pledge themselves to undertake jointly and as rapidly as possible severe punitive action against the delinquent State and, for this purpose, to create beforehand a joint police force.

“ 4. The State against which chemical, incendiary or bacterial weapons have been employed shall in no circumstances retaliate by the use of the same weapons.”

The Italian delegation made a reservation as to sanctions of a regional character, urging that universal action would be necessarily more powerful than a demonstration on the part of any particular group of States.

The delegation of the United States of America felt that the discussion had assumed proportions not originally anticipated and submitted a general reservation on the part of the United States Government.

The United Kingdom delegation made a reservation in the same sense.

The Soviet delegation did not think that the question of sanctions should form the subject of a partial discussion or be settled in connection with the single problem of the prohibition of the use of chemical weapons. It was unable to express a final and definite opinion.

The French delegation did not think that the system of penalties embodied in the new text would work with sufficient force or rapidity. It had always considered that the only means of abolishing chemical warfare was to impress upon possible violators of the prohibition the certainty that they would be made to expiate their offence. Special sanctions in the case of recourse to chemical warfare had been contemplated by the General Commission in its resolution adopted on July 23rd, 1932. Absolute prohibition, excluding the right of reprisal, was only possible if the States felt sure that collective sanctions would take the place of individual sanctions.

The Belgian delegation observed that agreement had not been reached on the question of guaranteeing the victim of aggression the necessary means of protection.

The President of the Conference adjourned any further discussion on the report until further advice had been received from the Special Committee.

PROHIBITION AND SUPERVISION OF THE PROHIBITION OF PREPARATIONS FOR CHEMICAL,
INCENDIARY AND BACTERIAL WARFARE : REPORT ADOPTED BY THE SPECIAL
COMMITTEE ON DECEMBER 13TH, 1932.

The Bureau of the Conference, on November 11th, 1932, decided to forward to the Special Committee on chemical, incendiary and bacterial weapons a questionnaire requesting it to consider a series of points raised in previous discussions upon the possibility of prohibiting preparations for chemical, incendiary and bacterial weapons and upon the measures to be taken in the event of a breach of the prohibition to use chemical, incendiary and bacterial weapons against an opponent.²

The Special Committee considered the questionnaire at meetings held from November 17th to December 13th, 1932, and its report was submitted to the Bureau of the Conference on January 25th, 1933.³ The Special Committee submitted conclusions regarding the preparation of defensive material, the possibility of prohibiting the preparation of offensive material, the enforcement of this prohibition, the measures to be taken to establish the facts of a violation and the penalties to be applied in the event of a violation.

¹ Minutes of the Bureau, Series C, Vol. I, page 78.

² Minutes of the Bureau, Series C, Vol. I, pages 75-82.

³ Document Conf.D.152. Conference Documents, Vol. II, page 448.

The Special Committee was of opinion that neither the preparation of defensive material nor its supervision could be entrusted to an international body. The preparation of means of collective protection could not in practice be governed by an international Convention and the testing of protecting material involved the employment of poisonous substances in regard to which no effective publicity was practicable.

The Special Committee declared, in regard to offensive material, that a prohibition to manufacture, import or possess apparatus and substances exclusively used for chemical warfare would be of only limited value. The manufacture of such substances could be improvised rapidly by any State possessing a chemical industry and there were no projectiles or means of projection which were exclusively employed for chemical warfare. It would not be possible to prohibit the manufacture, import, export or possession of apparatus and substances capable of employment both for peaceful and for warlike apparatus. It was possible to prohibit the training of armed forces in the use of chemical weapons, but the practical effect of such a prohibition would be small. These observations applied equally to bacterial and incendiary warfare.

It was not possible to enforce prohibition against preparations for chemical warfare by an examination of the commercial statistics relating to chemical industries in the various countries. Any control devised for such a purpose would have to apply to the entire chemical industry. Nor was it possible to base control upon a limitation of the total chemical production or productive capacity of States.

The Special Committee recommended, as a procedure for establishing the fact of violation, the constitution of a commission for urgent initial investigation, which would make immediate enquiries and report to the Permanent Disarmament Commission. The Permanent Disarmament Commission would thereupon inform the accused State and, if necessary, order an enquiry in its territory.

The Special Committee, in considering the question of penalties, regarded the question of breaches of the prohibition to make preparations for chemical, incendiary or bacterial warfare as lying outside its terms of reference.

It proposed as effective penalties for breaches of the prohibition to employ such methods of warfare that all States signatories to the Convention should give to the State victim of a breach of the Convention scientific, medical and technical assistance in order to repair, attenuate or prevent the effects of the use of the prohibited weapons and that supplies to the offending State of raw materials, implements and products necessary for such warfare should be stopped.

Finally, it was of opinion that reprisals under certain rigid conditions might be allowed.

DISCUSSION OF THE REPORT BY THE BUREAU OF THE CONFERENCE, JANUARY 25TH AND 30TH, 1933.

The Bureau considered the report of the Special Committee at meetings held on January 25th and 30th, 1933.¹

The Rapporteur, supplementing the report of the Special Committee, submitted a series of draft conclusions to serve as a basis for articles to be embodied in the Disarmament Convention.²

The draft conclusions provided :

That the use in warfare of chemical, incendiary and bacterial weapons should be prohibited ;

That all preparations for such warfare should be prohibited in time of peace as in time of war, it being understood that this prohibition would not apply to material and installations to ensure individual or collective protection against the effects of such warfare ;

That, in order to enforce this prohibition, the manufacture, import, export or possession of appliances and substances exclusively suited to the conduct of such warfare should be forbidden ;

That the manufacture, import, export or possession of chemical appliances and substances suitable for both peaceful and military purposes, with intent to use them in war, should be prohibited ;

That the instruction and training of armed forces in the use of such weapons should be forbidden ;

That the Permanent Disarmament Commission should examine complaints put forward by States alleging a violation of the prohibition to prepare for such warfare ;

That a procedure for establishing the fact of the use of such weapons should be organised under the supervision of the Permanent Disarmament Commission, to include the constitution and functioning of a commission for urgent initial investigation and the institution of supplementary enquiries in the territory of the State attacked, at the discretion of a Permanent Disarmament Commission ;

That, following the establishment of the fact of violation, third States should individually be under an obligation to supply the State attacked with scientific, medical and technical assistance, to bring pressure to bear upon the offending State by taking measures, in the first instance, to cut off supplies of raw materials, products and appliances necessary for such warfare, and to consult, through the Permanent Disarmament Commission, as to what joint steps or joint punitive action might be taken ;

¹ Minutes of the Bureau, Series C, Vol. I, pages 129-142.

² Document Conf.D./Bureau 41. Conference Documents, Vol. II, page 730.

That an international information and documentation service concerning protection against chemical weapons should be established under the supervision of the Permanent Disarmament Commission.

Several delegations expressed regret that the technical conclusions of the Special Committee were mainly negative in character, the general conclusion being that it was impossible in time of peace to provide guarantees against the possible use of chemicals in case of war, owing to the fact that chemical warfare could be improvised and that it could be prepared without there being any visible sign of such preparation. It was represented by various delegations, in particular by the delegations of the United States of America, the United Kingdom, the Union of Soviet Socialist Republics and Germany, that the question of the penalties to be applied in the event of a breach of the prohibition raised important political questions and involved decisions upon other undertakings and prohibitions which were under consideration by the Disarmament Conference. The French delegation, on the other hand, insisted that the question of penalties for a breach of the prohibition relating to chemical warfare was a special problem and that such a violation, as declared in the resolution adopted by the General Commission on July 23rd, 1932, called for special action. The Italian delegation represented that the penalties attaching to this particular prohibition were the essential factor in the problem, and that those suggested by the Special Committee were not sufficiently severe.

The Bureau on January 30th, 1933, while reserving the question of penalties for further consideration, adopted the following resolution :

“ The Bureau agrees to the principle of special measures being taken in case of a violation of the prohibition of the use of chemical, incendiary and bacterial weapons.

“ It decides to elaborate the relevant articles with regard to such special measures after the general penalties for the case of the violation of the Convention have been examined by the Conference.”

On the same day, the Bureau, as a result of its consideration of the proposals of the Special Committee, instructed a Drafting Committee to frame articles for embodiment in the draft Disarmament Convention.

PROVISIONS RELATING TO CHEMICAL, INCENDIARY AND BACTERIAL WARFARE EMBODIED IN THE UNITED KINGDOM DRAFT CONVENTION, MARCH 16TH, 1933.

The articles drafted in accordance with the decision taken by the Bureau on January 30th, 1933, were taken as a basis for the provisions concerning chemical, incendiary and bacterial warfare embodied in the draft Disarmament Convention submitted to the General Commission by the delegation of the United Kingdom on March 16th, 1933.¹

Article 47 laid down that, as an established rule of international law, the use of chemical, incendiary or bacterial weapons against any State, whether or not a party to the Convention, was prohibited. Any party, however, which had been the victim of the illegal use of such weapons—subject to certain conditions—had the right to retaliate. Articles 48, 49 and 50 defined the extent of the prohibition embodied in Article 47.

Article 51 prohibited all preparations for chemical, incendiary or bacterial warfare in time of peace as in time of war. Articles 52, 53 and 54 defined the extent of this prohibition, which applied in general to the manufacture, import, export or possession of the prohibited substances and training in their use, material and installations intended for defensive purposes and lachrymatory substances intended for police operations being expressly excepted.

Article 55 provided that the Permanent Disarmament Commission should examine complaints put forward by any party alleging that the prohibition to prepare for chemical, incendiary and bacterial warfare had been violated.

Articles 56 to 62 embodied the provisions based on the conclusions of the Special Committee for establishing the fact of the use of chemical, incendiary and bacterial weapons.

FIRST READING OF THE UNITED KINGDOM DRAFT CONVENTION : DISCUSSION OF PART IV (CHEMICAL WARFARE) IN THE GENERAL COMMISSION ON MAY 30TH, 1933.²

The provisions of the United Kingdom draft Convention relating to chemical, incendiary and bacterial warfare were read a first time in the General Commission on May 30th, 1933.

Attention was drawn to the fact that, under the provisions embodied in the draft Convention, the right of reprisal was allowed to a victim of the illegal use of chemical or incendiary weapons, subject to conditions to be agreed upon. It was recalled that the Special Committee had originally proposed that this right should be conditional on the use of such weapons by the adversary having been previously established. The United Kingdom delegation, defending the provisions of the draft Convention, represented that considerable delay might be involved in establishing the fact of use by the adversary.

¹ Document Conf.D.157(1). Conference Documents, Vol. II, page 488.

² See Minutes of the General Commission, Series V, Vol. II, pages 568-570.

The United States delegation noted that, in the United Kingdom draft Convention, States availing themselves of the exception relating to lachrymatory gases would be required to inform the Permanent Disarmament Commission of the substances and appliances to be used. It entered a reservation in respect of this obligation.

The German delegation expressed the opinion that the use of chemical weapons and gas should be prohibited, even as a measure of retaliation.

The delegations of France and Yugoslavia again emphasised the necessity for strict collective sanctions, not only to enforce the prohibition of chemical warfare and of preparations for that warfare, but in the event of any breach of the Convention.

The President of the Conference noted the points which had been raised and invited the delegations concerned to submit their amendments with a view to a second reading of the draft Convention at a later stage.

SUMMARY OF EVENTS AND CONCLUSIONS.

The basis for the work of the Conference in dealing with the problem of chemical, incendiary and bacterial warfare was Article 39 of the draft Convention framed by the Preparatory Commission of the Disarmament Conference, in accordance with which the contracting parties undertook to abstain from the use of such weapons subject to reciprocity. Thirty-three States, moreover, prior to the Conference, had either ratified or definitely acceded to the Protocol of 1925, which prohibited the use in war of asphyxiating, poisonous or other gases and of bacterial methods of warfare. For instruments imposing a simple prohibition, the Conference substituted a series of texts to which numerous reservations were appended and many questions were raised to which no final answer has yet been given.

Real and substantial progress has nevertheless been achieved. The discussion by the Conference of this problem revealed certain practical difficulties which had not previously been faced. It was, for example, realised that an absolute prohibition of the use of chemical weapons would need to be reinforced by provisions prohibiting their preparation or training in their manipulation, accompanied by effective sanctions to be applied in the event of its breach. To prohibit preparation, however, seemed to involve prohibiting defensive measures which, in the opinion of many delegations, were legitimate and even necessary, and the question of special sanctions to be applied in the event of a breach of the prohibition was not easy of solution.

The Special Committee on Chemical and Bacterial Warfare was unanimously of opinion that chemical weapons and methods of warfare were among those most threatening to civilians, and there was general agreement that this fact alone justified their inclusion within a system of qualitative disarmament.

The General Commission, as a result of this opinion, decided, on July 23rd, 1932, that chemical, bacterial and incendiary warfare should be prohibited and that rules of international law should be formulated to that end, supplemented by special measures for dealing with breaches of the prohibition. The necessity of considering the question of prohibiting the preparation of such weapons, or training in their use, was at the same time emphasised by several delegations.

Attention was thereafter mainly directed to the question whether the prohibition of chemical warfare might be extended to cover preparations for such warfare in time of peace and to the problem raised by possible violations of the prohibition.

The report submitted to the Bureau by the Chairman of the Special Committee in November 1932 contained proposals, not only for the prohibition of chemical, incendiary and bacterial warfare, but for the prohibition of preparations for such warfare, supervision of the observance of the prohibition of preparations and penalties for the use of such weapons. The discussion of this report, however, in the Bureau elicited serious divergencies of opinion. Several delegations felt that inadequate consideration had been given to the matter of preparation, and, in respect of sanctions, though the necessity for collective action on behalf of the victim of a breach of the prohibition was generally admitted, the precise character of the sanctions to be applied and their method of application had, for the moment, to be reserved.

The Bureau of the Conference, on November 11th, 1932, requested the Special Committee to reconsider these questions in the light of the views expressed by the delegations. The technical conclusions of the Special Committee, as adopted in December 1932, were mainly negative in character. There seemed to be no effective method of supervising the preparation of defensive material or of enforcing the prohibition against preparations for chemical warfare. A prohibition to manufacture substances or apparatus for chemical warfare would be of only limited value, since the manufacture of the substances could be improvised by any State with a chemical industry and there was no apparatus exclusively employed for such warfare. The Special Committee nevertheless submitted a series of recommendations regarding the preparation of defensive material, the possibility of prohibiting the preparation of offensive material, the enforcement of this prohibition, the measures to be taken to establish the facts of a violation and the penalties to be applied in the event of a violation.

The Bureau of the Conference, on January 30th, 1933, after considering the report of the Special Committee, agreed that special measures should be taken in the event of a violation of the prohibition of the use of chemical, incendiary and bacterial weapons and decided that articles embodying such special measures should be framed.

The provisions relating to chemical, incendiary and bacterial warfare inserted in the draft Convention submitted by the United Kingdom on March 16th, 1933, reproduce, in effect, the articles framed by the Special Committee in accordance with this decision. The use of chemical, incendiary or bacterial weapons against any State or in any war, whatever its character, is prohibited. All preparations for such warfare are prohibited in time of peace as in time of war. The right of reprisals, however, is recognised, as is the freedom of the contracting parties in respect of material or installations intended to ensure individual or collective protection. Supervision of the observance of the prohibition of preparations for chemical, incendiary or bacterial warfare is entrusted to the Permanent Disarmament Commission, which may examine any complaints put forward by any party, and a procedure of enquiry, investigation on the spot and prompt report, for the establishment of the fact of the use of such weapons, is provided.

The provisions of the United Kingdom draft Convention relating to chemical, incendiary and bacterial warfare were read a first time in the General Commission on May 30th, 1933. No further action in the matter has been taken by the Conference.

CHAPTER IX. — CONTROL OF THE MANUFACTURE OF AND TRADE IN ARMS.

CONTROL OF THE TRADE IN ARMS : EVENTS PRIOR TO THE CONFERENCE.

The League of Nations, by Article 23(d) of the Covenant, was entrusted with the " general supervision of the trade in arms and ammunition with countries in which the control of this traffic is necessary in the common interest ".

Agreements regulating the trade in arms had been in existence since 1887. The Peace Conference, however, considered that these early agreements, such as the Brussels Convention of 1890, were no longer adequate, and a new Convention was therefore concluded at St. Germain on September 10th, 1919.¹

The immediate object of the Convention was to avert the dangers which might arise from an unregulated sale of the considerable war stocks accumulated by the belligerent Powers, more especially in regions of the world partly civilised or subject to no settled Government. It contained, however, the germ of three important features, which were to be adopted and developed in all subsequent schemes—namely, an enumeration of the arms whose export was prohibited, the licensing by Governments of exports on their own responsibility and publicity for export licences by means of an international central office dependent on the League of Nations.

It soon became evident that the Convention of St. Germain would not come into force owing partly to the fact that the United States of America was unable to ratify it. The Assembly of the League, moreover, decided from the outset that the question would need to be considered upon a more general basis and, when in 1921 it appointed a Temporary Mixed Commission to deal with disarmament questions, the problem of the trade in arms was included among the items to be considered.

The Temporary Mixed Commission, as early as 1921, expressed the view that it was imperative to establish a control over the export and import of arms and implements of war. It further urged that it was essential for the League of Nations to receive complete information as to the extent and character of the trade in arms and that this information should be rendered public.

The Assembly, in 1923, invited the Temporary Mixed Commission to prepare a draft Convention on the trade in arms to replace the Convention of St. Germain. A draft Convention, prepared in 1924, was submitted in that year to the Assembly and to the Council of the League of Nations, and finally referred to a General Conference, which met at Geneva on May 4th, 1925. Forty-four States were represented, including Germany, which was not then a Member of the League of Nations, and the United States of America. The Conference adopted a Convention for the institution of a general system of supervision and publicity for the international trade in arms, supplemented by a special system to be applied to certain parts of the world.²

Arms, ammunition and implements of war were, for the purpose of the Convention of 1925, divided into five categories. The first category included arms designed and intended for land, sea or aerial warfare. Subject to certain exceptions, only Governments might export arms of this category, and for every exported consignment an order in writing must be presented to the competent authorities of the exporting country by the importing Government. The second category included arms which might be used both for military and other purposes. Such arms also came under the system of export licences, while arms in either of these two categories were subject to publicity in the form of statistical returns of the foreign trade in arms. The third and fourth categories included vessels of war and their armaments, aircraft (assembled or dismantled) and aircraft engines. For these items, publicity alone was required. The fifth category included arms not falling under the first two categories. Trade in these commodities was unrestricted.

The Convention, in addition to this general control, embodied a special system for zones to which the export of all arms except warships was generally forbidden or authorised only subject to definite conditions.

The Convention was signed at Geneva on June 17th, 1925, its entry into force being subject to its ratification by fourteen States. On February 2nd, 1932, when the Conference for the Reduction and Limitation of Armaments met, the Convention had received only thirteen ratifications or definite accessions. Twenty-four signatures or accessions had not yet been completed by ratifications and the Convention was open to accession by a further twelve States.

¹ Document C.758.M.258.1924.IX, page 29.

² Document A.16.1925.IX.

CONTROL OF THE PRIVATE AND STATE MANUFACTURE OF ARMS :
EVENTS PRIOR TO THE CONFERENCE. I

Article 8 of the Covenant declares that the " manufacture by private enterprise of munitions and implements of war is open to grave objections ", and the Council is asked to " advise how the evil effects attending 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 Assembly, in 1920, instructed the Temporary Mixed Commission dealing with disarmament questions to give special consideration to the problem of the private manufacture of arms and implements of war. The Temporary Mixed Commission, which, reporting to the Assembly in 1921, was unable either to recommend a suppression of private manufacture or to express any opinion as to the measures to be taken for its control, submitted a report to the Council of the League of Nations in 1922, approving in principle the application to private manufacture of a system of national licences and expressing the view that it was impossible to separate the two questions of the private manufacture of arms and the trade in arms. The Assembly, after considering this report, asked the Council to consider whether it would not be possible to summon in the near future a Conference of Members and non-members of the League with a view to framing an international agreement on the control of private manufacture.

During the next three years, the main difficulties inherent in any system of publicity and control in respect of the private or State manufacture of arms were carefully studied and discussed by the Temporary Mixed Commission.

The Conference on the Trade in Arms summoned in 1925 declared in its Final Act that the Convention adopted by the Conference " must be considered as an important step towards a general system of international agreements regarding arms and munitions and implements of war, and that it was desirable that the international aspect of the manufacture of such arms, munitions and implements of war should receive early consideration by the different Governments ".

The Council, in view of this declaration, appointed, in December 1926, a Special Commission, with instructions to prepare a draft Convention on the supervision of the private manufacture and publicity of the manufacture of arms, ammunition and implements of war.

The Special Commission, following an appeal from the Council in 1928, urging upon Governments the necessity of removing or further reducing their differences of opinion, adopted in 1929 a preliminary draft Convention by a majority vote.¹

The draft Convention framed by the Special Commission in 1929, though it was adopted only by a majority vote and was subject to important reservations, served as a basis for the work of the Conference for the Reduction and Limitation of Armaments.

The Commission accepted generally for the purpose of the Convention the five categories of arms defined in the Convention of 1925,² and it was agreed that the private manufacture of the arms included in categories I, II, III and IV should be permitted only under licences issued by Governments. The Convention further provided for the transmission to the Secretary-General of the League of Nations or for the annual publication of returns showing the total production, value, number and weight of the private manufactures for which licences had been issued in respect of arms coming under categories I, II and IV. A provision to the effect that this system of publicity should apply also to the production of material manufactured in establishments owned by the State, or manufactured on behalf of the State, was included in the draft Convention, but was not accepted by the Czechoslovak, French, Italian, Polish and Roumanian delegations. These delegations considered, together with the Belgian delegation, that publicity in regard to State manufacture could only be determined in connection with the decisions to be taken by the Preparatory Commission for the Disarmament Conference concerning publicity for war material. A special article in the Convention provided for the regular publication by the contracting parties of detailed information in regard to the laying-down and construction of vessels of war and their armaments.

PROPOSALS SUBMITTED TO THE CONFERENCE, FEBRUARY 1932.

During the plenary meetings of the Conference which took place in February 1932, the following proposals³ relating to the trade in arms and their manufacture were put forward by delegations :

(a) That provision should be made for a supervision of the manufacture of arms and the trade in arms more complete and effective than that proposed in the draft Convention submitted by the Preparatory Commission or than that which had in certain cases been hitherto in operation ;

(b) That there should be a strict prohibition of the export and import of arms, ammunition and war material, with the exception that States unable to manufacture the quantities allotted to them should be permitted to import the necessary quantities from abroad ;

¹ Document A.30.1929.IX.

² See above, page 112.

³ Document Conf.D.99. Conference Documents, Vol. I, page 100. References will be found in this document to the specific proposal submitted by the delegations.

(c) That the manufacture of arms, ammunition and war material should be permitted only in a limited number of private or State factories which must be known to the public, Governments ensuring that production did not exceed the quantities allowed for their own use and for export to non-manufacturing countries ;

(d) That there should be incorporated in the Disarmament Convention :

(1) The 1925 Convention on the Trade in Arms ;

(2) A Convention, to be submitted to the Conference, providing for an international and national supervision of the private and State manufacture of arms and ammunition, such manufacture to be subject to a system of licensing and publicity ;

(e) That provision should be made for a supervision of private and State manufacture of arms and of the trade in arms.

CONSTITUTION OF A SPECIAL COMMITTEE FOR THE REGULATION OF THE TRADE IN AND PRIVATE AND STATE MANUFACTURE OF ARMS AND IMPLEMENTS OF WAR, SEPTEMBER 22ND, 1932.

The General Commission of the Conference, on July 23rd, 1932, adopted a resolution which contained the following paragraph :

“ The Bureau will set up a Special Committee to submit proposals to the Conference, immediately on the resumption of its work, in regard to the regulations to be applied to the trade in, and private and State manufacture of, arms and implements of war ”.¹

In conformity with this resolution, the Special Committee for the Regulation of the Trade in and the Private and State Manufacture of Arms and Implements of War, hereafter called the Special Committee, was set up on September 22nd, 1932.²

PRELIMINARY REPORT OF THE SPECIAL COMMITTEE, OCTOBER 1932.

The Special Committee, sitting from October 4th to October 19th, 1932, entered upon a general discussion, taking as a basis the Convention on the Trade in Arms of 1925 and the draft Convention on the Manufacture of Arms of 1929. It adopted, on October 19th, 1932, for submission to the Bureau of the Conference, a preliminary report on the progress of its work.³

The discussions in the Special Committee had revealed two main currents of opinion. Certain delegations considered that radical measures were required to deal both with the trade in arms and their manufacture. They felt that neither the Convention of 1925 nor the draft Convention of 1929 corresponded with existing realities or with new facts and ideas which had emerged since they were framed. Other delegations thought it would be inexpedient to digress unduly from texts which had been prepared as the result of long and continued efforts. They were not prepared to accept the more radical proposals which had been submitted, and they considered that certain decisions of principle would have to be taken by the General Commission before the questions either of the manufacture of arms or the trade in them could be usefully studied.

The Special Committee, in view of these divergencies of opinion, confined itself to informing the Bureau of the difficulties which it had encountered and to indicating the questions on which it required further direction.

The Special Committee summarised its conclusions as follows :

(a) That the Committee is not yet in a position to submit concrete proposals for regulating the trade in and manufacture of arms ;

(b) That such proposals will be so framed as to place producing and non-producing States, as far as possible, on a footing of equality ;

(c) That it is already clear that the proposals which the Committee will have to submit regarding the regulation of the manufacture of arms will differ from the draft Convention framed by the Special Commission in 1929 ;

(d) That it is already agreed that the 1925 Convention concerning trade in arms will have to be revised.

CONSTITUTION OF SUB-COMMITTEES TO DEAL SEPARATELY WITH THE QUESTIONS OF THE MANUFACTURE OF ARMS AND THE TRADE IN ARMS, OCTOBER 1932.

The Special Committee, before submitting its preliminary report to the Bureau of the Conference, decided to set up (a) a Sub-Committee on the Manufacture of Arms, consisting of the representatives of Belgium, the United Kingdom, France, Italy, Japan, Poland, Spain, Turkey and the United States of America, and (b) a Sub-Committee on the Trade in Arms, consisting of representatives of the United Kingdom, China, France, Italy, Japan, Persia, Poland, Spain and the United States of America.

¹ Annex 4.

² Minutes of the Bureau, Series C, Vol. I, page 20.

³ Document Conf.D.145. Conference Documents, Vol. II, page 428.

The two Sub-Committees were instructed to prepare as rapidly as possible for the second phase of the work of the Special Committee, and the Special Committee decided to adjourn until it had received their reports.

The Special Committee further stated in the conclusions which it presented to the Bureau of the Conference that, before resuming its work, it would require decisions of principle from the Conference regarding the limitation and publicity of war material and reports from the competent bodies of the Conference on the general question of supervision and on the question of chemical, incendiary and bacterial weapons, together with any resolutions which the Bureau or the General Commission might pass on these subjects.

QUESTIONNAIRE RELATING TO THE MANUFACTURE OF ARMS IN THE DIFFERENT STATES, OCTOBER 1932.

The Special Committee, prior to the adoption of its report on October 19th, 1932, adopted a questionnaire framed with a view to obtaining from the Governments certain information regarding the manufacture of arms within their territories. The President of the Conference, on October 28th, forwarded this questionnaire to all delegations at the Conference, intimating that replies should be received as soon as possible.

Governments were requested to state whether, for the purpose of the manufacture of arms and implements of war, a special permit was required and to give particulars in regard to any such permit. They were asked to give information as to the undertakings in their respective territories which were chiefly or largely engaged in the manufacture of arms, intimating whether they were State-owned, exploited, subsidised, under concession or under supervision by the State, or whether they were entirely private undertakings. They were further requested to state how their output was distributed between foreign markets and the home markets during the years 1927-1931, and whether there were any laws or administrative regulations forbidding soldiers or members of the military administration in active service to hold posts in private armament undertakings.

Replies to the questionnaire had, on July 25th, 1933, been received from forty-one States.¹

ACTION TAKEN BY THE BUREAU OF THE CONFERENCE ON THE REPORT OF THE SPECIAL COMMITTEE, NOVEMBER 22ND, 1932.

The preliminary report of the Special Committee came before the Bureau of the Conference on November 18th, 1932,² and the delegations of several countries, including Sweden, the United States of America, the United Kingdom, France, Spain, Poland, Italy, and Japan, submitted declarations.³

¹ Document Conf.D.160, Annexes 2 and 3. Conference Documents, Vol. II, page 509.

² Minutes of the Bureau, Series C, Vol. I, pages 98-109.

³ The Swedish delegation announced that the Swedish Government had considered it advisable to take suitable measures without delay to enable the State to exercise complete supervision over the production of war material in Sweden.

The delegation of the United States of America stated that the American Government was prepared to consider favourably provisions for the control of the private manufacture of arms on condition that similar measures were established for the control and supervision of State manufacture and on condition that substantial measures for the reduction of armaments were approved.

The delegation of the United Kingdom agreed in principle that private and State manufacture should be regulated, and it reminded the Conference that it had already, on its own initiative, taken certain important and effective measures to secure the supervision of private manufacture. The United Kingdom Government had, moreover, consistently maintained that, in any action which might be approved, it would be unjust to draw any distinction between the private and State manufacture of war material. It would be glad to see the Convention of 1929 applied, especially as it involved full publicity both for the private and State manufacture of arms.

The French delegation urged that the Special Committee should not be limited by what had been done in the past, and pointed out that, since the Conventions of 1925 and 1929 had been framed, the idea of international supervision had assumed a special prominence. It contended that other new ideas might emerge which would make it possible to equalise conditions between States and remove all anxiety on the part of non-producing States. The Special Committee, in the view of the French delegation, should, at the earliest possible date, resume its enquiry into the whole question of the trade in and manufacture of arms and implements of war. The French delegation, moreover, contended that it was important for the Special Committee, together with the other bodies of the Conference which were dealing with the problem, to study the question of supervision in relation to its own particular field of work, since it would be very difficult for the General Commission to take an effective decision on the general question of supervision until it was acquainted with the special requirements arising out of the individual methods of control suggested by its Technical Committees.

The Spanish delegation expressed the view that the draft Conventions of 1925 and 1929 were inadequate, since they did not embody the principle of international supervision. It agreed with the French delegation that the Special Committee should resume its work as soon as possible and on a wider basis.

The Polish delegation urged that there should be no hesitation in dealing with the problem. Poland, in default of a total abolition of private manufacture, would support the most stringent measures for the international regulation of trade and manufacture, such regulation applying to State as well as to private establishments.

The Italian delegation expressed the view that publicity in regard to State manufacture could only be determined in the light of decisions to be taken by the Disarmament Conference on the question of publicity in regard to war material. It held that any supervision of the trade in arms or the manufacture of arms must be complementary to a general Disarmament Convention, and its further consideration should therefore be deferred until the General Commission had taken the necessary decisions on the related problems.

The Japanese delegation represented that the draft Convention of 1929 was the result of arduous preparation and had been accepted as representing the utmost that a Convention could achieve. It should continue to be taken as a basis for discussion. State manufacture differed from private manufacture and should not be subjected to an equally strict supervision. Japan, however, would co-operate in the work of the competent Committees and would strive

The Bureau of the Conference, on November 22nd, as a result of this exchange of views, decided :

(1) That the Special Committee and its Sub-Committees should be requested to resume work as quickly as possible ;

(2) That the Special Committee was entrusted with the examination of all the aspects of the problem of the regulation of the trade in and manufacture of arms, but that it must choose a practical method of work on the basis of the declarations made in the course of the discussion on November 18th ;

(3) That provisions relating to the trade in arms and their manufacture should be included in the same legal instrument as the Convention for the Reduction and Limitation of Armaments ;

(4) That the Special Committee should examine in what conditions equality of treatment might be attained :

(a) Between producing and non-producing countries ;

(b) Between the different contracting countries in relation to special zones ;

(c) Between State manufacture and private manufacture ;

(5) That the Special Committee should consider whether, within the general framework of supervision already adopted by the Bureau, it was necessary to provide a technical procedure better adapted to the international supervision of the trade in arms and their manufacture ;

(6) That any final decisions concerning limitation and publicity in regard to war material should be postponed until appropriate solutions had been reached by the competent organs of the Conference ;

(7) That the Special Committee should note the desirability of collecting the necessary documentation with regard to the licence systems adopted by the different countries and of studying the possibility of framing an international licence system.

ANALOGIES BETWEEN THE PROBLEMS OF THE TRAFFIC IN NARCOTIC DRUGS AND THE TRADE IN AND MANUFACTURE OF ARMS : DECISION TAKEN BY THE COUNCIL OF THE LEAGUE ON NOVEMBER 28TH, 1932.

The Secretary-General of the League of Nations, as a result of a decision taken by the Council on November 28th, 1932, submitted a memorandum to the Conference upon the system of international supervision established under the Convention of 1931 for the limitation of the manufacture of dangerous drugs and the control of the international traffic in these commodities.¹ The purpose of the memorandum was to indicate how the system of supervision which was being successfully applied to dangerous drugs might be adapted to a supervision of the manufacture of arms and the trade in arms.

The memorandum has not been formally examined by the Conference.

REPORT OF THE SUB-COMMITTEE ON THE MANUFACTURE OF ARMS, FEBRUARY 17TH, 1933.

The Sub-Committee on the Manufacture of Arms embodied its preliminary conclusions in a report which was forwarded to the Special Committee on February 17th, 1933.²

The Sub-Committee was able to present very few final proposals. It refrained from any study of the question of the abolition of the private manufacture of arms or the internationalisation of arms manufacture, being of opinion that the Special Committee must previously settle the question of principle. It felt, moreover, that these and other questions relating to private manufacture could not usefully be discussed until a sufficient number of replies had been received from the Governments to the questionnaire which had been forwarded to them by the President of the Conference on October 28th, 1932.³

The Sub-Committee postponed examining in detail the question of categories, proposing that a Technical Committee should be set up to make a detailed study of the categories both for the manufacture of arms and the trade in arms and confining itself to the submission of a few preliminary observations.

Proposals were submitted in the Sub-Committee to the effect that the manufacture of arms prohibited by international law or custom should be forbidden, and the question arose whether special categories or lists of prohibited weapons should be drawn up. Certain delegations felt that it would be difficult to frame an exhaustive list, while other delegations

to discover a basis of agreement which would make it possible to apply a system of regulation, both to State and to private manufacture, provided State manufacture was not subjected to any undue limitation or control.

The President of the Conference, summing up the discussion, reminded the members of the Special Committee that they were free to submit any proposal in that Committee within its terms of reference. They should not allow themselves to be limited by the Conventions of 1925 and 1929, and they were, in particular, free to propose any measures of supervision which they might think desirable. He expressed the hope that the Special Committee would soon be able to put forward definite proposals.

¹ Document Conf.D.159. Conference Documents, Vol. II, page 494.

² Document Conf.D.160, Annex 4. Conference Documents, Vol. II, page 548. The brief references here made to the provisional decisions of the Sub-Committee and to the views expressed in the course of its discussions should be read in the light of the observations and reservations of the various delegations mentioned in the report.

³ See above, page 115.

urged that a specific enumeration was essential to the effective application of the prohibition. No definite decision was taken by the Sub-Committee.

The Sub-Committee considered that the manufacture of weapons of war should be authorised only under licences granted to manufacturers. Opinions differed, however, as to whether such licences should be national or international and as to what provisions should be made in regard to them.

The French delegation submitted to the Sub-Committee recommendations to the effect that certain personal restrictions should be laid upon arms manufacturers. Some delegations thought that such restrictions were desirable and even necessary in order to check the evil effects of private manufacture, while other delegations argued that it must be left to the various States to regulate their private manufacture and to guard against any possible abuses. The Sub-Committee discussed in this connection whether private arms manufacturers should be prohibited from influencing newspapers or standing for Parliament.

The Sub-Committee, in dealing with the question of the limitation of manufacture, proposed that a clause to cover all weapons subject to qualitative disarmament should be introduced into the Disarmament Convention, under which the contracting parties would undertake not to cause to be manufactured or constructed, and not to permit within their jurisdiction the manufacture or construction for their own account, or for the account of another State, or of private individuals, of arms, vessels of war or aeroplanes possessing characteristics exceeding those specified in the categories to be included in the Convention.

The Sub-Committee considered a proposal from the Soviet delegation that capital invested in war industries should be directly limited or reduced. The delegations which opposed this proposal argued that it was impossible to define the capital invested in war industries, since many establishments manufactured both arms and articles used for civil purposes. No decision was taken by the Sub-Committee.

The Sub-Committee, taking as a basis the draft Convention of 1929, approved a text under which the contracting parties would forward to the Permanent Disarmament Commission, or publish within two months of the close of each quarter, a list of licences to manufacture granted or renewed during that quarter, together with a description of the war material for which the licences were granted and the names and addresses of the registered or head offices of the licensees. Certain delegations desired that the quantities of war material for which licences were issued should also be notified, together with the period for which the licences had been granted or renewed. It was understood that the final proposals regarding publicity of licences would depend on the decisions taken as to the publicity, supervision and limitation of war material in general. The Sub-Committee provisionally agreed that the Permanent Disarmament Commission should periodically publish a list of licences issued by the Governments.

The Sub-Committee, in discussing the more general question of the publicity of manufacture, having decided that it must wait until the Conference had taken a decision regarding publicity of war material in general, considered that war materials which were only of small importance and were also used for non-military purposes should only be subject to such publicity as might be prescribed by the national legislation, it being understood that these articles would be specifically defined in a special category.

The Sub-Committee was unanimous in recommending that the system of international supervision to be introduced under the Disarmament Convention should apply to the manufacture of arms. Divergent views, however, were expressed as to whether any special procedure in addition to this general system of supervision should be provided. Some delegations were of opinion that the study of the problem of the supervision of arms manufacture should be postponed until a decision had been taken in regard to the publicity and supervision of war material and that the same technical procedure should be laid down for the supervision to be applied in either case. Other delegations argued that a special procedure should be laid down for the supervision of manufacture, since the general supervision would not be sufficiently effective. There was a clear difference of opinion between the delegations as to whether the same supervision should be applied to private and State manufacture. Certain delegations thought that the supervision should be stricter in the case of private manufacture, while others contended that the supervision should be generally equivalent.

SECOND REPORT OF THE SPECIAL COMMITTEE, MARCH 4TH, 1933.

The Special Committee, at a meeting held on February 22nd, adopted by a majority vote the following resolution :

“ That this Committee, before proceeding further with the consideration of the manufacture of arms, finds it necessary to request the General Commission to decide two questions, on which it has not been able to reach a unanimous decision, and a solution of which is indispensable for the continuation of its work :

“ (1) Shall the private manufacture of arms be suppressed ?

“ (2) Shall the manufacture of arms be internationalised ? ”

The Special Committee thereupon adjourned its examination of the report of the Sub-Committee on the Manufacture of Arms and, in a report dated March 4th, 1933, forwarded its resolution to the General Commission.¹

¹ Document Conf.D.160, Annex 1. Conference Documents, Vol. II, page 505.

The Special Committee, in this report, stated that the Danish, French, Polish and Spanish delegations on the Committee had proposed the abolition of the private manufacture of arms. These delegations represented that special attention had been called to the dangers inherent in the private manufacture of arms by the Covenant of the League of Nations and that, for Members of the League, the solution of the problem must be of an international character. They briefly reviewed and answered the objections commonly raised to the abolition of private manufacture.

The delegations of Belgium, the United Kingdom, Germany, Italy, Japan and the United States submitted a counter-statement urging that the dangers which would arise from the abolition of private manufacture would be greater than those which might be inherent in the existing system. They argued that any evil effects which might arise from possible misconduct could be adequately dealt with by national legislation, while any evil effects which might arise from the supply of arms to undesirable quarters could be obviated by an effective regulation of the international traffic. It was further contended that the abolition of private manufacture might compel States to construct or to extend their own establishments.

A suggestion that the manufacture of arms should be internationalised was put forward by the Turkish delegation. This proposal was not discussed by the Special Committee in view of its connection with the question of the abolition of private manufacture, on which a decision of the General Commission was being requested.

REPORT OF THE SUB-COMMITTEE ON THE TRADE IN ARMS, MAY 27TH, 1933.

The Sub-Committee on the Trade in Arms submitted its preliminary conclusions in a report which was forwarded to the Special Committee on May 27th, 1933.¹

The Sub-Committee took as a basis for its discussion the Convention of 1925, certain delegations nevertheless reserving their final attitude towards that Convention. The Sub-Committee also kept in mind the resolution adopted by the Bureau on November 22nd, 1932,² and proposals laid before it by various delegations.

The Sub-Committee emphasised the need for a precise definition of licences or other documents required for the purpose of regulation.

The Sub-Committee was of opinion that a strict licensing system should be applied to arms and implements of war; but different views were expressed as to the kind of arms for which licences should be required and as to whether these licences should be national or international. Certain delegations were of opinion that the licences should, as provided in the Convention of 1925, be national, whereas other delegations considered that a purely national licensing system would be inadequate. These delegations urged that licences should be subject to definite and effective international supervision.

The Sub-Committee, in regard to the export of arms falling under category I of the Convention of 1925 to importing States or private persons, approved the provisions of the Convention. It further approved provisionally the stipulations of that Convention in respect of the documents required in respect of the foreign trade in arms belonging to categories I and II.

The delegations which were of opinion that personal restrictions should be laid upon arms manufacturers proposed that the same restrictions should apply to traders in arms.

Certain delegations were in favour of a quantitative limitation of the import and manufacture of arms. Other delegations were opposed to any quantitative limitation of the trade in arms except in so far as such limitation would be implied in articles of the Disarmament Convention dealing with material. The Sub-Committee provisionally adopted an article to the effect that the contracting parties should not acquire or permit the import, export or transit of arms, warships or aircraft with characteristics in excess of those laid down in the Disarmament Convention.

The delegations which were in favour of establishing categories of arms whose use would be entirely prohibited in time of war proposed that the trade in such arms should be forbidden when intended for purposes of war.

Certain delegations were of opinion that the general measures of supervision to be embodied in the Disarmament Convention, with those provided by the Convention of 1925, would constitute a sufficient degree of supervision for the trade in arms. Other delegations considered that a special system should be established for the trade in arms and reserved the right to submit concrete proposals on this subject at a later stage.

The Sub-Committee adopted provisionally the stipulations of the Convention of 1925 regarding publicity for the trade in arms covered by categories I and II.

The Sub-Committee, while reserving various questions of detail in regard to the publicity to be accorded to statistics relative to the trade in arms and their compilation, expressed the definite opinion that regular publicity on the part of States and publication by the Permanent Disarmament Commission were essential.

¹ Document Conf.D.160, Annex 6. Conference Documents, Vol. II, page 564. The brief references here made to the provisional decisions of the Sub-Committee and to the views expressed in the course of its discussions should be read in the light of the observations and reservations of the various delegations mentioned in the report.

² See above, page 116.

The Sub-Committee considered it necessary to retain the provisions of the Convention of 1925 relating to special land zones. It further agreed to the maintenance of the special maritime zones in the Red Sea and the Gulf of Aden, but took no decision in regard to the Persian Gulf and the Gulf of Oman concerning which there was a difference of opinion between the delegations of the United Kingdom and Persia. The Persian delegation requested that the Persian Gulf and the Gulf of Oman should be excluded; whereas the United Kingdom delegation was of opinion that general security in those waters could only be adequately ensured in the interests of all the States and in accordance with the provisions of the Covenant by the maintenance of the maritime zones as defined in the Convention of 1925.

REPORT OF THE TECHNICAL COMMITTEE ON CATEGORIES OF ARMS, MAY 5TH, 1933.

The Sub-Committee on the Manufacture of Arms and the Sub-Committee on the Trade in Arms proposed at an early stage in their discussions that a technical committee should be appointed to consider and define the categories of arms to be established for the regulation of trade and manufacture.¹

The Technical Committee, constituted on April 12th, 1933, with instructions to establish the categories of arms to be used both for the regulation of manufacture and trade, submitted its report to the Special Committee on May 5th, 1933.²

The Technical Committee took as a basis the categories specified in the draft Convention of 1929. The texts approved by the Technical Committee were based on the three following principles: (a) that the categories already established should be modified as little as possible; (b) that these categories should be simplified for practical purposes; and (c) that they should, as far as possible, be brought into line with the categories used for the unification of Customs nomenclature.

The Technical Committee was unable to accept proposals submitted by certain delegations on the ground that they would have made it necessary radically to change the order and contents of the different categories.

THIRD REPORT OF THE SPECIAL COMMITTEE, JUNE 3RD, 1933.

The Special Committee, on June 3rd, 1933, forwarded to the General Commission a Progress Report³ embodying the reports of the Sub-Committee on the Manufacture of Arms, the Sub-Committee on the Trade in Arms and the Technical Committee on Categories of Arms. The report further contained replies to the questionnaire forwarded to the Governments by the President of the Conference on October 28th, 1932.⁴

The Special Committee again requested the General Commission to decide in principle whether the private manufacture of arms should be abolished and whether the manufacture of arms should be internationalised.

The Special Committee further intimated that, in addition to these questions, the delegations of the United Kingdom, Germany, Italy, Japan, Persia and the United States of America wished to draw attention to other matters regarding which decisions were, in their opinion, necessary before a solution could be reached of the principal difficulties encountered by the Committee. These delegations declared that it was impossible for the Special Committee to make any final recommendations:

(a) As to the degree of publicity to be extended to the manufacture of arms and the trade in arms in the absence of a decision on the general question of publicity of war material;

(b) As to the system of supervision to be applied to the manufacture of arms and the trade in arms in the absence of any decision regarding the general system of supervision to be laid down in the Disarmament Convention;

(c) As to the measures to be taken in respect of aircraft from the point of view of manufacture and trade in the absence of any decision on the system of control to be applied to civil aviation.

The Danish, French, Polish, Spanish and Turkish delegations, in view of the above declaration, expressed the view that it was necessary for the General Commission to take decisions on the following questions:

(1) Was it possible to limit and supervise material without also limiting and regulating the manufacture of and trade in such material?

(2) In order to make this supervised limitation more effective, and to facilitate the standardisation of material, was it expedient to internationalise State manufacture and abolish private manufacture?

(3) In order to make supervision of future arms possible and effective, was it expedient to limit them by rationing the manufacture of arms and the trade in them?

(4) In order to make supervision of future arms possible and effective, was it expedient to make the manufacture of and trade in such arms subject to the grant of

¹ See above, page 116.

² Document Conf.D.160, Annex 5. Conference Documents, Vol. II, page 559.

³ Document Conf.D.160. Conference Documents, Vol. II, page 503.

⁴ See above, page 115.

individual licences giving details as to the nature and destination of such arms, such licences to be submitted for the consideration of the Permanent Disarmament Commission?

(5) In order to make possible quantitative and qualitative limitation and reduction of military aviation, was it expedient to internationalise the manufacture of civil aircraft or, failing this, to submit the manufacture of and trade in such aircraft to the supervision of the Permanent Disarmament Commission?

(6) How should the general measures of supervision already provided for in regard to arms in use be applied to the special requirements of the manufacture of future arms and the trade in them?

The Special Committee annexed to its report a proposal submitted by the French delegation to the effect that a chapter should be included in the draft Disarmament Convention dealing with the limitation and supervision of the manufacture of and trade in war material. The categories of war material subject to regulation in respect of their manufacture and trade would be determined by the conclusions of the Conference with regard to the quantitative limitation of war material, and quotas would be fixed, within the limits of which each of the contracting parties might procure the articles subject to limitation and control, whether manufactured or imported.

The Special Committee, noting that this proposal was closely bound up with the quantitative limitation of war material, forwarded it without discussion to the General Commission.

DISCUSSION IN THE GENERAL COMMISSION OF THE THIRD REPORT OF THE SPECIAL COMMITTEE, JUNE 6TH AND 7TH, 1933.¹

The Rapporteur of the Special Committee submitted its report to the General Commission on June 6th, 1933. He pointed out that, though the Special Committee was unable to submit unanimous recommendations or final texts, its Sub-Committees had adequately examined the technical aspects of the problems submitted to them and that it would be comparatively easy to draw up definite provisions once the necessary decisions of principle had been taken.

The French delegation, introducing its proposals for the limitation and supervision of the manufacture of and trade in war material, which had been placed before the Special Committee, urged that measures for the limitation and supervision of material could not be effective unless there were at the same time limitation and supervision of manufacture. Limitation and supervision of manufacture could be effected by means of a system of licences, no longer issued for manufacture in general, but for such manufacture as would be authorised under the Disarmament Convention and therefore limited.

The Turkish delegation, introducing a proposal that the manufacture of arms and war material should be internationalised, argued that internationalisation would be the most effective means of regulating and supervising arms and ammunition factories.

The Polish delegation, supporting the views of the French delegation, expressed itself in favour of a strict regulation of the private and State manufacture of arms and the trade in arms, and declared itself ready to accept any measure, however radical, acceptable to the Conference.

The Spanish delegation argued that the control of the manufacture of arms was the chief concern of the Conference. Strict control, both of private and State manufacture, was essential. First, it was necessary for the State to assume complete responsibility in its territory for everything connected with the manufacture of arms and the trade in arms. Secondly, an international licensing system was essential, which would cover manufacture, export, import or transit. Supervision must be exercised by an international organisation at Geneva.

The United States delegation, after dwelling upon the dangers and inconveniences that might arise from the abolition of private manufacture, observed that the trade in arms and the manufacture of arms, both public and private, might be so controlled and circumscribed as to reduce materially the production of arms. If the Conference could agree upon a substantial reduction and limitation of armaments and establish effective control and supervision, whereby there would be publicity and a strict system of licensing for the manufacture and export of arms, it would automatically find a solution for the problem of private manufacture.

The Swedish delegation stated that it was prepared to co-operate most actively in any efforts made to establish an efficient system for the supervision of war industries on an international basis.

The Canadian delegation considered that the manufacture of arms should eventually be restricted to State owned establishments, but realised that the application of that principle must be delayed so that Governments depending on private manufacture might have time to make the necessary adjustments. The internationalisation of the manufacture of arms, on the other hand, was wholly impracticable.

The German delegation considered that the regulation of the trade in arms and the manufacture of arms was complementary to the provisions regulating disarmament. It could

¹ Minutes of the General Commission, Series B, Volume II, pages 589-612.

not consent to the abolition of private undertakings, but had no objection to regulation. The same method should be applied to State and private manufacture, which should be treated on the same footing. Any system of regulation was acceptable, provided it was calculated to promote disarmament and resulted in equality of rights for all countries.

The Japanese delegation expressed the view that the solution of the whole problem was to be found in an effective regulation and supervision of the manufacture of arms and the trade in arms. Neither the abolition of private manufacture nor the internationalisation of manufacture was essential in order to prevent the evil effects of an unregulated system.

The Italian delegation, referring to the French proposals, represented that the suggested system of quotas for the export of arms was all to the advantage of powerfully armed States, whose stocks were plentiful and up to date, of States equipped for mass production and of States whose organisation for defensive purposes was fairly complete. The establishment of quotas for manufacture would dislocate legitimate trade and would even run counter to Article 8 of the Covenant, which laid down that due regard should be had to the necessities of those Members of the League which were unable to manufacture the means and implements of war necessary for their safety.

The United Kingdom delegation urged that the abolition of private manufacture involved injustice both to the industries concerned and the nations which would be affected by the proposal. Private manufacture should be retained. Private and State manufacture should be treated alike. The most equitable scheme would probably be found to lie along the line of control by licences and publicity of manufacture operated under the authority of the various national Governments rather than by some international authority.

The Danish delegation expressed itself in favour of the abolition of private manufacture and a system of international control.

The Norwegian delegation declared itself in favour of the abolition of private manufacture. It shared the view of the French delegation that a chapter should be introduced into the Disarmament Convention providing for an effective and rigorous supervision both of the manufacture of arms and the trade in arms.

The General Commission, at the conclusion of the discussion on June 7th, 1933, noting that the preliminary technical work of the Special Committee had been completed and that, in the absence of political decisions, it was impossible to make further progress in that field, adopted the following resolution :

“ The President of the Conference shall be entrusted with the necessary negotiations with the delegations which may have any proposals to offer in respect of the stringent regulation of the trade in and manufacture of arms, so that the relevant text may find its place in the draft Convention submitted by the United Kingdom delegation before the General Commission takes up the consideration of that draft at second reading.”

REPORT TO THE PRESIDENT OF THE CONFERENCE, NOVEMBER 27TH, 1933.

The Bureau of the Conference, on November 11th, 1933, considering the preparation of a revised text of the United Kingdom draft Convention for a second reading, noted that the problem of the manufacture of arms and the trade in arms had been considered at length and requested the Rapporteur of the Special Committee to explore the possibilities of reaching a solution acceptable to all the delegations.¹

The Rapporteur consulted the delegations specially interested, and, on November 27th, 1933, forwarded a report to the President of the Conference.²

He stated that the general situation did not permit of an immediate discussion of texts, as there were certain essential points which required previous elucidation. His consultations had shown :

- (1) That it was desirable to postpone discussing the trade in arms pending a solution of question in regard to manufacture ;
- (2) That negotiations concerning the regulation of manufacture and the reduction of war material should be kept in close contact and proceed simultaneously ;
- (3) That the special conditions attaching to the publicity and supervision of the manufacture of arms and war material should be considered by the Committee dealing with the general question of supervision and that it was necessary to determine whether supervision should concern itself with the accuracy of the statistics in regard to manufacture or with the execution of a definite undertaking to limit manufacture.

He further emphasised that there were certain fundamental questions which would have to be settled before these aspects of the problem could usefully be discussed. Among these questions were the following :

- (a) Acceptance of the principle of full State responsibility for everything concerning the manufacture of arms and the trade in arms ;
- (b) The kind of publicity to be required in respect of the manufacture of arms and war material ;

¹ Chronological Record, page 25.

² Document Conf.D./C.G.164, Annex IV. Conference Documents, Volume III.

(c) A decision of principle on the qualitative or quantitative limitation of manufacture (quotas).

The Rapporteur stated in conclusion that, until the above questions had been settled, it would be impossible to determine whether the licences to be required should be general or special, whether they should be granted by the Permanent Disarmament Commission, or what would be the powers of that Commission for the according or withdrawal of licences.

STATEMENT SUBMITTED TO THE GENERAL COMMISSION BY THE DELEGATION
OF THE UNITED STATES OF AMERICA, MAY 29TH, 1934.

The General Commission, meeting on May 29th, 1934, to decide how the work of the Conference should be continued, heard a statement by the delegation of the United States of America to the effect that the United States Government was prepared to work out, by international agreement, an effective system for the regulation of the manufacture of, and the trade in, arms and munitions of war.

The following paragraph from a message to Congress by President Roosevelt was read to the Commission :¹

" It is my earnest hope that the representatives of the nations who will reassemble at Geneva on May 29th will be able to agree upon a Convention containing provisions for the supervision and control of the traffic in arms much more far-reaching than those which were embodied in the Convention of 1925. Some suitable international organisation must and will take such action. The peoples of many countries are being taxed to the point of poverty and starvation in order to enable Governments to engage in a mad race in armaments which, if permitted to continue, may well result in war. This grave menace to the peace of the world is due in no small measure to the uncontrolled activities of the manufacturers and merchants of engines of destruction, and it must be met by the concerted action of the peoples of all nations."

The United States delegation continued :

" The people of the United States of America were aroused at the evils which were being revealed in connection with the production of and traffic in munitions of war. The American people and Government were convinced that, by some means, the production of, and traffic in, engines of death, and the profits resulting therefrom, must be controlled or eliminated. Those in all countries who had a financial interest in fomenting international suspicion and discord, which in turn increased the demand for what they had to sell, must be put in a position in which they had neither the power nor the incentive to do so much evil. If international goodwill and stability were to be fomented, effective steps must be taken to control or suppress the forces which had a material interest in fomenting mistrust and discord. The United States Government was ready to join in measures for suppressing that evil and was prepared to negotiate, in connection with disarmament, a treaty that would deal drastically with the problem."

PROGRAMME OF WORK ADOPTED BY THE GENERAL COMMISSION, JUNE 8TH, 1934.

The General Commission, on June 8th, 1934, invited the Special Committee for the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War to resume its work, and proposals to serve as a basis of discussion were submitted by the delegation of the United States of America.²

REPORT OF THE SPECIAL COMMITTEE TO THE GENERAL COMMISSION, JULY 2ND, 1934.

The Rapporteur of the Special Committee, as a result of conversations with the delegations chiefly concerned, prepared a series of draft articles for insertion in a Disarmament Convention,

¹ Minutes of the General Commission, Series B, Volume III, page 656.

² The proposals submitted by the United States delegation provided for a national control of the manufacture of arms and the trade in arms by means of general licences for manufacture, special visas for export and publicity in respect of (1) all orders for manufacture, (2) all production, both State and private, and (3) all exports and imports. It was further suggested (a) that information should be promptly forwarded to the Permanent Disarmament Commission as to all licences as soon as issued, all orders as soon as received by the licensee and all shipments as soon as made ; (b) that control should be exercised by an international body, such as the Permanent Disarmament Commission, with a view to co-ordinating the provisions of the Convention and checking information received against the limitations imposed by it. The system of international control would provide for continuous and automatic inspections. The scheme assumed (a) national responsibility for the manufacture of arms and the trade in them, and (b) that a qualitative and quantitative limitation of armaments would afford a basis for the limitation and control of the manufacture and export of arms. (Document Conf.D./C.G.171, Annex. Conference Documents, Volume III.)

and these draft articles, amended by the Sub-Committee on Manufacture on June 27th, 1934, were considered and approved by the Special Committee on July 2nd, 1934.

The report of the Special Committee, together with the draft articles, was forwarded to the general Commission on July 23rd, 1934.¹

The Committee expressed the view that the draft articles would require careful consideration by the Governments represented at the Conference, and emphasised that, when the work of the Conference was resumed, it was highly desirable that all delegates should be furnished with such instructions as would enable the proposals to be usefully discussed, either in the General Commission, the Bureau or the appropriate committee.

The draft articles as approved by the Committee were based on an assumption of complete equality of treatment of private and of State manufacture. The system of control embodied in the articles rested upon the acceptance by the contracting parties of full responsibility in respect of the manufacture of arms and the trade in arms in the territories under their jurisdiction.²

The Italian delegation, referring to the work of the Special Committee and its Sub-Committee on Manufacture, stated at a meeting of the General Commission on June 11th, 1934, that, as it had not formed part of the majority that had voted for the resolution approved by the General Commission on June 8th, its representative on the Committee would act as an observer only. That being so, it asked to be released from membership of the Committee.

Further, the Japanese delegation requested that the following declaration should be inserted in the report of the Special Committee :

“ The Japanese delegation has not, up to the present, changed the position it has taken up on the question of the manufacture of and trade in arms during the Conference on the Reduction and Limitation of Armaments. As regards the work of the Committee, the Japanese delegate will limit himself to forwarding its results to his Government, who will not fail to study them and to make known its point of view if it considers this necessary.”

MODIFICATION OF THE PROGRAMME OF WORK ADOPTED BY THE GENERAL COMMISSION ON JUNE 8TH, 1934 : DECISION ADOPTED BY THE BUREAU ON NOVEMBER 20TH, 1934.

The Bureau of the Conference, meeting on November 20th, 1934, decided that certain questions might be considered ripe for embodiment in separate protocols without the Conference having necessarily to wait for the completion of an entire Convention. Among these questions was included the regulation of the manufacture of and trade in arms.³

WORK OF THE SPECIAL COMMITTEE FOR THE REGULATION OF THE TRADE IN AND PRIVATE AND STATE MANUFACTURE OF ARMS AND IMPLEMENTS OF WAR, FEBRUARY 14TH TO APRIL 13TH, 1935.

The Special Committee for the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War, in accordance with the decision taken by the Bureau of the Conference on November 20th, 1934, met from February 14th to April 13th, 1935.

The delegation of the United States of America submitted draft articles⁴ for the regulation and control of the manufacture of and trade in arms based on the texts adopted by the Special Committee on July 2nd, 1934. They were submitted with a view to their discussion and adoption as a separate and independent instrument, which might be incorporated subsequently in a general Convention for the Reduction and Limitation of Armaments.

¹ Document Conf.D./C.G.171. Conference Documents, Volume III.

² The contracting parties undertake to prohibit manufacture and trade in respect of arms forbidden either for use or for manufacture by the Convention or exceeding the qualitative limits laid down therein. They further undertake neither to manufacture nor permit to be manufactured nor to import for their own use arms in excess of the quantitative limits laid down in the Convention.

In respect of the trade in arms, they agree to co-operate with the Permanent Disarmament Commission in securing the observance of the limits laid down by the Convention.

Manufacturers of arms must obtain a licence to manufacture issued by their Governments, and all export or import of arms is subject to an export or import licence issued by the Government concerned.

The contracting parties undertake to forward to the Permanent Disarmament Commission lists of State establishments with a description of the arms which they may manufacture, copies of all licences to manufacture granted or renewed, lists of orders from whatever source received, copies of all import or export licences and statements of all manufactures, imports and exports effected. The Permanent Disarmament Commission is required to publish this information with the minimum delay.

The contracting parties undertake to execute any important replacement programme by stages to be notified in advance to the Permanent Disarmament Commission, together with any manufacture or import of arms resulting from a recognition of the right of certain countries to increase their armaments.

The contracting parties agree to accept a system of permanent and automatic supervision for the purpose of verifying that the manufacture, imports and exports of arms accord with the provisions laid down.

³ Chronological Record, page 32.

⁴ Document Conf.D.167. Conference Documents, Vol. III.

The draft articles submitted by the delegation of the United States were grouped in four chapters dealing with : (1) the categories of arms and implements of war to be subject to control ; (2) the regulation of the manufacture of arms and implements of war ; (3) the regulation of the trade in arms and implements of war ; and (4) the composition, functions and operation of the Permanent Disarmament Commission.

The Special Committee met in plenary session from February 14th until March 1st, 1935, after which it entrusted the discussion of Chapter I (Categories) to its Technical Committee on Categories, of Chapter II to its Sub-Committee on Manufacture, and of Chapter III to its Sub-Committee on Trade.

Chapter IV, dealing with the composition and powers of the Permanent Disarmament Commission, after a first reading in the Committee of the Bureau (Miscellaneous Provisions) on February 18th and 21st, 1935, was discussed by the Special Committee in plenary session from March 26th to April 1st, 1935, at meetings attended by members of the Committee on Miscellaneous Provisions. These discussions were not confined to a consideration of Chapter IV solely from the standpoint of the regulation of manufacture and trade, but embraced other aspects of the complicated problem of international control.¹

Special questions were referred to Sub-Committees—the definition of arms by categories, legal questions, and the transit of arms and implements of war. The Special Committee, moreover, referred a number of questions for elucidation and advice to the Technical Committee of the National Defence Expenditure Commission.²

Chapter V of the draft adopted by the Special Committee, embodying the proposed general provisions of the Convention, was drafted with the assistance of a Committee of Jurists, which met from March 27th to April 6th, 1935. Articles relating to the suspension of the Convention in time of war, the obligations of neutrals as affected by the Convention, derogations from the Convention to be permitted in certain circumstances and the relation of the Convention to existing treaties of commerce and to previous international undertakings, adopted by the Committee of Jurists, were noted by the Special Committee and submitted to the Governments for consideration with a view to a second reading.

The question of the transit of arms and implements of war, considered generally and in special relation to the effective imposition of an embargo on the export of arms, if and when such action might be the subject of an international decision, was considered both by the Committee of Jurists and by a Transit Committee appointed on April 1st, 1935.

The majority of the members of the Special Committee favoured, in principle, the framing of rules applicable to transit, recognising, however, that the question presented certain political and practical difficulties.

The Transit Committee was unable to agree upon a satisfactory text, owing to the fact that several delegations had no instructions in the matter and were not accompanied by Customs experts. It recommended that the question should be studied at leisure by the Governments and that certain technical aspects of the question might be examined by the Organisation for Communications and Transit of the League of Nations.

The Committee of Jurists discussed the question of an embargo in the light of a text put forward by the United Kingdom delegation for inclusion in the preamble of the Convention, to the effect that it should be one of its purposes to provide machinery for the immediate imposition of an effective embargo on the export of arms, if and when such action should be internationally decided upon. The Soviet delegation, supported by the delegations of Spain and France, submitted that the Convention should contain provisions for a more or less automatic embargo to be applied to the State recognised as an aggressor.

The majority of the members of the Committee of Jurists expressed the view that the organisation of an embargo was outside the scope of the proposed Convention. It was, moreover, pointed out that the problem of an embargo was on the agenda of the Assembly of the League of Nations and that a special Committee of the Council was dealing with the question.

GENERAL RESULTS OF THE DISCUSSION AND FORM OF REPORT ADOPTED BY THE SPECIAL COMMITTEE, APRIL 13TH, 1935.

The delegations, in the course of a general discussion in the Special Committee, defined their respective attitudes to a limited Convention for the regulation of trade and manufacture on the lines of the United States proposal.

The differences of opinion expressed in the Special Committee were largely due to different conceptions of supervision considered in relation to the extent of the commitments to be finally assumed by the contracting parties in regard to the reduction and limitation of armaments.

Certain delegations, which doubted the necessity of certain measures of regulation and control embodied in the United States proposal in the event of supervision being confined to a regulation of manufacture and trade, indicated that they were prepared to consider the acceptance of stricter measures of supervision in the event of a Convention for the Limitation of Armaments being framed and accepted. These delegations made their ultimate attitude, in effect, conditional upon the nature and extent of the commitments which Governments would assume under a General Disarmament Convention and upon the connection which would be established between a more general Convention and the limited agreement under discussion.

¹ See Chapter XI, Permanent Disarmament Commission, page 137.

² See Chapter VII, National Defence Expenditure, page 101.

The Special Committee fully appreciated the necessity of ensuring complete equality as between producing and non-producing countries. It was unanimous in regard to the principle, but opinions differed as to the manner in which such equality could be achieved.

The Special Committee was unanimous in agreeing that an effective system for the control and regulation of the trade in and manufacture of arms and implements of war was essential, and texts embodying this principle were unanimously adopted and approved. Differences of opinion were expressed, however, in regard to the character and extent of the measures of control and publicity considered necessary for this particular purpose.

Frequent references were made in the Special Committee to a maximum and a minimum position in regard to these matters. The minimum position was represented by the delegations of the United Kingdom, Italy, Japan and Poland. The maximum position, represented by the delegation of France, received a wide measure of support, while the majority of the Committee was prepared generally to accept the proposals embodied in the United States draft, which they regarded as embodying an acceptable compromise.

The Special Committee finally decided to present the results of its discussions in a report, which would show : (a) the texts unanimously adopted ; (b) texts proposed by the Committee, but subject to reservations or to alternative proposals submitted by certain delegations ; and (c) alternative texts proposed by these delegations.¹

It further decided that the texts should be accompanied by a commentary clearly setting forth the observations and proposals of all the delegations concerned and indicating the circumstances and conditions attaching to its qualified approval of the texts. It emphasised, in this connection, that the texts represented the results of free discussions and exchanges of views and that, accordingly, they in no way bound the Governments represented in respect of their final attitude. Nevertheless, it expressed the hope, in view of the extent of its work and the material progress made in the direction of eliminating or narrowing differences of opinion on vital points, that its task, whose final success depended on the solution of certain questions of principle, might be completed in the near future, especially when the general political situation should become clearer.²

¹ Report on the Progress of the Work of the Special Committee for the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War (document Conf.D.168. Conference Documents, Vol. III).

² The following is a brief analysis of the texts by chapters :

(a) *General Obligations and Definition of Categories.*

The Special Committee unanimously adopted texts stipulating that each contracting party would assume, in the territories under its jurisdiction, full responsibility for the supervision to be exercised over the manufacture of and trade in arms, with a view to ensuring the regular communication and accuracy of the information to be supplied under the Convention.

Each of the contracting parties, for the purpose of securing publicity, undertook to forward to the Permanent Disarmament Commission the texts of all laws, regulations or other legal provisions enacted for the purpose of ensuring the execution of the Convention.

The categories of arms, ammunition and implements of war proposed by the Special Committee did not secure unanimity. A Technical Committee on Categories, reporting to the Special Committee, submitted the results of its work as an attempt at solutions of a purely technical character, accepted by its members with reservations as to the assent of their respective Governments.

Five categories were proposed by the Special Committee comprising : (I) military armaments ; (II) naval armaments ; (III) air armaments ; (IV) arms and ammunition capable of being used for both military and non-military purposes ; and (V) aircraft other than those in category III.

(b) *Manufacture.*

Texts unanimously adopted by the Special Committee provided that the contracting parties should forbid in their respective territories the manufacture of arms and implements of war as set forth in categories I, II and III, unless the manufacturers had, in the case of private establishments, obtained a licence to manufacture issued by the Government. The licence to manufacture was to be valid for a definite period, to be revocable at any time and to be renewable for further periods at the discretion of the Government concerned. Licences to manufacture would give the name and address of the manufacturer, or the name, head office and principal works of the firm, together with a designation of the articles by headings in categories I, II and III whose manufacture was authorised by the licence.

Further, it was unanimously agreed that the contracting parties should send to the Permanent Disarmament Commission, within three months from the entry into force of the Convention, a copy of the licences to manufacture already issued to private establishments and, within the thirty days following the end of each quarter, a return showing copies of all licences to manufacture granted, amended, renewed or revoked during the previous quarter.

In regard to naval armaments, the Committee unanimously adopted texts under which the contracting parties undertook to forward to the Permanent Disarmament Commission, within thirty days of the laying-down of a war vessel in State or private shipyards within their jurisdiction, a return showing the date of the laying-down of the keel, the classification of the vessel, for whom the vessel was built, its standard displacement and principal dimensions and the calibre of its largest gun. They further undertook, within thirty days of the date of the completion of each war vessel, to send a return giving the date of completion, together with the foregoing particulars.

The above provisions in regard to the regulation of the manufacture of arms represented the minimum position adopted in the Committee. Texts provisionally approved by the majority of the members of the Committee, on the basis of the United States text, provided for a stricter system of control and a more extended publicity. It was stipulated, for example, that the manufacture of articles appearing in categories I, II and III should not take place in private establishments unless the producer was in possession of *bona fide* orders, in each case duly notified in advance to the Government, and further stipulated that licences accorded to manufacturers should state that all orders received by them were to be communicated immediately to the Government which had granted the licence.

These provisions were not accepted by the delegations of the United Kingdom, Italy and Japan.

Further, the texts approved by the majority provided that the contracting parties should send to the Permanent Disarmament Commission, among other particulars, a return at the beginning of each financial year showing the quantities of articles in categories I, II and III whose manufacture or purchase was contemplated in the course of the year ; a return showing the national defence expenditure proposed in respect of the manufacture and purchase of articles in categories I, II and III ; a return within fifteen days of orders placed with State or private establishments for articles in categories I, III and V, with their description, number and type, the name of the Government on whose account the order was given, and the name and address of the private manufacturer or description of the State establishment ; and,

SUMMARY OF EVENTS AND CONCLUSIONS.

The Conference, in taking up the subject of the regulation of the manufacture of arms and the trade in arms, inherited the results of over ten years' international discussion. It had, in particular, as a starting-point for its discussion, the Convention of 1925 (trade in arms) and the draft Convention of 1929 (manufacture of arms). The Convention of 1925, which provided for a control by Governments and for publicity in respect of the export of certain categories of arms had, however, received only thirteen ratifications and had not entered into force, one of the principal objections to the Convention being that it placed States which did not produce arms at a disadvantage with manufacturing States, while the draft Convention of 1929, which subjected the private manufacture of arms to a system of licensing and publicity, was still liable to important reservations by many Governments, more particularly in regard to material manufactured in establishments owned by the State or manufactured on behalf of the State.¹

Many of the delegations to the Conference, during its plenary meetings in February 1932, submitted proposals which indicated a definite desire to introduce a system of regulation both in regard to trade and private and State manufacture which would be more complete and effective than that proposed in the Convention of 1925 or the draft Convention of 1929, and the General Commission, on July 23rd, 1932, in concluding the first phase of its work, decided to set up a Special Committee for the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War, with instructions to submit suggestions to the Conference on the resumption of its proceedings.

Discussions in the Special Committee, which took place in October 1932, revealed two main currents of opinion. Certain delegations again insisted that neither the Convention of 1925 nor the draft Convention of 1929 corresponded with existing realities or with the new facts and ideas which had emerged since they were framed. Other delegations, however,

finally, a return within the month following the end of the civil year of manufactures completed during the year of articles in categories I to V.

These provisions were not accepted by the delegations of the United Kingdom, Italy and Japan.

Texts going beyond these provisions in respect of the returns to be made to the Permanent Disarmament Commission were submitted by the delegations of France, Turkey, Afghanistan, Iraq, Spain, Czechoslovakia, the Union of Soviet Socialist Republics and China.

An alternative text proposed by the United Kingdom, Italian and Japanese delegations provided that, within sixty days of the end of the quarter, a quarterly return of the total value under each heading of the categories of the articles whose manufacture had been completed during the previous quarter should be forwarded to the Permanent Disarmament Commission.

(c) *Trade.*

The texts of the provisions concerning the trade in arms and implements of war were adopted subject to declarations by the minority delegations.

Texts approved by the majority provided that the contracting parties should prohibit, in their territories, the export of articles in categories I to V inclusive, and the import of articles in categories I to III inclusive, without an export or import permit issued by the Government. The export permit was to contain a description of the articles, giving their number, aggregate weight and type, with the name and address of the exporter and a reference to the original order in cases where the order had been notified to Geneva and was for arms manufactured in the country of export. It was also to give the name and address of the importing consignee, with a reference to the import permit for articles in categories I, II and III.

The import permit was to contain a description of the articles in categories I to III inclusive whose import was authorised, giving their number, aggregate weight and type, the name and address of the importer, a reference to the order and the name and address of the exporter.

The contracting parties further undertook to forward to the Permanent Disarmament Commission copies of all import or export permits prior to the entry or despatch of articles in categories I to III and similarly copies of all export permits in respect of articles in categories IV and V.

Moreover, within a period of one month from the end of the year, the contracting parties were to forward a statement of all imports and exports effected during the year.

The provisions relating to naval armaments provided that, within thirty days of the end of each quarter, the contracting parties would furnish a return in respect of each vessel of war acquired during the quarter other than those constructed for their own account within their respective jurisdictions.

The delegations of the United Kingdom, Italy, Japan and Switzerland submitted alternative texts from which all references to orders for manufacture were omitted.

Further, the delegations of the United Kingdom, Italy and Japan submitted an alternative text, as a substitute for the above provisions relating to returns, under which the contracting parties would furnish to the Permanent Disarmament Commission, within sixty days of the end of each quarter, a quarterly return giving the total values of the articles falling within categories I to V imported and exported during the previous quarter, showing the countries of origin and destination.

Finally, the Soviet delegation, supported in principle by the delegations of France, Spain and China, submitted a proposal that the contracting parties should undertake not to issue import, export or transit permits for implements of war in excess of qualitative or quantitative limits to be fixed under agreements binding on the parties responsible for the permits.

(d) *Supervision.*

The relevant texts are summarised in Chapter XI, Permanent Disarmament Commission.

¹ The Convention of 1925 for the Supervision of the International Trade in Arms and Ammunition and in Implements of War provided that, subject to certain exceptions, only Governments might export arms exclusively intended for land, sea or aerial warfare and that for every exported consignment of such arms an order in writing must be presented to the competent authorities of the exporting country by the importing Government. The draft Convention of 1929 for the Supervision of the Private Manufacture and Publicity of the Manufacture of Arms and Ammunition and of Implements of War provided that the private manufacture of certain categories of arms should be permitted only under licences issued by Governments. The Convention of 1925 provided for publicity for the export of arms and the draft Convention of 1929 provided for the transmission to the Secretary-General of the League or for the annual publication of returns showing the total production, value, number and weight of the private manufactures for which licences had been enissued.

were not prepared to accept more radical proposals, and insisted that certain decisions of principle would have to be taken by the General Commission of the Conference before the questions of the manufacture of arms or the trade in arms could be usefully studied.

The Bureau of the Conference, in November 1932, decided that provisions relating to the trade in arms and their manufacture should be included in the same legal instrument as the Convention for the Reduction and Limitation of Armaments, and during the next two years the problem of the regulation of the trade in arms and their manufacture was discussed in the Special Committee and in the General Commission of the Conference on the assumption that the system of control to be exercised would form an integral part of a general system of limitation and control to be established under a Convention for the Reduction and Limitation of Armaments.

During this period of the Conference, almost every aspect of the problem was considered. Should the private manufacture of arms be suppressed? Should the manufacture of arms be internationalised? Should licences for the manufacture of arms or implements of war be national or international? Should personal restrictions be placed upon manufacturers of arms? Should the manufacture of arms, subject to qualitative disarmament or entire prohibition in time of war, be explicitly forbidden? Should the capital invested in war industries be directly limited or reduced? Would the general measures of supervision to be embodied in the Disarmament Convention constitute a sufficient degree of supervision in respect of the manufacture of and trade in arms or would it be necessary to provide for special supplementary methods?

Exchanges of views on these and other problems in the Special Committee and its Sub-Committees dealing respectively with trade and manufacture resulted in the framing of a report by the Special Committee, which was forwarded to the General Commission on June 3rd, 1933. The report indicated once again that no further progress could be made in the solution of outstanding difficulties until certain decisions of principle had been taken by the General Commission. More particularly the delegations of the United Kingdom, Germany, Italy, Japan, Iran, and the United States declared that it would be impossible for any final recommendations to be made (*a*) as to the degree of publicity to be extended to the manufacture and trade in arms in the absence of a decision on the general question of publicity of war material, (*b*) as to the system of supervision to be applied to the manufacture of and trade in arms in the absence of any decision as to the general system of supervision to be laid down in the Disarmament Convention, or (*c*) as to the measures to be taken in respect of aircraft from the point of view of manufacturing and trade in the absence of any decision on the system of control to be applied to civil aviation.

The discussion of this report in the General Commission, which took place in June 1933, was inconclusive and the General Commission, on June 7th, 1933, noting that the preliminary technical work of the Special Committee had been completed and that in the absence of political decisions it was impossible to make further progress in that field, entrusted to the President of the Conference such negotiations with the delegations as might be necessary for the framing of texts suitable for inclusion in a Disarmament Convention.

No effective progress was made during a further period of nearly twelve months in the settlement of outstanding questions of principle. The Rapporteur of the Special Committee, as late as November 27th, 1933, was still requesting decisions on such fundamental questions as (*a*) the acceptance of the principle of full State responsibility for everything concerning the manufacture of and trade in arms, (*b*) the kind of publicity required in respect of the manufacture of arms and war material, and (*c*) acceptance of the principle of qualitative or quantitative limitation of manufacture (quotas).

Such was the situation when, on May 29th, 1934, the delegation of the United States of America made a statement to the General Commission to the effect that its Government was prepared to work out, by international agreement, an effective system for the regulation of the manufacture of and trade in arms and munitions of war. The General Commission, on June 8th, 1934, requested the Special Committee, in the light of this declaration, to resume its work, and proposals to serve as a basis of discussion were submitted by the delegation of the United States of America.

The new proposals marked a definite advance in certain directions. National responsibility for the manufacture of arms was accepted as a principle and specific provisions for a strict national control over the manufacture of and trade in arms were indicated. These were to include general licences for manufacture, special permits for exports and an extensive system of publicity covering orders for manufacture, and all State and private production, exports and imports. Publicity was to be supervised by the Permanent Disarmament Commission, which was to receive particulars as to all licences as soon as issued, all orders as soon as received by the licensee, shipments for exports as soon as made and annual returns of all production and imports. General supervision over the execution of the provisions of the Convention was to be exercised by some international body, such as the Permanent Disarmament Commission, and this body would have authority to cause continuous and automatic inspections to be made. The proposals submitted by the United States of America were at this moment based on the assumption that the provisions relating to manufacture of and trade in arms would be an integral part of a Disarmament Convention and that the

qualitative and quantitative limitation of armaments embodied in the Convention would serve as a basis for the measures to be applied in restricting and controlling the manufacture and export of arms.

Draft articles for insertion in a Disarmament Convention, based on the proposals submitted by the delegation of the United States of America, were approved by the Special Committee on July 23rd, 1934.¹

The Bureau of the Conference, on November 20th, 1934, included among the questions to be considered the regulation of the manufacture of and trade in arms, and, as a result of this decision, the Special Committee met from February 14th to April 13th, 1935. The delegation of the United States of America submitted a revised draft of the articles adopted by the Special Committee on July 23rd, 1934, with a view to their discussion as a separate and independent instrument.

The delegations, in the course of a general discussion in the Special Committee, defined their respective attitudes to a limited Convention for the regulation of trade and manufacture. Certain delegations, which were not prepared to accept certain features of the United States proposals, indicated that they would consider the adoption of stricter measures of supervision in the event of a Convention for the limitation of armaments being framed and adopted. Differences of opinion were expressed with regard to the character and extent of the measures of control and publicity considered necessary for the special purposes under consideration, a minimum position being represented by the delegations of the United Kingdom, Italy, Japan and Poland, and a maximum position by the delegation of France. The delegation of France received a wide measure of support, while the majority of the Committee was prepared generally to accept the proposals embodied in the United States draft as an acceptable compromise.

The minimum provisions unanimously adopted by the Special Committee marked an appreciable advance as compared with the provisions of the Convention of 1925 and the draft Convention of 1929, and represented a larger measure of agreement than was reached at any period of the Conference prior to the submission of the United States proposals in June 1934. The principle that each contracting party should assume full responsibility for the supervision to be exercised over the manufacture of and trade in arms was reaffirmed. It was unanimously agreed that the private manufacture of arms should be subject to licences to manufacture issued by the Governments, valid for a definite period, revocable at any time and renewable at discretion, and that the contracting parties should send to the Permanent Disarmament Commission quarterly returns showing copies of all licences to manufacture granted, amended, renewed or revoked, during the previous quarter.

Texts, provisionally approved by the majority of the members of the Committee, but not accepted by the delegations of the United Kingdom, Italy and Japan, provided for a stricter system of control and a more extended publicity in respect of manufacture. They stipulated, among other things, that the private manufacture of certain categories of arms should not be authorised unless the producer was in possession of *bona fide* orders, notified in advance to the Government. It was further stipulated that Governments should send to the Permanent Disarmament Commission returns showing the quantities of certain categories of arms to be manufactured or purchased during the financial year, the national defence expenditure proposed in respect of them, the orders for certain categories of arms placed with State or private establishments and the manufactures completed during the year of all categories of arms.

The delegations which were unable to accept this more detailed form of publicity in regard to manufacture agreed that a quarterly return of the total value, under each heading of the categories, of the articles whose manufacture had been completed during the previous quarter should be forwarded to the Permanent Disarmament Commission.

The differences of opinion in regard to the control and publicity to be exercised in respect of the trade in arms turned upon the degree of detail regarded as necessary in the periodic returns made to the Permanent Disarmament Commission. Texts approved by the majority of the Committee prohibited the export or import of certain categories of arms without special export or import permits issued by the Governments concerned. These permits were to be forwarded to the Permanent Disarmament Commission prior to the entry or despatch of the articles, and a statement was to be made within one month from the end of the year for all exports and imports effected during the year.

While, however, the majority of the Committee proposed that the export permit should contain a reference to orders placed with manufacturers and notified to Geneva, the delegations of the United Kingdom, Italy, Japan and Switzerland submitted alternative texts to which all references to orders for manufacture were omitted and providing that quarterly returns articles imported and exported under each heading of the categories.

Though there was a difference of opinion as to the degree of supervision to be exercised by the Permanent Disarmament Commission, the principle of international publicity and control was accepted by all the delegations. Texts unanimously adopted by the Committee provided for the establishment at the seat of the League of a Permanent Disarmament Commission to be entrusted with the duty of watching over the execution of the Convention. The Commission had the right to request any supplementary information in regard to returns furnished under

¹ A short summary of the provisions embodied in these articles will be found in footnote 2, on page 123.

the Convention. It was to meet once a year in ordinary session and might meet in extraordinary session either of its own motion or at the request of one of the contracting parties or the Council of the League. Its decisions were to be taken by a majority of the members present.

Texts adopted by the majority of the Committee provided, in addition, for the constitution of regional committees to be entrusted with the duty of following the execution of the Convention by the different States included in each of the regional groups within their respective jurisdiction. The Commission might, moreover, proceed annually, or more often if it so determined, to examine on the spot the conditions under which the national control exercised by the respective Governments was organised and the accuracy of the information furnished by them. Any contracting party would be entitled to request the Commission to conduct in its territory such investigations as might be necessary in order to verify the execution of its obligations, and any contracting party of opinion that the provisions of the Convention had been infringed might address a complaint to the Commission. The Commission would be bound to consider such complaints and determine whether a special investigation was necessary.

The delegations of the United Kingdom, Italy, Japan and Poland were unable to accept the articles which provided for a system of continuous and automatic supervision on the spot, and they proposed, in place of this system, a general provision to the effect that the Permanent Disarmament Commission might call for explanations in the event of it having reason to believe that an infringement of the Convention had occurred or that information supplied to it by a contracting party was incomplete or inaccurate.

The texts adopted by the Special Committee on April 13th, 1935, embody the results so far achieved by the Conference. These results were the subject of important statements made in the Committee by the French delegation, which desired a system of control and publicity even stricter than that approved by the majority of the Committee, and by the United Kingdom delegation, which pleaded for the adoption of a Convention to which all the delegations present might accede.

The French delegation represented that the weakness of the proposals approved by the majority of the Committee was that publicity and the exercise of control would be too long delayed. It was glad to note that the idea of a previous notification of expenditure on armaments had been accepted almost unanimously by the Committee and that the majority of the Committee had also accepted the principle of a previous notification of the annual quantities of armaments to be manufactured, at any rate for some material. The majority provisions, however, provided for a control over finished material and the French delegation desired that control should be exercised, not only over the last stage, but over the actual process, of manufacture.

The French delegation did not consider that the solutions proposed by the delegations which were in a minority on the Committee would suffice to clear up mysteries and to prevent surprises. They provided for no more than publicity of expenditure and documentary control and they thus departed considerably from the plan put forward by the United States delegation and adopted in substance by the majority of the Committee.

The United Kingdom delegation declared that it was in entire sympathy with the principles underlying the United States proposals. It differed only from the United States Government, and other Governments represented on the Committee, in the method of giving effect to them. It pleaded for a simpler system of publicity than that embodied in the original United States proposals and represented that, in the absence of any limitation of armaments, it seemed difficult to justify the principle of permanent and automatic supervision with local inspections.

The United Kingdom delegation claimed for the simpler Convention which it had in mind that :

- (1) The Governments would undertake strictly to control arms manufacture and trade ;
 - (2) There would be a uniform system of control throughout the world, thus providing effective machinery for any international action that might be decided upon ;
 - (3) The control would be so exercised as to keep the trade in arms in the responsible hands of Governments ;
 - (4) A Permanent Disarmament Commission would be established ;
 - (5) The principle of publicity for all arms produced, bought and sold would, for the first time, be accepted by the world ;
 - (6) Nations would accept the principle that they were answerable to a central international body for the accuracy of their returns.
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CHAPTER X.—EXCHANGE OF INFORMATION.

PROVISIONS OF THE DRAFT CONVENTION FRAMED BY THE PREPARATORY COMMISSION FOR THE DISARMAMENT CONFERENCE.

Part IV of the draft Convention drawn up by the Preparatory Commission contained a series of articles (Articles 30-38) providing for the regular despatch by each of the contracting parties of information on a certain number of essential points concerning their military forces. This information was subsequently to be published by the Secretary-General of the League of Nations.¹

This chapter of the draft Convention, in addition to provisions for an exchange of information in regard to the categories of armaments for which limitation was contemplated, included provisions for an exchange of information in regard to other particulars—*i.e.*, civil aviation.

Information was to be given on the following points :

(1) Average daily number of effectives reached during the year in the forces and formations organised on a military basis. As regards land armed forces and formations organised on a military basis stationed overseas, the distribution of these forces and formations between the various oversea territories was to be specially indicated (Article 30).

(2) For States with systems of compulsory preparatory military training, the number of youths receiving such training (Article 31).

(3) Length of service of effectives recruited by conscription (Article 32).

(4) Total annual expenditure on the upkeep, purchase and manufacture of land and naval war materials by categories of such materials (Article 33).

(5) Details of all vessels of war laid down or completed by or for each contracting State or within its jurisdiction (Article 34).

(6) Name and tonnage of any merchant-vessel with decks stiffened for the mounting of guns not exceeding 6.1 inches (Article 35).

(7) Aircraft : maximum figures attained in each year in respect of number and total horse-power and for dirigibles the total volume (Article 36).

(8) Number and total horse-power of civil aeroplanes and dirigibles registered by each party, with the expenditure incurred on civil aviation by the Government and local authorities (Article 37).

(9) Total of actual expenditure on the land, sea and air armaments of each contracting party (Article 38).

The Preparatory Commission had in most cases drawn up model tables showing the form in which the various items of information should be supplied.

SPECIAL INFORMATION FURNISHED BY DELEGATIONS TO THE CONFERENCE.

In accordance with a resolution adopted by the Council of the League of Nations on May 23rd, 1931, all States invited to participate in the Conference for the Reduction and Limitation of Armaments were asked to furnish information with regard to the position of their armaments. It was pointed out that it was desirable that each Government should supply this information on a uniform model based chiefly on the tables annexed to the Preparatory Commission's draft Convention.

Practically all the States represented at the Conference responded to this request, and the replies received were communicated to all Governments invited to the Conference and published.

DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION, MARCH 16TH, 1933.

The draft Convention submitted by the United Kingdom delegation contained no corresponding stipulations. The United Kingdom delegation observed that the provisions of Part III (Exchange of Information) would depend in the main on the limitations and restrictions imposed by the other parts of the Convention. It did not seem necessary therefore to attempt to draft them at once, but it was noted that Articles 34 and 35 of the draft Convention would have to be reproduced.²

¹ Document C.687.M.288.1930. Conference Documents, Vol. I, page 19.

² Document Conf.D.157(1). Conference Documents, Vol. II, page 488.

The Bureau of the Conference, on November 11th, 1933, when discussing the procedure to be followed for the preparation of a revised text of the draft Convention with a view to its second reading, requested the United Kingdom delegation to provide, as soon as possible, texts for the relevant articles. The United Kingdom delegate pointed out that, in view of their consequential nature, they could best be drafted when the rest of the Convention was ready. The United Kingdom delegation was nevertheless prepared to provide relevant articles, though necessarily in a rudimentary form.¹

Subsequently, the United Kingdom delegation requested the Special Committee on Effectives, appointed by the Bureau on November 11th, 1933, the Technical Committee of the National Defence Expenditure Commission and the Rapporteur for the question of the trade in arms and the manufacture of arms for an indication of the documents which it was proposed that Governments should, under the Convention, be requested to furnish in each particular field.

The Special Committee on Effectives, in November 1933² drew up a provisional list of documents and a Model Statement, which the various delegations were asked to submit to the competent services of their respective countries, in order that the latter might inform the Committee whether it was possible for them to furnish such documents or analogous documents.³

THE ARMAMENTS YEAR-BOOK.

In July 1923, the Council of the League of Nations decided,⁴ in fulfilment of the last paragraph of Article 8 of the Covenant, to authorise the Secretariat to publish a year-book containing information regarding the scale of armaments in the various countries.

An annual volume has been issued regularly since 1924.

The Secretariat, in accordance with a resolution adopted by the Council on May 22nd, 1931, published a special edition⁵ of the *Armaments Year-Book*, which appeared at the end of January 1932 and was circulated to the delegations at the opening of the Conference. The information contained in it, as in the ordinary editions of the *Year-Book*, was based on official publications (statistical year-books, official military bulletins, laws, decrees, budgets). To these sources were added the special documents supplied by the Governments on the position of their armaments.

The work of various bodies of the Conference, particularly those dealing with effectives, and the Technical Committee of the National Defence Expenditure Commission has provided considerable new material for the *Year-Book*.

¹ Minutes of the Bureau, Series C, Vol. II, page 197. Document Bureau 50(1) (Conference Documents, Vol. III).

² See Chapter III, Effectives, page 54.

³ For the special studies undertaken by the Technical Committee of the National Defence Expenditure Commission on the subject of (a) publicity of material for land and naval armaments by categories (Article 33 of the draft Convention of the Preparatory Commission) and (b) publicity of total expenditure of land, naval and air forces (Article 38 of the same draft), see Chapter VII, National Defence Expenditure.

⁴ Minutes, twenty-fifth session, *Official Journal*, August 1923, pages 873 and 874, 929 and 930.

⁵ Documents Conf.D.40 and 40(a).

CHAPTER XI.—PERMANENT DISARMAMENT COMMISSION.

A. Supervision.

PROVISIONS OF THE DRAFT CONVENTION SUBMITTED BY THE PREPARATORY COMMISSION FOR THE DISARMAMENT CONFERENCE.

Part VI of the draft Convention submitted by the Preparatory Commission for the Disarmament Conference provided for the establishment of a Permanent Disarmament Commission with the duty of following the execution of the Disarmament Convention.¹ The members of the Commission were to be appointed by the Governments of countries to be determined by the Conference, but would not represent their Governments.

It was provided that the Commission should meet annually in ordinary session and in extraordinary session in cases defined in the Convention or whenever an application to that effect was made by a contracting party. A contracting party not having a member of its nationality on the Commission might send a member appointed for the purpose to sit at meetings during which any question specially affecting its interests was under consideration.

Decisions of the Commission were to be taken by a majority of the votes of the members present.

It was laid down that the Commission should receive all the information supplied by the contracting parties to the Secretary-General of the League in pursuance of their international obligations.

Each member of the Commission would be entitled on his own responsibility to have any person heard or consulted who was in a position to throw any light on the question under examination.

The Commission was required to make each year at least one report on the information submitted to it or any other information reaching it from a responsible source. This annual report was to be communicated to the contracting parties and to the Council of the League and to be published.

The provisions outlined above were intended to cover the regular and normal procedure of the Commission. Further provisions provided against cases for which exceptional measures might be necessary. These cases were covered by a chapter on derogations and a chapter on procedure regarding complaints. The chapter on derogations stipulated that a contracting party, if in its opinion a change of circumstances constituted a menace to its national security, might suspend temporarily, in so far as concerned itself, any provision or provisions of the Convention other than those expressly designed to apply in the event of war. Such temporary suspension must be immediately notified to the Permanent Disarmament Commission and to the other contracting parties, together with a full explanation of the change of circumstances regarded as justifying the suspension. It was laid down that the other contracting parties should promptly advise as to the situation thus presented.

The chapter embodying the procedure regarding complaints began with a declaration that any violation of the provisions of the Convention was a matter of concern to all the parties. Any contracting party of opinion that such violation had been committed might bring the matter before the Permanent Disarmament Commission, which, after hearing a representative of the contracting party whose action was called in question or of any other party specially concerned in the matter, would present a report to the contracting parties and to the Council of the League. The report would, as soon as possible, be published, and the contracting parties were required promptly to advise as to its conclusions.

PROPOSALS SUBMITTED TO THE CONFERENCE, FEBRUARY 1932.

Many delegations, in their references to the question of supervision during the general discussion at the opening of the Conference, while agreeing to take the draft Convention framed by the Preparatory Commission as a basis, explicitly recognised that its provisions would need to be extended. The preliminary draft was regarded as in many respects incomplete or indefinite.*

¹ Document C.687.M.288.1930.IX. Conference Documents, Vol. I, page 26.

* For an analysis of the proposals submitted to the Conference in February 1932, see document Conf.D.102. Conference Documents, Vol. I, pages 172-175.

The need for effective international supervision by an international Commission was strongly emphasised by the delegations of Austria, Czechoslovakia, Belgium, Denmark, Finland, Haiti, Norway, Poland, Portugal, Roumania, Sweden, Switzerland and the United Kingdom. The German delegation advocated a procedure of control equally applicable to all countries, and the Argentine delegation supported the establishment of a permanent international supervision of armaments, provided it was accepted unanimously and without reservation by the Conference to the extent in which it was compatible with the sovereign rights of the several States.

Several delegations submitted definite proposals regarding the composition of the Commission. The delegations of Denmark and Finland, for example, suggested that it should consist of representatives of all signatory States. The Portuguese delegation proposed that all signatory States should be represented on the Commission in rotation. The Soviet delegation proposed that the Commission should consist of an equal number of representatives of the legislative bodies and of the trade unions and other workers' organisations of all States participating in the Convention, and it further suggested that persons belonging to the armed forces of any country or interested in war industries should be excluded.

The draft Convention submitted by the Preparatory Commission made no provision for local investigations. Several delegations urged that it was highly desirable that the Commission should be empowered to conduct such investigations. Other delegations were at first inclined to doubt their wisdom or efficacy, though no delegation was systematically opposed to them in principle. The draft Convention submitted to the Conference by the Soviet delegation included definite provisions for investigations on the spot in the event of a reasonable suspicion of a breach of the Convention.

Finally, certain delegations urged that the duties to be performed by the Permanent Disarmament Commission should include preparations with a view to future revisions of the Convention and to the subsequent stages of disarmament. The Soviet delegation and the delegations of Norway and Switzerland put forward explicit proposals in this sense.

RESOLUTION ADOPTED BY THE GENERAL COMMISSION, JULY 23RD, 1932.

The General Commission, in the resolution it adopted on July 23rd, 1932,¹ approved, among the conclusions reached during the first phase of the Conference, a paragraph in the following sense :

“ There shall be set up a Permanent Disarmament Commission with the constitution, rights and duties generally as outlined in Part VI of the draft Convention submitted by the Preparatory Commission for the Disarmament Conference, with such extension of its powers as may be deemed by the Conference necessary to enable the Convention to be effectively applied.”

PRELIMINARY DISCUSSIONS IN THE BUREAU OF THE CONFERENCE, SEPTEMBER 22ND, 1932.

Consideration of the question of supervision, including the composition, jurisdiction and competence of the Permanent Disarmament Commission, was entrusted, in the first instance, to the Bureau of the Conference, which entered upon a preliminary discussion of the problem on September 22nd, 1932.²

The French delegation represented that the provisions of the draft Convention framed by the Preparatory Commission could no longer be regarded as satisfactory. This view was generally shared by the delegations present, special reference being made to the desirability of providing for local investigations and the preparation of the future stages of disarmament. It was generally agreed that the indications contained in the preliminary draft Convention should be regarded as the required minimum and that the powers of the Permanent Commission should be increased.

The Bureau, as a result of this preliminary exchange of views, invited M. Bourquin (Belgium) to make a study of the question of supervision and, in consultation with the delegations, to prepare a report.

Many suggestions were put forward during these consultations in regard to the procedure to be followed in local investigations. Should they be authorised only at the request or with the consent of the country whose conduct was called in question and on whose territory the enquiry would be conducted? Should they be undertaken only in the event of a complaint being lodged, or should the Commission be entitled to carry out investigations on the spot in the event of its suspecting a breach of the Convention? Should Commissions of Enquiry be empowered to visit the territory of all the contracting States in turn and as part of their normal duties? Should the Permanent Disarmament Commission itself decide that such investigations were to be undertaken and how should the Commission vote in coming to a decision? Finally, how should the Commissions of Enquiry be constituted?

M. Bourquin, consulting the delegations on the composition of the Commission, found that opinion was divided as to the merits of a small or large Commission and that opinions also differed as to whether its members should be Government delegates or independent persons. He finally came to the conclusion that, in order to meet the wishes and objections

¹ Annex 4.

² Minutes of the Bureau, Series C, Vol. I, pages 13-18.

put forward, it would be necessary to establish a Commission on which each contracting State would be represented by a delegate, on the understanding that the Commission would entrust the preparation of its work to sub-committees.

SUBMISSION TO THE BUREAU OF A PRELIMINARY REPORT, NOVEMBER 3RD, 1932.

M. Bourquin, as the result of these preliminary consultations, submitted a first report to the Bureau on November 3rd, 1932.¹

He pointed out that four questions had to be determined :

- (a) What would be the attributions of the Commission ?
- (b) What means would it have at its disposal to exercise them ?
- (c) What would be its composition ?
- (d) How would the Commission work ?

The members of the Bureau, during the discussion of the report, defined more explicitly their general attitude to the question of supervision.

The United States delegation declared that its acquiescence in the extension of the powers of the Commission was contingent upon the contents of the final Convention, and more particularly upon a substantial reduction of armaments. The Soviet delegation, while insisting that very rigorous supervision should be established, was of opinion that it was not possible to define the duties of the Commission until the question of the reduction of armaments had been settled. The United Kingdom delegation would also have preferred to determine the extent of the disarmament measures before discussing methods of supervision. This view was also shared by the Japanese delegation. These observations applied, in particular, to the question of the attributions of the Commission.

The Bureau, as a result of the discussion on the attributions of the Commission, finally agreed that, in addition to the duties assigned to it in the draft Convention framed by the Preparatory Commission, it should be entrusted with the preparation of the subsequent stages of disarmament and of any executive agreements which might appear to be necessary to ensure the loyal application of the Convention.

The means whereby the Commission would exercise its powers, and more particularly the circumstances in which it would be entitled to proceed to local investigations, gave rise to a prolonged discussion

The delegations of the Netherlands, Poland, Sweden and Czechoslovakia urged that local investigations should be a normal and regular feature of the system of inspection, these inspections to be supplemented, if necessary, by *ad hoc* supervision in special cases. It was argued that periodical local inspections would not give rise to resentment or irritation such as was likely to occur if investigation took place as an exceptional measure or as the result of a definite complaint submitted. The French delegation, urging the advantages of a system of periodical investigations, suggested that, alongside obligations which would apply to all Powers, there might be regional obligations under regional Conventions, whereby States might accept the principle of a periodical investigation in their relations with one another. The United Kingdom delegation expressed the view that the unlimited rights of investigation implied in the periodical system might give rise to difficulties and even dangers. The Japanese delegation urged that any system of local enquiries must take into account the requirements and circumstances of the region to which it was applied. The United States delegation, while admitting that periodical supervision offered distinct advantages, doubted whether it would be possible to establish a system of absolutely universal application.

The Bureau, as an alternative or complement to the system of periodical investigations, discussed the procedure to be applied in the case of exceptional investigations. There were two main proposals before the Bureau—investigation as the result of a complaint lodged by a Government and investigation following upon a vote of the Permanent Disarmament Commission. The method of investigation as the result of a complaint lodged with the Permanent Disarmament Commission was supported by the delegations of the United Kingdom, which preferred this method to that of periodical and regular investigation, and by the delegation of the United States, which insisted, however, that measures should be taken to ascertain that complaints were well founded. The Soviet delegation, on the other hand, advocated a system of investigations to be authorised by the Commission in the event of there being a reasonable suspicion of a breach of the Convention. Investigation at the discretion of the Commission was also supported by the delegation of Sweden, which contended that the Commission, apart from any formal complaint, should have the right itself to order local enquiries *proprio motu*.

It was generally agreed that a State which was under suspicion, or charged with having violated the Convention, would have the right to invite enquiry, and no objection was raised to the proposal of the French delegation that certain countries might agree to accept in their relations with one another the principle of periodical investigation.

¹ Minutes of the Bureau, Series C, Vol. I, pages 25-31. Document Conf.D.140. Conference Documents, Vol. II, page 357.

The Bureau, in discussing the composition of the Permanent Disarmament Commission, decided in favour of a body consisting of Government delegates, on which all the contracting Powers would have one representative and which would appoint sub-committees to prepare its work.

The Bureau, on concluding its discussion, invited M. Bourquin to prepare a second report on the basis of the observations which had been made and of the conclusions reached.

TEXTS APPROVED BY THE BUREAU FOR EMBODIMENT IN THE DRAFT CONVENTION,
JANUARY 23RD, 1933.

The Bureau, on November 15th, 1932, adopted a second report¹ submitted by M. Bourquin in accordance with these instructions and appointed a Drafting Committee to prepare texts for insertion in the draft Convention. The texts prepared by the Drafting Committee were considered and approved by the Bureau on January 23rd and 24th, 1933, and referred to the General Commission.²

The texts approved by the Bureau provided that the Permanent Disarmament Commission should be composed of representatives of all the Governments of the contracting parties, each Government appointing one member to the Commission. The Commission would set up sub-committees and decide as to their number, composition and duties. It would be assisted by experts chosen by itself and not appointed by the contracting parties. It would be the duty of the Commission to watch the execution of the Convention. The Commission would receive all the information which the contracting parties were bound to communicate to the Secretary-General of the League, and might request them for any supplementary particulars or explanations in regard to it. It might take into account any other information reaching it from a responsible source, and each member would be entitled, on his own responsibility, to have any person heard or consulted who was in a position to throw any light on a question under consideration.

A contracting party whose attitude might have been the subject of criticism would be entitled to request the Commission to conduct in its territory such investigations as might be necessary in order to verify the execution of its obligations. The Commission, at the request of one or more of the contracting parties, might decide to have investigations conducted on the territory of any contracting party, the decision of the Commission being taken by a two-thirds majority of the members present.

The result of such investigations would be embodied in a report and the contracting parties would promptly advise as to its conclusions.

The Commission would further be entitled to conduct periodical investigations in regard to States which had made a special agreement to that effect.

The Commission would report at least once a year on the situation regarding the execution of the Convention.

Any contracting party of opinion that the Convention had been or might be infringed might address a complaint to the Commission. The Commission would thereupon invite the contracting party whose attitude had produced the complaint to supply it with full explanations. The Commission would draw up a reasoned report on the result of its investigations and the contracting parties would advise as to its conclusions. All reports to the Commission would be immediately communicated to the contracting parties and to the Council of the League of Nations and published.

It would be the duty of the Commission to prepare such agreements as might be necessary to ensure the execution of the Convention, and also to make preparations for the revision of the Convention, in order to facilitate the subsequent stages of disarmament.

FIRST READING OF THE DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION,
JUNE 1st, 1933.

The provisions relating to supervision were subsequently embodied in the draft Convention submitted by the United Kingdom delegation and discussed by the General Commission on June 1st, 1933.³

Amendments were submitted by the French and Turkish delegations.

The French delegation, in addition to minor amendments relating to the procedure of the Commission, presented clauses providing for the establishment of organisations which would be entrusted with a regular inspection of the armaments of the contracting parties, involving an investigation in each State at least once a year, and an article providing that persons publishing or disclosing information as to alleged breaches of the Convention should be immune from prosecution and protected by the competent authorities against reprisal.

The French delegation submitted a further article specifying the action to be taken by the Permanent Disarmament Commission in the event of a violation of the Convention. The Commission would call on the contracting party at fault to observe its undertakings within a fixed period and would appoint a committee of inspection to satisfy itself that,

¹ Minutes of the Bureau, Series C, Vol. I, pages 83-88. Document Conf.D.148. Conference Documents, Vol. II, page 440.

² Minutes of the Bureau, Series C, Vol. I, pages 114-127. Document Conf.D./Bureau 39. Conference Documents, Vol. II, page 723.

³ Minutes of the General Commission, Series B, Vol. II, pages 578-588.

within this period, the Convention was being observed. This article further provided that the contracting parties, if the violation continued, would employ, in common, against the defaulting party, the necessary means of pressure to ensure the execution of the Convention, and laid down that, if war ensued as the result of such violation, the defaulting party would be regarded as having resorted to war within the meaning of Article 16 of the Covenant of the League.

The amendments submitted by the Turkish delegation related to the Rules of Procedure of the Commission, and provided that the system of supervision established under the Convention should be regarded as replacing the military clauses of the Treaty of Lausanne.

The proposals of the French delegation for strengthening the system of supervision provided in the draft Convention were welcomed by the delegations of Norway, the United States, Switzerland, the Netherlands, Finland, Poland and the Union of Soviet Socialist Republics. The delegations of the United Kingdom, Germany, Japan, Italy and Hungary reserved their opinions.

The question of immunity for persons disclosing evidence of alleged breaches of the Convention had been previously discussed by the Bureau of the Conference on November 15th, 1932.¹ It had been generally agreed on that occasion that protection should be accorded to persons honestly denouncing a breach of the Convention. Certain Governments, however, had represented that they could hardly relinquish the right to take proceedings against persons making false or frivolous denunciations, and had further pointed out that any strict definition of principle must necessarily give rise to delicate problems of internal legislation. The delegations expressed similar views in the discussion which took place in the General Commission on June 1st, 1933.

The articles relating to supervision were regarded as having passed a first reading, subject to the amendments and reservations submitted by the various delegations.

PROPOSAL TO ESTABLISH THE PERMANENT DISARMAMENT COMMISSION
IMMEDIATELY ON THE SIGNATURE OF THE CONVENTION, OCTOBER 9TH, 1933.

The President of the Conference, reporting to the Bureau on October 9th, 1933, the result of his recent negotiations with the Heads of States, undertaken in accordance with the decision of the General Commission of June 29th, 1933, stated that a suggestion which he had put forward for an early establishment of the Permanent Disarmament Commission had been well received by all the statesmen with whom he had discussed the matter. He suggested that the Commission should meet immediately on the signature of the Convention by twenty States, so that it might be ready to assume its permanent duties as soon as the Convention came into force. The Commission, moreover, would, under this arrangement, in the period between the signature and the ratification of the Convention, be able to perform such provisional duties and temporary tasks as the Conference might consider desirable to entrust to it.²

PREPARATION OF A REVISED TEXT OF THE DRAFT CONVENTION FOR A SECOND READING
AND WORK OF THE SPECIAL COMMITTEE ON MISCELLANEOUS PROVISIONS,
NOVEMBER 11TH TO DECEMBER 7TH, 1933.

The Bureau of the Conference, on November 11th, 1933, appointed a special Committee, known as the Committee on Miscellaneous Provisions (Control and Supervision), under the Chairmanship of M. Bourquin, to prepare additional articles relating to the system of control and supervision to be established under the Convention.³ It was understood that the articles would provide for the entry upon its duties of the Permanent Disarmament Commission, the appointment of supervisory committees and automatic and periodical control.

The Chairman of the Committee, on December 7th, 1933, forwarded to the President of the Conference draft texts which he had provisionally and personally established as a result of an exchange of views in the Committee.⁴

These texts stipulated that the Permanent Disarmament Commission, in supervising the execution of the Convention, might take into account any information reaching it from a responsible source, and in all cases information furnished by any of its members.

The decisions of the Commission would be taken by a majority of the members present. Decisions, however, to proceed to a local investigation in cases of complaint would be taken by a two-thirds majority of the members present, at least one-half of all the contracting parties being represented at the meeting.

The armaments of all the contracting parties would be subject to a local inspection at least once a year, such inspections to be organised by the Permanent Disarmament Commission as soon as it entered upon its duties on the basis of absolute equality as between

¹ Minutes of the Bureau, Series C, Vol. I, pages 84-87.

² Minutes of the Bureau, Series C, Vol. II, page 180.

³ Minutes of the Bureau, Series C, Vol. II, page 198. Document Bureau 50 (1), Conference Documents, Vol. III.

⁴ Document Conf.D./C.G.164, Annex I, Conference Documents, Vol. III.

the contracting parties, it being understood, however, that the rule relating to inspections might be suspended for one year by a decision of the Commission taken by a two-thirds majority, including all the members representing States adjacent to the State to which the inspection would apply.

The supervisory committees appointed by the Permanent Disarmament Commission would be entrusted with the duty of permanently watching the execution of the Convention and of proceeding to the local inspections contemplated under the system of supervision.

A series of articles dealing with the composition of the supervisory committees, their competence and operation was also submitted.

The delegation of the Union of Soviet Socialist Republics, in the course of the discussions which took place in the Committee, emphasised that any system of supervision, if it were to be effective, must be universal.

The Japanese delegation, in view of this declaration, made a reservation to the effect that the universal application of a system of supervision might give rise to difficulties so far as Japan was concerned, referring, in particular, to the provisions which related to investigations conducted on the spot. The Japanese delegation did not, however, oppose the study of the question by the Committee.

It should be noted that the Italian delegation, as from November 11th, 1933, regarded themselves as participating in the work of the special committees of the Conference in the capacity of simple observers.

COMPETENCE OF THE PERMANENT DISARMAMENT COMMISSION WITH SPECIAL REFERENCE
TO THE REGULATION OF THE MANUFACTURE OF AND TRADE IN ARMS AND IMPLEMENTS OF WAR :
FEBRUARY 1935.

The President of the Conference, in his memorandum of November 5th, 1934, included the establishment of the Permanent Disarmament Commission among the questions which might be advantageously embodied in separate protocols coming into force one by one without the Conference having necessarily to wait for the completion of an entire Convention.¹

The Bureau of the Conference, on November 20th, 1934, accordingly instructed its Committee on Miscellaneous Provisions to consider what further steps might be necessary with a view to the establishment of a Permanent Disarmament Commission. It further requested the Committee on Miscellaneous Provisions to consider the proposal of the Soviet delegation to the effect that a Permanent Peace Conference should replace the Conference for the Reduction and Limitation of Armaments.²

The delegate of the Union of Soviet Socialist Republics recalled that the President of the Conference had, on June 28th, 1934, requested the Governments to submit their observations upon the proposal of the Soviet delegation. The reasons which had inspired the Soviet proposal were still valid, and recent events had lent additional force to the arguments already urged by the Soviet delegation. It was obvious, however, that the Soviet proposal could not be usefully examined until the delegates were in possession of instructions from their Governments in regard to its essential principle.

The French delegation suggested that the proposal might best be dealt with as affecting one of the duties of the Permanent Disarmament Commission. Its consideration might therefore be reserved until the Committee had discussed the technical questions which would arise in connection with the creation of a Permanent Disarmament Commission.

The Bureau, in the light of these observations, decided to adjourn the discussion of the Soviet proposal.

The Committee on Miscellaneous Provisions met on February 18th and 21st, 1935.

The Committee considered draft articles relating to the composition and general working of the Permanent Disarmament Commission, submitted by the delegation of the United States of America,³ comparing and collating these articles with the texts provisionally established by the Chairman of the Committee on December 7th, 1933.⁴

The Committee, in view of the fact that it was now considering a system of supervision to be adopted with special reference to the regulation of the manufacture of and trade in arms, decided that it could not usefully frame a detailed system of supervision until the Special Committee on the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War had discussed the system of regulation and control to be embodied in the Convention.

The Committee accordingly adjourned on February 21st, 1935, until the various committees dealing with the technical aspects of the question should have submitted a report.

The Committee did not find it necessary to meet again in view of the fact that the Special Committee on the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War, meeting in plenary session from March 26th to April 1st to discuss the general provisions of the draft Convention, was attended by the Chairman and members of the Committee on Miscellaneous Provisions.⁵

¹ Chronological Record, page 32.

² Chronological Record, pages 31 and 31.

³ Document Conf.D.167. Conference Documents, Vol. III.

⁴ See above, page 136.

⁵ See Chapter IX, Control of the Manufacture of Arms and the Trade in Arms.

The draft texts and the relevant section of the report of the Special Committee on the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War were, in the course of these plenary meetings, discussed and prepared with the assistance of the Chairman of the Committee on Miscellaneous Provisions.¹

SUMMARY OF EVENTS AND CONCLUSIONS.

The provisions relating to supervision framed by the Preparatory Commission for the Disarmament Conference were regarded by many delegations to the Conference as in certain respects incomplete or indefinite. The composition of the Permanent Disarmament Commission was not determined and, while provision was made for the Commission to receive information from the contracting parties, to collect evidence and submit annual reports to the Council of the League for publication, there was no provision for automatic periodical or local investigation. The stipulations embodying the procedure to be initiated in the event of complaints of a violation of the Convention, moreover, while they provided for the examination of such complaints by the Permanent Disarmament Commission and for the consideration by the contracting parties of the conclusions of any report which might as a consequence be framed, contained no very clear indications as to the action which might eventually be taken.

The need for effective international supervision by an international commission was strongly emphasised during the opening debates of the Conference by a large number of delegations, special attention being drawn to the fact that the draft Convention made no provision for local investigations. There was on this point a difference of opinion. Several delegations urged that the Commission should be empowered to conduct such investigations while other delegations were inclined to doubt their wisdom or efficacy. The General Commission, in its resolution adopted on July 23rd, 1932, expressed the sense of the Conference

¹ Texts unanimously adopted by the Special Committee (document Conf.D.168, Chap. IV. Conference Documents, Vol. III) provided for the establishment at the seat of the League of a Permanent Disarmament Commission, composed of one representative appointed by each of the contracting parties, to be entrusted with the duty of watching over the execution of the Convention. The Commission, within the limits of the obligations embodied in the Convention, might request the contracting parties to supply in writing or verbally any supplementary particulars or observations in regard to information furnished under the Convention, the contracting parties agreeing to meet such requests and to furnish the desired information through their representatives on the Commission or otherwise. Each member of the Commission would be entitled to require that, in any report by the Commission, account should be taken of the opinions or suggestions put forward by him, if necessary in the form of a separate report. All reports by the Commission were to be communicated to the contracting parties and to the Council of the League.

It was provided that the Commission should meet for the first time on being summoned by the Secretary-General of the League within three months of the entry into force of the Convention, and that it should meet thereafter at least once a year in ordinary session. It would meet in extraordinary session when such a meeting was prescribed by the Convention and when its Bureau so decided, either of its own motion or at the request of one of the contracting parties or of the Council of the League. Decisions of the Commission were to be taken by a majority of the members present and voting, except in cases where larger majorities were specifically required under the terms of the Convention or by its rules of procedure.

Texts adopted by the majority of the Commission provided for the appointment of experts by the Commission to accompany its representatives and for the constitution of regional committees to be entrusted with the duty of permanently following the execution of the Convention by the different States included in each of the regional groups within their respective jurisdictions. They further provided that the Commission, for the purpose of its investigations, might take into account any information reaching it from a responsible source which it might consider as pertinent to the execution of its duties, and that it should have the right to hear such witnesses as might voluntarily appear before it or consult any person able to throw any light on a question under examination.

The Commission, moreover, might proceed annually, or more often if it so determined, to examine on the spot the conditions in which the national control exercised by each Government over the manufacture of and trade in arms was organised and the accuracy of the information furnished by the Governments, such inspections being effected through the regional committees. The regional committees, if notified in the course of their inspections of certain facts which appeared to call for the attention of the Permanent Disarmament Commission, would be authorised to establish such facts and to report upon them immediately to the Permanent Disarmament Commission. Any contracting party would be entitled to request the Commission to conduct, in its territory, such investigations as might be necessary, in order to verify the execution of its obligations, and any contracting party of opinion that the provisions of the Convention had been infringed might address a complaint to the Commission. The Commission, on receiving such requests or complaints, would be bound to consider the matter and determine whether a special investigation was necessary. Special investigations undertaken under these provisions would be carried out by a special committee created for the purpose, and the results of such investigations would be embodied in a special report by the Permanent Disarmament Commission, which might make recommendations addressed to the contracting party. The procedure to be followed in carrying out such local investigations was defined in detail.

The delegations of the United Kingdom, Italy, Japan and Poland were unable to accept the articles which provided for a system of continuous and automatic inspection and supervision on the spot. These delegations submitted, in substitution for the texts adopted by the Committee, a general article providing that the Permanent Disarmament Commission might call for explanations in the event of it having reason to believe that an infringement of the Convention had occurred or that information supplied to it by a contracting party was incomplete or inaccurate. The contracting party would in that case furnish explanations, either verbally by responsible officials or in writing as desired by the Permanent Commission, and the Commission would draw up, as soon as possible, a report embodying the results of its examination.

The French delegation, in addition to the measures adopted by the Committee, proposed that each regional committee should appoint agents who would reside permanently in the territory of each of the States for which the committee was competent. These agents would be accredited to the local authorities and would have the necessary means of action to proceed at any moment to effect such local inspection as might be required for the discharge of the duties of supervision imposed on the regional committees. The Polish and Latvian delegations, moreover, proposed that the attention of the Permanent Disarmament Commission might be drawn by any one of the contracting parties to unexpected increases in the manufacture, import or export of arms and munitions or implements of war which seemed to it to indicate a threat to peace, the Commission being in such an event required to consider the matter and to call for such explanations as it might consider necessary.

in a declaration to the effect that a Permanent Disarmament Commission should be set up with a constitution, rights and duties as generally outlined in the draft Convention, but with such extension of its powers as would enable the Convention to be effectively applied.

Preliminary discussions in the Bureau of the Conference in September and November 1932 confirmed the general impression that the provisions of the draft Convention could no longer be regarded as satisfactory. Several delegations urged, however, that it was difficult to decide as to the powers of the Commission until the contents of the final Convention, and more particularly its disarmament provisions, were known. It was, nevertheless, agreed that its duties should include the preparation of any stages of disarmament subsequent to the adoption of a first Convention and of any executive agreements which might be necessary to ensure its loyal application.

It was again contended by several delegations, in particular the French delegation, that periodical local investigations should be a normal and regular feature of the system of inspection. Other delegations drew attention to difficulties and even dangers inherent in such a system, but no objection was raised to its optional acceptance by certain countries in their relations with one another. There were also differences of opinion as to the procedure to be applied in the case of exceptional investigations, but it was generally agreed that a State which was under suspicion or charged with having violated the Convention would have the right to invite enquiry.

The Bureau definitely decided that the Permanent Disarmament Commission should consist of Government delegates and that all the contracting Powers should appoint a representative to the Commission.

Texts subsequently prepared on the basis of these observations and conclusions were approved by the Bureau in January 1933 and embodied in the United Kingdom draft Convention submitted to the General Commission on March 16th, 1933. The main interest of these texts lies in the provisions dealing with the points regarding which differences of opinion had been expressed, and more particularly the provisions relating to the right of investigation. The Commission was accorded authority to have investigations conducted on the territory of any contracting party at the request of one or more of the contracting parties, this decision to be taken by a two-thirds majority of the members present. The Commission was required, moreover, to investigate cases of complaint lodged by any contracting party of opinion that the Convention had been or might be infringed. Periodical investigations were confined to States which made a special agreement to that effect.

The provisions embodied in the United Kingdom draft Convention were discussed by the General Commission on June 1st, 1933. The French delegation, which received a large measure of support from other delegations, submitted proposals for strengthening still further the system of supervision, more particularly by means of a regular system of inspection involving an investigation in each State at least once a year. It further submitted proposals specifying the action to be taken by the Permanent Disarmament Commission in the event of a violation of the Convention. These proposals were received with reserve by several delegations, and the articles relating to supervision embodied in the draft Convention, adopted on first reading, were understood to be subject to the amendments and reservations submitted by the various delegations.

Further progress was made in the autumn of 1933, when the President of the Conference, reporting to the Bureau on the results of his recent negotiations with the Heads of States, stated that a suggestion which he had put forward for an early establishment of the Permanent Disarmament Commission had been well received by all the statesmen with whom he had discussed the matter. It was felt that the Commission should be ready to assume its permanent duties as soon as the Convention came into force and perform such duties and temporary tasks as the Conference might consider desirable to entrust to it.

The Bureau of the Conference, in November 1933, decided that additional articles should be prepared supplementing those already included in the draft Convention and defining more precisely the system of control and supervision to be established under the Convention. It appointed for this purpose a special Committee known as the Committee on Miscellaneous Provisions. It was understood that the articles would provide for the entry upon its duties of the Permanent Disarmament Commission and for the appointment of supervisory committees. The Chairman of the Committee, on December 7th, 1933, forwarded to the President of the Conference texts which he had provisionally and personally established as a result of an exchange of views in the Committee.

The texts framed in accordance with this decision included provisions for a local inspection of the armaments of the contracting parties at least once a year, to be organised by the Permanent Disarmament Commission as soon as it entered upon its duties, upon the basis of absolute equality as between the contracting Powers. These texts represent the ultimate position reached by the Conference in dealing generally with the question of supervision. Certain reservations were made in regard to them by delegations which took part in the discussions of the Committee on Miscellaneous Provisions, and they have not yet been considered either by the Bureau of the Conference or the General Commission.

The President of the Conference, on November 5th, 1934, included the regulation of the trade in and manufacture of arms and the establishment of the Permanent Disarmament Commission among the questions which might be advantageously embodied in separate protocols coming into force one by one without the Conference having necessarily to wait for the

completion of an entire Convention. The texts drafted by the Chairman of the Committee on Miscellaneous Provisions in December 1933 were accordingly reconsidered in February 1935 by the Special Committee on the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War with the assistance of the Committee on Miscellaneous Provisions. The articles relating to supervision were on this occasion examined with special reference to the regulation of the manufacture of and the trade in arms. Delegations which were prepared in principle to accept the system of supervision embodied in these articles as a feature of the Disarmament Convention were unable to accept articles which provided for a system of continuous and automatic supervision and inspection on the spot applying only to the control of the manufacture of and the trade in arms.¹

The texts adopted as a result of these discussions² are under consideration by the Governments and have not been considered either by the Bureau of the Conference or the General Commission.

B. Guarantees of Execution.

PROVISIONS OF THE DRAFT CONVENTION SUBMITTED BY THE PREPARATORY COMMISSION FOR THE DISARMAMENT CONFERENCE.

Chapter C of the draft Convention drawn up by the Preparatory Commission contained the following provisions on the subject of violations of the Convention and measures to be taken as the result of such violations.³

" *Article 51.*—The High Contracting Parties recognise that any violation of the provisions of the present Convention is a matter of concern to all the Parties.

" *Article 52.*—If, during the term of the present Convention, a High Contracting Party is of opinion that another Party to the Convention is maintaining armaments in excess of the figures agreed upon or is in any way violating or endeavouring to violate the provisions of the present Convention, such Party may lay the matter, through the Secretary-General of the League of Nations, before the Permanent Disarmament Commission.

" The Commission, after hearing a representative of the High Contracting Party whose action is questioned, should such Party so desire, and the representative of any other Party which may be specially concerned in the matter and which asks to be heard, shall, as soon as possible, present a report thereon to the High Contracting Parties and to the Council of the League. The report and any proceedings thereon shall be published as soon as possible.

" The High Contracting Parties shall promptly advise as to the conclusions of the report.

" If the High Contracting Parties directly concerned are Members of the League of Nations, the Council shall exercise the rights devolving upon it in such circumstances in virtue of the Covenant, with a view to ensuring the observance of the present Convention and to safeguarding the peace of nations."

FIRST READING OF THE DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION, JUNE 1ST, 1933.

The resolution adopted by the General Commission on July 23rd, 1932,⁴ did not deal with the question of violations in general, but only with violations of the provisions relating to the prohibition of chemical, bacteriological and incendiary weapons.

In the draft Convention submitted by the United Kingdom delegation, Article 89 contained the following provision :

" It is hereby declared that the loyal execution of the present Convention is a matter of common interest to the High Contracting Parties."

During the first reading of this draft Convention, the French delegation submitted, on June 1st, 1933, an article specifying the action to be taken by the Permanent Disarmament Commission in the event of a violation of the Convention.⁵

PREPARATIONS FOR A SECOND READING, OCTOBER 9TH, 1933, TO JUNE 8TH, 1934.

The President, reporting to the Bureau on October 9th, 1933, the result of his negotiations with various Governments with a view to the second reading of the draft Convention, stated that the question of the system of penalties to be established for breaches of the Convention had proved to be especially difficult.

¹ See Chapter IX, Control of the Manufacture of Arms and the Trade in Arms.

² Document Conf.D.168, Chapter IV. Conference Documents, Vol. III.

³ Document C.687.M.288.1930.IX. Conference Documents, Vol. I, page 28.

⁴ Annex 4.

⁵ See pages 135-136 above. Minutes of the General Commission, Series B, Vol. II, page 580.

The Bureau decided that the question of penalties for breaches of the Convention should be left in the hands of the President of the Conference. It was at the same time decided that for the word "penalties" the expression "guarantees of execution" should henceforth be substituted.¹

The General Commission, in considering its future programme of work at meetings held from May 29th to June 8th, 1934, gave further consideration to the question of supervision, more particularly to the question of the immediate creation of the Permanent Disarmament Commission and guarantees for the execution of the Convention, and, in the resolution submitted by the French delegation to the Bureau on June 8th, 1934, co-ordinating the various proposals before the Commission, it was proposed that a special committee should be appointed to study the problem of guarantees of execution and to resume the work relating to supervision.²

GUARANTEES OF EXECUTION REFERRED TO THE COMMITTEE ON MISCELLANEOUS PROVISIONS, JUNE 11TH, 1934.

The General Commission approved this proposal, and, on June 11th, 1934, it entrusted the question of guarantees of execution to the existing Committee on Miscellaneous Provisions presided over by M. Bourquin.³

It was agreed that this Committee, enlarged to include other members, should consist of representatives of the Argentine, Austria, the United Kingdom, France, Italy, Japan, the Netherlands, Norway, Poland, Roumania, Spain, Turkey, the United States of America and the Union of Soviet Socialist Republics, it being understood that the Chairman might secure the co-operation of other States.

SUGGESTIONS SUBMITTED BY THE COMMITTEE TO THE PRESIDENT AND FORWARDED TO GOVERNMENTS, JUNE 28TH, 1934.

The Committee on Miscellaneous Provisions, on June 28th, 1934, considered a note submitted by its Chairman embodying the result of preliminary conversations with the delegations of the United Kingdom, France, Poland, Roumania, the Netherlands, the Union of Soviet Socialist Republics and the United States of America.⁴

Attention was drawn to two currents of opinion observed in the course of the preliminary conversations. Certain delegations desired to specify the legal machinery and to define the legal obligations to be established. Other delegations, feeling that the system of guarantees should not be too rigidly defined, showed a preference for more elastic methods.

It was generally agreed that the guarantees of execution must be proportionate to the gravity of the offences to which they would apply. Obviously, a slight irregularity should not bring into action the same collective measures as a far-reaching violation foreshadowing a threat of war. Between these two extremes stretched a whole series of intermediate possibilities. It was not possible strictly to define all these contingencies, but it was possible to specify in advance a number of main categories which might serve as an adequate framework for a general system of guarantees.

Four categories of offences were discussed :

(1) The first category would cover slight breaches of the Convention, not at first sight involving an intentional and deliberate violation. Such breaches might occur either through negligence or error or through the action of subordinate officials or authorities. The attention of the Governments would in such cases be specially drawn to the matter, possibly by the supervisory committees responsible for local inspections appointed under the general system of supervision embodied in the Convention.

(2) The second category would cover breaches of the same essential character, but requiring stronger measures, either owing to their duration or number. In such cases, intervention by the Permanent Disarmament Commission or any permanent organ to which it might delegate its powers would appear to be necessary. The Governments concerned might be requested to restore conditions in keeping with the Convention, a time-limit for doing so being indicated. Such intervention would have a political character, but would not exceed the limits of a friendly warning.

(3) The third category would cover irregularities which could not be explained as a result of error or negligence. Such breaches would be clearly intentional, but might still be remedied. In such cases collective action would need to be more vigorous and rapid. It was suggested that the Permanent Disarmament Commission might first address an urgent and formal appeal to the Government concerned to put an end to the breach at the earliest possible moment. This appeal might appropriately be supported by joint diplomatic representations on the part of States signatories of the Convention.

¹ Minutes of the Bureau, Series C, Vol. II, pages 179 and 198.

² Minutes of the General Commission, Series B, Vol. III, page 136.

³ Minutes of the General Commission, Series B, Vol. III, page 689. See also above, page 136.

⁴ Document Conf.D./C.G.170. Conference Documents, Vol. III.

In such cases the Convention would provide, as a last resource, for the application of economic pressure, such as an immediate embargo on arms and raw materials or the granting of favours and facilities to the States most directly threatened by the breach.

(4) The fourth category would include only breaches which directly involved a danger of war. The signatories of the Convention would, in such an event, be faced with a threatened breach of the Pact of Paris, and the problem of security in the strict sense would thereupon arise. The means of collective action provided for the previous category of offences would accordingly be strengthened by the procedures devised for the guaranteeing of security.

The sole purpose of the note was to suggest certain solutions, which would in any case need to be supplemented at a later stage.

Certain delegations made important reservations in regard to the proceedings and decisions of the Committee.

The Japanese delegation stated that the general reservation which it had made in the Committee on Miscellaneous Provisions in regard to the question of supervision applied equally to guarantees of execution.¹ The Soviet delegation made a counter-reservation to the effect that the Union of Soviet Socialist Republics could only be a party to undertakings relating to supervision and guarantees of execution which were of a universal character. Finally, the United States delegation indicated that it would be difficult for its Government to accept any positive obligations regarding guarantees of execution. The note drawn up by the Chairman of the Committee was forwarded to the President of the Conference, who communicated it to the Governments for their consideration.

SUMMARY OF EVENTS AND CONCLUSIONS.

The draft Convention framed by the Preparatory Commission for the Disarmament Conference declared that any violation of the provisions of the Convention was a matter of concern to all the parties and stipulated that complaints of violation might be laid before the Permanent Disarmament Commission, which would hear the parties and submit a report to the contracting parties and to the Council of the League. The contracting parties were to advise as to the conclusions of the report and the Council of the League was to exercise its rights under the Covenant in the event of the parties directly concerned being Members of the League of Nations.

The French delegation, on June 1st, 1933, submitted an article defining more precisely the action to be taken in the event of a violation. The Permanent Disarmament Commission was to call on the contracting party at fault to observe its undertakings within a period to be fixed by the Commission and appoint a committee of inspection to satisfy itself that, within this period, the Convention was being observed. The contracting parties, if the violation continued, were to employ in common against the defaulting party the necessary means of pressure to ensure the execution of the Convention, and, if war ensued, the defaulting party was to be regarded as having resorted to war within the meaning of Article 16 of the Covenant.

The President, in his negotiations with the Heads of States in the summer of 1933, found the question of the system of penalties to be established for breaches of the Convention to be specially difficult, and the Bureau, in October 1933, decided that it should be left in his hands. It also decided that the question should in future be referred to as "guarantees of execution", and, on June 11th, 1934, the problem was discussed by the Committee on Miscellaneous Provisions, presided over by M. Bourquin.

The Committee, on June 28th, 1934, forwarded to the President of the Conference a note embodying the result of an exchange of views for communication to the Governments for their consideration. No further action has been taken by the Conference in regard to the matter.

¹ See above, page 137.

CHAPTER XII.—MORAL DISARMAMENT:

PROPOSALS SUBMITTED TO THE POLITICAL COMMISSION, MARCH 15TH, 1932.

The General Commission of the Conference, on February 25th, 1932, decided to set up a Political Commission, it being understood that it would discuss, in the first instance, matters which did not raise questions of principle.

The Political Commission, on March 15th, 1932, decided to take up first the subject of moral disarmament.

The Polish Government had, on September 17th, 1931, communicated to the Secretary-General of the League of Nations a memorandum on moral disarmament,¹ requesting that it should be circulated to the Governments invited to the Disarmament Conference. and, on February 13th, 1932, it had submitted definite proposals based on the suggestions and considerations put forward in the memorandum.²

The representative of Poland, on March 15th, 1932, formally moved these proposals in the Political Commission. He suggested that :

(1) An international Convention should be concluded whereby Governments would agree to make certain specified actions punishable offences under their law, such actions to be defined as incompatible with satisfactory international relations and dangerous to the peace of the world. These actions would include inciting public opinion to warlike sentiments, propaganda which aimed at inducing States to violate international law, and the deliberate spreading of false or distorted reports or forged documents likely to embitter the relations between States.

(2) A conference should be held as soon as possible of qualified representatives of journalists and publishers' associations to consider what steps could be taken to put the idea of moral disarmament into effect so far as the Press was concerned, the result of the proceedings of the conference to be taken as a basis for concerted action by Governments and professional Press associations.

(3) Recommendations and suggestions, such as had already been adopted with a view to interesting young people in the organisation of international peace, should be progressively put into effect by international undertakings, special attention being given to the desirability of a general revision of school text-books and the introduction into educational institutions of instruction concerning the League, international co-operation and the life of the various peoples. Governments should realise the importance of encouraging closer relations between students and teachers in the different countries.

(4) A general Convention should be concluded on the subject of broadcasting, the Governments undertaking to adhere to the principle of moral disarmament in their supervision of broadcasting programmes. Governments should undertake to prohibit the exhibition of films or plays likely to embitter international relations and to encourage films and plays likely to favour the cause of peace.

(5) The international policy of Governments should be in harmony with their efforts in the direction of moral disarmament.

WORK OF THE COMMITTEE ON MORAL DISARMAMENT, MARCH 15TH TO JULY 20TH, 1932.

The Political Commission, on March 15th, 1932, appointed a special Committee of twenty-two members, selected for their personal qualifications, to study the question of moral disarmament.³

The Committee grouped under three headings the questions selected for examination :

(1) Questions concerning intellectual co-operation and the technical means of spreading information, including the problems of education, use of the cinema and broadcasting ;

(2) Questions concerning the co-operation of the Press ;

(3) Questions of a legal character.

The Committee adopted, as a basis for the discussion of the first of these items, a draft text prepared by the Intellectual Co-operation Organisation of the League of Nations in the light of various proposals laid before the Committee.

¹ Document Conf.D.16. Conference Documents, Vol. I, page 66.

² Document Conf.D.76. Conference Documents, Vol. I, page 117.

³ Report of the Committee on Moral Disarmament, document Conf.D.138. Conference Documents, Vol. I, page 271.

The draft text consisted of a brief preamble and four chapters, which contained suggestions on the following points :

- (1) Education of the younger generation ;
- (2) Co-operation of the intellectual world ;
- (3) The use of technical means of spreading information ;
- (4) Ways and means of giving effect to possible undertakings.

The Committee, on completing the first reading of the text, appointed a Drafting Committee with a view to its revision and examination on a second reading.

The Committee further appointed a Legal Committee to study the legal and constitutional questions involved in the problem of moral disarmament and, in particular, a memorandum submitted on the subject by M. Pella (Roumania).

WORK OF THE COMMITTEE ON MORAL DISARMAMENT, MAY TO DECEMBER 1933.

The Committee on Moral Disarmament met again on May 26th, 1933, and adopted, on June 2nd, 1933, a resolution to the effect that provisions concerning moral disarmament should forthwith be drawn up, to stand on the same footing as the provisions regarding material disarmament in the final Convention to be adopted by the Conference.

The Committee arranged in three groups the questions coming under the heading of moral disarmament. First, there were questions relating to teaching, co-operation between intellectual circles, broadcasting, the theatre and the cinematograph. Secondly, there were questions which related to the adaptation of municipal laws to the present development of international relations. Thirdly, there were questions relating to the Press.¹

TEXTS SUBMITTED BY THE COMMITTEE ON MORAL DISARMAMENT, DECEMBER 1ST, 1933.

The Chairman of the Committee on Moral Disarmament, on December 1st, 1933, forwarded to the President of the Conference a text, consisting of a preamble and four articles, covering the first group of questions. The text thus submitted to the Conference was based on drafts considered by the Committee in June 1933, revised by the International Committee on Intellectual Co-operation in July 1933, and further amended by the Committee on Moral Disarmament in October and November 1933.²

The contracting parties undertake to use their powers or their influence to see that education at every stage, including the training of teachers, is so conceived as to inspire mutual respect between peoples and to emphasise their interdependence. They further undertake to do what they can to ensure that persons entrusted with education and the books used in education should be inspired by these principles, to encourage the use of the cinema and broadcasting for increasing the spirit of goodwill among nations, and, incidentally, to use their influence to avoid the showing of films, the broadcasting of programmes or the organisation of performances obviously calculated to wound the legitimate sentiments of other countries. They finally engage to facilitate co-operation in moral disarmament, both in administrative and other circles working generally on behalf of peace.

The Committee on Moral Disarmament pointed out that these drafts were submitted under reservations made by the delegations. It was clearly understood that the texts were subject to decisions to be taken by the General Commission and that they were liable to reconsideration and amendment.

ADAPTATION OF MUNICIPAL LAWS : WORK OF THE LEGAL COMMITTEE, JUNE TO DECEMBER 1933.

In order to facilitate the Legal Committee's work, the Committee on Moral Disarmament, meeting on June 2nd, 1933, requested M. Pella (Roumania) to prepare a preliminary draft text dealing with the adaptation of the municipal laws of the various countries to the present conditions of international organisation. M. Pella, responding to this invitation, submitted the text of a preamble and three draft articles, providing that the contracting parties should introduce legislation enabling them to punish certain acts detrimental to good international relations. The acts to be covered by this legislation would include the preparation and execution in the territory of a State of measures directed against the safety of a foreign Power, efforts to induce a State to commit certain specified acts in violation of its international obligations, the aiding or abetting of armed bands formed in the territory of a State

¹ Resolution adopted by the Committee on Moral Disarmament on June 2nd, 1933, and forwarded to the President of the Conference (document Conf.D./C.G.133). Conference Documents, Vol. II, page 697.

² See letter from the Chairman of the Committee on Moral Disarmament to the President of the Conference, dated December 1st, 1933 ; Report of the Committee on Moral Disarmament ; Text adopted by the Committee on Moral Disarmament (document Conf.D./Bureau 54). Conference Documents, Volume III.

and invading the territory of another State, the dissemination of false information likely to disturb international relations or the false attribution to a foreign State of actions likely to bring it into public contempt or hatred.

It was further proposed that the contracting parties should undertake, when reviewing their Constitutions, favourably to consider the introduction of articles forbidding any resort to force as an instrument of national policy, thus embodying the principles of the Pact of Paris as an integral part of the positive law of the State.¹

The Legal Committee framed a questionnaire with a view to obtaining the opinions of the delegations on these proposals, the questionnaire being subsequently circulated to the members of the Committee on Moral Disarmament and to the delegations not represented on that Committee for their observations.

The Chairman of the Committee on Moral Disarmament, on December 1st, 1933, informed the President of the Conference that the question of the adaptation of municipal laws to present international life, together with the question of the co-operation of the Press in moral disarmament, would be considered by the Committee at a later stage.

¹ Document Conf.D./C.G.142. Conference Documents, Vol. II, page 701.

ANNEX 1.

CONVOCAATION OF THE CONFERENCE.

(Extracts from the Resolutions adopted by the Council of the League on January 24th and May 22nd, 1931.)

I. EXTRACT FROM THE RESOLUTION ADOPTED ON JANUARY 24TH, 1931.

The Council of the League of Nations,

- (4) Fixes the date of the convocation of the General Disarmament Conference for the Tuesday following the end of the Council's session which is due to open on January 25th, 1932 ;
- (5) Chooses Geneva as the place of this Conference on the understanding that the report submitted in this connection by the Secretary-General in May is such as to convince the Council that this town is in a position to offer all the requisite facilities, particularly as regards meeting-premises, accommodation, transport, telegraphic, telephonic and postal communications, etc., both for the delegations and Press, and for the persons wishing to follow the work of the Conference ;
- (6) Decides to appoint the President of the Conference at one of its next meetings.

2. EXTRACT FROM THE RESOLUTION ADOPTED ON MAY 22ND, 1931.

The Council of the League of Nations,

- (2) Approves the preliminary measures taken by the Secretary-General for the technical preparations for the Conference ;
- (3) Chooses Geneva as the place of the Conference . . .
- (4) Appoints the Right Hon. Arthur Henderson, representative of Great Britain on the Council, to be President of the General Disarmament Conference . . .
- (6) Instructs the Secretary-General :
 - (b) To invite to the General Disarmament Conference convened at Geneva for February 2nd, 1932, the Governments of the States Members of the League and those of the following States non-members : Afghanistan, Brazil, Costa Rica, Ecuador, Egypt, Mexico, Turkey, Union of Soviet Socialist Republics and the United States of America.

ANNEX 2.

ARMAMENTS TRUCE.

ORIGIN OF THE TRUCE.

The Assembly of the League of Nations, on September 29th, 1931, as a result of discussions which took place in its Third Committee, adopted a resolution¹ urging Governments to devote all their efforts towards creating a world opinion strong enough to enable the General Disarmament Conference to achieve positive results and requesting them, prior to the meeting of the Conference, to prepare the ground by means of an Armaments Truce. The Governments

¹ Official Journal, January 1932, pages 131 to 150. (Document C.919.M.484.1931.IX, Conf.D.35.)

were invited, without prejudging the decisions of the Conference or the programmes or proposals submitted to it by the several States, to refrain from any measure involving an increase in their armaments, and the Council was requested to ask the Governments to state, before November 1st, 1931, whether they were prepared, for a period of one year as from that date, to accept the proposal.

ACCEPTANCE OF THE TRUCE BY THE GOVERNMENTS INVITED TO THE CONFERENCE.

The Council, on September 30th, 1931, instructed the Secretary-General to communicate the proposal to all the States invited to the Disarmament Conference and to take such measures as might be necessary to acquaint the Conference with the replies communicated by the Governments.

The Secretary-General received replies from the following fifty-five States : Union of South Africa, Albania, Argentine, Australia, Austria, Belgium, the United Kingdom, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Estonia, Finland, France, Germany, Greece, Guatemala, Haiti, Hejaz, Hungary, India, Irish Free State, Italy, Japan, Latvia, Liberia, Lithuania, Luxemburg, Nicaragua, Netherlands, New Zealand, Norway, Panama, Persia, Peru, Poland, Portugal, Roumania, Siam, Spain, Sweden, Switzerland, Turkey, Union of Soviet Socialist Republics, United States of America, Uruguay, Venezuela and Yugoslavia.

The President of the Council, on being consulted by the Secretary-General in regard to these replies, felt justified in concluding that none of the Governments was opposed to the truce, and that, on the contrary, all had declared their willingness to accept it. A number of Governments had made their acceptance conditional on reciprocity, but such reciprocity appeared in fact to have been achieved. Many of the replies contained interpretations and observations which, however, appeared to be in keeping with the spirit and letter of the resolution.

The President of the Council accordingly declared that, in so far as the Governments did not intimate any objection to this course, the armaments truce had, under the conditions laid down by the Assembly, been accepted by them for one year as from November 1st, 1931.

The Secretary-General duly communicated this conclusion to the Governments invited to the Conference.

RENEWAL OF THE TRUCE ON NOVEMBER 1ST, 1932.

The General Commission of the Disarmament Conference, in closing the first phase of its work on July 23rd, 1932, adopted a recommendation in the following terms :

“ In order to ensure that, pending the resumption of the meetings of the General Commission and during the second phase of its work, no steps shall be initiated by any Power which might prejudice the preparation of the General Disarmament Convention, the Conference decides to recommend to the Governments to renew for a period of four months from November 1st, 1932, the truce provided for by the resolution of the Assembly of the League of Nations of September 29th, 1931.”

The Plenary Conference, on July 23rd, 1932, by forty-nine votes and one abstention (China), adopted this recommendation.

The President of the Conference, bringing it to the notice of the Governments concerned, requested them to inform him before November 1st whether they agreed to the proposal.

The following fifty Governments signified their acceptance : Afghanistan, Union of South Africa, Albania, Australia, Austria, Belgium, United Kingdom, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Egypt, Estonia, Finland, France, Germany, Greece, Guatemala, Haiti, Hungary, India, Irish Free State, Italy, Japan, Latvia, Liberia, Lithuania, Mexico, Nicaragua, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Roumania, Siam, Spain, Sweden, Switzerland, Turkey, Union of Soviet Socialist Republics, United States of America, Venezuela, Yugoslavia.

ANNEX 3.

LIST OF STATES INVITED TO THE CONFERENCE.

Abyssinia	Honduras
Afghanistan (Became Member of League on September 27th, 1934.)	Hungary
Union of South Africa	India
Albania	Iraq (Became Member of League on October 3rd, 1932. Invited to Conference on November 2nd, 1932. Accepted invitation on November 20th, 1932.)
United States of America (Non-Member of League.)	Irish Free State
Argentine Republic	Italy
Australia	Japan (Notified withdrawal from League on March 27th, 1933.)
Austria	Latvia
Belgium	Liberia
Bolivia	Lithuania
Brazil (Non-Member of League.)	Luxemburg
United Kingdom of Great Britain and Northern Ireland	Mexico (Became Member of League on September 12th, 1931.)
Bulgaria	Netherlands
Canada	Nicaragua (Not represented at Conference.)
Chile	Norway
China	New Zealand
Colombia	Panama
Costa Rica (Non-Member of League.)	Paraguay (Not represented at Conference.)
Cuba	Peru
Czechoslovakia	Persia
Denmark	Poland
Dominican Republic (Observer until July 7th, 1932, afterwards represented in usual manner.)	Portugal
Egypt (Non-Member of League.)	Roumania
Ecuador (Not represented at Conference. Became Member of League on September 28th, 1934.)	Salvador (Not represented at Conference.)
Estonia	Sa'udi Arabia (Non-Member of League.)
Finland	Siam
France	Union of Soviet Socialist Republics (Became Member of League on September 18th, 1934.)
Germany (Left Conference on July 23rd, 1932. Returned to Conference on December 14th, 1932. Left Conference on October 14th, 1933. Notified withdrawal from League on October 21st, 1933.)	Spain
Greece	Sweden
Guatemala	Switzerland
Haiti	Turkey (Became Member of League on July, 18th, 1932.)
	Uruguay
	Venezuela
	Yugoslavia

ANNEX 4.

CONCLUSION OF THE FIRST PHASE
of the
CONFERENCE.

Official No. : Conf.D.136(1).

Resolution adopted by the General Commission on July 23rd, 1932.

I.

The Conference for the Reduction and Limitation of Armaments,

Profoundly convinced that the time has come when all nations of the world must adopt substantial and comprehensive measures of disarmament in order to consolidate the peace of the world, to hasten the resumption of economic activity, and to lighten the financial burdens which now weigh upon the peoples of the world ;

Desirous of avoiding a competition in the power of armaments which would be both ruinous to the peoples and threatening to their national defence ;

Recalling its resolutions of April 19th, 20th and 22nd, 1932 ;

Firmly determined to achieve a first decisive step involving a substantial reduction of armaments, on the basis of Article 8 of the Covenant of the League of Nations, and as a natural consequence of the obligations resulting from the Briand-Kellogg Pact ;

Welcoming heartily the initiative taken by the President of the United States of America in formulating concrete proposals for a substantial reduction of armaments by the prohibition of certain methods of warfare, by the abolition of certain material, and by reductions varying in magnitude and amounting for certain armaments to the proportion of one-third ;

Bearing in mind also the draft Convention of the Preparatory Commission, the statements and proposals made to the Conference by a number of delegations, and the reports and resolutions of the various Commissions of the Conference :

Decides forthwith and unanimously, guided by the general principles underlying President Hoover's declaration :

1. That a substantial reduction of world armaments shall be effected to be applied by a general Convention alike to land, naval and air armaments ;
2. That a primary objective shall be to reduce the means of attack.

II. CONCLUSIONS OF THE FIRST PHASE OF THE CONFERENCE.

The Conference, noting that agreement has now been reached on a certain number of important points, decides, without prejudice to more far-reaching agreements hereafter, to record forthwith the following concrete measures of disarmament which should form part of the general Convention to be concluded. The Conference also decides to establish certain principles as the basis for further reductions of armaments, and to determine the procedure necessary for the active prosecution of its work.

I. *Air Forces.*

The Conference, deeply impressed with the danger overhanging civilisation from bombardment from the air in the event of future conflict, and determined to take all practicable measures to provide against this danger, records at this stage of its work the following conclusions :

1. Air attack against the civilian population shall be absolutely prohibited ;
2. The High Contracting Parties shall agree as between themselves that all bombardment from the air shall be abolished, subject to agreement with regard to measures to be adopted for the purpose of rendering effective the observance of this rule.
These measures should include the following :

(a) There shall be effected a limitation by number and a restriction by characteristics of military aircraft ;

(b) Civil aircraft shall be submitted to regulation and full publicity. Further, civil aircraft not conforming to the specified limitations shall be subjected to an international regime (except for certain regions where such a regime is not suitable) such as to prevent effectively the misuse of such civil aircraft.

2. *Land Armaments.*

(a) *Land Artillery.*

1. All heavy land artillery of calibres between any maximum limit as determined in the succeeding paragraph and a lower limit to be defined shall be limited in number.

2. The limitation of calibre of land artillery shall be fixed by the Convention.

Subject to an effective method being established to prevent the rapid transformation of guns on fixed mountings into mobile guns, different maxima for the calibre of land guns may be fixed as follows :

(a) A maximum limit for the calibre of coastal guns, which shall not be less than the maximum calibre of naval guns ;

(b) A maximum limit for the calibre of guns in permanent frontier or fortress defensive systems ;

(c) A maximum limit for the calibre of mobile land guns (other than guns employed for coastal defence).

(b) *Tanks.*

The maximum unit tonnage of tanks shall be limited.

3. *Chemical, Bacteriological and Incendiary Warfare.*

Chemical, bacteriological and incendiary warfare shall be prohibited under the conditions unanimously recommended by the Special Committee.

4. *Supervision.*

There shall be set up a Permanent Disarmament Commission with the constitution, rights and duties generally as outlined in Part VI of the draft Convention submitted by the Preparatory Commission for the Disarmament Conference, with such extension of its powers as may be deemed by the Conference necessary to enable the Convention to be effectively applied.

III. PREPARATION OF THE SECOND PHASE OF THE CONFERENCE.

The Conference requests the Bureau to continue its work during the period of adjournment of the General Commission, with a view to framing, with the collaboration (if necessary) of a Drafting Committee, draft texts concerning the questions on which agreement has already been reached. Such texts will be communicated to all delegations as soon as they are drafted, and will then be submitted to the Commission.

Points which call for detailed examination will be examined by the Bureau or by the appropriate Committees, with the assistance of the Governments concerned, in order that definite conclusions may be reached as soon as the General Commission meets again.

The questions which will form the subject of such examination are the following :

1. *Effectives.*

A strict limitation and a real reduction of effectives shall be brought about.

For this purpose, the Conference invites the Bureau to examine, with the collaboration of such delegations as it considers necessary, the proposal of President Hoover relating to effectives. These studies should take into consideration, in the case of each country, the actual conditions of defence and the number and character of its forces.

2. *Limitation of National Defence Expenditure.*

(a) The Conference shall decide on the resumption of its labours, taking into account the special conditions of each State, what system of limitation and publicity of expenditure on national defence will provide the peoples with the best guarantee of an alleviation of their financial burdens, and will prevent the measures of qualitative and quantitative disarmament to be inserted in the Convention from being neutralised by increases or improvements in authorised armaments.

(b) With a view to the decisions to be taken under this head, the Conference requests the Committee on National Defence Expenditure and its Technical Committee to continue and complete the work entrusted to its organs and to submit their report as soon as possible. The Conference requests its Bureau to draw up, on the basis of this report, a plan accomplishing the purpose aimed at and taking into consideration the special conditions of the various States.

3. *Trade in and Manufacture of Arms.*

The Bureau will set up a special committee to submit proposals to the Conference, immediately on the resumption of its work, in regard to the regulations to be applied to the trade in and private and State manufacture of arms and implements of war.

4. *Naval Armaments.*

As regards the proposals made by President Hoover and other related proposals concerning naval armaments, the Conference invites the Powers parties to the Naval Treaties of Washington and London, which have already produced important results, to confer together and to report to the General Commission, if possible before the resumption of its work, as to the further measures of naval reduction which might be feasible as a part of the general programme of disarmament.

The Conference further invites the naval Powers other than the Powers parties to the above Treaties to make arrangements for determining the degree of naval limitation they are prepared to accept in view of the Washington and London Treaties and the general programme of disarmament envisaged in the present resolution.

The Bureau will be kept informed of the progress of these negotiations, which it will be its duty to co-ordinate within the framework of the General Convention in preparation for the comprehensive decisions of the General Commission.

5. *Violations.*

Rules of international law shall be formulated in connection with the provisions relating to the prohibition of the use of chemical, bacteriological and incendiary weapons and bombing from the air, and shall be supplemented by special measures dealing with infringement of these provisions.

6. *Future Work of the Conference : Procedure.*

Pending the resumption of the meetings of the General Commission, the Bureau will keep the delegations informed of the progress of the work.

It will be for the Bureau to fix the date of the next meeting of the General Commission with one month's notice. The meeting of the General Commission shall take place not later than four months after the resumption of the work of the Bureau, which will meet during the week beginning September 19th, 1932.

IV. GENERAL PROVISIONS.

The present resolution in no way prejudices the attitude of the Conference towards any more comprehensive measures of disarmament or towards the political proposals submitted by various delegations.

V. ARMAMENTS TRUCE.

In order to ensure that, pending the resumption of the meetings of the General Commission and during the second phase of its work, no steps shall be initiated by any Power which might prejudice the preparation of the General Disarmament Convention, the Conference decides to recommend to the Governments to renew for a period of four months from November 1st, 1932, the truce provided for by the resolution of the Assembly of the League of Nations of September 29th, 1931.

ANNEX 5.

Official No. : Conf.D.163 (1).

Geneva, September 22nd, 1933.

DRAFT CONVENTION : PROVISIONAL TEXT PREPARED IN THE
LIGHT OF THE MODIFICATIONS ADOPTED IN FIRST READING
AND OF THE AMENDMENTS PRESENTED BY THE DELEGATIONS.

CONTENTS.

	Page
PART I. — SECURITY.	
Articles 1 to 3	153
Act relating to the Definition of the Aggressor	154
Act relating to the Establishment of Pacts constituting Aggression	155
European Security Pact	156
Article 6	158
PART II. — DISARMAMENT.	
Article 7	159
Section I. — Effectives.	
Chapter 1. — PROVISIONS AS TO NUMERICAL LIMITATION :	
Articles 8 to 13	159
Table I. — Table of Average Daily Effectives which are not to be exceeded in the Land Armed Forces	163
Table II. — Table of Average Daily Effectives which are not to be exceeded in the Sea Armed Forces	164
Table III. — Table of Average Daily Effectives which are not to be exceeded in the Air Armed Forces	164
Chapter 2. — SPECIAL PROVISIONS AS TO THE ORGANISATION OF THE LAND ARMED FORCES STATIONED IN CONTINENTAL EUROPE :	
Articles 14 to 18	165
Chapter 3. — PROVISIONS AS TO THE METHODS BY WHICH THE REDUCTIONS AND REORGANISATIONS ENTAILED BY THE PRECEDING CHAPTERS SHALL BE EFFECTED :	
Articles A to C	166
Section II. — Material.	
Chapter 1. — LAND ARMAMENTS :	
Articles 19 to 22	168
Annex I. — Definition of Unladen Weight of a Tank	171
Table I	171
Chapter 2. — NAVAL ARMAMENTS	
Articles 23 to 33	172
Annexes	175
Chapter 3. — AIR ARMAMENTS :	
Articles 34 to 41	180
Table—Aeroplanes	185
Annex I	186
Annex II	186
Chapter 4. — MANUFACTURE OF AND TRADE IN WAR MATERIAL	
	187
Section III. — Expenditure	
	189
PART III. — EXCHANGE OF INFORMATION.	
Articles 42 to 46	194

PART IV. — CHEMICAL WARFARE.

Page

Section I. — Prohibition of Chemical, Incendiary or Bacterial Warfare.
Articles 47 to 50 195

Section II. — Prohibition of Preparations for Chemical, Incendiary and Bacterial Warfare.
Articles 51 to 54 196

Section III. — Supervision of the Observance of the Prohibition of Preparations for Chemical, Incendiary or Bacterial Warfare.
Article 55 197

Section IV. — Establishment of the Fact of the Use of Chemical, Incendiary or Bacterial Warfare.
Articles 56 to 62 197

PART V. — MISCELLANEOUS PROVISIONS.

Section I. — Permanent Disarmament Commission.

Chapter 1. — COMPOSITION :
Articles 64 to 68 198

Chapter 2. — FUNCTIONS :
Articles 69 to 83 199

Chapter 3. — OPERATION :
Articles 84 to 87 202

Section II. — Derogations.

Article 88 203

Section III. — Final Provisions.

Articles 89 to 96 204

Part I.—Security.

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

ARTICLE I.

In the event of a breach or threat of breach of the Pact of Paris, either the Council or Assembly of the League of Nations or one of the parties to the present Convention who are not Members of the League of Nations may propose immediate consultation between the Council or Assembly and any of the said parties to the present Convention.

ARTICLE 2.

It shall be the object of such consultation (a) in the event of a threat of a breach of the Pact to exchange views for the purpose of preserving the peace and averting a conflict; (b) in the event of a breach of the Pact to use good offices for the restoration of peace; and (c) in the event that it proves impossible thus to restore the peace then to determine which party or parties to the dispute are to be held responsible.

DECLARATION BY THE DELEGATION OF THE UNITED STATES OF AMERICA.

At the meeting of the General Commission on May 24th, 1933 (see Minutes, pages 495 and 496), Mr. Norman Davis gave as an illustration, without committing himself to the exact words, the form of declaration which the United States would make at the time of the deposit of the ratification of the Convention :

“Recognising that any breach or threat of breach of the Pact of Paris (the Briand-Kellogg Pact) is a matter of concern to all the signatories thereto, the Government of the United States of America declares that, in the event of a breach or threat of breach of this Pact, it will be prepared to confer with a view to the maintenance of peace in the event that consultation for such purpose is arranged pursuant to Articles 1 and 2 of Part I of the Disarmament Convention. In the event that a decision is taken by a conference of the Powers in consultation, in determining the aggressor, with which, on the basis of its independent judgment the Government of the United States is agreed, the Government of the United States will undertake to refrain from any action and to withhold protection from its citizens if engaged in activities which would tend to defeat the collective effort which the States in consultation might have decided upon against the aggressor.”

PART I.—SECURITY (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS

ARTICLE 3.

The provisions of the above articles do not in any way prejudice the rights and obligations of the Members of the League, nor conflict with nor limit the powers and duties of the Assembly and Council under the Covenant.

ACT RELATING TO THE DEFINITION OF
THE AGGRESSOR.¹

The States

Deeming it necessary, in the interest of the general security, to define aggression as specifically as possible in order to obviate any pretext whereby it might be justified ;

And noting that all States have an equal right to independence, security, the defence of their territory and the free development of their institutions ;

And desirous, in the interest of the general peace, to ensure to all peoples the inviolability of their territory ;

And judging it expedient to establish the rules that are to be followed by the international bodies responsible for determining the aggressor :

Have agreed upon the following provisions :

Article 1.

The aggressor in an international conflict shall, subject to the agreements in force between the parties to the dispute, be considered to be that State which is the first to commit any of the following actions :

- (1) Declaration of war upon another State ;
- (2) Invasion by its armed forces, with or without a declaration of war, of the territory of another State ;
- (3) Attack by its land, naval or air forces, with or without a declaration of war, on the territory, vessels or aircraft of another State ;
- (4) Naval blockade of the coasts or ports of another State ;
- (5) Provision of support to armed bands formed in its territory which have invaded the territory of another State, or refusal, notwithstanding the request of the invaded State, to take in its own territory all the measures in its power to deprive those bands of all assistance or protection.

Article 2.

No political, military, economic or other considerations may serve as an excuse or justification for the aggression referred to in Article 1.

Article 3.

The present Act shall form an integral part of the General Convention for the Reduction and Limitation of Armaments.

*Protocol annexed to Article 2 of the Act relating to
the Definition of the Aggressor.¹*

The High Contracting Parties signatories of the Act relating to the definition of the aggressor,

Desiring, subject to the express reservation that the absolute validity of the rule laid down in Article 2 of that Act shall be in no way restricted, to furnish certain indications for the guidance of the international bodies that may be called upon to determine the aggressor :

Declare that no act of aggression within the meaning

¹ Text not adopted but inserted for purposes of information.

PART I.—SECURITY (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS

of Article I of that Act can be justified on either of the following grounds, among others : .

A. *The internal condition of a State* — e.g., its political, economic or social structure; alleged defects in its administration; disturbances due to strikes, revolutions, counter-revolutions or civil war.

B. *The international conduct of a State* — e.g., the violation or threatened violation of the material or moral rights or interests of a foreign State or its nationals; the rupture of diplomatic or economic relations; economic or financial boycotts; disputes relating to economic, financial or other obligations towards foreign States; frontier incidents not forming any of the cases of aggression specified in Article I.

The High Contracting Parties further agree to recognise that the present Protocol can never legitimate any violations of international law that may be implied in the circumstances comprised in the above list.

AMENDMENT PROPOSED BY
M. DE MADARIAGA (SPAIN) AT
THE MEETING OF THE GENERAL
COMMISSION ON MONDAY,
MAY 29TH, 1933 (see page 548
of the Minutes of the General
Commission).

After the words " in the above list ", add : " *in regard to which the victims could always appeal to the International Courts* ".

ACT RELATING TO THE ESTABLISHMENT OF FACTS
CONSTITUTING AGGRESSION.

Article 1.

There shall be set up at the seat of the Government of each of the High Contracting Parties which may so request a Commission for establishing the facts, consisting of five members, constituted as follows :

Every five years the Permanent Disarmament Commission (or the Council of the League of Nations) shall establish for each of the said High Contracting Parties, a list of ten persons of different nationalities chosen from among the diplomatic agents and military, naval or air attachés accredited to the Government of such High Contracting Party. It shall further make provision in the interval for filling any vacancies that may occur in the personnel thus designated.

Each Government shall select from this list the five members of the Commission. It shall be permissible for it to make this choice and, if necessary, to modify it until such time as the Commission is despatched.

The Commission shall be presided over by the member holding the highest diplomatic rank.

Article 2.

Any High Contracting Party which believes itself to be the victim of, or threatened with, any aggression or violation of its territory shall have the option of calling upon the Commission to establish all the facts likely to throw light on the situation.

Article 3.

A High Contracting Party making use of this option must, immediately and by the most rapid means, notify the Secretary of the Permanent Disarmament Commission (or the Secretary-General of the League of Nations). The latter shall at once notify the High

PART I.—SECURITY (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS

Contracting Party accused, in order that it may, should it so desire, have the facts established on its side by the Commission set up on its territory.

Article 4.

If the Commission considers it useful for the accomplishment of its task to verify certain facts other than those to which its attention has been drawn by the complainant Government, it shall inform the latter, which shall decide what action should be taken in this respect.

Article 5.

Any Commission before which a request for the establishment of the facts has been laid shall, as soon as possible, make known to the Secretary of the Permanent Disarmament Commission and to the Secretary-General of the League of Nations, as also to the complainant Government, a detailed report, giving such evidence as it has been able to establish regarding the significance of the facts related therein and a statement of the conditions in which its mission has been carried out.

The Commission shall supply the Permanent Disarmament Commission and the Council of the League of Nations with any supplementary written or verbal explanations which it may be asked to give in this connection.

Article 6.

The decisions of the Commission for establishing the facts shall be taken by a majority vote, the members of the minority having the right to add to the report a note explaining the reasons for their disagreement.

Article 7.

The High Contracting Parties accept forthwith, on behalf of their diplomatic agents and military, naval and air attachés, any mission that may be entrusted to the latter in execution of the present Convention.

EUROPEAN SECURITY PACT.¹

Chapter I.

The High Contracting Parties (. . .) have agreed upon the following provisions :

Article 1.

Being desirous of promoting the cause of disarmament and with a view thereto of encouraging a spirit of mutual confidence among the nations of Europe by a declaration forbidding resort to force in the circumstances in which the Pact of Paris forbids any resort to war,

The High Contracting Parties solemnly reaffirm that they will in no circumstances resort among themselves to force as an instrument of national policy.

The AFGHAN, PERSIAN and TURKISH delegations suggested deleting the words "among themselves" (see page 564 of the Minutes of the General Commission).

LETTER FROM THE PERSIAN DELEGATION (June 9th, 1933).

If such a text is not generally applied, we must maintain our amendment, for the omission of the words "among themselves" in the chapter on European security.

¹ Text not adopted but inserted for purposes of information.

PART I.—SECURITY (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS

Article 2.

The High Contracting Parties undertake to accede, if they have not already done so, to the General Convention to improve the Means of preventing War, signed at Geneva on September 26th, 1931, such accession to take effect as from the date of the entry into force of the Convention for the Reduction and Limitation of Armaments.

Chapter II.

Recognising that it is important for the maintenance of peace and the success of the efforts they have undertaken for the reduction and limitation of armaments that a State victim of aggression should receive prompt assistance, the High Contracting Parties have further agreed upon the following provisions :

Article 3.

The purpose of assistance is to bring about the cessation of the aggression and to ensure a just settlement of its consequences.

Article 4.

Assistance shall be due by any High Contracting Party having assumed the obligation to assist another under treaties published by and registered with the Secretariat of the League of Nations, in accordance with the conditions and procedure laid down in those treaties.

Article 5.

Assistance is also due in the cases indicated in the Covenant of the League of Nations.

Article 6.

A State shall be considered as having resorted to war within the meaning of Article 16 of the Covenant of the League of Nations, subject to the agreements in force between the parties in conflict, when it is the first to have committed one of the following acts :

- (1) Declaration of war on another State ;
- (2) Invasion by its armed forces, even without declaration of war, of the territory of another State ;
- (3) Attack by its land, naval or air forces, even without declaration of war, on the territory, ships or aircraft of another State ;
- (4) Support given to armed bands which, having been formed in its territory, have invaded the territory of another State, or refusal to take in its own territory, notwithstanding the request of the invaded State, all the measures in its power to deprive the said bands of all help or protection.

Article 7.

Each of the High Contracting Parties undertakes to participate immediately, to the extent determined hereafter, in the execution of any recommendations which the Council of the League of Nations may make in pursuance of Article 16, paragraph 2, of the Covenant of the League, when such recommendations have been adopted unanimously, excluding the votes of the parties to the dispute.

The assistance thus promised shall be due by a Contracting State to the Contracting States situated in a particular area. (This clause will be completed after negotiations on the subject.)

PART I.—SECURITY (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS

This immediate assistance shall consist in the contributions specified in the table annexed to the present agreement. (The contents of this table will be settled after negotiations on the subject.)

The High Contracting Parties undertake not to regard as acts of war acts performed with a view to providing this assistance.

Article 8.

If after the entry into force of the present Pact a High Contracting Party which has not yet assumed an obligation within the meaning of paragraphs 2 and 3 of the preceding article desires to assume such obligation, it shall be allowed to do so by agreement between the States bound by the present chapter.

Similarly, if a High Contracting Party desires to extend the obligation assumed by it in a given area to another area, it shall be allowed to do so by agreement between the States bound by the present chapter.

Article 9.

(*Pour mémoire.*—Should material or effectives be placed at the disposal of the League of Nations, a clause would be inserted relating to the employment of these effectives and material for the assistance provided for in the present Pact.)

Article 10.

Such of the High Contracting Parties as are Members of the League of Nations undertake to accede, if they have not already done so, to the Convention for Financial Assistance, signed at Geneva on October 2nd, 1930, such accession to take effect as from the date of the entry into force of the Convention for the Reduction and Limitation of Armaments.

Article 11.

Any treaty which may be concluded with a view to laying down fresh obligations of assistance in case of aggression shall be included in the present Pact after being published by and registered with the Secretariat of the League of Nations.

Article 12.

The High Contracting Parties shall state, on signing the present Pact, whether their signatures apply :

- (a) To the Pact as a whole (Chapter I and Chapter II) ;
- (b) Or only to the provisions of Chapter I.

Article 13.

European States which are not signatories of the present Pact may accede to it under the same conditions. States bound by the obligations of Chapter II shall determine by common agreement with the States adhering to the said chapter the methods of application of paragraphs 2 and 3 of Article 7.

ARTICLE 6 OF THE CONVENTION.

The High Contracting Parties recognise that the provisions of Annex Y of the present Convention are likely to contribute to the maintenance of peace, and accordingly agree to base thereon any decisions which they may have to take, particularly in the Permanent

PART I.—SECURITY (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS

Disarmament Commission, with a view to preventing any breach of the Pact of Paris by a Power which has signed Annex Y, determining the responsibility should such a breach occur and fixing the consequences.

The High Contracting Parties agree to refrain from any action which might hamper the application of the measures to be taken in the cases provided for by Articles 4, 5 and 6 of Annex Y and not to recognise any *de facto* situation brought about by the breach of an international obligation on the part of a State recognised as the aggressor in application of the provisions of the said annex.

The High Contracting Parties Members of the League of Nations also undertake to comply with the provisions of Article 6 of the said annex as regards the application of Article 16 of the Covenant of the League of Nations to the signatories of the said annex.

The High Contracting Parties Members of the League and signatories of the Convention for Financial Assistance, signed at Geneva on October 2nd, 1930, likewise undertake to comply with the provisions of Article 6 of the said annex as regards the application of that Convention.

Part II.—Disarmament.

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

GENERAL OBSERVATION. — The Special Committee on Effectives has submitted a report to the General Commission (document Conf.D.162) concerning (1) police forces, (2) naval effectives to be assimilated to land effectives, (3) pre-military training, and (4) military training given elsewhere than in the army.

This report affects Articles 9, 10, 12, 13 and Table I.

ARTICLE 7.

The High Contracting Parties agree to limit their respective armaments as provided in the present Convention.

SECTION I. — EFFECTIVES.

CHAPTER 1. — PROVISIONS AS TO NUMERICAL LIMITATION.

ARTICLE 8.

The average daily effectives in the land, sea and air armed forces of each of the High Contracting Parties shall not exceed the figures laid down for such party in the tables annexed to this chapter.

POLISH AMENDMENT
(documents Conf.D./C.G.78 and 98).

The Polish delegation accepts this chapter unreservedly; it would like to see a second paragraph added to Article 8, eliminating as far as possible the element of surprise which might result if a number of reservists considerably in excess of the average daily effectives were called to the colours.

Paragraph 2 of Article 8 would read as follows :

“ The actual strength of the armed forces or the forces assimilated thereto may at no moment exceed the respective figures in Table IV.”

Table IV, giving the proportionate figures allowed for each country, would be inserted in the Convention immediately after Table III.

PART II.—DISARMAMENT. SECTION I.—EFFECTIVES (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS

DECLARATION BY THE SWISS DELEGATION CONCERNING
ARTICLE 8 (document Conf.D./C.G.93).

Amendment No. 1 of the Polish delegation (document Conf.D./C.G.78) leads the Swiss delegation to make the following declaration :

This amendment would seem to it acceptable on condition that account was taken of the special situation of a militia army like the Swiss army or that the latter was given the benefit of a special regime such as that provided for in a previous decision of the General Commission (see page 331 of the Minutes of the General Commission).

As the Swiss delegation has already explained, both in document C.845.M.424.1931 (document Conf.D.32) and at the General Commission's meeting of February 28th, 1933 (see pages 319 and 320 of the Minutes of the General Commission), the effectives of the Swiss army at certain periods of the year fall to the neighbourhood of zero and rise at other periods (divisional manoeuvres) to a figure of 40 to 45 thousand men. For reasons which need not be stressed, it would be impossible in an army of this type to reduce the considerable fluctuation inevitably occurring in the level of effectives in the course of the year.

If the figure of 50,000 men provided for as the limit for the average daily effectives in the British draft is kept to, Switzerland will have no further reservation to make.

The Swiss delegation would have no objection to accepting the suggestion made in this connection by the Netherlands delegation (see page 421 of the Minutes of the General Commission) to the effect that States should be forbidden to exceed by more than 20 per cent the agreed maximum of average daily effectives unless a notification to this effect was sent one to two months in advance to the Permanent Disarmament Commission.¹

ARTICLE 9.

It is understood that effectives consist of :

(a) All officers, officer cadets, N.C.O.s, soldiers, sailors, airmen, reservists and all other persons (such as military officials of the administrative, sanitary or veterinary services or military agents) of equivalent status who perform a day's duty in the land, sea and air armed forces ;

(b) Persons who perform a day's duty in police forces or similar formations under the conditions prescribed in Article 12 ;

(c) All other persons of at least 18 years of age who receive military training under the control of the State. Military training is taken to mean any training given to persons of

GERMAN AMENDMENT (document Conf.D./C.G.71).

It is understood that effectives consist of :

"(a) All officers, officer cadets, N.C.O.s, soldiers, sailors, airmen . . . and all other persons (such as military officials of the administrative, sanitary or veterinary services or military agents) of equivalent status who perform a day's duty in the land, sea, and air armed forces ; *all the trained reserves who, having performed their active service, remain on the registers and are liable by law to training periods and military service in case of war, according to the number of days' duty performed during training periods in the course of a year, but in any case to be counted as having at least done seven days' duty.*"

See also the general observation (page 158) concerning the report of the Special Committee on Effectives.

¹ The Special Committee on Effectives will consider this question at its next meeting on June 27th.

PART II.—DISARMAMENT. SECTION I.—EFFECTIVES (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

ARTICLE 9 (*continued*).

at least 18 years of age under the military regulations in force in each country or under regulations containing similar provisions, with a view to preparing those who receive it for performing military duty in the armed forces.

The main characteristics of this training are as follows :

(1) Technical and tactical training in the use of the individual and other than individual arms used in war ;

(2) Training in field service over broken ground.

Futhermore, in the examination of special cases, account will be taken, in particular, of the following criteria :

(1) Theoretical (by map) and field training of cadres ;

(2) Use of military methods of communication and signalling.

Physical and sports training in the strict sense of the term, for whatever purpose given, shall not be regarded as military training.

ARTICLE 10.

The High Contracting Parties undertake to prohibit any military training whatsoever, except in organisations under the control of their respective Government.

See also the general observation (page 158) concerning the report of the Special Committee on Effectives.

ARTICLE 11.

The average daily effectives are reckoned by dividing the total number of days' duty performed by actual effectives in each year by the number of days in such year.

In the case of continuous service, every day shall count as a day's duty. A deduction of 5 per cent may in each case be made from the total average daily effectives on account of persons sick in hospital, persons on leave for two or more days and persons prematurely discharged on leave. Any party for which the above-mentioned absences represent a greater percentage may make a correspondingly larger deduction after furnishing to the Permanent Disarmament Commission details as to its basis of computation.

In the case of intermittent service or instruction, attendances aggregating six hours may, for the calculation of the average daily effectives, count as the equivalent of one day's duty.

ARTICLE 12.

I. Subject to the provisions of paragraph 2 of this article, a police force or similar formation will be included in the total of effectives in Table I if it has one or more of the following characteristics :

(a) Arms other than individual (machine-pistols, Lewis guns, machine-guns and weapons of accompaniment, etc.) ;

See also the general observation (page 158) concerning the report of the Special Committee on Effectives.

PART II.—DISARMAMENT. SECTION I.—EFFECTIVES (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

(b) Training of a military nature other than close-order drill, physical training or technical training in the use of individual arms;

(c) Transport, signalling or engineer equipment of a suitable nature and on a sufficient scale to enable it to be employed by units in tactical operations.

The possession by a force of one or more of the above characteristics will, in principle, determine its inclusion in whole or in part in the calculation of effectives of the land armed forces. Cases which might appear doubtful after the present Convention comes into force should be referred to the Permanent Disarmament Commission, which will give a decision by reviewing the military capacity of the force in the light of the above characteristics and taking into account, in particular, the following confirmatory conditions :

- (i) Quartering in barracks;
- (ii) Training in groups of 100 men or more;
- (iii) Organisation on a military basis;
- (iv) Previous military training;
- (v) The possession of the arms referred to in sub-paragraph (a) above in such numbers as to permit of the tactical employment of the forces possessing them as military units.

2. Of the police force maintained by any High Contracting Party and possessing one or more of the characteristics set out in paragraph 1 of this article, a number not exceeding 10 per cent (see pages 453-455 of the Minutes of the General Commission) of the figure assigned to such party in Table I annexed to this chapter may be exempted from inclusion in the effectives of the land armed forces of such party.

ARTICLE 13.

The following naval effectives should be included among the effectives of the land armed forces :

- (a) Effectives employed in land coast defence;
- (b) Marines who are normally in excess of those assigned to, or destined for, service afloat;
- (c) Effectives coming within the classification of similar formations (as defined in Article 12).

Naval personnel serving ashore in the fleet services (training, administrative, etc.), as well as those assigned to, or destined for, service afloat, will be included in the effectives of the sea armed forces.

See also the general observation (page 158) concerning the report of the Special Committee on Effectives.

PORTUGUESE AMENDMENT
(document Conf.D./C.G.103).

See page 163.

ITALIAN AMENDMENT
(document Conf.D./C.G.139).

Add at the end of Article 13 :

"As regards the effectives of the land armed forces of each of the High Contracting Parties possessing effectives coming under categories (a), (b), (c) of the present article, a fraction of those effectives not exceeding . . . per cent of the figures allotted to the said High Contracting Parties in Table I annexed to the present chapter need not be included."

PART II.—DISARMAMENT. SECTION I.—EFFECTIVES (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

Table I.

Table of Average Daily Effectives which are not to be exceeded in the Land Armed Forces.

(*Note.*—This table contains only the figures which are suggested for the countries of continental Europe. It would, of course, require to be completed by the addition of figures in respect of all the other parties.)

Party	Land armed forces	
	Stationed in home country	Total, including overseas
Germany . . .	200,000	200,000
Belgium . . .	60,000	75,000
Bulgaria . . .	60,000	60,000
Spain	120,000	170,000
France	200,000	400,000
Greece	60,000	60,000
Hungary . . .	60,000	60,000
Italy	200,000	250,000
Netherlands .	25,000	75,000
Poland	200,000	200,000
Portugal . . .	50,000	60,000
Roumania . . .	150,000	150,000
Czechoslovakia . .	100,000	100,000
U.S.S.R. . . .	500,000	500,000
Yugoslavia . .	100,000	100,000
Each other continental European State . . .	(No separate figure).	50,000

See also the general observation (page 158) concerning the report of the Special Committee on Effectives.

GERMAN AMENDMENT (document Conf.D./C.G.71).

Table of Average Daily Effectives which are not to be exceeded in the Land Armed Forces.

Land armed forces	
Stationed in the home country and in oversea territories in the neighbourhood thereof	Total, including the forces stationed in distant oversea territories

AUSTRIAN PROPOSAL (document Conf.D./C.G.69).

The Austrian Government would like to see the number of effectives proposed for Austria raised to a higher figure—viz., at least 60,000—provided that the other figures suggested in the table are not substantially modified.

CUBAN OBSERVATION (document Conf.D./C.G.100).

In accordance with the statements made before the end of the General Commission's meeting on May 1st, 1933, concerning the figures for the effectives of the land forces of countries outside continental Europe not included in Table I of the British draft, I have the honour to state that my Government has indicated the peacetime figure of 18,000 for the land forces; this figure includes the rural guard, officers, N.C.O.s and men.

DECLARATION BY THE FINNISH DELEGATION (document Conf.D./C.G.145).

The Finnish delegation will not accept any modification of the figure of 50,000 indicated for certain countries, including Finland, in Table I.

HUNGARIAN OBSERVATION (document Conf.D./C.G.70).

The Hungarian Government believes that the maximum effectives should be fixed on the basis of an armaments ratio guaranteeing the national security of all States in accordance with Article 8 of the Covenant, account being taken also of the situation prevailing in each country in respect of trained reserves—whether undergoing fresh instruction or not—and material.

ITALIAN AMENDMENT (document Conf.D./C.G.139).

Parties	Land armed forces	
	Stationed in the home country and in certain oversea territories near the home country ¹	Total, including oversea forces stationed in distant oversea territories

The Italian delegation reserves the right to communicate the figures of the table which concern it.

¹The latter to be specified.

PART II.—DISARMAMENT. SECTION I.—EFFECTIVES (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

NETHERLANDS PROPOSAL (document Conf.D./C.G.67).

The Netherlands delegation proposes that the table should be revised on the principle that 25,000 shall be the maximum figure for forces stationed in the home country in the case of the Netherlands and all countries whose needs are equal to or less than those of the Netherlands.

LETTER FROM THE PERSIAN DELEGATION (June 9th, 1933).

If the Special Committee on Effectives does not take our request into consideration, but incorporates the whole or part of our regional forces in the army, the figures given to the United Kingdom delegation must be correspondingly increased.

PORTUGUESE AMENDMENT (document Conf.D./C.G.103).

Whereas the competent Portuguese authorities have frankly disclosed the *existing* effectives, *stricto sensu*, without taking any account of the temporary reductions due to measures of financial recovery, and after a study of Chapter I, we ask that the figure proposed for our land armed forces stationed in the home country be raised to *at least* 60,000 men.

As regards the oversea forces, for the reasons above mentioned, and, in addition, in view of the extent, distance and geographical distribution of certain territories under Portuguese sovereignty, we require a maximum figure of 50,000 men.

TURKISH AMENDMENT (document Conf.D./C.G.74).

Add after Czechoslovakia :

* Turkey	(Figure to be determined)	(Figure to be determined)
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GERMAN AMENDMENTS

(documents Conf.D./C.G.71 and Conf.D./C.G.149).

Insert after Table I a new article as follows :

" The High Contracting Parties undertake to use the armed forces stationed in distant oversea territories in those territories only and solely for the maintenance of order and for defensive purposes."

Table II.

Table of Average Daily Effectives which are not to be exceeded in the Sea Armed Forces. (The figures will have to be related to the naval material allowed to each party.)

Table III.

Table of Average Daily Effectives which are not to be exceeded in the Air Armed Forces. (The figures will have to be related to the air material allowed to each party.)

PART II.—DISARMAMENT. SECTION I.—EFFECTIVES (*continued*).

CHAPTER 2. — SPECIAL PROVISIONS AS TO THE ORGANISATION OF THE LAND ARMED FORCES STATIONED IN CONTINENTAL EUROPE.

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

ARTICLE 14.

The provisions of this chapter apply only to the land armed forces stationed in continental Europe.

ARTICLE 15.

Troops whose primary function is to provide drafts or reinforcements for oversea garrisons are excluded from the provisions of this chapter.

ARTICLE 16.

The maximum total period of service for the effectives in the land armed forces stationed in continental Europe (excluding the troops mentioned in Article 15 above and the personnel referred to in Article 18) shall not exceed eight months.

(*Note.*—In special cases to be decided by the Conference, the maximum total period of service may be extended to twelve months.)

U.S.S.R. AMENDMENT (document Conf.D./C.G.76).

Heading should read :

“CHAPTER 2. —SPECIAL PROVISIONS AS TO THE ORGANISATION OF LAND ARMED FORCES.”

ITALIAN AMENDMENT (document Conf.D./C.G.139).

“The provisions of this chapter apply only to the *non-colonial land armed forces of the countries of continental Europe.*”

U.S.S.R. AMENDMENT (document Conf.D./C.G.76).

Delete Article 14.

U.S.S.R. AMENDMENT (document Conf.D./C.G.76).

Delete Article 15.

In favour :

Germany (document Conf.D./C.G.149).

Italy (document Conf.D./C.G.139).

TURKISH AMENDMENT (document Conf.D./C.G.74).

“Troops whose primary function is to provide drafts or reinforcements for oversea garrisons *outside continental Europe and the Mediterranean* are excluded from the provisions of this chapter.”

DECLARATION BY THE FINNISH DELEGATION
(document Conf.D./C.G.145).

The Finnish delegation considers that a length of service of twelve months is insufficient.

HUNGARIAN OBSERVATION (document Conf.D./C.G.70).

The Hungarian delegation suggests that the maximum total period should be fixed at more than eight months, the exact time to be left to the decision of the parties concerned.

ITALIAN AMENDMENT (document Conf.D./C.G.139).

“The average period of service for the *non-colonial annual contingent of the countries of continental Europe* shall not exceed ten (or nine) months.”

U.S.S.R. AMENDMENT (document Conf.D./C.G.76).

“The maximum total period of service for the effectives in the land armed forces . . . (*excluding the personnel referred to in Article 18*) shall not exceed eight months.”

TURKISH AMENDMENT (document Conf.D./C.G.74).

“The total period of service for the *infantry effectives stationed in continental Europe and the Mediterranean* shall be fixed at twelve months.

“As regards the other arms (*cavalry, artillery, engineers, etc.*), the duration of service shall not exceed a maximum of eighteen months.”

PART II.—DISARMAMENT. SECTION I.—EFFECTIVES (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

ARTICLE 17.

For each man the total period of service is the total number of days comprised in the different periods of service to which he is liable under national law or by the terms of his contract to perform.

ARTICLE 18.

In the land armed forces affected by this chapter the personnel whose length of service is greater than that prescribed in Article 16 shall not at any time exceed the following proportions of the average strength throughout the year of the said forces :

Officers, officer cadets and persons of equivalent status :	$\frac{1}{x}$
N.C.O.s, soldiers and persons of equivalent status :	$\frac{1}{y}$

The High Contracting Parties undertake not to group into units the personnel referred to in this article except in the case of specialised units if provided for by the present Convention.

NOTE.

M. Politis had consulted the delegations regarding the ratios $\frac{1}{x}$ and $\frac{1}{y}$ to be applied respectively to officers and N.C.O.s and to other assimilated categories and he had informed the President in a report (document Conf.D./C.G.152) that, in his view, the discrepancies in the figures given in the replies received made it impossible to adopt uniform percentages for all countries within the meaning of Article 18, whose object was not so much to establish a uniform percentage as to limit permanent personnel with a view to preventing the training of units which would not be of the type contemplated for the Continental armies. The report of the Vice-Chairman of the Commission therefore concluded by stating that the best method would be to determine for each country its maximum needs in respect of permanent personnel.

HUNGARIAN AMENDMENT (document Conf.D./C.G.96).

Replace $\frac{1}{x}$ by $\frac{1}{10}$

Replace $\frac{1}{y}$ by $\frac{1}{5}$

CHAPTER 2. — PROVISIONS AS TO THE METHODS BY WHICH THE REDUCTIONS AND REORGANISATIONS ENTAILED BY THE PRECEDING CHAPTERS SHALL BE EFFECTED.

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

ARTICLE A.

The reductions in the average daily effectives in the land armed forces of the High Contracting Parties which result from Table I annexed to Chapter 1 shall be carried out as follows :

By the end of the second year from the coming into force of the Convention, 30 per cent of the total reduction required ;

By the end of the fourth year from the coming into force of the Convention, 75 per cent of the total reduction required ;

By the end of the fifth year from the coming into force of the Convention, 100 per cent of the total reduction required.

HUNGARIAN AMENDMENT (document Conf.D./C.G.97).

" The reductions in the average daily effectives in the land armed forces of the High Contracting Parties which result from Table I annexed to Chapter 1 shall be carried out as follows :

" By the end of the *first year* of the coming into force of the Convention, 30 per cent of the total reduction required ;

" By the end of the *second year* from the coming into force of the Convention, 75 per cent of the total reduction required ;

" By the end of the *third year* from the coming into force of the Convention, 100 per cent of the total reduction required."

PART II.—DISARMAMENT. SECTION I.—EFFECTIVES (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

ARTICLE B.

HUNGARIAN AMENDMENT (document Conf.D./C.G.97).

Any increases in the average daily effectives in the land armed forces of the High Contracting Parties which may result from Table I shall be carried out at a rate not exceeding that laid down in Article A for the reductions which result from the said table.

(Text unchanged.)

Add the following paragraph :

" Nevertheless, should any High Contracting Party discharge the long-service personnel of its existing army within periods shorter than those provided for in Article C, such party shall be authorised to increase its average daily effectives at the same rate of progress as that of the discharges."

ARTICLE C.

HUNGARIAN AMENDMENT (document Conf.D./C.G.97).

This article refers only to the land armed forces to which Chapter 2 of this section applies.

(1) The High Contracting Parties concerned will effect the reductions in their existing long-service personnel necessitated by Chapter 2 in the following proportions :

(Text unchanged.)

By the end of the second year from the coming into force of the Convention, 30 per cent ;

By the end of the fourth year from the coming into force of the Convention, 70 per cent ;

By the end of the fifth year from the coming into force of the Convention, 100 per cent, less the percentage allowed to them under Article 18.

Add :

" Nevertheless, any High Contracting Party desiring to do so shall be authorised to effect the reduction provided for in this paragraph within shorter periods."

By long-service personnel in this article is understood those effectives (excluding conscripts) whose period of service exceeds that prescribed in Article 16.

(2) The maximum period of service which may be performed by effectives other than long-service personnel will be reduced to the period laid down in Article 16 as follows :

(Text unchanged.)

For effectives commencing their service after the end of the third year from the coming into force of the Convention, by 50 per cent of the total reduction required ;

PART II.—DISARMAMENT. SECTION I.—EFFECTIVES (*continued*).

TEXT ADOPTED IN FIRST READING

For effectives commencing their service after the end of the fifth year from the coming into force of the Convention, by 100 per cent of the total reduction required.

Notes.—The columns in the Publicity Tables (Part III of the Convention) will be arranged so that the rate of the reorganisation carried out annually will be available for the information of the Permanent Disarmament Commission.

AMENDMENTS AND OBSERVATIONS

Add :

" Those High Contracting Parties which at present possess a long-service army shall be entitled to benefit by the provisions of this article if they reduce their long-service personnel at a faster rate than is provided for in this article."

SECTION II. — MATERIAL.¹

CHAPTER I. — LAND ARMAMENTS.

TEXT ADOPTED IN FIRST READING

ARTICLE 19

(document Conf.D./C.G.107).

The maximum limit for the calibre of mobile land guns for the future shall be 115 mm. Existing mobile land guns up to 155 mm. may be retained, but all replacement or new construction of guns shall be within the maximum limit of 115 mm.

The maximum limit for the calibre of coast-defence guns shall be 406 mm.

ARTICLE 20.

For the purposes of the present Convention a tank is defined as follows :

" A tank is a fully armoured, armed, self-propelled vehicle designed to cross broken ground, usually by means of tracks, and to overcome obstacles encountered on the battlefield."

AMENDMENTS AND OBSERVATIONS

CHINESE AMENDMENT (document Conf.D./C.G.84).

Article 19 should limit the number as well as the calibre of mobile land guns and coast-defence guns. This would require a table analogous to that provided in Article 13.

ITALIAN AMENDMENT (document Conf.D./C.G.140).

" The maximum limit for mobile land guns shall be :

- " (a) For mobile guns of all classes, 105 mm. ;*
- " (b) For fixed guns, 210 mm. ;*
- " (c) For fixed coast guns, 406 mm."*

JAPANESE AMENDMENT (document Conf.D./C.G.148).

Change the drafting of this article so that the maximum calibre of mobile land guns shall be 155 mm. for new as well as for existing guns.

HUNGARIAN OBSERVATION (document Conf.D./C.G.81).

The question of coast-defence guns can be better treated separately from mobile guns in a special article, since this question is closely bound up with other questions, such as guns for warships, fixed guns for land fortifications, etc., questions which call for detailed particulars.

¹ See observations on page 171.

PART II.—DISARMAMENT. SECTION II.—MATERIAL.

CHAPTER I.—LAND ARMAMENTS (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS

ARTICLE 21.

The maximum limit for the unladen weight of a tank shall be 16 tons.

The definition of "unladen weight" is given in Annex I.

The number of tanks in the possession of each High Contracting Party shall not exceed the figures shown for such party in the table annexed to this chapter.

AFGHAN AMENDMENT (document Conf.D./C.G.88).

This article to read :

" Tanks of all categories shall be abolished."

CHINESE AMENDMENT (document Conf.D./C.G.84).

This article to read :

" The High Contracting Parties agree to destroy all tanks in their possession and to build no new tanks."

HUNGARIAN AMENDMENT (document Conf.D./C.G.81).

This article to read :

" All tanks shall be abolished."

ITALIAN AMENDMENT (document Conf.D./C.G.140).

" The maximum limit for the unladen weight of a tank shall be 6 tons."

(Text unchanged.)

JAPANESE AMENDMENT (document Conf.D./C.G.148).

Replace the figure of 16 tons by 20 tons.

TURKISH AMENDMENT (document Conf.D./C.G.74).

This article to read :

" All tanks shall be abolished."

ARTICLE 22.

All mobile land guns above 155 mm. and all tanks above 16 tons shall be destroyed in the following stages :

One-third within twelve months of the coming into force of the Convention ;

Two-thirds within three years of the coming into force of the Convention.

All guns above 115 mm. shall be destroyed as soon as they are replaced by new guns of or below 115 mm.

AFGHAN AMENDMENT (document Conf.D./C.G.88).

" All mobile land guns above 105 mm. and all tanks shall be destroyed in the following manner :

" One-half within twelve months of the coming into force of the Convention and one-half within the following year."

CHINESE AMENDMENT (document Conf.D./C.G.84).

" All mobile land guns above 155 mm. and all tanks shall be destroyed in the following stages," etc.

(Text unchanged.)

HUNGARIAN AMENDMENT (document Conf.D./C.G.118).

" All mobile land guns above 115 mm. (whether in service or in stock) and all tanks (whether in service or in stock) shall be destroyed by stages as follows :

" (1) All mobile land guns above 155 mm. and all tanks within twelve months of the coming into force of the present Convention.

" (2) All mobile land guns above 115 mm. but not exceeding 155 mm. in five equal parts within five years of the coming into force of the present Convention."

PART II.—DISARMAMENT. SECTION II.—MATERIAL.

CHAPTER I.—LAND ARMAMENTS (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

ITALIAN AMENDMENT (document Conf.D./C.G.140).

" All land guns, including material in stock, of a calibre exceeding :

" For mobile guns, 105 mm. ;

" For fixed guns, 210 mm. ;

" For fixed coast guns, 406 mm. ;

and all tanks above 6 tons unladen weight shall be destroyed in the following stages :

" One-third within twelve months of the coming into force of the Convention ;

" Two-thirds within three years of the coming into force of the Convention."

U.S.S.R. AMENDMENT (document Conf.D./C.G.83).

" All mobile land guns above 155 mm. and all tanks above 16 tons shall be destroyed within twelve months of the coming into force of the Convention."

TURKISH AMENDMENT (document Conf.D./C.G.74).

" All mobile land guns above 155 mm. and all tanks shall be destroyed in the following stages," etc.

(Text unchanged.)

Add at end of article :

" The manufacture of guns and tanks the abolition of which is provided for in Articles 19 and 21, as well as accessories and detached parts thereof, shall be prohibited."

GERMAN AMENDMENT

(documents Conf.D./C.G.106 and 121).

(Text unchanged.)

Add at the end of this article :

" . . . and at the latest within five years of the coming into force of the Convention.

" After the expiry of the time-limits specified at the end of the second and third paragraphs of the present article, the use of a class of weapons there referred to shall be absolutely prohibited."

ARTICLES 19 TO 22.

GENERAL OBSERVATIONS BY THE FRENCH DELEGATION

(see pages 491-493 of the Minutes of the General Commission).

The French delegation made a general reservation with regard to the articles concerning land material.

It will not be able to come to a definite conclusion on these articles until it is informed what provisions have been included in the Convention in the chapters concerning Security, Effectives, Standardisation of Types of Armies, Trade in and Manufacture of War Material, and International Supervision.

PART II.—DISARMAMENT. SECTION II.—MATERIAL.

CHAPTER I.—LAND ARMAMENTS (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

ARTICLES 19 TO 22 (*continued*).

GENERAL OBSERVATIONS BY THE POLISH DELEGATION
(document Conf.D./C.G.82).

The Polish delegation makes no reservations with respect to these articles, but only asks that the provisions referred to above should be supplemented by certain provisions in accordance with the resolution adopted by the General Commission on July 23rd, 1932, and with the following principles :

(1) Acceptance of strict and rigorous supervision on the spot and in detail ;

(2) Abolition of the private manufacture of arms and ammunition, and in any case international supervision of the private and State manufacture of arms and implements of war, and the establishment of quotas for manufacture or importation in proportion to the effectives allotted to the various States ;

(3) The maintenance in force without reservation of the previous international undertakings with regard to disarmament, no measure of rearmament being accepted by the Conference for the Reduction and Limitation of Armaments.

Furthermore, it is essential to include in the Convention rules fixing the time-limit within which war material must be standardised and a provision expressly prohibiting the introduction of improvements in the types of existing armaments authorised by the Conference.

GENERAL OBSERVATIONS BY THE TURKISH DELEGATION
(document Conf.D./C.G.105).

The General Commission decides to set up a special Committee, composed of representatives of Mediterranean and Black Sea riparian States, together with representatives of the United States of America and Japan, to consider the situation of the Straits (Dardanelles and Bosphorus) as put forward by the Turkish delegation.

Annex I.

DEFINITION OF UNLADEN
WEIGHT OF A TANK.

The unladen weight of a tank includes the shell, with tracks, engine and transmission machinery, but without guns and mountings, crew, fuel, oil, engine-cooling water, ammunition, wireless or military equipment.

Table I.

The United Kingdom delegation intends to present this table before the second reading. The other delegations have been requested to present their figures to the United Kingdom delegation.

PART II.—DISARMAMENT. SECTION II.—MATERIAL (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

CHAPTER 2. — NAVAL ARMAMENTS.

GERMAN AMENDMENTS (document Conf.D./C.G.91).

Explanatory Note.

No reduction in the fleets of the other States is proposed in the present draft Convention. Nevertheless, in the hope that a substantial reduction in the naval armaments of the heavily armed naval Powers will be made at the 1935 Conference, Germany is prepared, pending that Conference, to maintain the number of vessels hitherto assigned to her as a limit. In point of fact, the decisive criterion for the limitation of her naval armaments under the Treaty of Versailles is not tonnage, but the number of vessels in the different categories. Consequently, for the German fleet, tonnage has not the same importance as it has for the fleets of the other States, and cannot be employed as a criterion in the case of the former. Amendment 1, paragraph (a), and amendment 2 below are designed to take into account this special situation of Germany.

Under the Treaty of Versailles, Germany could have laid down the keels of several capital ships for replacement purposes some years ago, but she had not made full use of this right. With a view to facilitating the conclusion of a Convention for the short period contemplated, Germany is still prepared partly to forgo this right and to refrain, pending the final settlement of naval questions in 1935, from laying down more than one capital ship for replacement purposes (see paragraph 1 (b) of the amendment).

Germany has not yet abandoned the hope that the present Conference will decide to abolish submarines altogether, as was proposed during the first stage of the Conference by certain States, including Germany. However, should the General Commission decide that it is not possible at the present time to do away with submarines for national defence purposes, the German delegation reserves the right to revert to this point later, possibly during the second reading.

OBSERVATIONS BY THE FINNISH, POLISH, ROUMANIAN,
SPANISH, SWEDISH AND YUGOSLAV DELEGATIONS

(document Conf.D./C.G.113).

The Powers not signatories to the Washington and London Treaties were able to state their views on the question of the limitation of naval armaments only during the proceedings of the Preparatory Disarmament Commission and, in a quite general manner, at the present Conference. They have, in particular, co-operated with the Powers parties to the said Treaties in drafting the naval clauses of the draft Convention adopted by the Preparatory Commission in December 1930.

In these conditions, it would seem fair to insert in a suitable form in the framework of the present draft provisions taken from the draft Convention of the Preparatory Commission.

It should be emphasised that these provisions were decided upon in joint agreement with the Powers parties to the Naval Treaties and are the result of a compromise secured by means of mutual concessions.

The proposed amendments are based on the considerations above outlined—i.e., on the draft Convention of 1930—allowances being made for the progress made by the Conference and particularly by its resolution of July 23rd, 1932.

PART II.—DISARMAMENT. SECTION II.—MATERIAL.

CHAPTER 2.—NAVAL ARMAMENTS (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

OBSERVATIONS BY THE FRENCH DELEGATION
(document Conf.D./C.G.134).

The representative of France had occasion, on May 25th, 1933 (see Minutes of the General Commission, pages 502 to 504), to state the views of the French Government on the drafting of the chapter of the Convention dealing with naval armaments.

With a view to future discussions, the French delegation thinks it desirable to specify the principles on which its attitude is based.

These principles are the following :

1. The Convention must be general.
2. The Convention must respect the principle of the interdependence of armaments. In particular, the resolution by which the General Commission has adopted the principle of qualitative disarmament must have certain consequences in connection with the provisions of Articles 14, 15 and 16 of the Preparatory Commission's draft Convention, in order that stricter limitation may be imposed on unit displacement and the maximum calibre of guns.
3. The actual situation which existed at the beginning of the Conference must be taken into account in the Convention, and the relative strength of the different fleets as it then stood must be maintained.

At the same time, small navies in process of formation must have an opportunity to develop in equitable proportions, in accordance with the principles laid down in Article 8 of the League Covenant.

Moreover, as was already provided by Article 53 of the Preparatory Commission's draft Convention, the clauses of the existing Naval Treaties will remain in force until December 31st, 1936, subject to any stricter limitations that may be imposed by the future Convention.

4. The Convention must have the same duration, whatever may be the categories of armaments reduced or limited, and in any event that duration must be sufficient to allow of the preparation and execution of naval programmes.

Regarding the wording of the Convention, and subject to the foregoing observations, the French delegation thinks it necessary to approach nearer to the system contemplated in the naval chapter of the draft Convention prepared by the Preparatory Disarmament Commission (doc. C.687.M.288.1930), which was unanimously adopted on February 25th, 1932, as a framework for the work of the Conference on the motion of the United Kingdom delegation itself. The French delegation would point out that that system is the outcome of the decisions of the London Naval Conference, as conveyed to the Secretary-General of the League by the President of that Conference in his letter of April 21st, 1930.

JAPANESE OBSERVATIONS (document Conf.D./C.G.114).

The Japanese delegation attaches particular importance to the conclusion of an agreement on the subject of naval armaments, and to the renewal by the present Conference of its efforts in this direction on the lines indicated in the resolution of July 23rd, 1932.

It cannot, however, share the view that it is desirable to establish a new agreement on the basis of the existing agreements, which are unstable in character and whose period of validity will soon be at an end, or by reference to those agreements. Owing to their nature, unless a new Convention is concluded between the Powers to which the above-mentioned treaties apply, it will be both more practical and more equitable to make no mention in the future Convention of the provisions relating to the tonnages previously allotted to the Powers concerned.

PART II.—DISARMAMENT. SECTION II.—MATERIAL.

CHAPTER 2.—NAVAL ARMAMENTS (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

LETTER FROM THE PERSIAN DELEGATION
(June 9th, 1933).

The figures for the effectives of the naval forces and the tonnage of the ships which the Persian Government proposes to build have been communicated to the United Kingdom delegation.

OBSERVATIONS BY THE U.S.S.R. DELEGATION
(document Conf.D./C.G.83).

The delegation of the U.S.S.R. refrains from proposing amendments to this chapter, being unable to accept a system of disarmament which does not provide for a reduction of the existing tonnage and which would, at the same time, create advantages in favour of the principal naval Powers to the detriment of other countries. The delegation of the U.S.S.R. objects to the principal naval Powers being given the right to include in their existing tonnage, in addition to the completed vessels, the tonnage of vessels in course of construction or projected, or the construction of which is even simply contemplated, without such tonnage being taken into consideration in the case of other countries. It also objects to the principal naval Powers enjoying exceptions in regard to the limitation of the elements of vessels established under the Treaties of Washington and London, without other countries enjoying exceptions which might be rendered necessary by the special nature of their navies. Further, it objects to the non-recognition in the case of such countries of the right of transfer.

OBSERVATIONS BY THE CHINESE, ESTONIAN, GREEK,
LATVIAN, LITHUANIAN, PERSIAN, SPANISH, JAPANESE,
NETHERLANDS AND TURKISH DELEGATIONS.

At the sixty-sixth meeting of the General Commission, the *Chinese* delegate stated that "the Chinese Government did not see its way, pending the vindication of China's rights and the final settlement of the war of aggression of which she continued to be the victim, to undertake commitments restricting her right to take all necessary measures to resist invasion and defend her territorial sovereignty".

The general reservation made by the Chinese Government in July 1932 and reiterated on March 27th and April 25th, 1933, applied to naval as well as to land and air armaments (see page 528 of the Minutes of the General Commission).

At the sixty-sixth meeting of the General Commission, the following delegations stated that they were in agreement with and associated themselves with the amendments submitted by the delegations of Finland, Poland, Roumania, Spain, Sweden and Yugoslavia (document Conf.D./C.G.113) : *Estonia, Greece, Latvia, Lithuania, Persia* (see Minutes of the General Commission, pages 523-525 and 527).

At the sixty-fourth meeting of the General Commission, the *Spanish* delegate stated that, "whatever the merits of the Washington and London Conferences . . . it was nevertheless of the greatest importance that the big naval Powers should be asked that the coming naval discussion should be a round-table discussion, all the Powers being present—not only the naval Powers—and in the General Disarmament Conference. The Spanish delegate believed that it would be impossible to solve these disarmament problems unless everyone was represented in the discussion and all questions were dealt with simultaneously" (see pages 507 and 508 of the Minutes of the General Commission).

PART II.—DISARMAMENT. SECTION II.—MATERIAL.

CHAPTER 2.—NAVAL ARMAMENTS (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

At the seventy-seventh meeting of the General Commission, the *Japanese* delegate stated "that the Japanese delegation could also accept the complete prohibition of bombing from the air if it were freed from certain apprehensions with regard to its national security. To that end it would be necessary, in the first place, to provide for the complete abolition of aircraft-carriers and the absolute prohibition of war vessels equipped with landing decks or platforms, and, in the second place, to draw up an agreement capable of effectively preventing the use of civil aircraft for military purposes in time of war" (see page 631 of the Minutes of the General Commission).

At the sixty-sixth meeting of the General Commission, the *Netherlands* delegate stated "that he thought that, if it were not possible to include in the Convention a uniform system for all Powers, which would have a more or less final character, the question arose whether it would not be possible, in the case of the smaller naval Powers, to be content with a renewal of the naval armaments truce" (see page 524 of the Minutes of the General Commission).

At the sixty-sixth meeting of the General Commission, the *Turkish* delegate stated that, "in the circumstances, the best and simplest method would be to leave in entire freedom the States which were not parties to the Washington and London Treaties until the expiration of those Treaties" (see page 518 of the Minutes of the General Commission).

ARTICLE 23.

The naval armaments of the parties to the Treaty of Washington, signed on February 6th, 1922, and the Treaty of London, signed on April 22nd, 1930, remain subject to the limitations resulting from the said Treaties.

JAPANESE AMENDMENT (document Conf.D./C.G.114).

This article not to be embodied in the present Convention.

ARTICLE 24.

Articles 25 and 26 constitute the agreement between the parties to the Treaty of London referred to in Article 24, paragraph 4, of that Treaty. France and Italy will ratify the said Treaty not later than the date of their ratification of the present Convention.

JAPANESE AMENDMENT (document Conf./D.C.G.114).

This article to be reserved for an agreement to be concluded independently of the present Convention between the parties directly concerned.

ARTICLE 25.

Until December 31st, 1936, the naval combatant vessels of France and Italy, other than capital ships, aircraft-carriers and all vessels exempt from limitation under Article 8 of the Treaty of London, shall be limited, without prejudice to Article 12 of the said Treaty, by the provisions of Articles 26 and 27 of the present Convention. The definitions adopted in Annex I for the purposes of the present chapter will apply.

JAPANESE AMENDMENT (document Conf.D./C.G.114).

This article to be reserved for an agreement to be concluded independently of the present Convention between the parties directly concerned.

PART II.—DISARMAMENT. SECTION II.—MATERIAL.

CHAPTER 2.—NAVAL ARMAMENTS (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

ARTICLE 26.

(a) The completed tonnage in the cruiser, destroyer and submarine categories which is not to be exceeded by France and Italy on December 31st, 1936, is to be the completed tonnage arrived at in consequence of the provisions of Article 27.

(b) France and Italy shall have complete freedom of transfer for the purposes of replacement between cruisers of sub-category (ii) and destroyers.

ARTICLE 27.

Until December 31st, 1936, the programmes of France and Italy in cruisers, destroyers and submarines will be as follows :

A. *Cruisers with guns of more than 6.1" (155 mm.) calibre.*

No further tonnage shall be laid down or acquired after the date of signing the present Convention.

B. *Cruisers with guns of 6.1" (155 mm.) calibre or less, and destroyers.*

The amount of further construction to be laid down or acquired by France during the period between January 1st, 1933, and December 31st, 1936, shall be limited to 34,298 (34,847 metric) standard tons, as authorised in the French programme of 1932.

The amount of further construction to be laid down or acquired by Italy during the same period shall be limited to 27,173 (27,608 metric) standard tons.

Tonnage laid down or acquired in accordance with the French programme of 1931 and the Italian programme of 1931-32, and any tonnage laid down or acquired subsequently, shall be devoted to the replacement of over-age cruisers of this sub-category or of over-age destroyers. Upon the completion of any replacement tonnage, a corresponding amount of over-age tonnage shall be disposed of in accordance with Annex VI to the present chapter.

JAPANESE AMENDMENT (document Conf.D./C.G.II4).

This article to be reserved for an agreement to be concluded independently of the present Convention between the parties directly concerned.

JAPANESE AMENDMENT (document Conf.D./C.G.II4).

This article to be reserved for an agreement to be concluded independently of the present Convention between the parties directly concerned.

ITALIAN AMENDMENT (document Conf.D./C.G.I41).

A. (Text unchanged.)

" B. *Cruisers with guns of 6.1" (155 mm.) calibre or less, and destroyers.*"

Substitute for the first two paragraphs :

" *The amount of further construction to be laid down or acquired by France and Italy during the period between January 1st, 1933, and December 31st, 1936, shall be limited to 34,298 (34,847 metric) standard tons.*"

(Text unchanged.)

PART II.—DISARMAMENT. SECTION II.—MATERIAL.

CHAPTER 2.—NAVAL ARMAMENTS (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATION:

Add at the end of the third paragraph :

" Part of this tonnage, in a proportion to be fixed, may, however, be converted into exempt vessels."

C. *Submarines.*

Until December 31st, 1936, France and Italy will not lay down or acquire any further submarines. France will arrange her present submarine building and scrapping programme so that, on the said date, her completed tonnage will not be greater than . . . standard tons.

Any submarine tonnage under construction on that date shall be in anticipation of replacement requirements.

" C. *Submarines.*

" Until December 31st, 1936, France and Italy will arrange their present submarine building and scrapping programmes so that, on the said date, their completed tonnage will not be greater than 52,700 standard tons.

" Any submarine tonnage under construction on that date shall be in anticipation of replacement requirements."

ITALIAN DECLARATION (document Conf.D./C.G.75).

Paragraphs B and C.

These paragraphs of this article are essential points which the Italian delegation would be unable to accept apart from the rest of the draft submitted to the Conference on March 16th, 1933, of which the Italian delegation signified its approval.

ARTICLE 28.

No High Contracting Party shall lay down or acquire any capital ship during the period up to December 31st, 1936, except that Italy may lay down one ship not exceeding 26,500 (26,924 metric) standard tons and carrying guns not exceeding 13" (330 mm.) calibre.

Except as provided in Article 7, paragraph 2, of the Treaty of London, no High Contracting Party shall, until December 31st, 1936, lay down or acquire any submarine the standard displacement of which exceeds 2,000 (2,032 metric) standard tons or carrying a gun above 5.1" (130 mm.) calibre.

AMENDMENT BY THE FINNISH, POLISH, ROUMANIAN, SPANISH, SWEDISH AND YUGOSLAV DELEGATIONS (document Conf.D./C.G.113).

(First paragraph unchanged.)

Add after first paragraph :

" It shall further be permissible to lay down or acquire capital ships of sub-category (ii) by applying the replacement rules of Annex V."

(Remainder unchanged.)

ITALIAN DECLARATION (document Conf.D./C.G.75).

This article is one of the essential points which the Italian delegation would be unable to accept apart from the rest of the draft submitted to the Conference on March 16th, 1933, of which the Italian delegation signified its approval.

JAPANESE AMENDMENT (document Conf.D./C.G.114).

First paragraph of this article to be reserved for an agreement to be concluded independently of the present Convention between the parties directly concerned.

GERMAN AMENDMENT (document Conf.D./C.G.91).

Insert after Article 28 a new article reading as follows:

" Until December 31st, 1936, Germany undertakes :

" (a) Not to exceed as regards surface vessels the numbers hitherto assigned to her as a limit ;

" (b) Not to lay down the keel of more than one vessel to replace one of her capital ships which are obsolete."

PART II.—DISARMAMENT. SECTION II.—MATERIAL.

CHAPTER 2.—NAVAL ARMAMENTS (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS.

ARTICLE 29.

In order to bring about a stabilisation of naval armaments until December 31st, 1936, the armaments of those High Contracting Parties to whom the Treaties of Washington and London do not apply shall, until the said date, be limited as follows :

(a) No cruisers carrying guns of a calibre above 6.1" (155 mm.) shall be constructed or acquired.

(b) On December 31st, 1936, the completed tonnage in cruisers of sub-category (ii), destroyers and submarines possessed by each of the said High Contracting Parties shall not exceed the amounts specified for such party in Annex IV. This provision does not, however, apply to vessels exempt from limitation under Annex II to this chapter, nor to the special vessels shown in Annex III. These special vessels may not be replaced.

(c) Ships in the categories subject to limitation may only be laid down or acquired in accordance with the replacement rules contained in Annex V, and only in replacement of tonnage in the same category or sub-category which is or becomes over age in accordance with those rules.

Nevertheless, there shall be complete freedom of transfer for purposes of replacement between the cruisers of sub-category (ii) and destroyers.

Vessels which have to be disposed of as being surplus to the tonnage figures set out in Annex IV shall be disposed of in accordance with the rules set out in Annex VI.

(d) Existing ships of various types which, prior to April 1st, 1933, have been used as stationary training establishments or hulks may be retained in a non-seagoing condition.

AMENDMENT BY THE FINNISH, POLISH, ROUMANIAN, SPANISH, SWEDISH AND YUGOSLAV DELEGATIONS
(document Conf.D./C.G.113).

Delete sub-paragraph (a).

For sub-paragraph (b) substitute the following :

" (a) *For the term of the present Convention, the aggregate tonnage of the warships of each of the High Contracting Parties other than the special vessels enumerated in Annex . . . shall not exceed the figure fixed for that party in the table in Annex IV, last column.*"

For sub-paragraph (c) substitute the following :

" (b) *Annex IV shall show in tonnage by class the way in which each High Contracting Party proposes to allocate, during the period of application of the present Convention, the aggregate tonnage, limited, in its case, to the figure shown in the table.*"

After the new sub-paragraph (b) insert sub-paragraph (c) reading as follows :

" (c) *Within the limit of the aggregate tonnage fixed for it in Annex IV, and provided no stricter conditions are proposed by special Conventions to which it is or may become a party, each High Contracting Party may alter the distribution given by it in Annex IV subject to the following two conditions :*

" (1) *Tonnage transfer between categories of surface vessels shall be free if it is made from the largest to the smallest displacement unit.*

" *It shall also be free in the opposite direction in the case of navies whose aggregate tonnage does not exceed 100,000 tons ; but, in the case of navies exceeding this figure, the tonnage to be transferred may not exceed 60 per cent of the total tonnage of the corresponding category.*

" (2) *Prior to laying down the vessel or vessels to the construction of which the transferred tonnage is allocated, the amount of this tonnage must be notified to the other High Contracting Parties, to the Secretary-General of the League of Nations and to the Permanent Disarmament Commission.*"

PART II.—DISARMAMENT. SECTION II.—MATERIAL.

CHAPTER 2.—NAVAL ARMAMENTS (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

ARTICLE 30.

The High Contracting Parties assent to the rules laid down in Part IV of the Treaty of London and accept them as established rules of international law.

The present article constitutes, as regards those High Contracting Parties to whom the Treaty of London does not apply, the accession contemplated by Article 25 of the said Treaty.

ARTICLE 31.

It is understood that none of the provisions of the present chapter shall prejudice the attitude of any of the High Contracting Parties at the conferences referred to in Article 32. The present Convention establishes no permanent ratio in any category of ship and creates no precedent as to whether, and if so in what manner, tonnage remaining over age on December 31st, 1936, for which replacement tonnage has not been laid down, may ultimately be replaced.

ARTICLE 32.

Concurrently with the Conference in 1935 provided for under Article 23² of the Treaty of London, or at least in the same year, there shall be a conference of all the High Contracting Parties possessing naval armaments, with a view to the establishment of limitations to be observed after December 31st, 1936.

ARTICLE 33.

The Permanent Disarmament Commission set up under Article 64 of the present Convention will take immediate steps to prepare for the conference of 1935 referred to in Article 32 by ascertaining the opinions of the High Contracting Parties concerned. It will also examine, with a view to reporting to the said conferences, technical questions of qualitative reduction in the sizes of vessels of war in the various categories, as well as any other questions relating to the limitation of naval armaments which the Commission may consider could appropriately come before the said conferences.

Annexes

(see document Conf.D.157, Conference Documents, Vol. II, pages 482 to 485).

- I. DEFINITIONS.
- II. EXEMPT VESSELS.
- III. LIST OF SPECIAL VESSELS.

PART II.—DISARMAMENT. SECTION II.—MATERIAL.

CHAPTER 2.—NAVAL ARMAMENTS (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

IV. TONNAGE FIGURES FOR POWERS OTHER THAN THOSE SIGNATORIES OF THE TREATY OF WASHINGTON.—These figures will be the figures from the returns to the Secretary-General of the League of Nations reproduced in the *Armaments Year-Book*, 1932, "exempt" and "special" vessels being omitted.

GERMAN AMENDMENT
(document Conf.D./C.G.91).

Add to the heading of Annex IV after the words "Treaty of Washington" the words "and Germany".

AMENDMENT BY THE FINNISH, POLISH, ROUMANIAN, SPANISH, SWEDISH AND YUGOSLAV DELEGATIONS
(document Conf.D./C.G.113).

Delete the text of Annex IV and substitute the following table :

Class	High Contracting Parties			
	A	B	C	D
<i>Capital ships :</i>				
(i)				
(ii)				
<i>Aircraft-carriers</i>				
<i>Cruisers (i)</i>				
<i>Light surface vessels (Cruisers (ii), Destroyers, etc.)</i>				
<i>Submarines</i>				
<i>Total tonnage</i>				

Notes. — The figures in the table should be submitted by the delegations concerned on the basis of the particulars forwarded to the Secretary-General, brought up to date and completed by the respective Governments.

V. RULES FOR REPLACEMENT.

VI. RULES FOR DISPOSAL OF VESSELS OF WAR.

CHAPTER 3. — AIR ARMAMENTS.

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

ARTICLE 34.

The High Contracting Parties accept the complete abolition of bombing from the air (except for police purposes in certain outlying regions).

AFGHAN AMENDMENT (document Conf.D./C.G.88).

CHINESE AMENDMENT (document Conf.D./C.G.84).

POLISH AMENDMENT (document Conf.D./C.G.111).

U.S.S.R. AMENDMENT (document Conf.D./C.G.83).

TURKISH AMENDMENT (document Conf.D./C.G.74).

Delete the last sentence in parenthesis : "except for police purposes in certain outlying regions".

GERMAN AMENDMENT (document Conf.D./C.G.92).

Omit the words in parenthesis and add the following words : "and the prohibition of all preparations therefor".

PART II.—DISARMAMENT. SECTION II.—MATERIAL.

CHAPTER 3.—AIR ARMAMENTS (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

AUSTRIAN AMENDMENT (document Conf.D./C.G.115).

HUNGARIAN AMENDMENT (document Conf.D./C.G.116).

Replace this article by the following :

" The High Contracting Parties accept the complete abolition of military and naval aircraft and bombing from the air.

" All military and naval aircraft will be destroyed within a period of twelve months from the entry into force of the Convention."

SPANISH PROPOSAL (extract from document Conf.D./C.G.55).

" The High Contracting Parties accept the principle that aircraft shall henceforth not be used for war purposes and they agree to the principle of the prohibition of all bombing from the air. They bind themselves to apply these principles by means of the following measures, which are set out in document Conf.D./C.G.55."

PERSIAN AMENDMENT (document Conf.D./C.G.120).

Although in favour of the complete abolition of bombing from the air, desires, in the event that the last sentence in parenthesis should not be deleted, to amend it as follows :

" Except for police purposes in their possessions, the High Contracting Parties accept the complete abolition of bombing from the air."

LETTER FROM THE PERSIAN DELEGATION (June 9th, 1933).

If it is not decided to abolish all military and naval aviation, we must maintain our amendment regarding the abolition of bombing from the air. The figures for the number of aircraft which the Persian Government wishes to have are also in the hands of the United Kingdom delegation.

AMENDMENT BY THE ROUMANIAN, CZECHOSLOVAK AND YUGOSLAV DELEGATIONS (document Conf.D./C.G.119).

(a) Complete the passage in parenthesis by the words : "*outside Europe*".

(b) Complete this article after the passage in parenthesis by the words : "*in respect of which provision will be made for strict supervision and sanctions*".

SIAMESE AMENDMENT (document Conf.D./C.G.64).

After the words " in certain outlying regions " add :
" . . . or for the purpose of territorial defence; but in any case bombardment from the air on the centre of population will be strictly prohibited ".

DECLARATIONS MADE TO THE GENERAL COMMISSION DURING THE FIRST READING.

M. Fotitch, in the name of the *Little Entente*, deleted part (a) of the amendment (document Conf.D./C.G.119) and proposed to omit the sentence in parenthesis of Article 34 (see page 539 of the Minutes of the General Commission).

The delegation of the *United States of America* declared itself in favour of the total prohibition of bombardment from the air "*also in certain outlying regions*" (see page 544 of the Minutes of the General Commission).

PART II.—DISARMAMENT. SECTION II.—MATERIAL.

CHAPTER 3.—AIR ARMAMENTS (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

The *Japanese* delegation declared that it could accept the complete prohibition of bombing from the air if the total abolition of aircraft-carriers and the absolute prohibition of war vessels equipped with landing-decks or platforms were accepted, and, secondly, if an agreement were drawn up capable of effectively preventing the use of civil aircraft for military purposes in time of war (see page 631 of the Minutes of the General Commission).

The *Norwegian* delegation declared that it would vote against the use and preparation of the weapon of bombing (see pages 543 and 544 of the Minutes of the General Commission).

The *Netherlands* delegation declared itself opposed to bombing from the air and to the throwing of torpedoes from aircraft (see page 538 of the Minutes of the General Commission).

The *Swedish* delegation declared itself in favour of the total prohibition of bombing from the air, and of the complete abolition of military and naval aviation (see page 539 of the Minutes of the General Commission).

The *Swiss* delegation is opposed to all bombardment from the air and to preparation therefor (see page 542 of the Minutes of the General Commission).

ARTICLE 35.

The Permanent Disarmament Commission set up under Article 64 of the present Convention shall immediately devote itself to the working-out of the best possible schemes providing for :

(a) The complete abolition of military and naval aircraft, which must be dependent on the effective supervision of civil aviation to prevent its misuse for military purposes ;

(b) Alternatively, should it prove impossible to ensure such effective supervision, the determination of the minimum number of machines required by each High Contracting Party consistent with his national safety and obligations, and having regard to the particular circumstances of each country.

The schemes prepared by the Permanent Disarmament Commission shall be reported to the second Disarmament Conference. In any case, the measures relating to civil aviation set out in Annex II will apply during the period of the present Convention.

GERMAN AMENDMENT (document Conf.D./C.G.92).

Replace the present text by the following :

" The High Contracting Parties agree that their armed forces shall not include military or naval air forces. All military and naval air material shall be destroyed within the following time-limits :

" One-half within twelve months of the coming into force of the Convention ;

" The remainder before the expiry of the following year.

" In order to prevent the use of civil aviation for military purposes, the High Contracting Parties shall accept the effective control of civil aviation under the conditions laid down in the annex to the present chapter."

" Note.—The above-mentioned annex will be drawn up by the Air Committee. The rules contained therein must go further than those proposed for a period of five years in the British draft (Annex II), on the understanding, however, that they will not be of such a nature as to hamper the legitimate development of civil aviation."

AUSTRIAN AMENDMENT (document Conf.D./C.G.115).

HUNGARIAN AMENDMENT (document Conf.D./C.G.116).

Omit this article.

CHINESE AMENDMENT (document Conf.D./C.G.84).

Modify the text as follows :

" The High Contracting Parties agree to the complete abolition of their military and naval aircraft and undertake to institute effective international supervision of their civil aviation, under the auspices of the Permanent Disarmament Commission, in order to prevent its misuse for military purposes."

PART II.—DISARMAMENT. SECTION II.—MATERIAL.

CHAPTER 3.—AIR ARMAMENTS (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

POLISH AMENDMENT (document Conf.D./C.G.III).

This article should be examined either by the Air Committee or by the Drafting Committee, account being taken of the various proposals made during the course of the Conference.

U.S.S.R. AMENDMENT (document Conf.D./C.G.83).

Suppress paragraph (b) of this article.

DECLARATIONS MADE IN THE GENERAL COMMISSION DURING THE FIRST READING.

M. Paul-Boncour declared that the *French* delegation was desirous that the work of the Air Committee should be continued, and that it preferred the internationalisation of civil aviation. In default, it accepted and asked for permanent and effective supervision, particularly for aeroplanes exceeding the characteristics laid down by the Convention (see pages 536 and 537 of the Minutes of the General Commission).

The *Netherlands* delegation was opposed to the internationalisation of civil aviation (see page 538 of the Minutes of the General Commission).

The *Polish* delegation was in favour of the internationalisation of civil aviation and of the institution of an air police force (see page 542 of the Minutes of the General Commission).

The *Roumanian, Czechoslovak and Yugoslav* delegations took into consideration the necessity of internationalisation and the forming of an air force to be placed at the disposal of an international authority (see page 539 of the Minutes of the General Commission).

ARTICLE 36.

With a view to effecting the reductions necessary to facilitate the attainment of the objects referred to in Article 35, the number of aeroplanes, capable of use in war, in commission in the land, sea and air armed forces of each of the High Contracting Parties who at present possess such aeroplanes shall, by the end of the period of the present Convention, not exceed the figures laid down for such party in the table annexed to this chapter; as regards the other High Contracting Parties, the *status quo* existing on January 1st, 1933, shall be maintained during the said period.

Each of the High Contracting Parties mentioned in the table annexed to this chapter may keep a number of aeroplanes in immediate reserve, not exceeding in each case 25 per cent of the number of aeroplanes in commission in the land, sea and air forces of such party.

GERMAN AMENDMENT (document Conf.D./C.G.92).

AUSTRIAN AMENDMENT (document Conf.D./C.G.II5).

CHINESE AMENDMENT (document Conf.D./C.G.84).

HUNGARIAN AMENDMENT (document Conf.D./C.G.II6).

Omit this article.

POLISH AMENDMENT (document Conf.D./C.G.III).

This article should be examined either by the Air Committee or by the Drafting Committee, account being taken of the various proposals made during the course of the Conference.

ROUMANIAN, CZECHOSLOVAK AND YUGOSLAV AMENDMENT (document Conf.D./C.G.II9).

The amendment concerning figures for aeroplanes and the number in immediate reserve indicated in the "Aeroplanes" table on page 184 will be submitted when the questions of the internationalisation of civil aviation and of air police have been settled.

PART II.—DISARMAMENT. SECTION II.—MATERIAL.

CHAPTER 3.—AIR ARMAMENTS (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

ARTICLE 37.

The High Contracting Parties agree that their air armaments will not include aeroplanes exceeding three tons unladen weight. Exception, however, may be made in the case of troop-carriers and flying-boats. Complete particulars of any such machines exceeding the maximum unladen weight of three tons must be returned annually to the Permanent Disarmament Commission.

GERMAN AMENDMENT (document Conf.D./C.G.92).

AUSTRIAN AMENDMENT (document Conf.D./C.G.115).

CHINESE AMENDMENT (document Conf.D./C.G.84).

HUNGARIAN AMENDMENT (document Conf.D./C.G.116).

Omit this article.

POLISH AMENDMENT (document Conf.D./C.G.111).

Replace this article by the following :

"The High Contracting Parties agree that their air armaments will not include aeroplanes and hydroplanes exceeding three tons unladen weight."

U.S.S.R. AMENDMENT (document Conf.D./C.G.83).

Replace the words "three tons" by the words :
"one and a half tons".

ARTICLE 38.

No dirigible shall be constructed or acquired during the period of the present Convention by any of the High Contracting Parties for commission in their land, sea or air forces. The High Contracting Parties who at present possess such dirigibles may, however, retain but not replace them during the said period.

GERMAN AMENDMENT (document Conf.D./C.G.92).

AUSTRIAN AMENDMENT (document Conf.D./C.G.115).

HUNGARIAN AMENDMENT (document Conf.D./C.G.116).

Omit this article.

ARTICLE 39.

The definition of unladen weight is given in Annex I.

GERMAN AMENDMENT (document Conf.D./C.G.92).

AUSTRIAN AMENDMENT (document Conf.D./C.G.115).

CHINESE AMENDMENT (document Conf.D./C.G.84).

HUNGARIAN AMENDMENT (document Conf.D./C.G.116).

Omit this article.

ARTICLE 40.

Aeroplanes, capable of use in war, in commission in the land, sea and air armed forces of any of the High Contracting Parties in excess of the number indicated for such party in the table annexed to this chapter must have been put out of commission or otherwise disposed of by the end of the period of the present Convention. At least one-half of such excess must, in the case of each such High Contracting Party, have been so dealt with by June 30th, 1936.

GERMAN AMENDMENT (document Conf.D./C.G.92).

AUSTRIAN AMENDMENT (document Conf.D./C.G.115).

HUNGARIAN AMENDMENT (document Conf.D./C.G.116).

Delete this article.

CHINESE AMENDMENT (document Conf.D./C.G.84).

In the first sentence delete "in commission" and "in excess of the number indicated for such party in the table annexed to this chapter". In the second sentence delete "excess" and substitute "*aeroplanes*".

GREEK AMENDMENT (document Conf.D./C.G.89).

This delegation wishes to reserve the right to explain to the General Commission the reasons in favour of a modification of the provisions of this article.

PART II.—DISARMAMENT. SECTION II.—MATERIAL.

CHAPTER 3.—AIR ARMAMENTS (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

ARTICLE 41.

Aeroplanes exceeding the maximum unladen weight indicated in Article 37 and now existing in the armed forces of the High Contracting Parties must all, except in so far as exceptions may be made in accordance with that article, have been destroyed by the end of the period of this Convention. At least half of their number must, in the case of each High Contracting Party, have been destroyed by June 30th, 1936.

GERMAN AMENDMENT (document Conf.D./C.G.92).

AUSTRIAN AMENDMENT (document Conf.D./C.G.115).

CHINESE AMENDMENT (document Conf.D./C.G.84).

HUNGARIAN AMENDMENT (document Conf.D./C.G.116).

Delete this article.

ROUMANIAN, CZECHOSLOVAK AND YUGOSLAV AMENDMENT (document Conf.D./C.G.119).

Replace the words : " have been destroyed " by the words : " *to be placed at the disposal of the League of Nations for joint action* ".

Delete the last sentence of this article.

TABLE—AEROPLANES.¹

United States of America	500
Belgium	150
United Kingdom	500
China	100
Czechoslovakia	200
Denmark	50
Estonia	50
Finland	25
France	500
Greece	75
Italy	500
Japan	500
Latvia	50
Lithuania	50
Netherlands	150
Norway	75
Poland	200
Portugal	25
Roumania	150
Siam	75
Spain	200
Sweden	75
Switzerland	75
Turkey	100
U.S.S.R.	500
Yugoslavia	200

GERMAN AMENDMENT (document Conf.D./C.G.92).

AUSTRIAN AMENDMENT (document Conf.D./C.G.115).

HUNGARIAN AMENDMENT (document Conf.D./C.G.116).

Delete this table.

FINNISH AMENDMENTS.
(Document Conf.D./C.G.77.)

Reserves the right, during the course of the discussion, to make a statement concerning the minimum number of aeroplanes the Finnish Government is anxious to maintain pending the willingness of some other States to reduce their air forces.

(Document Conf.D./C.G.146.)

The Finnish delegation considers the number of aeroplanes allocated to Finland notably insufficient.

GREEK AMENDMENT (document Conf.D./C.G.89).

SIAMESE AMENDMENT (document Conf.D./C.G.99).

Reserve the right, during the course of the discussion, to make a statement concerning the reasons in favour of a modification of the figure fixed.

LETTER FROM THE PERSIAN DELEGATION

(June 9th, 1933).

The figures for the number of aircraft which the Persian Government wishes to have are also in the hands of the United Kingdom delegation.

¹ Figures will have to be inserted subsequently for the other Parties which at present possess military or naval aeroplanes.

PART II.—DISARMAMENT. SECTION II.—MATERIAL.

CHAPTER 3.—AJR ARMAMENTS (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

POLISH AMENDMENT (document Conf.D./C.G.III).

Reserves the right to specify the minimum number of aeroplanes essential for the defence requirements of its country on the basis of the following criteria to be defined in the Conference's discussions :

(1) The number of aeroplanes allotted to other countries, more particularly to those in the areas bordering on Poland ;

(2) An equitable relation between the number of effectives and the amount of material at their disposal ;

(3) A rate of reduction which makes allowance for the interdependence of the three categories of arms ;

(4) The effectiveness of supervision of civil aviation.

ROUMANIAN, CZECHOSLOVAK AND YUGOSLAV
AMENDMENT (document Conf.D./C.G.II9).

(General reservation—see amendment to Article 36.)

U.S.S.R. AMENDMENT (document Conf.D./C.G.83).

The table is not complete, and the delegation of the U.S.S.R. cannot give a definite opinion. It reserves the right, if necessary, to submit amendments when the table is completed.

SWISS AMENDMENT (document Conf.D./C.G.95).

Reserves the right to explain why this figure would be insufficient for the defence of a country in the geographical situation of Switzerland.

TURKISH AMENDMENT (document Conf.D./C.G.74).

In the table, the figure 100 should be replaced by the figure fixed for the European States which may be assimilated to Turkey.

OBSERVATIONS MADE IN THE GENERAL COMMISSION
DURING THE FIRST READING.

The *Swedish* delegation made a reservation with regard to figures, if the table were modified later (see page 539 of the Minutes of the General Commission).

Annex I.

(See document Conf.D.157,
Conference Documents, Vol. II,
page 487.)

Annex II.

(*Loc. cit.*, pages 487 and 488.)

PART II.—DISARMAMENT. SECTION II.—MATERIAL.

CHAPTER 4.—MANUFACTURE OF AND TRADE IN WAR MATERIAL.

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

FRENCH AMENDMENT (document Conf.D./C.G.122).

Insert a new chapter in Part II, Section II :

**" CHAPTER 4.—LIMITATION AND SUPERVISION OF THE
MANUFACTURE OF AND TRADE IN WAR MATERIAL.**

" Article A.

" The following provisions shall apply to the manufacture of and trade in the articles enumerated in Annex I.

" (The categories of war material subject to the regulations laid down hereinafter shall be determined by the conclusions of the Conference with regard to the quantitative limitation of material and shall include, as far as may be necessary, the articles covered by categories I (sub-categories A and B), III (sub-category 2) and V (sub-category 1) of Article I of the 1925 Convention on the Supervision of the International Trade in Arms and Ammunition and in Implements of War.)

" Article B.

" 1. Annex I fixes the quotas within the limits of which each of the High Contracting Parties may, during the period of application of the present Convention, procure the said articles, whether the latter are manufactured or imported by it direct or on its behalf.

" 2. The manufactures or imports of the said articles effected on behalf of other Powers within the limits of the jurisdiction of each High Contracting Party must not have the effect of causing the amount of the quotas assigned to it to be exceeded by more than x per cent.

" 3. It shall be for the Permanent Disarmament Commission to judge at any time whether :

" (a) The rate of supply of the said articles to each of the High Contracting Parties, as shown, in particular, by the licences or declarations of manufacture or export transmitted to the Secretary-General of the League of Nations, is in relation with the size of the quotas assigned to that party ;

" (b) If the nature of the supplies delivered to the High Contracting Parties whose armed land forces are subject to the provisions of Part II, Section I, Chapter 2, of the present Convention answers to the requirements of the progressive standardisation of war material provided for, as between those Powers, by other clauses of the present Convention.

" 4. The Secretary-General of the League of Nations shall only give the visa provided for in Article D below if the amount and, according to circumstances, the nature of the material supplied to the Power that is the consignee or importer meet with the approval of the Permanent Disarmament Commission.

" Article C.

" The High Contracting Parties undertake not to order the said articles to be manufactured or to export them or to permit their placing on order or their exportation, unless the following conditions are fulfilled :

" (a) The characteristics of the arms or material shall comply with the present Convention ;

PART II.—DISARMAMENT. SECTION II.—MATERIAL.

CHAPTER 4.—MANUFACTURE OF AND TRADE IN WAR MATERIAL (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

" (b) *Export or manufacture shall take place with a view to direct supply to a Government or, with the assent of the said Government, to some public authority under its control ;*

" (c) *Supplies of material to the consignee or importing Power must be approved by the Permanent Disarmament Commission.*

" Article D.

" 1. *In every case of an order for manufacture or the export of the said articles, the Government of the High Contracting Party shall issue an export or manufacture licence or declaration.*

" 2. *The said licence or declaration, which shall be made out in duplicate, one copy being immediately addressed to the Secretary-General of the League of Nations, shall contain :*

" (a) *A description permitting of the identification of the material to which it applies, together with particulars of the said articles in accordance with the headings of Annex I and details of their numbers or weight and their principal characteristics, more especially the calibre of artillery and the tonnage of tanks ;*

" (b) *The name of the exporter or factory ;*

" (c) *The name of the consignee ;*

" (d) *The name of the Government, if any, having authorised importation.*

" *In addition, the licence or declaration must be accompanied by a certificate from the Secretary-General of the League of Nations attesting that the said supplies have been approved by the Permanent Disarmament Commission.*

" Article E.

" *The international trade in arms, ammunition and implements of war other than the articles enumerated in Annex I shall be governed by the provisions of Annex II to the present chapter.*

" *The High Contracting Parties shall comply with these provisions.*

" (Annex II will reproduce, with such amendments or additions as may appear appropriate, the provisions of the 1925 Convention on the supervision of international trade in arms, ammunition and implements of war.)

" Article F.

" *The private manufacture of arms, ammunition and implements of war shall be governed by the provisions of Annex III to the present chapter.*

" *The High Contracting Parties shall comply with these provisions.*

" (Annex III will reproduce, with such amendments or additions as may appear appropriate, the provisions of the 1929 draft Convention regarding the supervision of the manufacture of arms, ammunition and implements of war.) "

PART II.—DISARMAMENT. SECTION II.—MATERIAL.

CHAPTER 4.—MANUFACTURE OF AND TRADE IN WAR MATERIAL (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

ADDITION PROPOSED BY THE SPANISH DELEGATION
(document Conf.D./C.G.144).

*" CHAPTER 4.—LIMITATION AND SUPERVISION OF THE
MANUFACTURE OF AND TRADE IN WAR MATERIAL.*

" 1. The High Contracting Parties undertake to recognise that the regime of the manufacture of and trade in arms has no private character, and to assume full responsibility for any conduct contrary to the provisions of the present Convention in connection with the manufacture and trade.

" 2. The High Contracting Parties hereby accept the principle of national and international supervision of the trade in and private and State manufacture of arms, ammunition and implements of war, by means of a system of quotas and licences for manufacture, export, import and transit, which will be co-ordinated, for purposes of supervision and publicity, by a special body under the supreme direction of the Permanent Disarmament Commission.

" 3. The Permanent Disarmament Commission will be responsible for drawing up rules for the application of the two foregoing principles, which rules will be submitted for the approval of the signatory Governments."

SECTION III. — EXPENDITURE.

DRAFT OF ARTICLES TO BE EMBODIED IN THE CONVENTION

PROPOSAL BY THE FRENCH DELEGATION
(document Conf.D./C.G.132).

EXPENDITURE [(LIMITATION)].

New Article.

" The total expenditure on national defence of each of the High Contracting Parties shall be limited to the figure fixed for it in the table appended to the present section.

" The conditions for the application of this limitation are defined in the Annex to the present section.

" (The Annex will define what is to be meant by national defence expenditure and will determine the rules for the application of limitation on the basis of the recommendations made in connection with point 6 of the Report of the Expenditure Commission and in the Report of the Technical Committee.) (Documents Conf.D.161 and 158.)"

PUBLICITY.

The following text has been drawn up by the Technical Committee of the National Defence Expenditure Commission in accordance with paragraph 3 (a) of the resolution adopted by the General Commission on June 8th last (document Conf.D./C.G.135(1)). This is a provisional text which will have to be re-examined by the Technical Committee and to which a certain number of annexes will be added. The sole purpose, therefore, of its inclusion in the present document is to give the General Commission some indication of the general nature of the contractual obligations to be assumed which the Technical Committee may possibly suggest to the States represented at the Conference.

PART II.—DISARMAMENT. SECTION III.—EXPENDITURE (*continued*).

DRAFT OF ARTICLES TO BE EMBODIED IN THE CONVENTION

PROVISIONAL TEXT APPROVED BY THE TECHNICAL COMMITTEE OF THE NATIONAL DEFENCE EXPENDITURE COMMISSION ON JULY 11TH, 1933.*

It is the unanimous opinion of the members of the Technical Committee that the present draft Convention is of an essentially provisional character and cannot in any circumstances definitely bind its authors. This draft merely represents the result of a first examination and a first reading; such being the case, it cannot be regarded as anything more than a basis of discussion.

This state of affairs is due to the fact that on certain points even the Technical Committee's report does not embody definite proposals and that, in consequence, the Committee's work has not yet emerged from the preparatory stage.

Article 1.

The High Contracting Parties undertake to give full publicity periodically to their national defence expenditure on a basis of reciprocity and in the manner and by the dates stipulated in the following articles and in the Annex to this Part of the Convention, which includes a general definition and a conventional list of such expenditure.

Such publicity shall apply to all national defence expenditure, irrespective of the nature and origin of the resources out of which such expenditure is met.

Article 2.

The High Contracting Parties undertake to forward the following documents to the Secretariat of the Permanent Commission :¹

(1) The draft general budgets (estimates) of the central authorities, and, if such are prepared, the draft individual budgets of each of the ministerial departments and draft special budgets, whenever these various documents include national defence expenditure within the meaning of the Convention ;

(2) The instruments enacting the general budgets of the central authorities and, if such are prepared, the budgets of the various ministerial departments, colonies, protectorates, or territories placed under the sovereignty or mandate of the High Contracting Parties, and special budgets, whenever these various documents include national defence expenditure within the meaning of the Convention ;

(3) Two summary statements during each *exercice*, showing how the total amounts of the national defence expenditure authorisations included in the original budgets mentioned under (2) have been modified by expenditure authorisations granted subsequently to the enactment of the original budgets ;

NOTE.

¹ The special questions raised by the despatch of the documents relating to the colonies, protectorates or territories under mandate will have to form the subject of special study in collaboration with the delegates of the colonial Powers.

* Document Conf.D./C.D./C.T.204(2).

Note by the Secretariat (July 1936) : For the revised text, drawn up by the Committee in December 1934, see document Conf.D./C.G.160(1).

PART II.—DISARMAMENT. SECTION III.—EXPENDITURE (*continued*).

DRAFT OF ARTICLES TO BE EMBODIED IN THE CONVENTION

(4) The general closed accounts of the central authorities, the individual closed accounts of the ministerial departments, the general closed accounts of the colonies, protectorates or territories placed under the sovereignty or mandate of the High Contracting Parties, and special accounts (if not included in the accounts mentioned above), whenever these various documents include national defence expenditure within the meaning of the Convention.

The documents mentioned under (1) and (2) shall be despatched within ... days after their publication; or, in the event of their not being published, within ... months after the date on which they have been finally drawn up.

The documents mentioned under (3) shall be despatched within ... days after the expiry of successive periods of six months, counting from the beginning of the financial year.

The High Contracting Parties undertake to publish and to despatch to the Secretariat of the Permanent Commission at the earliest possible date the closed accounts mentioned under (4) above. In any event, the publication of these accounts shall take place in sufficient time for them to be attached, as evidence in support, to the statement of expenditure the communication of which is provided for in Article 5.

Article 3.

The High Contracting Parties undertake for a period of ... years¹ to despatch to the Secretariat of the Permanent Commission, within ... months after the beginning of the financial year, a statement of their annual expenditure authorisations as specified in their original budgets.

This statement shall be accompanied by the reconciliation tables provided for in the Annex to this Part of the Convention.

Article 4.^{2 3}

The High Contracting Parties undertake to despatch to the Secretariat of the Permanent Commission, six months after the end of the financial year, a statement of the provisional figure of the total amount of payments made for national defence purposes during the financial year or the financial *exercice*, or, should this prove impossible, a statement of the provisional figure of the total amount of orders for payment issued for national defence purposes during the financial year or the financial *exercice*.

NOTES.

¹ The Committee has not yet pronounced on the question whether the States' obligation to produce a Model Statement based on expenditure authorisations should remain in force after the first two years, or whether this procedure should be replaced by a simplified form of publicity in regard to such authorisations. (See in this connection: Report of the Technical Committee, Volume I, pages 193 and 194; Minutes and Report of the National Defence Expenditure Commission.) The Committee reserves its right to pronounce finally on this problem at the second reading.

Certain members have already expressed the view that the period should be definitely fixed at two years.

² This draft article is submitted subject to the results of the enquiries which will have to be made in regard to the measures which certain States will be required to take to permit of the application of the provision of this article as far as they are concerned.

³ *Reservation by M. Worbs (Germany).*—The German expert does not consider that any useful purpose can be served by the communication of the provisional figures for expenditure at the end of the financial year. The findings of the Technical Committee's report do not make it certain that all States will be in a position to supply accurate figures. Such figures, moreover, would be based upon documents of varying character, and, in consequence, would not reflect the position in the same way. From the point of view of publicity, it would, moreover, appear possible to dispense with such data.

PART II.—DISARMAMENT. SECTION III.—EXPENDITURE (*continued*).

DRAFT OF ARTICLES TO BE EMBODIED IN THE CONVENTION

Article 5.

NOTES.

The High Contracting Parties undertake to despatch to the Secretariat of the Permanent Commission, within fourteen months after the end of the financial year, a statement of national defence payments during the financial *exercice*. This statement shall be accompanied by the reconciliation tables provided for in the Annex to this Part of the Convention.

The High Contracting Parties shall communicate as evidence in support of the statement of payments mentioned above, in addition to the documents referred to in Article 2, No. (4) :

A certified extract from the accounts of the federated States, showing the national defence expenditure payments appearing in those accounts ;

A certified extract from the accounts of regional and local public bodies, showing the national defence expenditure payments appearing in those accounts.

Article 6.¹

The High Contracting Parties undertake to communicate to the Permanent Commission, on receipt of a special request accompanied by a statement of reasons, the budgets and individual accounts of the ministerial departments, special budgets and accounts, and the budgets and accounts of federated States or regional and local public bodies, the regular and periodical communication of which is not provided for under the terms of Article 2 of the present Convention.

¹ *Reservation by M. Worbs (Germany).*
—The German expert considers that Article 6 is political in character and does not therefore fall within the scope of the Committee's mandate. The General Commission will have to decide in the light of the general stipulations of the Convention whether it will be satisfied with the communication of the documents specified in the preceding articles of the present draft, or whether it will invest the Permanent Commission with the right to call for documents even when they do not include national defence expenditure.

Article 7.

The High Contracting Parties undertake to retain or to introduce in the presentation of their budgets and accounts a specification sufficient to enable the Permanent Commission to follow by means of reconciliation tables the operations by which the figures in their budgets and accounts have been transferred to the statements, the production of which is stipulated for in Articles 3 and 5 of the present Convention.

The conditions regarding this specification shall be specially mentioned, in the case of some States, in the Annex to this Part of the Convention.

Article 8.

The Permanent Commission shall check the statements provided for in Articles ... and ... of the present Convention in order to establish the figures of expenditure to be published.

For this purpose, after asking the Governments for any additional particulars and explanations that it considers necessary, the Permanent Commission may request them to correct the figures supplied by them and to

PART II.—DISARMAMENT. SECTION III.—EXPENDITURE (*continued*).

DRAFT OF ARTICLES TO BE EMBODIED IN THE CONVENTION

bring them into conformity with those which it deems to be correct.

. 1

The Permanent Commission shall also examine the documentation provided for in Articles Should it regard this documentation as inadequate, it may request the Governments to supply additional particulars.

¹ The rules governing the publication of the expenditure figures of the High Contracting Parties after verification by the Permanent Commission raise problems of a political character which, moreover, have a bearing upon the publication of information of whatever kind the exchange of which may be provided for in the Convention. Such being the case, the Technical Committee would not feel justified, in the present phase of its activities and in consideration of the negotiations now in progress on the question of supervision, in proposing definite rules in regard to the publication of expenditure figures.

TRANSITIONAL PROVISION.

The first Model Statement supplied by the States in pursuance of the provisions of Article 5 shall be accompanied, not only by the accounts to be communicated in conformity with Article 1, but also by the accounts for the three previous financial *exercices*.

If the High Contracting Parties, when producing the first Model Statement, are not in a position to communicate the published accounts for the three previous financial *exercices*, they shall lay before the Permanent Commission certified statements of national defence payments during each of these three *exercices*.

* * *

FINAL NOTE.

The Technical Committee notes that the General Commission has not yet come to a decision with regard to formations organised on a military basis which may have to be included among the effectives of certain countries. The Committee reserves its right to submit such modifications as it may be necessary to introduce into the present articles in the light of the decisions subsequently taken, more especially with regard to the categories of documents to be automatically supplied by the various countries (accounts of federated States, etc.).



Part III.—Exchange of Information.

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

ARTICLES 42 TO 46.

(The provisions of this part will depend, in the main, on the limitations and restrictions imposed by the other parts of the Convention. It does not seem necessary, therefore, to attempt to draft them now. It is only necessary to note that Articles 34 and 35 of the draft Convention will have to be reproduced.)

ARTICLES 34 AND 35 OF THE DRAFT CONVENTION OF 1929 PREPARED BY THE PREPARATORY COMMISSION FOR THE DISARMAMENT CONFERENCE.

Article 34.

Within one month after the date of laying down and the date of completion respectively of each vessel of war, other than the vessels exempt from limitation under Annex I to Chapter B of Part II, laid down or completed by or for them or within their jurisdiction after the coming into force of the present Convention, the High Contracting Parties shall communicate to the Secretary-General of the League of Nations the information detailed below :

(a) The date of laying down the keel and the following particulars :

Classification of the vessel and for whom built (if not for the High Contracting Party) ;

Standard displacement in tons and metric tons ;

Principal dimensions—namely, length at water-line, extreme beam at or below water-line ;

Mean draught at standard displacement ;

Calibre of the largest gun.

(b) The date of completion, together with the foregoing particulars relating to the vessel at that date.

The above information shall be immediately communicated by the Secretary-General to all the High Contracting Parties and shall be published by the Secretary-General not later than . . . in each year.

Article 35.

Each of the High Contracting Parties shall communicate to the Secretariat of the League of Nations the name and tonnage of any vessel constructed in accordance with Article 19. With regard to existing vessels of this type, this communication shall be made within two months after ratification of the present Convention. With regard to vessels to be constructed, the communication shall be made on the date of completion.

Part IV.—Chemical Warfare.

SECTION I. — PROHIBITION OF CHEMICAL, INCENDIARY OR BACTERIAL WARFARE.

TEXT ADOPTED IN FIRST READING

ARTICLE 47.

The following provision is accepted as an established rule of International Law :

The use of chemical, incendiary or bacterial weapons as against any State, whether or not a party to the present Convention, and in any war, whatever its character, is prohibited.

This provision does not, however, deprive any party which has been the victim of the illegal use of chemical or incendiary weapons of the right to retaliate, subject to such conditions as may hereafter be agreed.

With a view to the application of this rule to each of these categories of weapons, the High Contracting Parties agree upon the following provisions :

ARTICLE 48.

The prohibition of the use of chemical weapons shall apply to the use, by any method whatsoever for the purpose of injuring an adversary, of any natural or synthetic substance harmful to the human or animal organism, whether solid, liquid or gaseous, such as toxic, asphyxiating, lachrymatory, irritant or vesicant substances.

This prohibition shall not apply :

- (a) To explosives ;
- (b) To the noxious substances arising from the combustion or detonation of explosives, provided that such explosives have not been designed or used with the object of producing noxious substances ;
- (c) To smoke or fog used to screen objectives or for other military purpose, provided that such smoke or fog is not liable to produce harmful effects under normal conditions of use.

ARTICLE 49.

The prohibition of the use of incendiary weapons shall apply to :

- (1) The use of projectiles specifically intended to cause fires ;

The prohibition shall not apply to :

- (a) Projectiles specially constructed to give light or to be luminous and generally to pyrotechnics not intended to cause fires, or to projectiles of all kinds capable of producing incendiary effects accidentally ;
- (b) Incendiary projectiles designed specifically for defence against aircraft, provided that they are used exclusively for that purpose ;
- (2) The use of appliances designed to attack persons by fire, such as flame-projectors.

AMENDMENTS AND OBSERVATIONS

AMENDMENT PROPOSED BY THE DELEGATIONS OF THE LITTLE ENTENTE (document Conf.D./C.G.123).

Delete the third paragraph of this article.

LETTER FROM THE PERSIAN DELEGATION (June 9th, 1933).

The Persian delegation wish their reservation to Article 47 to be omitted.

PART IV.—CHEMICAL WARFARE (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

ARTICLE 50.

The prohibition of the use of bacterial arms shall apply to the use for the purpose of injuring an adversary of all methods for the dissemination of pathogenic microbes, or of filter-passing viruses, or of infected substances, whether for the purpose of bringing them into immediate contact with human beings, animals or plants, or for the purpose of affecting any of the latter in any manner—for example, by polluting the atmosphere, water, foodstuffs or any other objects.

SECTION II. — PROHIBITION OF PREPARATIONS FOR CHEMICAL, INCENDIARY AND BACTERIAL WARFARE.

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

ARTICLE 51.

All preparations for chemical, incendiary or bacterial warfare shall be prohibited in time of peace as in time of war.

ARTICLE 52.

In order to enforce the aforesaid general prohibition, it shall, in particular, be prohibited:

(1) To manufacture, import, export or be in possession of appliances or substances exclusively suited to chemical or incendiary warfare.

The quantities of chemical substances necessary for protective experiments, therapeutic research and laboratory work shall be excepted. The High Contracting Parties shall inform the Permanent Disarmament Commission of the quantities of the said substances necessary for their protective experiments.

The manufacture of and trade in these substances may not be undertaken without Government authorisation.

(2) To manufacture, import, export or be in possession of appliances or substances suitable for both peaceful and military purposes with intent to use them in violation of the prohibition contained in Article 48.

(3) To instruct or train armed forces in the use of chemical, incendiary or bacterial weapons and means of warfare, or to permit any instruction or training for such purposes within their jurisdiction.

ARTICLE 53.

The provisions of Articles 51 and 52 shall not restrict the freedom of the High Contracting Parties in regard to material and installations intended exclusively to ensure individual or collective protection against the effects of chemical, incendiary or bacterial weapons, or to training with a view to individual or collective protection against the effects of the said weapons.

PART IV.—CHEMICAL WARFARE (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

ARTICLE 54.

The High Contracting Parties shall inform the Permanent Disarmament Commission of the lachrymatory substances intended to be used by their authorities for police operations as well as the number of the various appliances by means of which they are to be utilised.

AMENDMENT BY THE DELEGATION OF THE UNITED STATES OF AMERICA
(document Conf.D./C.G.136).

Replace the present Article 54 by the following :

" The High Contracting Parties undertake to inform the Permanent Disarmament Commission annually of the nature of the lachrymatory substances used by their Governmental agencies or instrumentalities for police operations, as well as of the number and character of the various appliances by which the said lachrymatory substances are utilised."

SECTION III. — SUPERVISION OF THE OBSERVANCE OF THE PROHIBITION OF PREPARATIONS FOR CHEMICAL, INCENDIARY OR BACTERIAL WARFARE.

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

ARTICLE 55.

The Permanent Disarmament Commission shall examine the complaints put forward by any party which may allege that the prohibition to prepare for chemical, incendiary or bacterial warfare has been violated.

SECTION IV. — ESTABLISHMENT OF THE FACT OF THE USE OF CHEMICAL, INCENDIARY OR BACTERIAL WEAPONS.

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

ARTICLE 56.

Any party claiming that chemical, incendiary or bacterial weapons have been used against it shall notify the Permanent Disarmament Commission.

It shall, at the same time, notify the authority designated for the purpose by the Permanent Disarmament Commission or, failing such authority, the Doyen of the Diplomatic Corps accredited to it, with a view to the immediate constitution of a Commission of Investigation.

If the above-mentioned authority has received the necessary powers, it shall itself act as a Commission of Investigation.

ARTICLE 57.

The Commission of Investigation shall proceed with all possible speed to the enquiries necessary to determine whether chemical, incendiary or bacterial weapons have been used.

It shall report to the Permanent Disarmament Commission.

ARTICLE 58.

The Permanent Disarmament Commission shall invite the party against which the complaint has been made to furnish explanations.

It may send commissioners to the territory under the control of that party for the purpose of proceeding to an enquiry, to determine whether chemical, incendiary or bacterial arms have been used.

ARTICLE 59.

The Permanent Commission may also carry out any other enquiry with the same object.

PART IV.—CHEMICAL WARFARE (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

ARTICLE 60.

The parties involved in the above-mentioned operations, and, in general, all the parties to the present Convention, shall take the necessary measures to facilitate these operations, particularly as regards the rapid transport of persons and correspondence.

ARTICLE 61.

According to the result of the above-mentioned operations, the Permanent Commission, acting with all possible speed, shall establish whether chemical, incendiary or bacterial weapons have been used.

ARTICLE 62.

The details of the application of the provisions of this chapter shall be fixed by regulations to be issued by the Permanent Disarmament Commission.

Part V.—Miscellaneous Provisions.

SECTION I.—PERMANENT DISARMAMENT COMMISSION.

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

CHAPTER 1. — COMPOSITION.

ARTICLE 64.

There shall be set up at the seat of the League of Nations a Permanent Disarmament Commission composed of representatives of the Governments of the High Contracting Parties. Each such Government shall appoint one member of the Commission. Each member may be accompanied by substitutes and experts.

The Governments of the High Contracting Parties will inform the Secretary-General of the League of Nations of the names of their representatives, substitutes and experts on their nomination and on any changes being made.

ARTICLE 65.

The Commission shall set up committees, whose number, composition and functions shall be decided by the Commission.

ARTICLE 66.

The Commission may be assisted by experts chosen by itself, other than any experts appointed by the High Contracting Parties to accompany their representatives.

ARTICLE 67.

The members of the Commission, their substitutes and experts, and the experts and officials of the Commission, when engaged on the business of the Commission, shall enjoy diplomatic privileges and immunities.

ARTICLE 68.

The Secretary-General of the League of Nations shall provide the Secretariat of the Commission.

PART V.—MISCELLANEOUS PROVISIONS.
SECTION I.—PERMANENT DISARMAMENT COMMISSION (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

CHAPTER 2. — FUNCTIONS.

ARTICLE 69.

It will be the duty of the Commission to watch the execution of the present Convention. The Commission shall receive all the information which the High Contracting Parties are bound to communicate to the Secretary-General of the League of Nations in pursuance of their international obligations in this respect. The Commission may request the High Contracting Parties to supply, in writing or verbally, any supplementary particulars or explanations in regard to the said information which it may consider necessary.

ARTICLE 70.

The Commission may take into account any other information which may reach it from a responsible source and which it may consider worth attention.

ARTICLE 71.

The Commission shall be entitled to have any person heard or consulted who is in a position to throw any light on the question which is being examined by the Commission.

ARTICLE 72.

Any High Contracting Party whose observance of the execution of the present Convention may have been the subject of criticism shall be entitled to request the Commission to conduct in its territory such investigations as may be necessary in order to verify the execution of the obligations of the said party under the present Convention.

On receipt of such a request, the Commission shall meet at once in order to give effect to it, to determine the scope of the investigation within the limits of the criticism which has been made, and to lay down the conditions in which the investigation is to take place.

ARTICLE 73.

At the request of one or more of the High Contracting Parties, the Commission may decide to have investigations of alleged infractions of the Convention conducted on the territory of any High Contracting Party.

On the receipt of such a request, the Committee shall meet at once in order to take a decision upon it.

Its decision, which will determine the scope of the investigation, if such is decided upon, shall be taken by a two-thirds majority of all the members of the Commission, whether present at the meeting or not.

ARTICLE 74.

The result of the investigations decided upon in accordance with Articles 72 and 73 shall be embodied in each case in a special report by the Commission.

The High Contracting Parties shall promptly advise as to the conclusions of the report.

FRENCH AMENDMENT
(document Conf.D./C.G.126).

"The Commission shall proceed to examine and may take into account any other information which may be submitted to it by one of its members or which may reach it from a responsible source."

FRENCH AMENDMENT
(document Conf.D./C.G.126).

(Text unchanged.)

"Its decision, which will determine the scope of the investigation, shall be taken by a two-thirds majority of the members of the Commission present at the meeting."

PART V.—MISCELLANEOUS PROVISIONS.

SECTION I.—PERMANENT DISARMAMENT COMMISSION (*continued*).

TEXT ADOPTED IN FIRST READING

ARTICLE 75.

Independently of the investigations referred to in Articles 72 and 73, the Commission shall be entitled to conduct periodic investigations in regard to States which have made a special agreement to that effect.

ARTICLE 76.

The Commission shall make, at least once a year, a report showing the situation as regards the execution of the present Convention and containing any observations which this situation may suggest to it.

ARTICLE 77.

If one of the High Contracting Parties is of opinion that the provisions of the present Convention have been infringed, or that a threat of infringement exists, such party may address a complaint to the Commission.

The Commission will invite the High Contracting Party whose attitude has produced the complaint to supply it with all explanations which may be useful. The Commission will proceed to investigate the matter and may employ with this object the various methods of obtaining information provided for in the present Convention.

The Commission will draw up as soon as possible a reasoned report on the result of its investigation.

The High Contracting Parties shall promptly advise as to the conclusions of the report.

ARTICLE 78.

Each member of the Commission shall be entitled to require that, in any report by the Commission, account shall be taken of the opinions or suggestions put forward by him, if necessary in the form of a separate report.

AMENDMENTS AND OBSERVATIONS

FRENCH AMENDMENT

(document Conf.D./C.G.125).

"(1) *Independently of the investigations referred to in Articles 72 and 73, the Permanent Disarmament Commission shall, as soon as it enters upon its duties, arrange for a regular inspection of the armaments of the High Contracting Parties involving an investigation in each State at least once every year.*

"(2) *For this purpose, the Commission shall set up the necessary inspection organisations. The duty of the latter shall be to satisfy themselves constantly as to the execution of any undertaking entered into in the present Convention. Each of them shall have full freedom to arrange, in the best interests of its mission, its movements within the States of the area assigned to it.*

"(3) *The Annex to the present chapter shall lay down the rules regarding the composition and working of these inspection organisations. It shall be for the Commission to fix in accordance with these rules regional regulations regarding investigations, which it shall subsequently be entitled to modify by decisions taken by a two-thirds majority of the members present at the meeting.*

"(4) *The President of each inspection organisation may, as the result of an investigation, cause a meeting of the Commission to be convened.*"

PART V.—MISCELLANEOUS PROVISIONS.

SECTION I.—PERMANENT DISARMAMENT COMMISSION (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

ARTICLE 79.

All reports by the Commission shall be immediately communicated to the High Contracting Parties and to the Council of the League of Nations. They shall be made public as soon as possible in the conditions determined by the Commission.

FRENCH AMENDMENT
(document Conf.D./C.G.127).

Add a paragraph as follows :

" The High Contracting Parties shall not take or authorise any measure of a nature to restrict the publication of the reports and documents emanating from the Commission and made public by the latter or by the Council of the League of Nations. Each of the High Contracting Parties shall employ the means at its disposal to prevent direct or indirect acts of reprisal being taken against any person in connection with such publications. "

ARTICLE 80.

The Commission shall prepare, for submission to the High Contracting Parties, such agreements as may be necessary to ensure the execution of the present Convention.

ARTICLE 81.

The Commission shall make preparations for the conference to be held in accordance with Article 95 of the present Convention, in order to facilitate the subsequent stages of disarmament.

ARTICLE 82.

The Commission shall, in general, carry out any preliminary studies which may appear useful for the execution of its duties.

ARTICLE 83.

Within the limits of its functions, the Commission shall supply the Council of the League of Nations with any information and advice which the Council may request of it.

IMMUNITIES.

NEW ARTICLE PROPOSED BY THE FRENCH DELEGATION

(document Conf.D./C.G.124).

" 1. The publication or disclosure, by persons not exercising any State functions, of information relating to points forming the subject, in the present Convention, of undertakings regarding limitation or publicity, whereby a failure to observe the undertakings thus entered into is established, may not give rise to any criminal proceedings.

" 2. Any proceedings taken for untruthfully denouncing an alleged failure to observe the Convention shall be heard in public ; if, for special reasons, this publicity is not possible, the Permanent Disarmament Commission shall have the right to appoint representatives to follow the proceedings.

PART V.—MISCELLANEOUS PROVISIONS.

SECTION I.—PERMANENT DISARMAMENT COMMISSION (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

" 3. Any person who has in good faith furnished the Permanent Commission, in the course of an enquiry, either at the request of the Commission or its delegates or of his own free will, with information relating to the exact execution of the undertakings entered into in the present Convention may not be proceeded against by reason of this fact, and shall be protected by the competent authorities against any reprisals.

" This immunity must be guaranteed even to officials, provided always that, in the case of information furnished spontaneously during an enquiry, the official has previously informed his superiors of the fact constituting a failure to observe the Convention, and that no steps have been taken to deal with the matter.

" 4. The Permanent Commission shall be informed of any proceedings for giving false evidence taken against a witness who, in the course of an enquiry, has made a deposition before the Commission or its delegates."

CHAPTER 2. — OPERATIONS.

ARTICLE 84.

The Commission shall meet for the first time, on being summoned by the Secretary-General of the League of Nations, within three months from the entry into force of the present Convention, to elect a provisional President and Vice-President and to draw up its Rules of Procedure.

Thereafter it shall meet as least once a year in ordinary session on the date fixed in its Rules of Procedure.

It shall also meet in extraordinary session:

- (1) When such a meeting is prescribed by the present Convention;
- (2) If its Bureau so decides, either of its own motion or on the request of one of the High Contracting Parties;
- (3) On the request of the Council of the League of Nations.

ARTICLE 85.

The High Contracting Parties will furnish the delegates of the Commission who are entrusted with the investigations referred to in Articles 72, 73 and 75 with the necessary facilities for the execution of their mission. The parties will employ the means at their disposal to secure the attendance of any witnesses whom the delegates of the Commission may wish to hear.

ARTICLE 86.

Except where otherwise provided by the present Convention, the decisions of the Commission shall be taken by a majority of the members present at the meeting.

A minority report may be drawn up.

FRENCH AMENDMENT

(document Conf.C./D.G.126).

" Except where otherwise provided by the present Convention, the decisions of the Commission shall be taken by a majority of the members present at the meeting. In calculating this majority, members who abstain from voting shall be regarded as being absent. A minority report may be drawn up."

PART V.—MISCELLANEOUS PROVISIONS.
SECTION I.—PERMANENT DISARMAMENT COMMISSION (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

TURKISH AMENDMENT
(document Conf.D./C.G.I30).

Article 86 to read as follows :

" In addition to the stipulations of the present Convention, the Commission's procedure for the taking of decisions in regard to all questions coming within its competence will be laid down in the Commission's Rules of Procedure.

" Those Rules of Procedure must be adopted by a majority of two-thirds of the members of the Commission present."

ARTICLE 87.

The general expenditure of the Commission shall form the subject of a special chapter in the budget of the League of Nations.

The High Contracting Parties who are not members of the League shall bear a reasonable share of the said expenditure. An agreement to this effect will be reached between these parties and the Secretary-General of the Commission.

The travelling expenses and subsistence allowances of the members of the Commission, their substitutes and experts shall be paid by their respective Governments.

The Commission shall draw up regulations relating to the expenditure necessitated by its work.

SECTION II. — DEROGATIONS.

ARTICLE 88.

Should any of the High Contracting Parties become engaged in war, or should a change of circumstances constitute, in the opinion of any High Contracting Party, a menace to his national security, such party may suspend temporarily, in so far as he is concerned, any provision or provisions of the present Convention, other than those contained in Articles 30, 34 and 47 to 62, provided that :

(a) Such High Contracting Party shall immediately notify the other High Contracting Parties, and at the same time the Permanent Disarmament Commission, of such temporary suspension and of the extent thereof ;

(b) In the event of the suspension's being based upon a change of circumstances, the High Contracting Party concerned shall, simultaneously with the said notification, communicate to the other High Contracting Parties and to the Permanent Disarmament Commission a full explanation of such change of circumstances.

Thereupon the other High Contracting Parties shall promptly advise as to the situation thus presented.

When the reasons for such temporary suspension have ceased to exist, the said High Contracting Party shall reduce his armaments to the level agreed upon in the Convention and shall make immediate notification to the other High Contracting Parties.

PART V.—MISCELLANEOUS PROVISIONS (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

SECTION III.—FINAL PROVISIONS.

ARTICLE 89.

It is hereby declared that the loyal execution of the present Convention is a matter of common interest to the High Contracting Parties.

New Article 89 (a).

FRENCH PROPOSAL

(document Conf.D./C.G.128).

"Should the Commission, either directly or as the result of an investigation or a complaint, have established a violation of the engagements contained in the present Convention, it shall without delay call on the High Contracting Party at fault to observe its undertakings within a period to be fixed by the Commission.

"The Commission shall further appoint a Committee of Inspection to satisfy itself that, within the period laid down, the provisions of the Convention are being observed and that the said violation no longer exists.

"If the said violation continues, the High Contracting Parties shall employ in common against the High Contracting Party which has not complied with its undertakings the necessary means of pressure to ensure the execution of the Convention.

"If war breaks out as the result of a violation of the undertakings contained in the present Convention, the High Contracting Parties Members of the League of Nations shall consider the said violation as prima facie evidence that the party guilty thereof has had recourse to war within the meaning of Article 16 of the Covenant of the League of Nations.

"(The present Section III, beginning with Article 90, would become Section IV.)"

RESERVATION BY THE UNITED STATES OF AMERICA.

(See page 583 of the Minutes of the General Commission.)

The United States to be excluded from any implied obligation to do more than the American delegation had definitely indicated its willingness to do.

ARTICLE 90.

The present Convention is not to be interpreted as restricting the provisions of the Covenant of the League of Nations—in particular, those which fix the powers of the Council and the Assembly.

PART V.—MISCELLANEOUS PROVISIONS. SECTION III.—FINAL PROVISIONS (*continued*).

TEXT ADOPTED IN FIRST READING

AMENDMENTS AND OBSERVATIONS

ARTICLE 91.

If a dispute arises between two or more of the High Contracting Parties concerning the interpretation or application of the provisions of the present Convention, and cannot be settled either directly between the parties or by some other method of friendly settlement, the parties will, at the request of any one of them, submit such dispute to the decision of the Permanent Court of International Justice, or to an arbitral tribunal chosen by them.

ARTICLE 92.

The present Convention shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods. The instruments of ratification shall be deposited with the Secretary-General of the League of Nations.

The present Convention shall come into force, for each party whose instrument of ratification has been deposited, as soon as the instruments of ratification have been deposited by
(list to be drawn up by the Conference).

ARTICLE 93.

Each of the High Contracting Parties will take the necessary measures for carrying the provisions of the present Convention into effect as soon as it has come into force for such party.

ARTICLE 94.

Except as provided in the following paragraphs of this article, the present Convention shall remain in force for five years from the date on which it comes into force in accordance with the second paragraph of Article 92.

Chapter 2 of Section II of Part II (Naval Armaments) and Table II annexed to Section I of Part II (Naval Effectives) shall remain in force until December 31st, 1936.

The rules referred to in Article 30 remain in force, as provided in Article 23 of the Treaty of London, without limit of time. Article 34 and Sections I, II and III of Part IV shall also remain in force without limit of time.

ARTICLE 95.

Not later than years from the date on which the present Convention comes into force, a conference of the High Contracting Parties shall meet at Geneva. It will be the duty of the said conference to prepare and conclude a new Convention, which will replace the present Convention and will carry on the work of the reduction and limitation of armaments begun by the present Convention.

PART V.—MISCELLANEOUS PROVISIONS. SECTION III.—FINAL PROVISIONS (*continued*).

TEXT ADOPTED IN FIRST READING

ARTICLE 96.

The present Convention, together with the further Conventions to be concluded in accordance with Article 95 and Article 32, will replace, as between the respective parties to the Treaties of Versailles, St. Germain, Trianon and Neuilly, those provisions of Part V (Military, Naval and Air Clauses) of each of the Treaties of Versailles, St. Germain and Trianon, and of Part IV (Military, Naval and Air Clauses) of the Treaty of Neuilly, which at present limit the arms and armed forces of Germany, Austria, Hungary and Bulgaria respectively.

AMENDMENTS AND OBSERVATIONS

TURKISH AMENDMENT
(document Conf.D./C.G.131).

"The present Convention, together with the further Conventions to be concluded in accordance with Article 95 and Article 32, will replace, as between the respective parties to the Treaties of Versailles, St. Germain, Trianon, Neuilly and *Lausanne*, those provisions of Part V (Military, Naval and Air Clauses) of each of the Treaties of Versailles, St. Germain and Trianon, and of Part IV (Military, Naval and Air Clauses) of the Treaty of Neuilly, which at present limit the arms and armed forces of Germany, Austria, Hungary and Bulgaria respectively, and also the *Convention in regard to the frontier of Thrace, in the Treaty of Lausanne.*"

The delegations of the *Petite Entente, Greece, Poland and France* made a general reservation to this article (see page 588 of the Minutes of the General Commission).

The *Japanese* delegation maintains its general reservation with regard to the question of supervision (see page 588 of the Minutes of the General Commission).
