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# **RECORDS**

OF THE

## **Conference for the Reduction and Limitation of Armaments**

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# **MINUTES**

OF THE

## **POLITICAL COMMISSION**

**February 27th, 1932 - March 10th, 1933**

**Series of League of Nations Publications**

**IX. DISARMAMENT**

**1936. IX. 8.**

The General Commission, in the course of its meeting on February 25th, 1932, decided "that a Political Commission should be set up to which would be referred for study, in particular, the proposals enumerated in the survey prepared by the Secretariat<sup>1</sup> under the titles 'Organisation of Peace' and 'Supervision'".

The Political Commission held eight meetings between February 27th, 1932, and March 10th, 1933.

The secretariat of the Political Commission consisted of the following members of the Secretariat of the League of Nations:

M. Th. AGHNIDES, Director of the Disarmament Section of the Secretariat of the League of Nations;

Mr. F. COLT DE WOLF, of the Disarmament Section of the Secretariat of the League of Nations;

Dr. P. BARANDON and M. E. GIRAUD, of the Legal Section of the Secretariat of the League of Nations.

At its first meeting, the Commission decided that its officers should be the officers of the General Commission, that is to say:

*President*: The President of the Conference;

*Vice-President*: M. N. POLITIS (Greece);

*Rapporteur*: M. E. BENEŠ (Czechoslovakia).

On March 15th, 1932, the Political Commission appointed a Committee to study the problem of moral disarmament. This Committee sat from March 15th, 1932, to November 17th, 1933. Its report (document Conf.D./Bureau 54) appears in Conference Documents, Volume III.

On March 10th, 1933, the Political Commission appointed a Committee to study security questions. This Committee sat from May 10th to May 18th, 1933, and submitted to the General Commission a report (document Conf.D./C.G.108) which is included in Conference Documents, Volume II.<sup>2</sup>

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<sup>1</sup> See document Conf.D.99, Conference Documents, Vol. I.

<sup>2</sup> The Political Commission's report on the question of non-resort to force (document Conf.D.156) appears in Conference Documents, Vol. II.

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## FIRST MEETING

*Held on Saturday, February 27th, 1932, at 10 a.m.*

The Right Honourable A. HENDERSON in the Chair.

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### 1. ELECTION OF THE PRESIDENT, VICE-PRESIDENT AND RAPPORTEUR.

MR. HENDERSON drew attention to the decision taken by the General Commission on February 25th setting up the Political Commission. He proposed that the Commission should proceed to elect its President, Vice-President and Rapporteur in accordance with Article 5, paragraph 2, of the Rules of Procedure of the Conference. Under Article 13 of the Rules the election was to be carried out by secret ballot, unless the Commission decided otherwise.

MR. GIBSON (United States of America) proposed that the Bureau of the Political Commission should consist of the same members as those forming the Bureau of the General Commission, MR. HENDERSON as President, M. POLITIS as Vice-President, and M. BENEŠ as Rapporteur.

M. PAUL-BONCOUR (France), M. DE AGÜERO Y BETHANCOURT (Cuba) and General DE MARINIS (Italy) seconded this proposal.

*The proposal of Mr. Gibson was adopted by acclamation.*

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## SECOND MEETING

*Held on Tuesday, March 15th, 1932, at 3.30 p.m.*

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President: The Right Honourable A. HENDERSON.

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### 2. ADOPTION OF THE AGENDA.

The PRESIDENT reminded the Commission that the General Commission, on the proposal of the Bureau, had decided that matters which did not raise questions of principle might be referred immediately to the Special Commissions. He therefore proposed that the Political Commission should adopt as its provisional agenda the list of questions referred to it (document Conf.D.103).

*The President's proposal was adopted.*

### 3. MORAL DISARMAMENT.<sup>1</sup>

M. SZUMLAKOWSKI (Poland) said that the problem of moral disarmament was certainly not new. It had interested mankind, not for years, but for centuries. The time had now come, however, to put aside theoretical discussions and declarations of principle and to pass to acts. The Polish Government had thought it desirable to take advantage of a great diplomatic meeting such as the Disarmament Conference to suggest to the other Governments that they should together consider the possibility of taking a first step in this direction.

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<sup>1</sup> See memorandum from the Polish Government, document Conf.D.16; proposals of the Polish delegation, document Conf.D.76; and documentary material forwarded by the International Organisation on Intellectual Co-operation, document Conf.D.98.

The expression "moral disarmament" did not altogether correspond to the idea which the Polish delegation desired the Conference to examine. Not only must men's minds be disarmed; they must be changed, and thus a sound psychological basis must be created for the future development of the international community. Considerable progress in this field had been made since the war. International relations had been profoundly changed. Ideas which before 1914 would have been deemed utopian had become commonplace. Compulsory arbitration, an organised League of Nations, the limitation of armaments by convention were some of the most salient features of this evolution. International law had advanced rapidly and boldly, and M. Szumlakowski hoped that the Disarmament Conference would lead to further progress in this realm.

The Governments had been urged irresistibly towards improving the organisation of international life, and could not now revert to an attitude of isolation and indifference. A comparison of the texts drawn up since the creation of the League, however, with certain disquieting facts of everyday occurrence would show that there were striking differences between the present stage of the development of international law and the psychological attitude of certain social groups. In some cases, this contradiction prevented international agreements from having their full effect, since they could only be thoroughly effective when respect for international law had permeated the juridical conscience of all nations. As long as progress in international law was not accompanied by a corresponding development of international confidence, the international community would be weak and helpless when faced with the difficulties before it.

The evolution of international law, through changed economic, technical and other conditions affecting international life, had been more rapid than the evolution of the group psychology of the nations. The question therefore arose whether the development of the latter could not be accelerated and the time when harmony would exist between law and psychology brought nearer. That was the whole problem of moral disarmament.

The Conference would doubtless lead to considerable progress in the organisation of the international community, but, if that progress was to be thoroughly effective, it must go hand in hand with the psychological evolution of the nations. The Polish delegation thought the time had come to consider carefully the problem of this co-ordination, apart from which anything attempted by the Conference might be useless and ineffectual.

M. Szumlakowski considered that, though not easy, it was quite possible to solve this problem. Modern Governments exercised an increasingly predominant influence in all fields of social life, and could therefore make great contributions towards the necessary psychological adaptations by combating certain harmful influences and promoting useful influences. In his opinion, the Governments were bound to undertake this common task if they wanted to be logical and to bring their internal activities into harmony with the spirit of the international instruments they had signed.

No doubt they might usefully be helped by private initiative, by the churches, for instance, or by great associations. The Conference, however, could only deal with the governmental aspect of the question.

Peace, *rapprochement* between the nations, international co-operation — these were familiar ideas. Unfortunately they had not as yet influenced internal governmental action to any appreciable extent. Whilst an effort was being made to build up and develop an organised international community, the existence of such a community sometimes seemed to be ignored in the national sphere. That must be counteracted by an effort to lay the foundations of a new internal policy — that was to say, to co-ordinate national with international interests, with the interests of peace. In every sphere of public activity, an attempt must be made to safeguard international interests, just as national interests were safeguarded. In this way, the harmful activity of certain elements which desired to bring public opinion in their country into conflict with the ideas which inspired our work here would thus be frustrated by energetic governmental action; the international and internal policies of States would be harmoniously adapted one to another, and the instruments signed at Geneva would then achieve their full value.

That carefully considered governmental action should give a lead to public opinion in important international questions was indeed the aim of the Polish memorandum of September 17th, and of the recent Polish proposals. To fight hatred of the foreigner was the best way to re-establish international confidence and to establish peace on the most sound basis — a moral basis.

The Polish memorandum and proposals explained certain practical steps which might be taken with a view to moral disarmament.

In the first place, this question arose within the sphere of penal legislation. It would seem possible to define certain acts which, perhaps, were not reprehensible from the international point of view, in the restricted sense of the term, but were nevertheless harmful to international interests. Should not penal sanctions be applicable to such acts? In the international community's present stage of development, was it not desirable to safeguard international peace by national legislation in the same way as internal peace?

As examples of international offences to be prohibited under national legislation might be mentioned incitement to war, propaganda for the violation of international laws, and so on. A thorough study would reveal a whole series of offences against international interests. In proportion as the international community developed, the number of such offences would increase, and national legislation would have to be adapted from time to time. Perhaps one day the international courts would be required to prosecute persons guilty of offences of this kind. At the present stage, it would be sufficient if States undertook, in an international convention, to apply penal sanctions to certain of the more reprehensible international offences and to entrust the enforcement of these sanctions to the national jurisdiction.

On December 30th, 1931, the Fourth Conference for the Unification of Penal Law, meeting in Paris, adopted the following resolution, which seemed to be based upon ideas similar to those explained in the Polish memorandum :

" The international Conferences for the unification of penal law have adopted common texts relating to certain offences against international law and to warlike propaganda. These texts were adopted by a majority of the representatives of the States attending the Conferences. Consequently, the Fourth Conference for Unification draws the attention of the Secretary-General of the League of Nations to the desirability of preparing international conventions with a view to introducing similar provisions in the penal legislation of a large number of States and to bringing about the universal suppression of offences against international law and of warlike propaganda. "

Another sphere in which moral disarmament should be pursued was the Press. Newspapers and periodicals undoubtedly directed the main currents of public opinion and exercised a decisive influence upon international relations. The Polish Government was aware of the complex character of this problem, seeing that the higher interests of international peace and understanding must be harmoniously combined with the intangible freedom of the Press. That was why the Polish Government had stressed the need for a preliminary study of this problem by those directly concerned — the journalists themselves — before the Governments reached any decision. The Polish Government therefore thought that an international conference of qualified Press representatives should be convened to consider the whole problem of moral disarmament in so far as it concerned the Press. The conference might make practical suggestions with regard to governmental action, so far as that was required to supplement action by professional bodies.

A third important sphere of moral disarmament was education. That raised the whole problem of the mentality of future generations, which would either continue the work begun by the creation of the League or would destroy it. Here, too, resolute governmental action would have considerable influence upon the intellectual development of the young. To banish hatred and distrust from the schools and to introduce the fundamental ideas of the League Covenant would be to prepare for lasting peace. Doubtless, moral disarmament was not entirely new ground for education. The question had already been considered by the International Committee on, and the International Institute for, Intellectual Co-operation, which had drawn up certain suggestions mentioned in the memorandum just communicated to the Conference by the Committee on Intellectual Co-operation. Nevertheless, the States had given no definite undertakings in this direction, and had apparently not decided to proceed with the necessary reforms ; the preparatory work of the Intellectual Co-operation Organisation had as yet produced no practical results. The schoolmaster's desk very often served as a platform for the propagation of nationalist hatred, and school textbooks still taught a love of country by cultivating ill-will towards other nations. It was therefore essential that Governments should conclude a formal and definite undertaking with regard to the execution of the recommendations of the different competent organisations.

A study should also be made of various other public expressions of thought, such as broadcasting, the cinematograph and the theatre. A general agreement between Governments not to allow the broadcasting of matter contrary to the idea of moral disarmament would certainly be helpful. The Polish delegate pointed out that that part of broadcasting programmes which related to international affairs was generally reserved to Governments or official information bureaux. This would certainly facilitate the conclusion of the kind of agreement M. Szumlakowski had in mind.

With regard to the cinematograph, the problem was still less complicated, since there was an official censorship of films in nearly all countries. The Governments could therefore prohibit films which were harmful to good international relations. Moreover, they could also encourage films conducive to international co-operation. The International Educational Cinematographic Institute might be able to furnish the Conference with the necessary information from the documentation in its possession. The theatre might be dealt with in the same way as broadcasting and the cinematograph.

The sketch he had just given by no means exhausted all the practical steps which might be taken towards moral disarmament, but the Polish Government merely desired to give an impulse to the work, which would certainly take a long time to complete.

M. Szumlakowski realised that the Disarmament Conference would be unable to reach any final solution of the problem which was growing side by side with the growth of international relations. At the various stages of its development, the problem would have to be taken up anew and more perfect solutions sought. For the moment, the examination of this question should be begun and a first step towards a solution taken.

With regard to procedure, the Polish delegation thought the question should be referred to a sub-commission, which would make the necessary enquiries and would, if necessary, consult qualified experts and prepare draft agreements. Such a study would enable the Political Commission to ascertain what could be done, and would show what questions were sufficiently ripe for international settlement. The Polish Government thought it would be well to avoid ineffectual recommendations. To achieve tangible results, the method of international agreements must be adopted frankly. The Polish delegation would submit to the sub-commission a preliminary draft of an international convention on moral disarmament.

M. LITVINOFF (Union of Soviet Socialist Republics) said the Commission could hardly object to the Polish delegate's proposals as such. Encouragement of militarism and propaganda directed towards the violation of international law would find little support, while the suppression of force, distorted rumours and forged documents was most desirable. No State had suffered more than the Soviet Union as a result of false information, forged documents and hostile campaigns. Nor could there be any objection to a Press conference. Indeed, the Danish Government had recently convened such a Conference, and a representative of the Soviet Union had taken an active part in it. Another conference was, he believed, to be convened during the coming year.

No one could fail to appreciate the importance of governmental measures to prevent the use of broadcasting, the theatre and the cinema for chauvinistic propaganda.

Nevertheless, M. Litvinoff doubted whether the Disarmament Conference should take up these interesting questions, however tempting the opportunity offered by a gathering of the representatives of the various States. It should, he thought, confine itself to matters directly within its province — that was to say, questions connected with disarmament and the reduction of armaments.

M. Litvinoff did not think the Polish proposals would help the Conference to fulfil its task. In his opinion, moral disarmament must be preceded — or at least accompanied — by the renunciation of armaments. Chauvinism, jingoism, did not spring directly from the feelings and interests of the masses: it was due to the divergent interests of the various States. The nationalist attitude was propagated artificially by means of education and the Press. The aim of this propaganda was to justify armaments, increased armaments, or even war. It was carried on through groups interested sometimes in war industries and the profits derived from them, and sometimes in diverting public opinion from social needs and interests. As long as these groups continued to influence public life and governmental action, no international convention would prevent their pursuing their own ends. As long as arms were preserved and war between nations was possible, they would do their utmost to prevent the establishment of true international friendships.

On the other hand, the destruction of armies, navies and military aviation, and the abolition, or decreased possibility, of war constituted a more powerful weapon for international propaganda than conventions and legislative measures. Moral disarmament was simply the converse of physical disarmament. The latter would automatically ensure the former. Moral disarmament by the methods proposed, however, would not necessarily lead to physical disarmament. For that reason, M. Litvinoff hoped the Conference would concentrate its efforts on physical disarmament. When that was achieved, and only then, could the proposed educative measures be introduced, should they still be necessary.

M. Litvinoff then recalled that, when, some years previously, the Genoa Conference had rejected the Soviet Government's disarmament proposal, that Government had convened at Moscow a conference composed of representatives of the Soviet Union's western neighbours, and had proposed a regional reduction of armaments. The proposal had been rejected and a counter-proposal for moral disarmament had been put forward. M. Litvinoff warned the Political Commission, and through it the Conference, that a similar situation might arise: the Conference might be faced with proposals for moral as opposed to physical disarmament. He very much hoped it would not allow itself to be distracted by side-issues before it had taken a single step towards the realisation of its immediate task — physical



disarmament. The Soviet delegation did not consider it part of the Conference's duty to set up a committee to discuss moral disarmament.

The PRESIDENT said he saw no reason why the recommendations of the proposed committee should be in opposition to recommendations dealing with physical disarmament. The two questions could be kept entirely separate, and advantage would be gained from a complete study of moral disarmament, especially if, as a result, Governments assumed greater responsibility for peace propaganda, instead of leaving it to voluntary organisations and associations. He himself was anxious that a committee should consider the whole matter and put forward recommendations, and did not think there was any danger that these recommendations would be made an alternative or a substitute for definite proposals with regard to physical disarmament.

*The Commission decided to appoint a committee to study the problem of moral disarmament.*

The PRESIDENT proposed that the Committee should consist of the following twenty members :

Dr. WOOLLEY (United States of America),  
M. DE BROUCKÈRE (Belgium),  
M. COSTA DU RELS (Bolivia),  
Mrs. M. CORBETT ASHBY (United Kingdom),  
M. MALINOFF (Bulgaria),  
Miss KYDD (Canada),  
M. LIU VON TAO (China),  
M. FAKHRY Pacha (Egypt),  
M. AUBERT (France),  
M. GÖPPERT (Germany),  
Count APPONYI (Hungary),  
M. PILOTTI (Italy),  
Viscount MUSHAKOJI (Japan),  
M. SZUMLAKOWSKI (Poland),  
M. BRANCO (Portugal),  
M. PELLA (Roumania),  
M. DE MADARIAGA (Spain),  
M. PERRIER (Switzerland),  
M. LOUNATCHARSKI (Union of Soviet Socialist Republics),  
M. ANDRITCH (Yugoslavia).

Mr. GIBSON (United States of America) was not sure whether Dr. Woolley would be able to serve, in view of the difficulty of allocating the members of the United States delegation to the various committees, and asked that the name of the representative of the United States delegation be not specified.

*The President's proposal was adopted, subject to Mr. Gibson's reservation.*

M. COLBAN (Norway) proposed that, as Denmark had already convened a Conference of Press representatives, a Danish member should be appointed to the Committee.

*This proposal was adopted.*

### THIRD MEETING

*Held on Tuesday, February 14th, 1933, at 10.30 a.m.*

President: The Right Honourable A. HENDERSON.

#### 4. QUESTIONS RELATING TO SECURITY : ORDER OF WORK.

The PRESIDENT recalled that the General Commission had decided to send to the Political Commission for immediate study all proposals relating to security.<sup>1</sup> These proposals included especially Chapters I, II and III (Section A) of the French memorandum of November 14th,<sup>2</sup> and the proposal of the United Kingdom delegation under Section II (A) of its memorandum.<sup>3</sup> The French proposals related (a) to the Pact of Paris, (b) to the Covenant of the League of Nations, and (c) to the establishment of a European pact of

<sup>1</sup> See Minutes of the thirty-fourth meeting of the General Commission.

<sup>2</sup> Document Conf.D.146.

<sup>3</sup> Document Conf.D.154.

mutual assistance. The United Kingdom proposals related (a) to the undertaking between European Powers to renounce any resort to force, and (b) to the organisation of mutual assistance between the continental nations of Europe.

The French delegation was of opinion that it would be preferable to start by discussing the European Pact before taking up the question of undertakings by non-European States. If the Commission were of the same opinion, it might begin by discussing the European proposals, which were (a) the organisation of mutual assistance in Europe (included in both the United Kingdom and the French proposals) and (b) the undertaking not to resort to force, which was formally set forth in the United Kingdom memorandum and seemed implicit in the French plan.

M. DI SORAGNA (Italy) wished first of all to say that his delegation intended to take part in the discussion independently of any special standpoint of its own, in a spirit of effective and sincere co-operation with the other delegations, and especially with the French delegation, which more than any other had helped to clear up the questions which had to be examined by the Political Commission.

He could not at the moment foresee what would be the exact scope of these debates, where they would lead and what opportunities they would give the delegates to show their good faith.

It was possible, however, that the still somewhat vague character of the ideas which were under discussion justified the adoption of a prudent attitude, and that the Italian delegation might be induced, by the course taken by the debate, to adopt and maintain certain standpoints and take up certain definite positions. If this happened, these standpoints and positions would express, and would only be intended to express, what his delegation considered essential in the interests of its country and useful to the common aim of the countries met at Geneva. They would not imply, and would not be intended to imply, the slightest criticism of, still less the slightest judgment upon, the justice and absolute legitimacy of other points of view that might not coincide exactly with those of Italy, and might be based on an interpretation of national and common interests which might perhaps differ from those of the Italian delegation, but for which the latter had the greatest respect.

M. di Soragna then pointed out — without wishing to go once more into the discussion of the security-disarmament question and the respective positions of these two terms — that the course of the work had led to the meeting of the Political Commission, to which the General Commission had entrusted the problems relating to security, before that of the Committee on Effectives and the Air Committee and before the discussion of the question of qualitative disarmament in relation to land material.

It should be clearly understood that the Italian delegation, while willingly accepting these arrangements of time-table, still maintained the view that questions of disarmament, and especially that of qualitative disarmament, took precedence over the others.

As regards the respective order of precedence of qualitative disarmament and the reduction of land material in relation to the problem of effectives and security, M. Paul-Boncour had made some rather uncompromising statements before the General Commission on the previous day.<sup>1</sup> The Italian delegation had, in a certain sense, welcomed these statements, for which it had the greatest respect and which had keenly interested it, since, by their tone, they gave the assurance that Governments were not yet obliged, in debates held under the auspices of the League of Nations, to subordinate to the views of the majority the decisions which they considered of vital importance to their countries.

While appreciating this clear and eloquent firmness, the Italian delegation had proved by its silence on the previous day that it would not imitate it. To the assertion that material could not be judged unless effectives had first been judged, it had refrained from replying that it could not judge effectives before knowing how far the Conference was willing to go in the reduction of material. It was, perhaps, for the same reason that the Political Commission was now sitting, and the Italian delegation congratulated itself on this fact. The latter attached special importance to giving evidence of its determination to work in the direction of general pacification. This it owed to its people, to the instructions of its Government and to the wishes of the world.

Mr. EDEN (United Kingdom) wished to ask a question with regard to the procedure and to make a suggestion arising out of the President's opening remarks. He had understood the President to say that the French delegation would prefer that the Commission should first discuss European security. While Mr. Eden agreed to that suggestion, he wondered in what order the Commission should proceed. He had no strong feelings in the matter, but, if it were agreed that the Political Commission should first discuss European security, he would point out that there were two headings in the United Kingdom programme concerned with that problem — viz., (1) a solemn affirmation 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, and (2) the immediate study by the continental European States, with a view to their mutual security, of the possibility of reaching political arrangements defining the conditions in which each of them would

<sup>1</sup> See Minutes of the thirty-fourth meeting of the General Commission.

be entitled to the co-operation of the other contracting States. He would have preferred that the Commission should take European matters in the order in which they appeared in his delegation's programme of work, and, while he would not stand out against any wish that might be expressed otherwise in the Commission, he would observe that, if Head I in that programme were taken first, he would be in a position to submit to the delegations a draft which the United Kingdom delegation already had in its possession. While making that suggestion, Mr. Eden would be guided by the wishes of the President and of the Commission.

The PRESIDENT, in reply to Mr. Eden, said that he had already announced that the General Commission had referred to the Political Commission for immediate study all the proposals relating to security. At the end of his remarks he had tried, for the purpose of the present discussion, to narrow the matter to two points: (a) organisation of mutual assistance in Europe, and (b) the undertaking not to resort to force. The President left it entirely to the Commission to decide whether it preferred to take (a) or (b) first, or both together.

M. NADOLNY (Germany) entirely supported the suggestion of his British colleague. He had himself recommended that a decision should first of all be taken with regard to a solemn declaration; but, if the Conference thought it more important to deal with the second question mentioned by Mr. Eden, he would make no objection.

M. BOURQUIN (Belgium) wished for certain explanations. If he understood the position correctly, the first point of the programme of work submitted by the United Kingdom delegation concerned the prohibition of resort to force by all European States, and the second point related to the examination, by the continental Powers of Europe, of a pact of mutual assistance. By thus limiting the said pact of assistance *a priori* to the continental Powers of Europe, was not the French plan modified? Chapter III of this plan, which dealt with the European pact of mutual assistance, began with the words: "The special organisation for Europe", and therefore did not speak solely of the European continent.

He was prepared to admit that the Commission should first consider the question as formulated in the French memorandum, but he would feel very grave misgivings — which he did not think it would be easy to allay — if the intention were *a priori* to begin a discussion relating solely to the European continent, excluding, in consequence, the United Kingdom.

The idea of a European agreement as foreshadowed in the French memorandum included basic agreements the aim of which would be to define aggression or — if the Commission preferred — the prohibited act or, again, resort to force. In the first place, it was necessary to state what it was that countries were to undertake to renounce. Otherwise, it would be impossible to specify the cases in which assistance ought to be provided. To begin to study methods of assistance without knowing in what cases such assistance ought to materialise was a practical impossibility. It would be exactly like attempting to build the roof of a house without even knowing what the ground plan was going to be.

The second point was to determine whether, in any particular instance, this undertaking had been violated or not. Thirdly, the Commission would have to decide what should be done when violation occurred.

In conclusion, he was fully prepared, for the reasons stated a few days previously, to refrain from insisting on what was perhaps the most logical method, — that was to say, commencing with the universal plan — and was ready to examine the European plan first. But he made this two-fold reservation: the European plan must apply to the whole of Europe, though the Commission might subsequently consider what particular arrangements might be made within Europe itself; on the other hand, the Commission must begin at the beginning — that was to say, the prohibition of resort to force.

M. LITVINOFF (Union of Soviet Socialist Republics) did not attach much importance to procedure or to the order in which the various problems should be discussed, but thought that it would be best for the Political Commission to consider first the questions which concerned all the States represented on it, and then the more limited questions concerning a group of States. If that idea were accepted, the Commission ought, he considered, to discuss first the French proposal, which tended to extend the Briand-Kellogg Pact, together with the additional proposals submitted by the Soviet delegation,<sup>1</sup> and afterwards the United Kingdom proposal, which he would prefer to regard as an addendum to the French proposal. The only difference between the United Kingdom proposal and the Briand-Kellogg Pact was that the latter contained an obligation not to resort to war, while the former required States to refrain, not only from recourse to war, but from any military action also. It could therefore be regarded as an interpretation of the Briand-Kellogg Pact, and he did not think that there was any reason for its being discussed as a new proposal. Moreover, he did not see why this new obligation should be

<sup>1</sup> See Minutes of the thirty-first meeting of the General Commission.

restricted to a group of European States, instead of applying to all the States signatories to the Pact of Paris. He would, therefore, propose that the Commission should first consider universal security — viz., the extension of the Pact of Paris, the definition of aggression and the composition of the international organ which would have to define the aggressor — and proceed afterwards to the more limited questions which concerned only one group of States.

M. DE MADARIAGA (Spain) desired to submit an amendment to the terms of reference which the President had defined at the beginning of the meeting.

A number of delegates had declared, through the intermediary of the first delegate of France, that the measures of disarmament to which the Conference could agree would depend directly on the measures of security adopted by the Political Commission. If it were laid down that one of the objects of this Commission was to draft a treaty of mutual assistance, the Commission's programme of work would be limited to an excessive degree by the stipulation of a compulsory object which it might, of course — but equally might not — achieve. He would prefer to see the Commission's task defined with greater elasticity, so that a scale of results might be tabulated, to which would correspond another scale of results in the matter of disarmament. Instead of fixing as a first aim a "pact of mutual assistance", it would be better to say: "measures to strengthen security in Europe, and, in particular, study of a plan for mutual assistance".

The Commission would thus establish a sort of catalogue of the results which the Convention might achieve in the matter of security. It was to be hoped that this catalogue would include a pact of mutual assistance; but, if not, it might at least comprise a number of measures which, in the opinion of all — including those who were most concerned with the question of security — would strengthen that security in the proportion, if not of 100 per cent, at least of 70, 50 or 20 per cent. These measures would also make it possible for the States most interested in this question to respond to the increase in security by accepting other measures of disarmament.

M. de Madariaga had, moreover, been struck by the argument of M. Bourquin, although from a logical point of view the method proposed by M. Nadolny and M. Litvinoff was more comprehensible. Nevertheless, M. Bourquin's opinion was based on reasons of policy fairly well known to all, and M. de Madariaga could not see any objection to the following wording:

"(1) Measures to strengthen security in Europe and, in particular, the study of a plan for mutual assistance and the agreement not to resort to force;

"(2) Study on a wider basis of the agreement not to resort to force."

The Commission would thus, in the first place, have a "European" problem to consider which might proceed from the minimum (agreement not to resort to force) to the maximum (mutual assistance) with intermediary measures, each of which could be considered by the Commission and which might later lead to measures likely to enlarge the scope of the agreement not to resort to force.

M. SÉPAHBODI (Persia) associated himself with the arguments submitted by M. Bourquin and developed by the Soviet delegate, more particularly because the first paragraph in the United Kingdom proposal stipulated that the European States undertook not to have recourse to war — a provision which might leave it to be supposed that they could go to war with the countries outside Europe. The result would be to diminish and not to increase security, and thereby would conflict with what had been decided in the previous year.

Persia had no objection to the European States coming to an agreement among themselves, but she insisted that security must be universal, and that there must be no undermining of the foundations of the security already existing.

M. PAUL-BONCOUR (France) replied to some of the observations that had been submitted in so far as they referred to the French plan.

He agreed that, if the rules of logic were followed, it was always preferable to proceed from the simple to the complex, from the general to the particular, and that, consequently, it might have perhaps been more methodical to begin with the first chapter in the French plan — that was to say, the consultative pact, designed to confer on the Pact of Paris a precision which it did not at present possess, since it was both the most universal and the most general instrument in existence.

Logic, however, was not the only consideration. The prospects of arriving at a conclusion must also be taken into account.

For a pact of that kind, it was quite certain that, to mention only the Union of Soviet Socialist Republics and the United States of America, the accession of those two countries was indispensable. On this point — and M. Paul-Boncour noted it with the utmost satisfaction — the Soviet delegation had expressed its opinion. The United States delegate, on the other hand, had said very clearly that, for reasons of which he was the judge, before he could pronounce on his country's position he must know what would be done by Europe itself. There, as in other matters, it was impossible to disregard so clearly stated a

position when taken up by a great nation for reasons which were manifest to everyone. Consequently, to attempt to begin by the consultative pact would be to prevent the Conference from achieving results rapidly.

Such were the reasons for which the French delegation, from a desire to conclude, was strongly of opinion that it was necessary to begin with the end. If that opinion were accepted, he had no difficulty in adopting, in so far as concerned Europe, the United Kingdom delegate's point of view, especially since in this field it was possible to proceed from the general to the particular, and since a discussion on non-recourse to force would indubitably bring out the necessity, if it were desired that any such formula, however valuable intrinsically, should be fully effective, for endeavouring to complete it by far more substantial engagements for which provision was made in the continental pact of mutual assistance.

From this point of view, M. Bourquin had apparently seen an incompatibility between the actual terms of this part of the French proposals and the suggestion that the European pact of mutual assistance could be concluded independently of certain nations, more especially a great European nation, although, as that nation had stated, such a pact would have its entire sympathy.

In point of fact, there was no incompatibility. The French plan proposed, first, a general and universal consultative pact, wherefrom all the countries which had signed the non-recourse to war and thereby outlawed war would draw this minimum conclusion, that a country which made war would not be treated on the same footing as one that underwent it. Secondly — and this was one of the points which perhaps were too often lost to view, although it might easily furnish appropriate ground on which to reconcile the divergent opinions expressed hitherto — the French proposals considered that this consultative pact would add to the value of the Covenant itself, of which many of the most important clauses — in particular, certain of the provisions in Article 16 — would immediately acquire greater exactitude, consistency and facility of execution, for the sole reason that there would be a general pact, giving the assurance that all countries without exception would, to a certain degree, comply with every one of the objects set forth in the Covenant.

Within this system there would be, as between the greatest possible number of European countries, a very exact and clear pact of mutual assistance organised with the object of helping the victim of an aggression. What Powers would accede to that pact? That was a point still to be determined. What would be required to make this pact effective? The accession of a certain number of Powers. That would be the subject of the present discussions; but M. Paul-Boncour did not think that it should be laid down in advance that the pact was impossible unless certain specified Powers acceded to it. In that case, all discussion would become impossible. The present debate and the joint effort of the delegations would show whether the greatest possible number of European Powers really considered that the time had come to conclude among themselves a pact of mutual assistance with the object of making the Disarmament Convention more effective.

This pact, in the intention of the French plan at any rate, was of particular importance, because it was closely bound up with that part of the French proposals relating to the eminently desirable measure of standardising the types of armies of the principal countries in Europe. Any such effort, which demanded a reciprocal measure of sincerity on the part of all States and close supervision, was certainly only possible if the various countries in question were bound to each other, in the event of an aggression taking place, by a pact of mutual assistance. The French plan, therefore, was not composed of two different parts, disarmament and security. These two parts were, in fact, closely blended with one another.

The practical conclusion from the foregoing remarks, as regards the method to be followed in the discussions, was, in the first place, that the Political Commission should deal with Europe, because that was the simplest way of proceeding. It would quickly be seen that, if it were desired to bring about the important reductions suggested, and, in particular, the standardisation of armies, which would make it possible to achieve a large reduction of effectives, it would be necessary to contemplate the conclusion of a pact of mutual assistance. That was an extremely simple programme of work and might be accepted by everyone.

Mr. RIDDELL (Canada) congratulated the President on the arrangements made for the concurrent discussion of the two great factors in the organisation of peace — the reduction of armaments and what had been called security. Canada had long been known as a firm believer in the development of security, more especially in the setting up and the use of machinery of arbitration and conciliation, and in the discussions at Geneva the Canadian delegation had stressed these means rather than military guarantees for securing security. The Political Commission had now met to consider the proposals submitted by certain delegations to strengthen security and thereby justify a reduction of armaments. The Disarmament Conference had therefore launched on what, he hoped, was its final stage. The synchronisation of the work for armaments reduction with the efforts to increase security, from the standpoint of procedure, was most promising. The success of the work for reduction on the one hand and of that for security, on the other, would, he thought, depend very largely upon the attitude taken up in these two problems.

In Mr. Riddell's view, a positive attitude was essential, and the advocates of armaments reduction and the advocates of security must make their proposals on the

assumption that they were going to obtain something substantial in both fields. In fact, many delegations believed that a large measure of security had already been provided by the pacts already in force. By this he meant that those who would be satisfied with a substantial reduction in armaments should, in the next few weeks, state what price they would be prepared to pay for that reduction in terms of security, and those who were pressing for security should state what reduction they were prepared to make provided they obtained the degree of security they had in mind.

He had listened with interest to M. de Madariaga's proposal with regard to what might be termed a graduated system. He thought that a certain measure of security should bring forth a certain measure of reduction of armaments, and *vice versa*. If a group ceded so much, it should expect so much. He therefore considered that the matter should be looked at from the standpoint that all groups were prepared to compromise in order to obtain the results of the organisation of peace which all desired.

He had been very much impressed by M. Paul-Boncour's suggestion that the Commission should proceed from the more simple to the more complex and would see no objection to taking up the two points to which the French delegate had referred — namely, points (1) and (2) under Section I of the United Kingdom proposals. He believed that, if the security proposals were organised in a graduated form, some of them might not be accepted, while some might be accepted only by certain parts of the world; but, if they were kept more or less separate and the Commission were to proceed from one stage to another, it would be easier to arrive at the final conclusion which all desired — namely, reduction of armaments.

M. SANDLER (Sweden) would confine himself in the preliminary discussion to three remarks.

First of all, it was evident that the problems of a universal pact and of a European pact were interdependent. Speaking for himself, he attached no special importance to the order in which these two problems were studied, but reflection was necessary before adopting for Europe a formula which would not be applicable to the rest of the world. From this consideration, coupled with the reasons submitted by the Netherlands delegation during the general discussion, M. Sandler drew the following conclusion: the European problem should not be discussed outside the framework of the Conference as a whole.

Secondly, the European problem could not be limited to the States on the continent.

Lastly, every possibility of strengthening security must be explored.

The Swedish delegate accordingly supported M. de Madariaga's suggestion and hoped that it would be formulated in sufficiently wide terms to permit of the consideration of any measures likely to increase security even outside Europe, for instance, by taking as the point of departure the Convention for preventing War, which would be strengthened.

Tevfik RÜSTÜ Bey (Turkey) said that, by establishing an indissoluble link between disarmament and the organisation of peace, the French plan raised the latter question in very definite terms. He considered, with regard to the question of procedure, that, if the Commission accepted M. de Madariaga's proposal, it would be able to attain its object in two ways.

First, it would be able to consider the attitude of each individual State. Next, owing to the very logic of things, the delegations, when faced with the question of European security, would be compelled to discuss existing engagements, to define aggression and the aggressor and to contemplate assistance itself and all the various stages in the organisation of peace.

During these latter deliberations, to make the discussion smoother and more elastic, it would even be desirable to contemplate wider interpretations or optional engagements to which the States concerned might accede. In that way the delegations would be less constrained in the discussions and the latter would lead to decisions which would satisfy all demands.

M. NADOLNY (Germany) thought that the question of procedure was less important than had been supposed. What was wanted was to find the logical and practical method, which was the method the German delegation would always prefer. The Commission must now consider the programme and embark upon the first point.

He desired merely to reply to one of the Canadian delegate's remarks. Mr. Riddell had suggested that security and disarmament were interdependent, that they were two factors which should advance *pari passu*. There was no need to remind the Commission of the many pacts governing security that had been concluded since the foundation of the League. In the field of disarmament, on the other hand, the Conference was considering the first step that could be taken. M. Nadolny merely expressed the hope that the Conference would make as much headway towards disarmament as had already been accomplished in the sphere of security.

The PRESIDENT said that the Commission must now decide which course to take. M. de Madariaga had proposed that the Commission should discuss (1) measures for increasing security in Europe, and particularly the study of mutual assistance and an engagement not to resort to force; (2) consideration of an engagement not to resort to force on a wider

basis. The President interpreted the Spanish delegate's second point to mean the more universal study of the question of no recourse to force, a point which had been suggested very definitely by M. Litvinoff. The President pointed out that those who had advocated the suggestion that the European question should be dealt with first did not lose sight of the necessity of dealing with the issue from the universal standpoint; but he thought that a little consideration would show that, if the European aspect of the case could be taken first, the Commission could then proceed to the universal aspect and, the President believed — if he might say so, this must be apparent to everybody — deal with it under better circumstances than at the present moment.

M. Paul-Boncour had suggested that this Commission should proceed first of all with the solemn affirmation of non-recourse to force by all European States, and after that point was finished, with the question of the pact of mutual assistance. The President asked whether, in view of M. Paul-Boncour's statement, M. de Madariaga still desired to press his amendment.

M. DE MADARIAGA (Spain), in reply to the President's question, said that the French delegate's proposal was that the questions appearing in the first point of the Spanish suggestion should be arranged in a certain order; there was therefore complete accord between M. Paul-Boncour's proposal and that of M. de Madariaga, which the French delegate merely desired to improve by introducing into it a certain order, which the Spanish delegation was prepared to accept.

The Spanish proposal, however, was intended to bring out one particular point — namely, that care must be taken not to omit the intermediate measures between the pact of non-recourse to force, which was the minimum that the Conference could hope for, and the pact of mutual assistance, which was the maximum it could hope to attain. If M. Paul-Boncour agreed that these intermediate measures were not ruled out, M. de Madariaga would not press his formula. The Political Commission could adopt the text that suited it best, for the important matter was the substance and not the form.

M. PAUL-BONCOUR (France) agreed that there was but little difference between the two proposals. M. de Madariaga asked whether the French proposal excluded intermediate measures. The French delegation contemplated, first, the solemn affirmation of non-recourse to force, and not merely to war — the difference was an important one — and, secondly, the pact of mutual assistance, under which, if there were recourse to force, the country that was the victim would find the other countries at its back. He would venture to recall a criterion which was found both in the French proposals and in the Soviet proposals and which was based on common sense: Would a country whose frontiers had been violated by an enemy and whose territory was in his occupation find the necessary assistance to enable it to oust him? The whole point was summed up in that question.

The PRESIDENT noted that agreement had now been reached and that M. de Madariaga was deserving of the Commission's thanks. The position was that the first subject of discussion should be the solemn affirmation of non-recourse to force by European States. Mr. Eden had promised to circulate a draft on that subject. When that discussion had been concluded, the Commission would take up the question of the pact of mutual assistance.

*The observations of the President were approved.*

## FOURTH MEETING

*Held on Wednesday, February 15th, 1933, at 3.30 p.m.*

President : The Right Honourable A. HENDERSON.

### 5. DECLARATION OF NON-RESORT TO FORCE. TEXT PROPOSED BY THE UNITED KINGDOM DELEGATION.

MR. EDEN (United Kingdom) presented the following draft declaration :<sup>1</sup>

*" Draft Declaration  
To be signed by the Governments of Europe simultaneously  
with the Disarmament Convention.*

[List of Governments.]

.....  
" acting respectively through their undersigned representatives, duly authorised to that effect ;

" Anxious to further the cause of disarmament by increasing the spirit of mutual confidence between the nations of Europe ;

<sup>1</sup> Document Conf.D./C.P.4.



"Determined to fulfil, not only in the letter but also in the spirit, the obligations which they have accepted under the Pact of Paris, signed on August 27th, 1928 :

"Hereby solemnly undertake that they will not in any circumstances resort to force for the purpose of resolving any present or future differences between them.

"Done at . . . . . the . . . . ."

"For the Government of . . . . ."

Commenting on the draft, Mr. Eden observed that it proposed that all European States should join in a solemn affirmation that they would not, in any circumstances, attempt to resolve any present or future differences between them by resort to force. It might, of course, be argued that such an affirmation was nothing more than a reaffirmation of the Briand-Kellogg Pact. Even if that were true, and it was not, he thought, quite true, it would in this connection be far from being vain repetition. As M. de Madariaga had recalled in another connection, there were occasions when, even though something went without saying, it might none the less be better to say it. Still less could Mr. Eden accept the view that such an assurance solemnly given in these circumstances would be an undertaking of little significance. Far from it, for the condemnation of the whole world would follow if it were disregarded.

The delegations knew how strongly the need for increased security was felt by some States at the Conference. The very existence of the Political Commission was evidence of that anxiety. If by the universal acceptance of the proposed obligation it should be possible, even in a small measure, to allay that anxiety — and Mr. Eden believed it possible — then surely that would be a most desirable step. It would, moreover, directly further the work of the Conference, more especially for those in whose judgment disarmament and security were indissolubly linked.

With regard to the draft itself, the United Kingdom proposal was designed to secure the formal repudiation of resort to force, and the expression "resort to force" was deliberately used to avoid subsequent controversy as to whether what might be done amounted or not to an actual state of war. The draft was both short and simple. The decision to make it so had been taken deliberately.

The object of the present discussion was to assist the cause of disarmament by giving an assurance to the peoples of Europe, and therefore anything in the nature of elaborate technical definition would be out of place. What was wanted, and what the United Kingdom delegation was seeking to supply, was a short declaration which everybody would understand, so that the breach of the undertaking would mobilise public opinion in condemnation of the defaulting State.

Mr. Eden would attempt to answer immediately the question why the proposal was limited to Europe. It was because the draft was calculated to meet what was, in the aspect at present under consideration, a predominantly European problem. The Political Commission was discussing how it could help to meet the French plan of security in so far as it affected Europe. It was examining the European chapters of that plan. At a later stage, when it came to consider the consultative pact, the outer circle of the French plan, the examination of problems which affected other than European States could more appropriately be undertaken. That was the reason for the limitation.

In conclusion, the United Kingdom Government felt fully confident that the peaceful intentions which animated all those who sincerely sought disarmament could not be so belied as to cause any State to hesitate in giving the assurance proposed in the draft. If that were so, let that assurance be given at once in the simple unequivocal form proposed. Let the delegations remember that, in this as in other aspects of the Conference's work, he gives twice who gives quickly.

M. LITVINOFF (Union of Soviet Socialist Republics) proposed the following two amendments to the United Kingdom draft declaration :<sup>1</sup>

1. Phrase beginning "to be signed . . . . ." *delete the words* "of Europe simultaneously with the Disarmament Convention" *and substitute* "represented at the Disarmament Conference".

2. Paragraph beginning "Anxious to further . . . . ." *delete the words* "of Europe".

It was plain from the nature of these amendments that the Soviet delegation had no objection to the substance of the draft proposed by the United Kingdom delegation, and, in proposing to extend the field of action of this new international act beyond the boundaries of Europe, it was not merely prompted by a desire to make the declaration universal, or by the consideration that the more signatures the better. The Soviet amendments had a much deeper significance, which M. Litvinoff would endeavour to explain.

All the countries represented at the Conference had signed the Briand-Kellogg Pact. That Pact condemned recourse to war for the solution of international controversies and

<sup>1</sup> Document Conf.D./C.P.5.



stipulated that a settlement or solution of all disputes or conflicts, of whatever nature, and whatever their origin, should never be sought except by pacific means. The United Kingdom draft added absolutely nothing to that undertaking except that, while the Pact dealt with renunciation of war for the purpose of resolving international differences, the draft declaration spoke of resorting to force. In the Soviet delegation's opinion the renunciation of war meant, not only the renunciation of declaring and carrying on war in the technical sense of that word, but also the renunciation of any military operations and any acts of violence against another State. M. Litvinoff assumed that this interpretation was accepted by all the parties to the Briand-Kellogg Pact, and therefore the declaration proposed by the United Kingdom delegation would appear to be superfluous.

Nevertheless, the Soviet delegation believed that it might be useful to have that interpretation in writing and to give it the legal force of an international act, but it thought that that should only be done in the event of such act being accepted by all parties to the Briand-Kellogg Pact. Otherwise, there was reason to fear that the declaration might do more harm than good. If it were deemed necessary to give a definition or interpretation of some existing international act, that was tantamount to recognising that there was some weakness in that act or to admitting the possibility of different interpretations. If, then, the countries of Europe were to sign a declaration saying that they, as European States, undertook the obligation not to resort to force, that would lead to the conclusion, and a quite logical conclusion, that any other party to the Briand-Kellogg Pact which was not a party to the declaration, while under the obligation not to resort to war, was quite free to resort to military operations and other acts of violence which, in its view, did not constitute war. For instance, supposing a State which had signed the Briand-Kellogg Pact invaded some foreign territory, occupied large provinces, abolished the existing administration and set up a new administration, acting as if it were in its own territory, that signatory might say that it had not violated the Briand-Kellogg Pact. Before the signature of the draft declaration proposed by the United Kingdom delegation, such a State might be regarded as having violated the Briand-Kellogg Pact, but once the declaration was signed and the parties thereto had taken upon themselves a new obligation not to resort to force, the case would be different. The State in question might say: "Up to now this obligation not to resort to force did not exist. However, since we have not signed this declaration — and we are not going to sign it — we are free to act as we think fit. Moreover, you have admitted that we, as a non-European State, are not bound to sign this new declaration. We have not declared war; it is true that we have committed some acts of violence, but such are not covered by the Briand-Kellogg Pact, and therefore we are free from any accusation of having violated that Pact."

That, it seemed to M. Litvinoff, would be the kind of case which might arise if the declaration were signed and restricted to European States; and that was why his delegation attached so much importance to extending the scope of the declaration to all parties to the Briand-Kellogg Pact. The Soviet delegation agreed that it would be very useful to have an interpretation of that Pact, but it could not agree to an act capable of two interpretations, one for European States and another for non-European States. It was true that this declaration might bring additional security to European States, but it would do so only at the expense of the non-European States. Moreover, there was the possibility that a European State might be attacked by a non-European State, in which case the security which it was assumed would be given by the draft declaration would be purely theoretical.

Next, if it were deemed necessary or useful to make this new declaration, why should it not be made at once? Why should it be postponed until the Disarmament Convention was ready? If its aim was to reinforce the feeling of security in order to facilitate the work of the Disarmament Conference, that aim would be reached only if the declaration were signed immediately and ratified as soon as possible. Otherwise, it might be found that the acceptance of the declaration by the delegates attending the present meeting had ceased to be binding upon their Governments. In many countries nowadays Governments had a very short life, and by the time the Disarmament Convention was ready for signature there might be different Governments in power which would repudiate the acceptance of the declaration. There could be no feeling of security from the fact of acceptance by delegates, unless the declaration was signed. The Soviet delegation therefore proposed to delete the words "of Europe simultaneously with the Disarmament Convention" and to substitute "represented at the Disarmament Conference". It would even add the words "and ratified as soon as possible".

After all, the declaration had no direct connection with disarmament. Security was more necessary when there was no disarmament or when disarmament was put off to some distant date, than when it was already a fact. Disarmament was in itself a more efficacious measure of security than any other international act. It would therefore seem logical that the declaration should be signed before the Disarmament Convention and not be put off until some distant date which might, perhaps, never arrive.

M. DE MADARIAGA (Spain) thought that M. Litvinoff's first suggestion — namely, that an agreement not to resort to force should be open to non-European States — was premature in view of the Commission's decision with regard to procedure.

The Commission had decided to study this question first in the sphere of European States and then, after having examined all the questions connected with the security of

these States, to contemplate the possibility of applying certain of the decisions taken in respect of Europe to non-European States as well.

One means of meeting M. Litvinoff's wishes, at any rate provisionally, would perhaps be to ask him to agree to the adjournment until a later date of the question of the extension of the agreement to non-European States. If he desired to reserve his approval until he knew what form the agreement would assume outside Europe, he could approve the agreement, not merely in principle, but in respect of all the details agreed upon by the Commission, it being understood that, if subsequently the agreement did not satisfy him, his approval of it would be withdrawn even as regarded Europe.

Unless the Commission was willing to go back on its decisions with regard to procedure, it could only discuss this agreement on a European basis, reserving (in agreement with M. Litvinoff) until a later date the point whether the agreement in all its aspects might also be extended to non-European States.

Coming to M. Litvinoff's second argument, he could agree neither with the United Kingdom proposal nor with that of the Soviet delegation. He thought — naturally he was open to persuasion on hearing any more cogent reasons which the delegate of the United Kingdom might put forward and of which at present he was unaware — that it was highly undesirable to multiply the acts of the Conference. The result of the Conference should be only one act, the Convention, of which the proposed declaration should form only an article, signed at the same time as the Convention. There were many arguments in favour of this, including the following, which was convincing: the Conference was working on the basis of Article 8 of the Covenant, which provided for a Convention on Disarmament. It would therefore be very desirable that the juridical basis of the whole future achievement of the Conference should be the same, that all the parties should jointly and severally subscribe thereto, so that there would be no different dates, different signatures and different protocols as a result of various decisions taken. If the Conference decided that the Convention should be perpetual and subject to revision every five or ten years, that principle ought to be respected. If any delegation made a reservation when signing, it must be made quite clear that this reservation was a general one and referred to the whole instrument. It would be deplorable if some countries signed one instrument and other countries another. It was therefore indispensable that the result of the Conference should be one single document.

M. BOURQUIN (Belgium) strongly supported M. de Madariaga's observations, for the reasons advanced by M. de Madariaga himself. The Commission ought first to examine the question of the prohibition of resort to force within the European sphere, since it had decided on the previous day to begin to study the problem on those lines. When it had reached an agreement in the European sphere, it would consider whether it could extend the question and deal with it on a universal plane. It would then have to see how the decisions reached in respect of Europe could be reconciled with the requirements of the organisation of peace on a universal basis.

He agreed with M. de Madariaga that it was very desirable — in fact necessary — that this undertaking should not form a separate declaration, but should be embodied in the Convention, on the same footing as the other undertakings subscribed to by the Conference.

He was extremely glad to note that the delegations seemed to be in agreement on two essential points: first, to admit and state that this prohibition of resort to force, far from being a mere declaration of intention or political doctrine, must have the value of a juridical undertaking. That was a point of capital importance. Secondly, they were in agreement as to the substance of the undertaking to be given. The United Kingdom proposal included a prohibition of resort to force, and this formula had been commented upon, in advance so to speak, by Sir John Simon in his speech on November 17th last, in which he said:<sup>1</sup>

"What the United Kingdom Government proposes . . . is designed to secure a formal repudiation of recourse to force, and that expression is deliberately used to avoid controversy hereafter as to whether what might be done amounts to an actual state of war."

It was necessary, therefore, and agreement had been reached on this point, to avoid possible misunderstandings regarding this concept of the state of war. This, he thought, was exactly the underlying notion of the proposals submitted by the French delegation with regard to the European pact; it was also, doubtless, the intention underlying M. Litvinoff's proposal.

If everyone were agreed on the essence of the undertaking, all that was required was to determine the legal formula in which that undertaking would be expressed. Several formulas were conceivable and they ought to be discussed and examined carefully. The essential point was that the formula adopted should be clear, for its value lay in its very clarity. All misunderstandings must be dispelled, and the Conference could only dispel them by making its attitude absolutely certain.

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<sup>1</sup> See Minutes of the twenty-ninth meeting of the Bureau, page 90.

In this connection he submitted the following draft text, which he had prepared in the form of articles :<sup>1</sup>

" Article 1. — Respect for the inviolability of their frontiers being for them a fundamental obligation, the High Contracting Parties undertake, in their mutual relations, never to resort to armed force as a means of coercion, for any reason or under any form whatever.

" Article 2. — The rule set forth in Article 1 ceases to apply only in the following cases :

" (1) If the parties concerned are bound by a Convention to the contrary ;

" (2) In the case of legitimate defence — i.e., the repelling of armed forces which have penetrated violently into the territory of the defending State ;

" (3) In the case of action taken in execution of Article 16 of the Covenant of the League of Nations or specially authorised, for any other reason, by the Council or the Assembly of the League."

These formulæ, he thought, were in entire conformity with the system outlined in the French memorandum. Their only object was to express the basis of this memorandum in as clear a juridical form as possible.

Finally, he asked that, when the preliminary discussion was over, a drafting committee should be instructed to compare the various texts submitted to the Commission and to consider to what extent they could be harmonised.

General CAVALLERO (Italy) stated that the Italian delegation fully endorsed the suggestion of the United Kingdom delegate. Public opinion, which for the past year had been anxiously following the proceedings of the Conference, which had realised all the difficulties with which it was faced and which might even have wondered at one point whether those difficulties might not prove insurmountable, would greet with renewed confidence this reaffirmation of the firm determination of those Powers which would sign the declaration to spare no effort to achieve spiritual disarmament, which was a *sine qua non* of general peace.

Fascist Italy had long given proof — by official declarations of the Head of the Government and by the consistent attitude of its representatives at international conferences — of her firm intention of achieving, without delay, positive results in the sphere both of universal peace and of real and effective disarmament. It was in that spirit that the Italian delegation proposed to comment briefly on the draft declaration submitted to the Political Commission.

In the Italian delegation's view, the actual substance of the declaration was to be found in the preamble, and M. Cavallero proposed at once to lay stress on the fundamental idea embodied in it : the idea that mutual confidence between nations must be re-established and further strengthened. Thus any action, however slight, calculated to promote a recovery of confidence, to dispel misunderstanding, to throw light on situations which had had the effect of poisoning the international atmosphere, must be sure of the unreserved support of all the nations of the world. Such situations, real or presumed, created mutual distrust and resulted in all kinds of measures — Customs, economic, financial — which sometimes, though adopted for defensive purposes, ran counter to the interests of those very States by which they were employed.

While, at the present juncture, for reasons which were generally known and to which it was idle to revert, the text of the declaration as proposed was destined to be signed only by European States, it was certain that its more comprehensive scope would not be lost on anyone, not could the imperative necessity be ignored of regarding it as a point of departure and not as a final objective.

The delegate of Italy thought that the preamble would better reflect such a state of confidence and would, perhaps, have a greater effect on public opinion, if the words " between the nations of Europe " were deleted. That would not affect the real scope of the declaration, as defined by the five Powers in their communication of December 11 th, 1932 ;<sup>2</sup> it would, on the contrary, extend its moral scope, in harmony with the universal aspirations of the peoples and with the Pact of Paris, an instrument which the Conference proposed, by means of the declaration, to reaffirm, not only in the letter, but also, and indeed essentially, in the spirit. In the Italian delegation's view, the Pact of Paris was what was really in view. The United Kingdom delegate had stressed the shade of difference between the Pact and the draft declaration now before the Commission ; but the Italian delegation emphasised the fact that it was anxious to maintain the strict relationship — expressed, moreover, in the draft declaration — between the Pact of Paris and the declaration itself. The second paragraph of the draft brought out that idea very clearly, an idea to which the Italian delegation, so far as the substance was concerned, was prepared to accede unreservedly. The last part of the text, however, called for some comment.

<sup>1</sup> Document Conf.D./C.P.8.

<sup>2</sup> See Minutes of the twenty-eighth meeting of the General Commission.

The Pact of Paris, signed on October 25th, 1928, subject to the reservations and explanations which the signatory Powers had thought fit to append to their signatures, was a solemn act, which the draft declaration was not intended to reproduce literally but the substance of which it aimed at re-affirming.

As regards the letter, the words "recourse to war" were replaced in the draft declaration by the term "resort to force". The head of the United Kingdom delegation had offered an explanation on that point, which had been further stressed by the Belgian delegate. The Italian delegate proposed to revert to that question a little later. He desired, for the moment, to point out that the substance of the Pact of Paris had undergone no change whatsoever, nor had the spirit of the instrument been altered. The draft declaration was designed precisely to ensure a more accurate interpretation and loyal observation of that spirit.

Would it not be well then to combine in a single conception the two ideas which established a distinction between the letter and the spirit? In that way, there would no longer be any possible doubt, and, so far as international obligations were concerned, there would be no chance of subtle differentiation between the letter and the spirit, when it came to safeguarding contractual undertakings. If the Commission thought fit to approve that point of view, the Italian delegation might submit an amendment, unless the Drafting Committee itself could be asked to frame a new text for the second paragraph.

As regards the third paragraph, which constituted the declaration properly speaking, it should be considered in conjunction with the third point of the communication of the five Powers addressed to the President of the Disarmament Conference on December 11th, 1932. The Italian delegate thought that he was not mistaken in affirming that the draft declaration had endeavoured scrupulously to reproduce the idea embodied in that communication. As regards the form, however, he desired to lay before the Commission certain considerations which he felt sure would be examined in the objective spirit by which they had been inspired. He emphasised the fact that the question was simply a formal one which must not be misinterpreted as a question of substance.

It seemed to him desirable and expedient, even as regards the form, to retain the basic idea of a definite connection with the Pact of Paris. Such being the case, why not adhere to the fundamental idea of a reaffirmation which was so clear, so transparent, so eminently calculated to dispel all possibility of different or arbitral interpretations? It would be sufficient, at the beginning of the last paragraph, to replace the words "undertake that they will not" by the words "reaffirm their undertaking that they will not", the term *réaffirmation* being found in the (unofficial) French translation of the communication of the five Powers.

The Italian delegation thought that it should stress that point, feeling as it did that the efficacy of the declaration consisted precisely in the fact that it was, and was intended to be, a solemn reaffirmation of the undertakings entered into by the signatories to the Pact of Paris, undertakings which the Italian Government proposed loyally to observe in accordance with a faithful interpretation of the Covenant and in accordance with the declarations which it had made on July 15th, 1928, before affixing its signature to that international instrument known as the Pact of Paris.

There still remained one final consideration. The text now before the Commission contained one term which was not new, but which seemed to assume a fresh guise among international formulas. He referred to the expression "resort to force". On that point the delegates of the United Kingdom and of Belgium had given very clear explanations. Every delegate would certainly be able to give an adequate definition of the expression; but if the term "resort to war", which possessed a very definite meaning in international parlance and international law, were replaced by another expression the limits of which were not so clearly defined, it might be well to consider whether that new expression, corresponding obviously to a different idea from the first one, could not be better defined as regards its meaning, or else supplemented, so that every State might know exactly the limits of the undertakings which it proposed to assume and in order to preclude the possibility of uncertainty as to interpretation causing difficulties at any time which it might be impossible to foresee at present but which might prove to be serious. The Italian delegate alluded, in this connection, to the declarations of M. Bourquin, to whose legal experience he deferred but who would permit him to express doubt on one point.

M. Cavallero thought that this matter should be examined further, in order to ensure that the word "force", employed with insufficient precision, would not both prove inadequate and give rise to interpretations which were not in accordance with the spirit in which the draft declaration had been conceived.

The Italian delegation had felt it its duty to add these few observations to the declaration announcing its accession to the United Kingdom proposal. These observations, it felt sure, would have been received by members of the Commission in the spirit which had dictated them, inspired as they were by a desire that any resolutions that might be adopted should be really such as to promote the re-establishment of confidence between peoples, without which there could be no hope of sincere and lasting peace.

M. RUTGERS (Netherlands) had intended to make an observation with regard to a small point in the United Kingdom proposal, but, after consideration, he had decided not to bring it to the Commission's attention. He would give his reasons.

It seemed to him that the words of M. Clemenceau, President Wilson and Mr. Lloyd George, with regard to the League Covenant, in a short statement made in 1919, could be applied to the draft declaration: "It must not be interpreted in a strictly technical sense".

M. Rutgers was convinced that the United Kingdom delegation had conceived its draft in that sense, and he had been glad to hear the statement of the delegate of the United Kingdom to that effect. For this reason, he did not consider it desirable to delay too long over the form of the declaration. For the same reason, he had suggested no amendment, and the slight criticism that might be made with regard to one detail would not prevent his delegation from voting for the proposed declaration.

The undertaking involved in that declaration was of wide scope: its very limitation brought out its importance; the prudence with which this step was taken showed the importance attached to it. As far as it went, the declaration settled — and, it seemed, very happily — a question that had more than once been discussed at League meetings and had often preoccupied more than one delegation: the question of the use of force apart from war, the admissibility of the blockade and other so-called pacific methods of coercion, of forcible compulsion. The proposed solution — namely, the prohibition of all resort to force between European States — was extremely important chiefly for countries having no great military strength. In the nature of things, only the stronger countries were able to use these so-called pacific measures, in future to be prohibited, and naturally the less strong had suffered from them in the past.

The Netherlands delegation had therefore no hesitation in accepting the principle laid down, and accepted it in the general form which the United Kingdom delegation had given it.

This proposal contained no reservations, no exceptions, nothing about previous treaties, nothing about legitimate self-defence, nothing about joint action. In that, it resembled the Pact of Paris, and everyone was aware that Mr. Kellogg had been opposed to inserting reservations or exceptions in the declaration embodied in the Pact. The declaration laid down a principle which, when formulated in a treaty and expressing, as far as it went, the requirements of international justice, belonged to the legal sphere. It was not, however, framed in so precise a form as was usually given to legal texts. It did not take the form of detailed and definite rules covering all possible cases, which if applied quasi-automatically led so often to the tragic situation described in the adage, *Summun jus, summa injuria*. It represented a fundamental principle of the policy of European Governments. Was this principle to be applied to Europe only, or could it be extended to extra-European States? On that question, it would be very interesting to hear the views of the States possessing means of resorting to the measures in question.

The solemn undertaking of the European States to order their conduct by this new principle would, in any event, constitute progress along the path of peace and would facilitate the limitation and reduction of armaments, the first stage of which the Netherlands delegation was awaiting, not without some impatience.

M. BUERO (Uruguay) said that, in regard to the United Kingdom proposal, he associated himself with the very pertinent observations made by M. Politis in his remarkable speech on the French plan. M. Politis had said, among other things:

"In this connection, I should like to point out that, in the agreement of December 11th, 1932, and also in the recent British proposals regarding the method to be adopted for our further work, this undertaking entirely to renounce force is only contemplated for the countries of Europe."

And M. Politis had added:

"If this were really the case, we should be led to infer that the Pact of Paris, which, in its terms, only formally prohibits war, tolerates the other forms and methods of force. There would thus be two grades or categories in the international legal system, the first of which would be reserved for the countries of Europe. This is highly flattering, no doubt, for the countries of our continent; but it should be pointed out — and this is the purpose of my remarks — that the countries of Europe could only live up to this privilege of membership of the first category in their relations between themselves, since, in their relations with extra-European countries, the rule of reciprocity would reduce them to the lower grade in the international system of law."<sup>1</sup>

It would appear that some delegations found it impossible to assent, by their tacit presence at the Conference, to the affirmation that the Pact of Paris recognised resort to force, notwithstanding the outlawry of war, in so far as concerned the non-European countries.

M. Buero had not been convinced by the United Kingdom delegate's arguments. He was prepared to recognise that the declaration of non-resort to force was made with the object of providing a solution for the question of European security, but it was none the less true that, if the representatives of the non-European countries tacitly assented to a widening — a restrictive widening in respect of the countries to which it would

<sup>1</sup> See Minutes of the thirty-first meeting of the General Commission.

apply — of the provisions of the Pact of Paris, they would, by their silence, be ratifying a dangerous interpretation of that Pact.

As everyone would agree to the extension of the Pact of Paris, M. Buero considered that the Soviet and Persian proposal was entirely legitimate. It prevented European security being strengthened at the expense of the security of the non-European countries. The statements made by M. Litvinoff had been entirely right.

The danger that the policy of recourse to force might be justified, without its necessarily being considered as a violation of the Pact of Paris, was, in fact, already realised by the tabling of the British proposal. The mere fact of the draft having been presented, and likewise the declaration of the five Powers of December 11th, 1932, constituted an affirmation that the Pact of Paris required to be completed, and that meant that acts of violence, not of war, were permissible within the framework of the Pact of Paris. This conclusion, it was clear, was fraught with consequences.

M. Buero accepted M. de Madariaga's proposal that the British draft declaration should be examined, even if limited to the European countries, on condition that a request might be made later for its application *in toto* to all countries represented at the Conference.

With regard to the Italian delegate's remarks, he would have certain formal reservations to make regarding the character of the draft declaration in its relation with the Pact of Paris, and more particularly the reservations to the latter.

The Netherlands delegate had said that there were certain deficiencies in the United Kingdom draft and he had pointed them out. M. Buero observed that, even though it referred to the Paris Pact, the United Kingdom proposal did not say, as the Pact did, that the pledge given by the Powers in signing the Pact was that of not having recourse to war as an instrument of national policy, precisely in order to take into account the stipulations of other treaties, in particular the League Covenant, which might at one time or another, as a result of the purely concerted action for which they made provision, lead, by way of sanctions, to procedures other than pacific.

He had also listened with interest to the Belgian delegate's remarks. In substance, M. Bourquin, with his customary precision, had suggested the actual procedure for the engagements which the Conference desired to see assumed in regard to certain regions. The Conference would gain greatly by examining in detail the proposal that had just been made. That proposal was for a guarantee of territorial integrity, which M. Buero thought should appear in the present document, and he would in due course ask that the same measure should be extended to other parts of the civilised world.

M. MOTTA (Switzerland) began with the idea that everyone agreed on the substance, and that divergencies, if there were any, were due only to a desire to find a better form of wording, to give more adequate expression to the idea. The discussion had arisen out of the proposal of the delegate of the Union of Soviet Socialist Republics. The latter had raised the two following points, on which there did not appear to be agreement. First, did the discussion relate to Europe, or to the whole world? Secondly, was the Commission discussing a resolution to be taken immediately, a resolution intended, as it were, to precede the Disarmament Convention itself, or a text to be inserted subsequently, in a form to be determined, either in that Convention or in the acts inseparable from the Convention?

The Swiss delegate felt that logic was completely on the side of the idea of the delegate of the Union of Soviet Socialist Republics, and, if he had had any doubts on this score, they would have been dissipated by the Uruguayan delegate's speech. In listening to him, M. Motta had thought how useful it was, even when a question said to concern Europe alone was being discussed, to hear also the representatives of the States in other continents. Indeed, M. Buero's contribution to the discussion had been very valuable. It had shown, among other things, the danger of adopting, as it were, two interpretations of the Pact of Paris, one for European States and another for the States of other continents. In this connection, M. Motta drew special attention to what M. Politis had said in the speech of which M. Buero had reminded the Commission.

If logic were entirely on the side of this universal conception of the question, it must nevertheless be admitted that reasons of expediency known, felt and perhaps guessed by all inclined one to think that it was perhaps not possible, at the present time, to discuss the question in its universal aspect. But M. Motta hoped that, before the end of the Conference, this discussion, begun from the European point of view alone, would be extended to the world, and that the declaration submitted by the United Kingdom delegation for European nations only would, in the end, become world-wide. The Swiss delegate had understood M. de Madariaga's speech in that sense.

Should this declaration take immediate effect? Should the Governments approve it in advance, so to speak, or was it an act to be inserted in the Disarmament Convention? M. Motta did not think there could be any major objections to concluding a preliminary act, but perhaps that was not necessary. Indeed, if all the delegations immediately intimated that they agreed to the substance of the declaration, they would bring to the continuation of the Conference's work that relief they all desired, and, in that case, M. Litvinoff could receive satisfaction. But it was obvious that that was not enough, and that the day would come when, in one form or another, the declaration, perhaps in



a more precise form and better defined legally, would have to be inserted either in the Disarmament Convention itself or in one of the acts to be associated with that Convention.

As to the wording of the various proposals handed in, M. Motta had one very serious scruple with regard to the statement that the States were determined to fulfil, not only the letter, but also the spirit of their obligations. He did not like this kind of involuntary rule in all treaty interpretation was to extract the spirit, the letter being simply its material support. In the words of the New Testament, "the letter killeth, but the spirit giveth life". The letter was of no value when it dominated, so to speak, the spirit and ruled it. If there were really any opposition between letter and spirit, what would it mean? It would mean that the letter of the Pact of Paris only prohibited war, but that its spirit prohibited all acts of force. Could such an interpretation be accepted? M. Motta did not think so. He thought the intention of the Pact of Paris was to condemn, to reprove, finally to abolish, not only declared acts of war, recognisable as such, but all forms of violence. It was therefore impossible to leave this statement in the proposal upon which the Commission would shortly have to vote, without running the risk of establishing a dangerous antithesis between the letter and the spirit.

The United Kingdom proposal said further on: ". . . solemnly undertake . . ." But the Governments were not giving a new undertaking. They were reaffirming an undertaking already given, and, on this point, M. Motta fully concurred in the opinion expressed clearly by the Italian delegate. Moreover, this undertaking was universal, not European.

Then came the expression: ". . . will not in any circumstances resort to force . . ." This idea of force was interpreted as a form of violence going beyond war. This question must be considered and a formula giving general relief must be found.

M. Motta thought that, after other speakers had taken part in the discussion, the President would suggest the constitution of a drafting committee to consider, not only all the proposals submitted in writing, but also the verbal observations presented that day, in order that a clearer, more definite and more precise declaration, satisfactory to all, might be submitted at another meeting in the near future.

M. NADOLNY (Germany) said that he entirely accepted the United Kingdom delegate's draft declaration.

The German delegation agreed that the draft represented something more than a simple repetition of the contents of the Pact of Paris. In its opinion, the States would be taking a real step forward in adopting this solemn declaration by which they would pledge themselves to renounce all use of force as a means of settling any difference of whatever nature.

As to the question whether the declaration should be extended to the States outside Europe, M. Nadolny, for reasons connected with the order of the work, shared Mr. Eden's view. It would, he thought, be preferable to postpone that point until the other problems of concern to those States were under consideration. Nevertheless, he felt sure that he was voicing the opinion of all his colleagues in saying that his delegation would be glad to see the countries of the other continents accede to the declaration.

He concurred, too, in Mr. Eden's view concerning the diplomatic form in which the declaration would be made. It seemed to him essential that the declaration be signed at the same time as the Disarmament Convention.

M. PAUL-BONCOUR (France) did not wish the silence of the French delegation to be interpreted as meaning that it was not in entire sympathy with the United Kingdom initiative. He could make this statement all the more sincerely and freely in that the delegate of the United Kingdom had been good enough to point out that this suggestion was not intended to take the place of the pact of mutual assistance proposed by the French delegation but that, on the contrary, it was itself a step, and an important step, in the direction of the conclusion of this pact. M. Bourquin, as a lawyer, had further emphasised this point by stating — and he (M. Paul-Boncour) thought that was the correct view — that the British initiative provided that juridical basis for the regional pact of mutual assistance which the French delegation had in mind. The French delegation, therefore, fully and entirely concurred with the United Kingdom proposal.

He would not even develop the observation made by M. Motta, who seemed to fear that a certain passage of the United Kingdom proposal might lead to a belief that the Paris Pact had not already any connection with the hypothetical cases at present in view. He had, of course, been impressed by M. Motta's striking quotation from the New Testament that "the letter killeth, but the spirit giveth life". It also said, however: "In my Father's house are many mansions". In other words, the value of the Paris Pact, like that of all pacts, depended on the use which was made of it. He did not therefore think that there would be any doubt — and as regards one of the signatories at least, M. Paul-Boncour had quite special reasons for this view — that the authors of the Pact had ever intended to limit that excommunication to a definite form in its juridical and diplomatic expression, but that they, indeed, had in mind every recourse to violence and force and all inadmissible pressure for the settlement of a dispute. It was nevertheless true that the use of an expression which possessed a definite meaning

in international law had occasioned uncertainty, and events themselves had proved that some were prepared to avail themselves of that uncertainty.

M. Paul-Boncour would reply at the same time to the delegate of Italy: the word "war" had a definite meaning, and it was not sufficient, in order to exclude all recourse to force, to condemn war. It was possible that those who might be tempted to make war would, in fact, so arrange matters that their action was not covered by the traditional legal interpretation of "war". In that sense, it might be said that there would never again be war, because matters would be so arranged that resort would be had to such procedure without the appearance of doing so. The whole point of the juridical proposal was to incorporate all those cases which the authors of the Pact of Paris had in mind when they proposed that instrument and encouraged all Powers to sign it. The United Kingdom delegation, which had been foremost in taking this initiative, should best be able to judge of this, but, personally, he felt that M. Bourquin's proposals would be a useful definition; nevertheless, as the delegate for Italy had just said, the term "recourse to force" might be a little too vague, so that it might perhaps be desirable to define it clearly, taking into account the text proposed by M. Bourquin.

For his part, therefore, he was in no way opposed to the nomination of a drafting committee which would endeavour to conciliate the two points of view. With this conclusion, the French delegation confirmed its adherence to the United Kingdom proposal.

M. SÉPAHBODI (Persia) had no need to give any additional explanations after the statement he had made on the previous day. He was glad to find that other delegations now shared the Persian delegation's apprehensions.

Despite the assurances which had been given that the present discussion would shortly be extended to other continents, he was obliged to say that public opinion in his country had for some time shown a tendency to believe that the League of Nations was daily growing weaker, and that the founders of the Covenant were gradually detaching themselves from it.

It was to prevent any suspicion of this kind that the Persian delegation was anxious, whenever an opportunity offered, to secure the extension of the Conference's decisions as far as possible to all the countries of the world.

The Political Commission, having wished to take into account the decision of the great American Republic, had begun its discussions in the limited sphere of Europe. The Persian delegation very sincerely hoped that the European Powers would arrive at an agreement for settling their present or future difficulties. Indeed, it was convinced that a return to pacification and tranquillity of mind in Europe would constitute a greater guarantee for the rest of the world; but it was his duty to emphasise once more that the new guarantees created for Europe should not run counter to the guarantees already existing, and it was in this spirit — and to safeguard the future — that he asked that the British draft declaration should be open for signature and accession to non-European States should they so desire. The Persian delegation accordingly proposed the following amendment:<sup>1</sup>

"The Governments of non-European countries which have assumed the obligations of the Pact of Paris of August 27th, 1928, may adhere to this declaration at the time of the signature of the Disarmament Convention."

It submitted this amendment because it had not yet received the assurance that this extension of the Pact of Paris would eventually apply to the rest of the world, as M. Buero had rightly pointed out.

Tevfik RÜSTÜ Bey (Turkey) said that his delegation fully and entirely supported the draft declaration submitted by the United Kingdom delegation as far as its spirit was concerned, and also the amendment of the Soviet delegation. He said "as far as its spirit was concerned", because he had had certain observations to submit; he nevertheless warmly thanked M. Motta for having made this unnecessary by saying all that the Turkish delegate had proposed to say.

On one point, however, he did not quite agree with M. Motta's line of argument. He did not agree with him when he proposed to replace the word "undertake" by the words "reaffirm the undertaking". The Pact of Paris had been signed in different ways by the various States. The Turkish Government had signed and ratified it unreservedly, and other States had done the same. Turkey was unreservedly bound towards these States and *vice versa*. Consequently, in this case, the requisite spirit existed.

But there were a large number of other States which had put forward a greater or smaller number of reservations. If they now *undertook* the proposed obligation, these reservations lapsed. This constituted a step forward. But if it were said that they *reaffirmed* the undertaking previously entered into, the situation remained as before. Hence Tevfik Rüstü Bey could not agree with M. Motta on this point.

As regards M. Bourquin's proposal, there were two points which disquieted him. If an exception were made when there was a contrary convention binding on the parties affected, a sort of privilege was created in favour of existing Conventions, and this left a

<sup>1</sup>Document Conf. D./C.P.6.



doubt as to whether they were reconcilable or not with the new undertaking the States were going to accept. In his opinion, they were reconcilable therewith, and it would be desirable if other undertakings could be entered into in the same direction. Hence, in order not to weaken the scope of the declaration, he was against the adoption of the amendment proposed by M. Bourquin.

The same applied to the case of legitimate defence, for which M. Bourquin also wished to make an exception. This was also clearly indicated in the Pact of Paris and in the letters which had been exchanged. It was therefore unnecessary to repeat it, and by doing so the way might be opened for erroneous interpretations.

M. FOTITCH (Yugoslavia) said that his delegation associated itself unreservedly with the motion put forward by the United Kingdom delegation. It was ready to examine all the amendments which had been submitted during the discussion with a view to improving the text of the draft declaration. In fact, this seemed to him essential, for it must not be forgotten that this proposal was being discussed as a positive element of security, and not only as a political manifestation aimed at creating a favourable atmosphere for the work of the Conference.

For these reasons, the text ought to be made more precise, and the undertaking which States were going to accept — M. Fotitch attached less importance to the form of this undertaking — ought to be quite clear and leave no room for any misunderstanding.

If the United Kingdom delegation had spoken of resort to force, and not only of resort to war, the reason was to be found in Sir John Simon's speech to the Bureau on November 16th last, in which he had said :<sup>1</sup>

"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."

For his part, M. Fotitch preferred to keep to the words "resort to force", for he did not think that the notion of war was, as had been said, very well defined in international law. Since the last war, numerous conceptions which had been thought quite definite, had undergone great changes. That of war itself was an example. For these reasons, the Yugoslav delegation considered that it would be better to keep to the conception of resort to force, while, of course, defining it in such a way as to leave no possibility of ambiguity.

The PRESIDENT said that there appeared to be a clear consensus of opinion in the Commission in support of M. de Madariaga's suggestion that, irrespective of the wording of the declaration, it should be included in the Convention and not form a separate instrument. He understood that the United Kingdom delegation was prepared to accept that as the decision of the Commission.

A number of amendments to the draft declaration had been handed in and M. Bourquin had proposed that they should all be referred to a drafting committee for consideration and report. If that were agreed, the President would suggest that the Commission should set up a drafting committee consisting of the following members, under the chairmanship of the Vice-President, M. Politis : a representative of Belgium, United Kingdom, Denmark, France, Germany, Italy, Japan, Union of Soviet Socialist Republics, Spain, Switzerland, Turkey and Yugoslavia.

M. LITVINOFF (Union of Soviet Socialist Republics) had no objection to the President's proposal, but, in order to obviate controversy in the Drafting Committee as far as possible, desired to state that, in his opinion, the fundamental difference had already been removed by the United Kingdom delegation's acceptance of M. de Madariaga's proposal that the declaration should be inserted in the Disarmament Convention. M. Litvinoff took it that the Disarmament Convention would not be concerned with European States only, but with all the States of the world. It was therefore natural that the declaration should concern all States and not only European States. It was accordingly generally agreed that there was no longer any question of a declaration for European States, but of a universal declaration. M. Litvinoff expressed his entire satisfaction with this result.

The PRESIDENT pointed out that, at the present meeting, the Commission was not deciding whether the declaration should be universal or whether it should be restricted to Europe. It was referring the amendments, including those moved by M. Litvinoff, to the Drafting Committee, of which the Soviet delegate was a member. He believed that there was no division in the Commission as to the application of such a declaration or reaffirmation to all countries, but, as he had said at the last meeting, the discussion would a little later reach the outer ring of the French plan under more favourable circumstances than existed at the moment.

*The proposals of the President were adopted.*

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<sup>1</sup> See Minutes of the twenty-ninth meeting of the Bureau, page 90.

## FIFTH MEETING

*Held on Thursday, March 2nd, 1933, at 3 p.m.*

President: The Right Honourable A. HENDERSON.

### 6. DECLARATION OF NON-RESORT TO FORCE: REPORT AND DRAFT TEXT SUBMITTED BY THE DRAFTING COMMITTEE.

The PRESIDENT reminded the Commission that, at its last meeting on February 15th, it had asked a Drafting Committee, under the chairmanship of the Vice-President of the Commission, M. Politis, to consider the draft declaration submitted by the United Kingdom delegation,<sup>1</sup> together with the various proposals and amendments. That Committee had now finished its task and its report was before the Commission, together with the draft text submitted by the Committee.

The President also reminded the Commission that there had appeared to be a clear consensus of opinion in the Commission that, irrespective of the wording of the declaration, it should be included in the Convention and should not form a separate instrument.

*Report<sup>2</sup> and Draft Declaration<sup>3</sup> submitted by M. Politis on behalf of the Drafting Committee.*

"On February 14th, 1933, the Political Commission began the discussion of the United Kingdom proposals, the first point in which relates to the obligation to be assumed by the European States that 'they will not in any circumstances resort to force for the purpose of resolving any present or future differences between them'.

"In the course of the discussion various proposals or suggestions of amendments were submitted. They proposed:

"(a) To make the obligation universal (Persian and Soviet Union delegations);

"(b) To supplement the text proposed by the United Kingdom by specifying that provision should be made for the renunciation of force, not only in the settlement of any present or future dispute, but also in the settlement of any dispute 'of whatever nature' (Czechoslovak delegation);

"(c) To define more closely the effect of the obligation by specifying that it relates to the use of 'armed force as a means of coercion for any reason or under any form whatever', and by providing for a certain number of exceptions based on the treaties in force, the conception of legitimate defence and the Covenant of the League (Belgian delegation).

"The Political Commission instructed its Drafting Committee to study the United Kingdom proposals and the various proposals or suggestions of amendments with a view to bringing them into harmony and arriving at a formula admitting of an agreement.

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"The Drafting Committee has made a thorough study of the question, and has been able to elicit the following data:

"(1) The question of the universal effect of the obligation should be reserved altogether. It may be a matter for subsequent enquiry whether, and under what conditions, the obligation might be extended to States other than those contemplated in the United Kingdom proposal.

"(2) In formulating the proposed obligation, it is desirable to avoid representing the obligation as an interpretation of the Pact of Paris. The obligation is distinct from that Pact though on the same lines, inasmuch as it refers explicitly to the Pact of Paris 'by . . . expressly forbidding resort to force in the circumstances in which the Pact of Paris forbids resort to war'. The new undertaking would accordingly be given in the same circumstances as apply to the undertakings in the Pact of Paris.

"(3) The principle of the new obligation is defined in Sir John Simon's speech to the Bureau of the Conference on November 17th last, on which was based the agreement of the four European Powers of December 11th, 1932 — namely, the principle of dispelling the doubts to which the use of the word 'war' is liable to give rise by condemning simply the recourse to force.

<sup>1</sup> See Minutes of the fourth meeting of the Political Commission.

<sup>2</sup> Document Conf. D./C.P.11.

<sup>3</sup> Document Conf. D./C.P.10.

"(4) The object in view would not be attained if it were only proposed to stipulate for the renunciation of the recourse to force in the event of force being employed to settle a dispute, since it might well happen that there would be recourse to force without any formal dispute.

"On the basis of these data, the Committee has endeavoured to find formulæ which will provide an exact application thereof. The Committee believes unanimously that the following formulæ which it now submits to the Political Commission are in complete accordance with this aim :

"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."

M. POLITIS (Greece), Chairman of the Drafting Committee, recalled that the Political Commission had received from the United Kingdom delegation a proposal which had been made the subject of a first debate on February 15th last. At that meeting, various delegations had submitted or suggested amendments, and the Political Commission had instructed its Drafting Committee to study these texts with a view to harmonising them and arriving at a formula admitting of acceptance by all the delegations.

The Drafting Committee had thoroughly examined the question. It had considered all the aspects and, after careful reflection, had arrived at the formula which he had the honour to submit to the Commission and which seemed to him to meet the different exigencies which had come to light both in the Commission itself and in the Drafting Committee.

There was one question which the report left in doubt. During the previous discussion in the Political Commission, the idea seemed to have emerged that the text should form an article of the General Convention. The Drafting Committee had considered that it would perhaps be somewhat premature to express an opinion as to the exact place where that text should be inserted. Would it form an integral part of the General Convention on the Reduction and Limitation of Armaments? Would it be made the subject of a declaration or a protocol appended to that Convention? Or, again, would it be inserted as the introduction to a possible protocol to the European security pact? It would perhaps be premature to decide that question to-day, and safer to reserve it till later.

He had no addition of substance to make to the report, which explained the exact significance of the text which the Commission was asked to approve. The Drafting Committee was unanimously of opinion that the text in question answered all the anxieties that had been expressed and all the proposals submitted, and he therefore desired to express the hope, on its behalf, that, as the Committee had been unanimous in drafting the text, so the Political Commission would unanimously adopt it.

M. SÉPAHBODI (Persia) said that, when the United Kingdom draft resolution was submitted, the Persian delegation had urged that the advantages in respect of security resulting from the Pact of Paris should in no way be whittled down by any limitative interpretation confined to the continent of Europe. It had noted with satisfaction that its view was shared by other delegations, which had also urged that the scope of that resolution should be extended to all the States represented on the Conference. The only obstacle to the success of the draft had been explained by the French delegate, who had recalled Mr. Gibson's statement to the effect that the United States of America could not commit itself to that course as long as the countries of Europe had not come to an agreement with regard to effective disarmament. In order to reconcile that consideration with the interests of the non-European countries, the Persian delegation had submitted an amendment whereby the United Kingdom draft resolution would be open for signature by any other States which might express the wish to accede to it.

M. Bourquin's amendment, M. Buero's legal and categorical explanations and the statements of the Swiss delegate had caused the Commission to refer the draft to a Drafting Committee which had been instructed to take into consideration the explanations given and the amendments submitted. Persia would have welcomed an invitation to take part in that Committee's deliberations in order to defend the amendment which it had submitted. Although it had not been asked to participate in the Drafting Committee's work, the Persian delegation had nevertheless continued to hope that the Committee would give due consideration to the doubts which it had expressed concerning a resolution of such importance.

He ventured now to lay before the Commission his country's objections to the text proposed by the Drafting Committee. According to the Drafting Committee's report, commented on by the Rapporteur, the question of the universal effect of the obligation was to be reserved altogether. No mention had, however, been made of that in the wording of the obligation and it was precisely that omission which the Persian amendment was designed to make good.

It might be objected that the General Commission had decided to dispose of the European questions first of all. The Pact of Paris was, however, a world instrument and, if that Pact had to be modified, any modification effected must necessarily be of a universal nature, the more so as it was a perpetual Pact which affected all the nations of all the continents. Would there ever be a more suitable occasion for considering the extension of that obligation than the present, when the signatories of the Pact were assembled?

The report laid stress on the fact that, in formulating the proposed obligation, it was desirable to avoid representing the obligation as an interpretation of the Pact of Paris. But, in that case, why mention that Pact in the text, and why reinforce the obligation by stating that the Governments concerned were "anxious to further the cause of disarmament by increasing the spirit of mutual confidence"? Lastly, why reaffirm that "they will not in any event resort, as between themselves, to force", without asking the other signatories of the Pact to participate in that reaffirmation?

If that resolution were adopted by the Commission for European Union without any mention of the Pact of Paris, the procedure would be more consistent, but, as it was being discussed at a plenary meeting of the Commission in which all the countries voted, the Persian delegation could not accept a text which would affect the legal basis of a universal pact.

The initial United Kingdom draft resolution clearly specified that the States were determined to fulfil, not only in the letter, but also in the spirit, the obligations which they accepted under the Pact of Paris signed on August 27th, 1928. Persia, when signing that Pact, had taken into consideration both its letter and spirit, and he was convinced that neither the authors nor the other signatories of that instrument had ever thought that a subsequent interpretation, due to unfortunate events occurring some years later, would be made an occasion for distinguishing between war and resort to force, and thus contemplating two categories of States, one of which would benefit by the letter of the Pact, while the other, more privileged, category would benefit both by its letter and by its spirit.

With the exception of M. Buero, he had not heard the opinion of the other non-European delegations on that question and was therefore ignorant of their point of view. He considered, however, that he would be failing in his duty if he did not point out to the Commission the unfavourable legal position in which the non-European States would be placed in the event of that interpretation being accepted.

For that reason, the Persian delegation urged that its amendment should be considered, in order to avoid any erroneous interpretations of the Pact of Paris, which was of universal effect. Consequently, it requested the Commission to grant the non-European States the right to sign the present undertaking at the same time as the European States. Should the Commission not take the Persian request into consideration, the Persian delegation would maintain its point of view and would formulate the most explicit reservations with regard to any legal interpretations which the Commission might endeavour to place upon the Pact of Paris by a roundabout method. It was inadmissible and illegal that, in the case of a Convention of a universal character, accepted by all States, there should be two different interpretations as between one continent and another.

M. TITULESCO (Roumania) desired to put a question to the Rapporteur and would vote in the light of his reply. The report contained the following sentence :

"In formulating the proposed obligation it is desirable to avoid representing the obligation as an interpretation of the Pact of Paris. The obligation is distinct from that Pact though on the same lines. . . ."

M. Titulesco understood why the Drafting Committee had desired that this should be a separate obligation. It was for reasons of form, among which, to quote only one, was the question of universality which had been raised by the Persian representative and had been reserved entirely. In substance, however, there could be no doubt among the States represented at the Conference, Members of the League and signatories of the Pact of Paris : the Pact of Paris not only prohibited war, but also resort to force and violence in any form whatsoever.

Indeed, it was usual, in speaking of the Pact of Paris, always to think of Article 1 and to consider it as the vital point in that treaty. In reality, the vital point was Article 2, which was too rarely mentioned. Article 1 prohibited resort to war, but Article 2 prohibited resort to violence, in the sense that it bound all the signatories to resort only to pacific means with a view to settling disputes of whatever nature and whatever origin. In M. Titulesco's opinion, however, the obligation to resort to pacific means signified — if the dictionary had not been changed — that there should be no resort to force or violence. This was particularly important for Members of the League, since they had unanimously adopted a resolution in March 1932, in connection with the Sino-Japanese dispute, placing on a footing of equality the Pact of Paris and Article 10 of the Covenant, war and violence.

It was therefore obvious that, although M. Titulesco agreed that, for reasons of form, non-resort to force should be expressed as an obligation forming part of a distinct undertaking, he could not agree, as to substance, that anything had been added to the

existing obligations. Moreover, this had also been in the minds of the authors of the resolution, since they had found the very satisfactory word "expressly":

"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 . . . ."

That meant that the Pact of Paris prohibited it implicitly. M. Titulesco observed that Article 2 of the Pact did prohibit it expressly. But if it were admitted that, implicitly, resort to force had already been ruled out, M. Titulesco would be satisfied and would not open an argument on a matter of words.

In conclusion, he asked the Rapporteur whether the text in any way attenuated the obligations of Article 2 of the Pact of Paris. If the reply were in the negative, of course, M. Titulesco would vote in favour of the text. But if, by any chance, the answer were in the affirmative, he would vote against it, because the Pact of Paris would have been emptied of all substance and, under the pretext of strengthening peace, the Commission would only have weakened it.

Count RACZYŃSKI (Poland) said that the Polish delegation shared the point of view so brilliantly expounded by M. Titulesco.

It had no hesitation in accepting the text submitted by the Drafting Committee. There was, indeed, no ground for hesitation, since it was a simple reaffirmation of an undertaking already contracted by the States taking part in the Conference. The use of the word "reaffirm" in the text confirmed this view. Poland had always understood the Pact of Paris in that sense.

In itself, the text did not involve any new guarantee of security. He was anxious, however, that the European States signatories of the Pact should make a demonstration encouraging respect for the obligation embodied in Article 1 and, as M. Titulesco had so ably shown, in Article 2.

M. DOVGALEVSKY (Union of Soviet Socialist Republics) said that, though he had been impressed by the Persian delegate's observations, his delegation would accept the Drafting Committee's text.

The Soviet delegation had taken an active part in the discussions of the Political Commission and the Drafting Committee. It had made a great effort towards conciliation in order to enable the Drafting Committee to reach unanimous agreement as to the wording of a solemn undertaking not to resort to force. To demonstrate the effort thus made, he need only point out that the Soviet delegation had been of opinion that the undertaking to be concluded should be universal.

In supporting the view that this undertaking should be universal, the Soviet delegation started from the idea that States should not be divided into two categories: States bound, in addition to the Pact of Paris, by a specific undertaking not to resort to force, and States bound only by the Pact of Paris. It feared that, in those circumstances, the Pact of Paris, instead of being strengthened, and, as it were, intensified by a universal undertaking not to resort to force, would, on the contrary, be weakened.

That being so, the Soviet delegation had nevertheless desired that the possibility of an ultimate agreement should not be excluded and had been anxious to participate as effectively as possible in drawing one up, although it naturally felt bound to state specifically that its Government could not assume responsibility for dividing States into two categories in respect of the Pact of Paris and for the undesirable consequences that might subsequently result. It was true that those who had prepared the text had had constantly in mind the desire to reserve entirely the universal scope of the undertaking. That was one reason, and not the least important, why the Soviet delegation had accepted the present text. It persisted, however, in its point of view — that the new obligation would continue to have an unfavourable effect on the stipulations of the Pact of Paris and would not realise its full value until it became universal through its acceptance by the non-European countries.

M. LANGE (Norway) said he had not spoken in the general discussion on these questions because his own doubt and uncertainty in respect of the original proposal had been so fully expressed by several speakers, in particular, by the delegates of Persia, the Soviet Union and Switzerland.

He confessed that, with the Drafting Committee's text before him, he felt the same doubt and uncertainty, and fully shared the views expressed by M. Titulesco and the Soviet delegate.

He was struck by the fact that the text now before the Committee was in the form of a draft preamble. Generally speaking, it was not a good plan to draw up the preamble before knowing what the Convention would contain, still more what class of Government would be named in the introduction to it.

In the second place, he had considerable doubt as to the words "they will not in any event resort, as between themselves, to force", occurring in the second paragraph. M. Paul-Boncour, in replying to M. Motta some days previously, had quoted from the New

Testament: "In My Father's house are many mansions". M. Lange wondered whether one storey of this house would be set aside for certain persons whose mutual relations would always be satisfactory, but who, on ascending to the attic or descending to the basement, would adopt a different behaviour.

In view of all these doubts, M. Lange felt that he could not approve the text under discussion. The Rapporteur had said that the question of the proper place for this preamble was reserved. M. Lange also would reserve his vote and asked that, if the vote were not taken by roll-call, it might be recorded in the Minutes that Norway abstained.

Mr. GIBSON (United States of America) said the Persian delegate had referred to his having said, some time previously, that his Government could not agree to the extension to non-European States of the undertaking under discussion unless and until the European States had reached an agreement upon disarmament.

In the interests of accuracy, he felt obliged to say that he did not recall having made any such observation. He was sure that, if his Persian colleague would reread any remarks he might have in mind, he would find that Mr. Gibson had not yet even discussed the subject now before the Political Commission. The Persian delegate might, however, be thinking of certain remarks as to the obligations prescribed for non-European States under the "outer concentric circle" of the French plan. These remarks in no way referred to the United Kingdom proposal, however, which was at the base of the text under consideration.

Tevfik RÜSTÜ Bey (Turkey) said that the new Turkey could only support the proposal and very legitimate request of Persia. He had, moreover, made an explicit declaration to the same effect in the Drafting Committee.

M. Lo (China) supported the views expressed by the Persian delegate with regard to the universal application of the Drafting Committee's text.

He had not intervened in the discussions on European security at the Commission's last meeting because he had understood that the question of the security of extra-European countries would be taken up a little later, and that one followed the other as a natural and logical course. He had further understood that European security was dealt with first because of the Commission's decision with regard to procedure, and for no other reason.

There was no promise in the Drafting Committee's report that the question of the universal effect of the obligation would be taken up after the formula had been adopted for Europe. If Mr. Lo interpreted the English text correctly, its universal application was now to be left to an indefinite and perhaps somewhat distant future. To his mind, such a course was very dangerous.

He would not waste time by repeating the cogent arguments advanced by the delegates of Soviet Russia, Persia and Uruguay, nor M. Politis's very pertinent observations on the French plan. But he felt his delegation had a special claim in pressing for universal security, for there was perhaps no country represented at the Conference to which this question had at present such a living meaning as to China. To make the collective system of security a living reality in the world, it must be applicable to all continents. Peace could not be made secure in one continent if war and aggression were allowed to rage unchecked in another. As a great British statesman had put it, "War anywhere may become war everywhere".

If the Commission adopted the draft text without giving an assurance that the universal application of the obligation would immediately be considered, a very unfortunate impression, very difficult to explain away, would be created that the Conference was not facing the world situation squarely, and was endeavouring, in one way or another, to shirk its responsibilities.

M. Lo need hardly add that he would be compelled to vote against the draft text unless it were accompanied by an assurance that its universal application would be taken up as soon as its application to Europe was adopted.

Sirdar Ahmed ALI Khan (Afghanistan) said he was in favour of making the obligation universal, and for that reason supported the Persian and Soviet delegations. His country was not a European State, but it had acceded to the Pact of Paris. For this reason also, the delegation of Afghanistan supported the Persian delegate's proposal. In the view of the Afghan delegation, all decisions taken by the Conference should be universal; such procedure was necessary to ensure the security of all the nations.

M. RUTGERS (Netherlands) had no objection to offer to the draft resolution. If the declaration had had to be taken in a strictly legal sense, he would perhaps have had some comments to make, but as it contained a political undertaking of which the meaning was clear he could confine himself to accepting it.



The wording must however be plain. M. Lange had pointed out that the draft under discussion was a preamble. M. Rutgers read the second paragraph as follows: "Hereby solemnly reaffirm . . . national policy", the paragraph ending with a comma; but he wondered whether that was really the text which the Drafting Committee had intended to propose to the Commission.

M. POLITIS (Greece), Chairman of the Drafting Committee, would reply briefly to the various observations that had been made. They might all be reduced to two ideas which had been presented in the guise of objections to the Drafting Committee's text. The first related to the universality of the undertaking which it was proposed to assume, while the other referred to the interpretation of the Pact of Paris.

He wished first to give the Persian delegate the most formal assurance that special account had been taken of the amendment he had submitted to the Political Commission and that the only reason why Persia had not been included in the Drafting Committee was the necessity of limiting its numbers. Thus it had not been possible to invite to the Committee the representatives of all the countries which had presented or suggested amendments. Persia was not alone in that position. Czechoslovakia was in exactly the same position. But there was another reason why it had not been necessary for Persia to sit on the Committee. Her point of view was identical to that of the Soviet delegation, which had been represented on the Committee and had upheld the view that the undertaking should be universal. M. Politis confirmed the statement just made by M. Dovgalevsky to the effect that the Soviet delegation had evinced a spirit of conciliation which had been very greatly appreciated. It had been recognised that, to take this first step, it was essential to limit matters to the European continent and to reserve the future as to the extension of this pledge to the States outside Europe.

Universality was logical, but, after careful consideration, the Committee had thought that, at the present stage, it would be exceeding the limits of the work assigned to it and embarking on an over-complicated discussion if it attempted to survey the problem in all its aspects. It must not be forgotten that the starting-point for this work had been the United Kingdom proposal and that the latter proposal itself had been bound up with the speech made by Sir John Simon in the Bureau on November 17th, 1932,<sup>1</sup> in which he had anticipated the idea that had eventually taken shape in the agreement of the great Powers of December 11th of the same year.<sup>2</sup> That idea had been that it was desirable, in the relations between the European countries, to clear up one point which had caused doubt in certain minds — namely, that the prohibition of war carried with it the prohibition of all recourse to force, and that the term "recourse to force" did not necessarily signify war declared. That was the idea Sir John Simon had expressed on November 17th, 1932. It had been taken up again by the great European Powers and it was on that basis that the United Kingdom delegation had submitted its proposal to the Political Commission in February last.

The Drafting Committee's mandate had therefore been definitely circumscribed. Proposals had, indeed, been made in the Political Commission for widening that mandate. These suggestions had been very carefully examined by the Drafting Committee, and the latter had unanimously — the Soviet delegation therefore included — taken the view that for the moment it would be desirable to keep within the framework initially mapped out and to reserve for subsequent discussion the principle and conditions of a possible extension of this engagement to the non-European States.

With regard to the Pact of Paris and its interpretation, it was desirable to recall that the United Kingdom proposal had contained a preamble which expressly mentioned the letter and the spirit of the Pact of Paris. In the Drafting Committee, after a very thorough discussion, the unanimous conviction had been reached that this preamble must be omitted, because, if an attempt were made to link up the engagement proposed for the European Powers directly with the Pact of Paris, the result would be to give an official interpretation of the Pact. An interpretation of a universal Pact, however, could only be valid if it were itself universal. It was not possible for a certain number of States which had signed the Pact to agree upon an interpretation which might not be accepted or might be contested by other signatories. The Committee's attitude had been prompted by considerations of prudence and also by a feeling of international courtesy.

The Committee had then considered in what way it would be possible to obviate interpreting the Pact while not presenting the engagement as a new clause, since that again would amount to interpreting the Pact indirectly and, consequently, weakening it. It had been the Committee's unanimous desire that the Pact of Paris should be left completely aside. It had come unanimously to the conclusion that all that had to be done was to go to work on the same ground, along the same lines as the Pact of Paris, but without making any pronouncement on the question whether the new act was a confirmation of or complementary to the Pact.

This was the only possible way of preserving intact, as it was desirable to do, the freedom of the countries which did not belong to Europe and therefore were not taking part in these particular negotiations.

From that point onward, the conclusion had been very simple. He might recall that it had been said: "You claim that you are not interpreting the Pact of Paris, but you

<sup>1</sup> See Minutes of the twenty-ninth meeting of the Bureau.

<sup>2</sup> See Minutes of the twenty-eighth meeting of the General Commission.

have done so because you say that you reaffirm it". That was an objection that had been made indirectly by the Persian delegate in his remarks on the second paragraph of the second part of the Drafting Committee's report, and it had been made still more explicitly in the Polish delegate's remarks concerning the word "reaffirm", which occurred in the first words of the second paragraph of the draft declaration.

This word "reaffirm" might be misleading to those who did not know or failed to remember the various acts that had been entered into previously. "Reaffirm" had, in this connection, two meanings. It did not mean that the signatories affirmed an engagement already contained in the Pact, but that they affirmed again something which they themselves, as European States, already had in their conscience. It meant also that they confirmed, that they affirmed again, something which they had really and formally already affirmed; and they had affirmed it in the Commission of Enquiry for European Union on January 21st, 1931.

M. Politis recalled that, on the proposal of M. Briand, the great European Powers had agreed to make a declaration which concluded with the following words:

"We, therefore, declare that we are more than ever determined to use the machinery of the League to prevent any resort to violence."

On the invitation of the Chairman of the Commission the members of the latter had stated that they acceded to that declaration; the Minutes contained the following words: "The draft resolution was adopted unanimously."

Therefore, on that solemn occasion, the European countries had affirmed a sentiment which they were already harbouring, and that fact would enable them, at the present meeting, by expressing it again, to say that they reaffirmed it.

In these conditions, M. Politis's reply to the definite question put by M. Titulesco could only be a firm and categorical negative. It was negative because the aim which the Committee had set before it had been not to weaken any of the guarantees of securities existing under the texts at present in force, but, on the contrary, to endeavour by the text submitted to the Commission to add something, however little that something might be, to the guarantees of security and so enhance international confidence in Europe.

He thought, therefore, that the misgivings of those who were anxious for the present text to be made universal might be allayed by the promise contained in the first paragraph of the second part of the report, that that question remained entirely open. It was reserved and could be examined at leisure later at whatever time seemed most expedient.

It was also possible to reassure those who feared that, by the text under discussion, an interpretation was being given, even though indirectly, to the Pact of Paris. He had just explained the reasons why that could not be so. He consequently hoped that, after these explanations, the Commission would unanimously confirm the work done by its Drafting Committee, work which represented an advance.

M. TITULESCO (Roumania) thanked the Rapporteur for his very clear explanations. M. Politis had definitely replied in the negative to the question whether the text before the Commission in any way impaired the obligations of the Pact of Paris. He had also allayed apprehension as to the universality of the obligations to be assumed at the present juncture. This question was fully reserved. That should, in M. Titulesco's opinion, give satisfaction to the countries concerned. For his part, he was satisfied, for he would not disguise the fact that, when this question arose, he would join with the Persian delegation and all those delegations who had supported it.

In these circumstances, M. Titulesco would vote in favour of the draft text.

M. SÉPAHBODI (Persia) thanked the delegates who had supported the Persian view. He also thanked the Rapporteur for his explanations. There was one point, however, on which the Persian delegation was not entirely satisfied. It was said in the report that:

"The question of the universal effect of the obligation should be reserved altogether. It may be a matter for subsequent enquiry whether, and under what conditions, the obligation might be extended to States other than those contemplated in the United Kingdom proposal."

The Persian delegate pointed out that there were so many "ifs", so many conditions, that it could not really be said that the universality of the text had been reserved. The Persian delegation was, of course, very anxious not to upset the homogeneity of the Conference's discussions. But there was one point which it could not accept. If the Commission desired to act on the universal plane, it need only reserve this text until the end. If the Commission felt obliged to vote immediately, the Persian delegation would propose the following alternative: In the first place, the first paragraph of the draft declaration might be worded as follows:

"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 it at the same time as resort to war."



Secondly, the words "as between themselves" might be omitted from the second paragraph.

If either of these solutions were adopted, the Persian delegate would be in complete agreement.

M. ZUMETA (Venezuela) put the following doubtful point to the Rapporteur. If these were exclusively European negotiations, what part did the non-European Members of a universal commission like the Political Commission play in them? What weight had the votes and views of extra-European delegates in the decision of matters to which they were not parties? Might they not simply be subjected to the consequences of a resort to force for which they were not responsible?

M. POLITIS (Greece), Chairman of the Drafting Committee, thanked the Persian delegation for its spirit of conciliation. The Commission might, on its side, do something, but, in any event, M. Politis was of opinion that the text of the declaration, which had been discussed at great length, could not be altered. It was the result of a compromise, and, if anything were added to the first paragraph, as had been suggested, or if words were omitted from the second, the whole structure of the text would be altered, and, consequently, the Drafting Committee would be compelled to reopen what had been a very long discussion, and would not be at all certain that it would be able to reach a conclusion. M. Politis therefore urged the Persian delegation not to press its request that the text be modified.

It might, however, be specified in the first paragraph of the second part of the report that, during the present Conference, an endeavour would be made to reach agreement with regard to the extension of this obligation to non-European States, should that be found possible. It was not possible, at the present stage, however, to give an undertaking that such negotiations would, in any event, take place during the Conference. It could not depend on the Political Commission, though that Commission might express a general desire that efforts should be made during the Conference to reach an understanding.

When summing up the debate, the President would be able to suggest how the first paragraph in the second part of the report could be modified so as to satisfy the Persian delegation.

The reply to M. Zumeta's question was very simple. It had been understood, when the present discussions were first begun — and the members of the Conference were warned — that this part of the discussion referred to the European States and that the latter would be very glad if the discussion could go on in the plenary organ of the Conference, not with the object of getting the delegates from the non-European countries to enter into any engagements, but in order that they might give their European colleagues the advantage of their suggestions and support in a work of great importance both to Europe and to the rest of the world. On behalf of his European colleagues, M. Politis expressed his gratitude to the delegations of the countries which, not belonging to the European continent, had been good enough to take part in discussions that, during the present phase, concerned only the States of Europe.

M. DE MADARIAGA (Spain) seconded M. Politis's appeal to the Persian delegation and urged the latter not to press for the amendment of the text under discussion, which was the outcome of a skilful adjustment of tendencies that were not only opposed to one another, but radiated in all possible directions.

It was necessary to have been a member of the Drafting Committee to appreciate the need for adjusting, with the most delicate intellectual instruments, the weights and measures required for gauging the words in these texts which were the crystallisation of skilful equilibrations such as were only found in the most complicated chemical experiments.

He did not agree with the Rapporteur in regard to the question of universality. M. Politis had appeared to hold out a prospect, instead of giving the Persian delegate an assurance. M. de Madariaga, on the other hand, thought that there was a definite decision by the Political Commission which made it an obligation to consider all these questions of security first on a European basis and then on a universal basis — or if not all of them, at any rate that of non-recourse to force. It was indeed on a motion by M. de Madariaga himself that the Commission had agreed to the procedure of examining all questions relative to security on the European plane and certainly to consider that of recourse to force on the universal plane. It was therefore due to the non-European delegations that this question should be reconsidered on the universal plane in due course, during the present Conference and before the signature of the Convention.

The Spanish delegation would vote in favour of the present text, although without enthusiasm. Even before it took up the study of this question it had thought that there were perhaps too many pacts already and that a very real danger was being run — that of the inflation of pacts drawing on a constant gold hoard represented by confidence. He was not sure that this gold hoard of confidence had increased as a result of the present discussion. It was often said that all was fair in love and war. He feared that it might soon be said that all was fair in love and peace. Too many oaths were taken. It was to be hoped that they would not be broken.

The PRESIDENT suggested that the situation so far as those who were advocating universality were concerned might be eased if the first paragraph of the second part of the Drafting Committee's report were amended as follows :

*"The question of the universal effect of the obligation should be reserved for the present. It shall be a matter for subsequent enquiry during this Conference."*

The President thought that that wording left the entire question of universality open, and also left every delegation free to take whatever course it chose when the discussion on that matter took place.

M. SÉPAHBODI (Persia) thanked the President for his proposal. The Persian delegation was prepared to withdraw its amendment as the text now contained a formula which entirely satisfied it.

Sir Philip Sassoon (United Kingdom) said that his delegation had no objection to the President's proposal. He assumed, however, that it would be understood that, in the meanwhile, each delegation was entitled to reserve its attitude. He must, in any case, entirely reserve his own delegation's attitude, because the United Kingdom proposal, which was based on the agreement of December 11th, 1932, had been for a declaration by the States of Europe.

The PRESIDENT invited the Commission to vote on the adoption of the Drafting Committee's report as amended.

*The report as amended was approved by twenty-six votes.*

The PRESIDENT suggested that the Commission should vote next on the draft declaration unanimously recommended by the Drafting Committee.

*The draft declaration was approved by twenty-seven votes.*

#### 7. DEATH OF M. A. J. RESTREPO, FIRST DELEGATE OF COLOMBIA.

The PRESIDENT had great regret in announcing that he had just heard of the passing of the representative of Colombia to the Disarmament Conference. He had sent the following telegram :

*"On my own behalf and that of my colleagues in the Disarmament Conference, please accept sincere condolences on the death of His Excellency Dr. Antonio José Restrepo, delegate of Colombia to the Conference. — HENDERSON, President."*

(On the proposal of the President, the members of the Commission rose as a mark of respect for the late M. A. J. Restrepo.)

M. GUIZADO (Colombia), in the name of the Colombian delegation to the Conference, and in the name of the Colombian Government and people, thanked the President and the Conference for their sympathy in the loss sustained by his country.

M. Restrepo had been permanent Colombian delegate to the League of Nations. He had been one of the most distinguished men of his country and had served the cause of Colombia for many years in the various international commissions. His whole political life had been devoted to the maintenance of peace, and in the League of Nations he had testified to his attachment to the Covenant.

The Colombian delegation was deeply touched by the sentiments expressed in the telegram which the President had read to the Conference, and was very grateful therefor.

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## SIXTH MEETING

*Held on Saturday, March 4th, 1933, at 10.30 a.m.*

President: The Right Honourable A. HENDERSON.

### QUESTION OF A PACT OF MUTUAL ASSISTANCE: GENERAL DISCUSSION.

The PRESIDENT reminded the Commission that, at its meeting on February 14th,<sup>1</sup> it had decided that, when the discussion on the question of non-resort to force had been concluded, it would take up the question of the Pact of Mutual Assistance. That question was included in both the French and the United Kingdom proposals. Paragraph (2) of Part I of the United Kingdom delegation's proposals<sup>2</sup> read as follows:

"The immediate study by the continental European States with a view to their mutual security of the possibility of reaching political arrangements defining the conditions in which each of them will be entitled to the co-operation of the other contracting States."

The French proposals with regard to the establishment of a European Pact of Mutual Assistance might be found in Chapter III, Section A, of the French memorandum.<sup>3</sup>

M. PAUL-BONCOUR (France) said that the discussion which had just been opened concerned one of the essential points of the plan submitted to the Conference by the French delegation. One of the *essential* points because, in the whole body of international security guarantees which France regarded as necessary in view of the extent of the reduction of armaments which the Conference must endeavour to secure, he was always careful to bear in mind the matter which had been discussed on previous days — namely, the unification of types of army and military status, at least in continental Europe.<sup>4</sup> He did not think that certain of the discussions which had taken place recently with regard to effectives,<sup>5</sup> could be regarded as contrary to the opinion which he was going to express, namely, that substantial reductions could not be secured unless the Conference first made comparable the various armaments it wished to reduce. In other words, the Conference must bring about the necessary unification as between continental States at least.

Another essential point of international security was international supervision. This point was, in fact, so important that, as he had already said, many delegates were bound to make the reductions to be accepted by them and the decisions to be taken by them during the Conference depend on what should be the crowning achievement of the Conference — namely, the establishment of effective, regular and periodical supervision on the spot. Such supervision would avoid those complaints which were in themselves inevitably the beginning of misunderstandings and conflicts, and would establish the reciprocal right to ascertain what was happening in each country. It would thus be possible to put an end to the anxiety caused by secret armaments or clandestine traffic in arms and to create a feeling that a Convention when once signed would be uniformly respected.

As regarded the unification of types of armies and military status in continental Europe, the French delegation had had occasion to note, during previous discussions, that a majority of the delegations was favourable to this idea, deeming it to be the direction which the Conference should follow in order to secure important reductions. This idea had now to be brought to perfection and embodied in texts.

In the matter of supervision, M. Paul-Boncour was bound to admit that the conception the Conference had arrived at in July last did not appear to the French delegation to be sufficient.<sup>6</sup> The French delegation felt that supervision should be increased in definiteness and efficacy to the same extent as that to which the desired reductions were themselves increased. Such reductions would be neither possible nor acceptable, nor would they leave a feeling of confidence unless true international supervision existed, as he had just pointed out in very general terms, but terms which were sufficiently precise to dispel all misunderstanding regarding the views of the French delegation.

<sup>1</sup> See page 5.

<sup>2</sup> Document Conf. D.154.

<sup>3</sup> Document Conf. D.146.

<sup>4</sup> For the discussion on the question of effectives, see Minutes of the thirty-fifth and following meetings of the General Commission.

<sup>5</sup> See resolution adopted by the General Commission on July 23rd, 1932 (Documents of the Conference, Volume I, page 269).

The Commission was now dealing with a third essential point which would also result in an increase in international security which was necessary to ensure ample reductions. He referred to mutual assistance, which was certainly not a new idea, which was almost the very definition of the League Covenant, which was to be found in the Covenant and already bound the nations which had signed the Covenant. Ever since the Covenant had been in existence, however, attempts had been made, without success up to the present, to define this obligation satisfactorily. As he had had the honour to remind the Commission, when he had explained the main lines of the French delegation's plan,<sup>1</sup> the work of the Committee on Arbitration and Security had been planned to proceed concurrently with that of the Preparatory Disarmament Commission. This arrangement marked the necessary connection between the two ideas and, so to speak, the need for their simultaneous progression. After seeking for a solution on universal lines, the Committee on Arbitration and Security had finally arrived at a concept which had been realised in the model treaties proposed to the Powers by means of which it became possible in all cases to begin by establishing, on a regional basis, that definition of mutual assistance between nations which had hitherto been lacking.

True, all delegations must have been glad to note the tendency towards universality which appeared to have become manifest during the discussion on the previous day of the agreement to refrain from resort to force. M. Paul-Boncour sincerely hoped that the same desire would be apparent and that the same claims would be made, now (for the hour had come) that it was a question of studying an agreement which emanated from the same idea but which went further and which, above all, added certain sanctions that the agreement to refrain from force would in no case include. The French delegation, faithful to the indications given by the Committee on Arbitration and Security and being, as ever, desirous before all else of ensuring continuity, felt sure that, whatever the future extension of the plan in view of the opinions expressed two days previously — and he believed the plan must eventually be extended — it would be necessary to commence this effort in the direction of the regional mutual assistance recommended by the Committee by some action on the part of those nations which were particularly interested in certain forms of reductions of armaments.

It was obvious, therefore, that the French delegation attached great importance to the decisions which had been reached regarding the third essential point of its plan. Nevertheless, in this respect and in order to save the time of the Political Commission, he would merely refer the Commission to the speech he had made a month ago.<sup>2</sup>

He ventured, however, to think that, if it were desired to reach definite decisions in all cases — and that was, he thought, indispensable in order that all delegations might know where they stood — a method of discussion must be adopted. Two days previously the delegations had adopted in the Political Commission the pact of non-resort to force. That pact had been proposed by the United Kingdom delegation, and the French delegation had given it a particularly warm welcome because it formed an essential legal basis for the subsequent development which it was anxious to achieve.

It would nevertheless be realised that, if it were desired that a decision or resolution of that sort, however great its interest, should exercise a direct influence on the possibility and magnitude of armaments reductions, it was necessary to go further because, in the last resort, the maintenance of certain armaments — even though reduced, for there would always be some armaments — implied *ipso facto* the assumption that there could be no absolute certainty that there would never be any resort to force. Consequently, to make a reality of the international security by which appreciable reductions in armaments could be brought about, it was necessary to visualise the possibility of a breach of the pact of non-recourse to force and of the employment of force.

The question that arose immediately was the definition of the fact of aggression upon which would inevitably depend all the discussions on mutual assistance. It was the Commission's good luck, at which it could not feel too much satisfaction, that it could extract from the proposals made by the delegations as a whole all such points as they had in common. It had the good luck to have in this connection certain extremely valuable proposals by the Soviet delegation,<sup>3</sup> which were related to those contained in the French plan in the matter of aggression and the definition of aggression. The study of the Soviet proposals, therefore, would undoubtedly provide an excellent point of departure for the discussion on mutual assistance.

Immediately afterwards — afterwards, that was to say, in the order of discussion but simultaneously in the order of the hypothesis under consideration — it would be necessary to study the establishment of the fact of aggression. On that point there were other proposals, those by the Belgian delegation,<sup>4</sup> which could afford a very valuable basis for the discussion of this second factor in the system of mutual assistance. Then, and only then, would arise the third question, one of extreme delicacy, which would, however, have to be settled in one way or the other, like all questions which had arisen done. M. Paul-Boncour referred to the decision by the Council. Once aggression was defined and the fact of it established, it was obviously the Council which would have to say that the hypothesis had materialised for the operation of mutual assistance, and it was the Council which would determine the forms and extent of such assistance.

<sup>1</sup> See Minutes of the thirty-third meeting of the General Commission, page 256.

<sup>2</sup> See Minutes of the thirty-third meeting of the General Commission.

<sup>3</sup> Document Conf. D./C.G.38 (See Minutes of the General Commission, page 237).

<sup>4</sup> See Document Conf. D./C.P.12.

If the French plan, following the direct line of the work done by the Committee on Arbitration and Security, suggested — not from inclination but of necessity, if a conclusion was to be reached — instead of a universal treaty a limited treaty, one restricted to Europe and even, if necessary, to the continent of Europe, the object was, of course, to fill in certain details and to provide for stricter commitments than those contained in the very general terms of the League Covenant, without which it would hardly be worth while making a new treaty. M. de Madariaga's witty observation must not, of course, be forgotten. Any new pacts must not be allowed to detract from the value of the existing pacts. They must not detract from their value but must define it, and it was in order to define it that they were restricted to a specific region.

In proposing this pact of mutual assistance the French delegation was asking solely for the embodiment, for the realisation, of what had been agreed by all the Powers which had been represented on the Committee on Arbitration and Security and by the 1928 Assembly. The proposal was therefore at the centre of the League's decisions.

When the Commission had determined the question whether the Council should decide by a majority, by a simple majority or by a specific majority, on the orders it would issue and on the forms of mutual assistance and support to be given to a State the victim of an aggression as defined by methods based on the Soviet proposals and established in accordance with the Belgian delegation's suggestions, certain questions would then obviously arise connected with the other category of ideas — namely, the more technical questions connected with the composition of the specialised forces and units kept by each country in order that, in the case of aggression, they might be placed at the League's disposal so that the League's procedure might operate freely and the League might not be confronted with a *fait accompli*.

International security in the legal domain, international security resulting from the standardisation of the types of armies or the specialisation of certain units intended for joint action, the whole placed under international supervision — these were the formulæ which the French delegation had commended to the Conference's attention and which it really and truly believed to be capable of enabling it to bring about the important reductions it desired. The discussion was open on one of these formulæ concerning mutual assistance. At the present meeting the French delegation desired only to define one possible method and would make a straightforward appeal to the Political Commission to adopt the principle, at any rate, reserving other questions for subsequent study. He said "the principle at any rate", because the delegations would, of course, appreciate that it was not worth while going forward with the discussion on the definition of the aggressor, on the establishment of the aggressor, on the Council's decision and the forms to be taken by mutual assistance, unless there was agreement on the actual principle of mutual assistance.

In fact, however, the nations, or those at least which had signed the Covenant, were bound to be in agreement. Mutual assistance existed in the League Covenant, but the question was whether the stipulations of the Covenant were sufficient to create in the minds of all, and in their relations with each other, the certainty of their security, upon which the magnitude of their disarmament would depend. The Arbitration and Security Committee, which was linked up to the Preparatory Commission, had not thought so, as was shown by the fact that it had invited the countries to conclude pacts which would be more definite in their obligations because they were more circumscribed geographically. The resultant conclusion was the need for a general affirmation, the importance of which would be appreciated by the Commission and which should be the prelude to its present work.

M. DE MADARIAGA (Spain) said that, at the time when it was studying questions relating to security, the Commission might find it useful to have the views of a State that was not greatly concerned about such matters, whose opinion could perhaps, so to speak, be regarded as objective.

M. de Madariaga first pointed out that the word "security" expressed a psychological state and, further — and this was, in his opinion, not only important but fundamental — a peace-time psychological state. Security, as well as its opposite insecurity, were peace-time feelings. In time of war, there could be no security. In peace-time, there was a greater or less certainty that security did not exist. This question must therefore be considered from the very clear standpoint of the relations between the state of mind expressed by the term mutual assistance and expressed by the term security. These two expressions were closely connected, but in no way identical. In the Spanish delegate's view, they were connected in the following manner: the States which did not feel safe in peace-time felt the need for a political, legal and international structure — perhaps a moral structure — of mutual assistance in view of a hypothetical time of war, in order to strengthen their security in what was not hypothetical but real peace-time; that was to say, the more the hypothesis of efficacious mutual assistance took shape in their minds — though it were a pure hypothesis — the more was the actual state of security strengthened which those States needed in peace-time if they were to disarm, or at any rate to reduce the immediate and tangible instruments of security in their possession.

Geneva, with its long experience of these questions, was familiar with all points of view; there were States which tended to accentuate the importance of the factor of mutual assistance, and others which tended to reduce its importance. There were some which thought that disarmament was in itself the most satisfactory element in security, and

others which thought security was in itself the best element in disarmament. That was not merely a question of temperament; it must be admitted that to some extent it was also due to their relative distance from the storm zone.

There was another consideration — security and mutual assistance became increasingly efficacious to the extent that they embodied three elements: precision, foresight and universality.

That was comprehensible. It had a bearing on confidence, and for those who needed confidence — M. de Madariaga was not speaking of the others, those who, for psychological or geographical reasons, did not feel so pressing a need for security — there was no doubt that the more precise the rules for mutual assistance, the more they bound the nations of the whole universe, of the whole planet, the more would they be likely to strengthen the element of security those countries needed.

The contrary was also true: that this element of confidence would be weakened in as far as those countries felt that, as soon as they entered the realm of mutual assistance, they encountered the obscure, and an inclination to adjourn the question and to limit it to certain geographical areas. Above all, there was one element that seemed essential — foresight. The countries concerned about security had always been anxious that the machinery of mutual assistance should be endowed with well-established organs and means of action for use in a hypothetical future — for any proposal for mutual assistance must be based on a hypothetical future, a future no one desired to see realised — so that one might consider that no attempt at mutual assistance would actually ever be applied. That was to some extent what happened to good prisons and good penal systems: the good prisons were those that were always empty.

M. de Madariaga repeated that the country he represented was not concerned about its security and that he sympathised with those countries which would prefer not to be bound by precise proposals, by proposals anticipating the future, by universal proposals. But it must be admitted that here was to be found the touchstone of progress in disarmament; the nations which considered mutual assistance necessary should not be expected to find it by means of a theory of disarmament that would appeal to a perfect intelligence — what was a perfect intelligence? — but to practical everyday common sense. It was a political fact that some countries were unable to convince their public opinion, and their statesmen could not convince themselves, that substantial disarmament was possible, unless there were more precision, more foresight and universality in systems of security. Thus arose the first difficulty — that, if there were no progress in these three directions, confidence would inevitably be shaken.

M. de Madariaga said he would endeavour to speak with great delicacy and would take as an example certain proposals made in public within the scope of Article 16, with regard to an important international dispute. What was the main obstacle? The absence of an organised international system for dealing with such questions, a system that would perhaps have been efficacious at the present moment had it been introduced five years or even five months ago. But there was another point of view which M. de Madariaga regarded as essential. In that disarmament itself created security — a fact of which he was absolutely convinced — in that mere bold reduction created security — and such boldness was easier to contemplate the greater the distance from the storm zone — disarmament and security must be universal. Disarmament itself was a universal undertaking, and M. de Madariaga did not hesitate to declare quite frankly that every time delegations tried to make themselves believe that measures of disarmament could be confined to some given portion of the globe or to some given category of material they would find that they had been chasing a will-o'-the-wisp. Whether the nations desired it or not, disarmament was a matter of politics and of practice. There was a connection of fact, and not of opinion, between the three arms, naval, air and land, and between all the continents and all the seas.

The Air Commission had endeavoured to achieve disarmament, but air disarmament could not be attained on a European basis only; it was sufficient to visualise the various and interlocked constituent factors of the problem to realise that. To be successful, air disarmament must be applied to the whole of the atmosphere which surrounded this unfortunate planet. Like air disarmament, naval and land disarmament were inevitably bound up together, and if success were not finally achieved on universal lines no satisfactory solution would be found. Were it therefore for reasons of security properly so-called, or for reasons relating to the influence of disarmament on security, or of security on disarmament, he was profoundly convinced that a really satisfactory and far-reaching solution, which would allow of disarmament on a large scale, could only be secured if the Conference made very great progress in the domain of clearness, foresight and universality both from the point of view of security and from that of disarmament. That was why, when this question had been raised for the first time in the Political Commission, he had insisted on the need for examining not only the complete plan submitted by the French delegation, but all the intermediary stages. It was probably impossible to achieve a fully satisfactory solution outright. Nations would have to content themselves with gradual solutions, and it was for that reason that he cordially supported the suggestion of the chief delegate of France that the Conference should begin forthwith to study questions of aggression on the basis of the very interesting document presented by the Soviet delegation.<sup>1</sup> In this connection, the

<sup>1</sup> Document Conf. D./C.G.38 (see Minutes of the General Commission, page 237).



Conference should also bear in mind an equally interesting document which ought to be examined in connection with the Soviet proposal — the General Convention for strengthening the Means of preventing War.<sup>1</sup>

It was indispensable to examine that Convention concurrently with the document submitted by the Soviet delegation in order not merely to define aggression clearly, but also, at the same time, to discover means by which such aggression could be proved when committed. The definition of aggression was a purely theoretical question. The essential point was to discover means now, to create institutions now, which would make it possible to prove that aggression had taken place. As these two problems were in substance identical, he very respectfully asked the Political Commission to consider the possibility of discussing them together.

He would now refer to the question of the manner in which the Conference was proceeding. All sorts of more or less pessimistic prophecies were current. Personally, he had never believed that the Conference would reach a conclusion rapidly. On the contrary, the work which had been undertaken was extremely difficult and was bound to be lengthy. It was necessary to react against century-old prejudices — prejudices, however, which were not perhaps quite so many centuries old as some people thought, for the prejudice of sovereignty was perhaps not very ancient, though it was very deep-rooted. Moreover, the Conference had to deal with questions of extreme complexity in a political atmosphere which was far from ideal. Could it be expected to achieve success rapidly? He thought the moment had come to prove to world public opinion that, even if the Conference were advancing but slowly, it did desire to succeed, however long its work might last, and that the fact that the work was proceeding slowly did not mean that the Conference was nearing failure.

Without wishing to be over-optimistic, he thought that there were more reasons to be hopeful than otherwise. One proof of this was that very important delegations which bore the greatest responsibility found themselves at present able not only to accept but to defend and put forward proposals of a boldness which would have been regarded as Utopian a year previously. These were the words of hope and encouragement with which he would conclude his speech.

M. DOVGALEVSKY (Union of Soviet Socialist Republics) expressed his keen satisfaction at M. Paul-Boncour's reference, in the course of his remarks, to the Soviet delegation's proposal concerning the definition of the aggressor. He was extremely grateful for the French delegate's eloquent advocacy of that proposal and of its immediate study. He thanked also M. de Madariaga, although he was bound to confess that he had been taken somewhat by surprise by the latter's allusion to the Soviet proposal in connection with the scheme for mutual assistance. He would, however, do his best to expound briefly the Soviet delegation's view as to the scope of the declaration concerning the definition of the aggressor and the conditions in which it should be examined.

He did not propose at the present stage to comment on the declaration and the definitions it contained. The draft declaration was perfectly clear, and he could not for the moment add anything to what M. Litvinoff had said in its support in the Commission.

He would begin by citing the final sentence in the draft declaration, which was as follows:

"The General Commission decides to embody the above principles in the Convention on security and disarmament, or in a special agreement to form an integral part of the said Convention."

The first point, therefore, was as follows. The Soviet delegation considered that the declaration concerning the definition of aggression and the aggressor should be universal in scope. He would pass over other arguments in support of this proposal and would stress the fact that the whole was summed up in the actual object which it was proposed to attain by the definition of the aggressor. The object was to lay down a solid foundation, without which the security so ardently sought for would be built on moving sand.

To have security, it was necessary to have the certainty of being guaranteed or protected against any aggression, from no matter what source. To have this guarantee, the first essential step was that everyone should agree on the definition of the aggressor, which must be accepted by all and binding on all. He said everyone, because if everyone did not agree on a definition common to all, if discretion were allowed, though only to one State, to give and impose its own definition, one that was different from that accepted by the other States, not only would the object — namely, the strengthening of security — not be obtained, but, on the contrary, the state of insecurity would be aggravated.

That then was the first point: the definition of the aggressor must be universal in scope and must be accepted by all the parties to the Disarmament Convention.

He came next to his second point. The French plan suggested that the study of the different facets of the security problem would begin with the biggest or outer circle, that which was intended to include all the States parties to the Pact of Paris. That was the logical course. Unfortunately, for reasons of expediency — since the Conference's work,

<sup>1</sup> Document C.658(a). M.269(a).1931.IX.

for reasons which did not depend on the Soviet delegation, was marked, with results that were too often disappointing, by a clash between logic and expediency, a clash from which logic and good order inevitably emerged bruised and broken — the Commission had preferred to begin the study of the French plan at the point at which it ought to have finished, and to finish it at the point at which it ought to have commenced. As a result of that decision, it might be supposed that the discussion of the Soviet proposal concerning the definition of the aggressor, which proposal was intended to be dovetailed into the bigger and outer circle in the French plan, would also be shelved until the Conference came to the questions connected with the outer circle. If, however, for reasons of expediency, which he had had no opportunity to ascertain, the Conference desired to discuss the definition of the aggressor immediately, the Soviet delegation would willingly acquiesce, but on condition that the discussion was entirely separate and independent of any other subject, but that it was not linked up with the consideration of any partial agreement which might be suggested between a group of States. Were the debate on the definition of the aggressor to be linked up with the discussion of a partial agreement, the inevitable position would be that a group of States would adopt a different definition from that which might subsequently be chosen by one or more other States not parties to the same agreement. As M. Dovgalevsky had shown, that would undoubtedly have disastrous effects and would make security more uncertain than ever.

If, on the other hand, the Political Commission decided to discuss the definition of the aggressor as a separate subject and not in connection with any partial agreements, with the object of framing an act which would appear in the Disarmament Convention and be binding on everyone, that act would automatically serve as a guide to each State taken separately or to each group of States. That was his second and last point.

To sum up, while adhering entirely to the draft declaration submitted by M. Litvinoff, the Soviet delegation had no objection to its immediate examination and asked that the discussion should not be linked up with any debate on a partial agreement and that the scope of the declaration should be universal in character.

M. FOTITCH (Yugoslavia) had listened with very great interest to the previous speakers who had, by arguments of different sorts, strengthened his belief that mutual assistance was one of the surest ways of attaining the Conference's aim.

M. de Madariaga, while defending once again the principle of universality, had however admitted that that could be reached by another path, the path of what he had so happily termed "gradual solutions". The Yugoslav delegation firmly believed that such gradual solutions were more consonant with political realities and could one day be harmonised in a universal solution.

The Yugoslav delegation considered the study of the question of mutual assistance as the crucial point in the French plan for security and the organisation of peace. It did not of course in any way object to the various aspects of the problem of mutual assistance being treated in the order and by the method suggested by the French delegate. It concurred in that proposal the more readily because the problem, put and treated in that way, would make it possible to throw light on it and reach a definite and clear situation.

He desired, however, to emphasise, on the behalf not only of the Yugoslav delegation, but of the Czechoslovak and Roumanian delegations as well, the importance they attached to the carrying out of this important idea which, in their view, was the main cog in the machinery for security. Upon the solution reached in that matter would depend to a very large extent the solution of the disarmament problem and of the scope of the limitations which the States mentioned would be glad to accept, thus exchanging against international security something that they at present found in national security. M. Pierre Cot, in a remarkable speech had said: "Give us more security and we will give you more disarmament". The delegations of the three countries endorsed those words and reiterated them in their turn.

Mutual assistance, the idea of which was already implicit in Article 16 of the League Covenant, was a concrete and tangible element of security, and when the method of application had been determined, the Conference would have emerged from the stage of political demonstrations which were all doomed to fall sooner or later into oblivion. The Conference would then be able to say with pride that it had done good work for disarmament and for the organisation of peace, for a country's insecurity was not to be measured by the armaments of its neighbours. Other and very powerful factors had to be taken into consideration and it was those very factors which were decisive for the armaments of certain countries. It was those factors that were to be eliminated by the present discussion. They could be eliminated and the misgivings they aroused could be dispelled by the solution of the problem of mutual assistance.

The Yugoslav delegation, at one with the Roumanian and Czechoslovak delegations, was prepared to go as far as it might be asked along this path, because it believed that this was the true way of achieving real disarmament and making disarmament, not an end in itself, but a policy. It was convinced that it was the most powerful and effective means of overcoming the fear, to which Sir John Simon had referred, that weighed so heavily on the countries which were asked to make the greatest efforts in the matter of disarmament.

In upholding this policy, the Yugoslav delegation was adhering to the line it had adopted for a long time past. It was not merely since yesterday that Yugoslavia had been advocating this policy. During the seventh Assembly in 1926, the Yugoslav delegation,



with the object of encouraging the conclusion of regional pacts, had submitted a draft resolution on those lines, and that resolution had been unanimously adopted by the Assembly. Unhappily, it had had no practical consequences. It was not, however, due to any lack of support from Yugoslavia that that resolution which, according to the Third Committee relations in the spirit of mutual confidence and security", had had no effect.

To-day, as then, the Yugoslav delegation, in complete agreement with the Czechoslovak and Roumanian delegations, offered its help in the setting up of a system of mutual assistance. They firmly believed that by taking that line they would be making a most valuable contribution to the realisation of disarmament by the restoration of mutual confidence, coupled with equal security for all.

M. KÜNZL-JIZERSKY (Czechoslovakia) said that he entirely concurred in the ideas expounded by M. Fotitch on behalf of the countries of the *Petite Entente*. He desired to remind the Commission of the policy mapped out and sustained by M. Beneš at Geneva in 1923 when acting as Rapporteur on the treaties of mutual assistance, in 1924 as Rapporteur on the Protocol, in 1925 as a member of the Locarno Conference, the outcome of which had been what was purely and exclusively a regional pact of mutual assistance, and, finally, in 1927 and 1928 as Chairman of the Arbitration and Security Committee which had worked out the model treaties of collective assistance and had secured their unanimous adoption by the League Assembly.

The Czechoslovak delegation's argument set out from the belief that there would be no peace for a continent like Europe until a stable and permanent organisation of peace had been established, that was to say, until security had been sufficiently guaranteed. It was believed that a fresh advance had been made in the matter of security by the adoption of a text concerning the question of non-recourse to force. The Czechoslovak delegation agreed that that was a very valuable step. Nevertheless, he could not but express his regret that it contained no sanctions in the event of a breach. If therefore, for the time being, no further progress could be made in the matter of sanctions, the Pact of Paris and the draft pact of non-resort to force required a logical conclusion, that was to say, a pact of mutual assistance, in Europe at any rate.

The Czechoslovak delegation looked on mutual assistance as a sort of mutual insurance against war. It would of course be desirable if the pact of mutual assistance could be signed by all the States of Europe, but, taking into account the objections raised by the representatives of certain countries in the Political Commission, an attempt must be made to achieve something by beginning with a limited regional pact applicable to one region only or to a specified number of States. Furthermore, the abstention of the United Kingdom from any such pact would, to a certain extent, be compensated by the obligations entailed by the Locarno Treaty, with the result that that country would participate indirectly in the most serious cases, those which threatened to provoke a general conflict, more particularly in western Europe.

The Czechoslovak delegation looked on the pact of mutual assistance as the only law by which the system of hostile groups and the system of alliances could eventually be abolished in Europe.

M. Künzl-Jizersky had described mutual assistance as a form of mutual insurance. It should be added that that insurance would be under the supervision and control of the League of Nations, a fact which would enhance its efficacy. If it were objected that political conditions in Europe were not yet ripe for measures of that sort, the answer was that there were in the history of the League several important instances in which the initial difficulties had been overcome. He need mention only compulsory arbitration and the Pact of Paris, the latter of which transcended even the League Covenant, because it outlawed war legally and politically.

To achieve any aim, a beginning must be made some day and the desire to achieve was essential. Czechoslovakia, in common with the entire *Petite Entente*, warmly hoped that the pact of mutual assistance would materialise. It would co-operate sincerely in that work and, to that end, after conferring with a number of delegations, had submitted a draft resolution to the Political Commission.<sup>1</sup> That draft might be taken as a basis of discussion. Czechoslovakia considered mutual assistance indispensable both to her own security and to that of her neighbours and to the general peace of Europe. It regarded it also as an essential condition to the limitation of armaments on the continent of Europe.

Colonel RIAZI (Persia) said that his delegation was not required to take part in the discussion on European security. He wished, however, to thank the Soviet delegate for his remarks concerning the need for making the definition of the aggressor universal in scope. Persia would not object to a definition being worked out provisionally for Europe, but it would insist that there must not be two weights and measures. If a text were adopted on the subject, the definition of the aggressor must apply to all continents without distinction.

M. NADOLNY (Germany) said that, while stressing once again its view that the most important factor in security was general disarmament and the adjustment or, to use the

<sup>1</sup> Document Conf.D./C.P.13.

technical term of the present Conference, the perequation of armaments, the German delegation had signified its willingness to go beyond the pact of non-resort to force and to consider the possibility of adopting, in addition to the numerous existing guarantees, other measures which would complete the regime of contractual security. In this order of ideas, he would venture to submit a few comments on the French proposal for mutual assistance.

In his remarks on February 2nd<sup>1</sup> dealing with the French plan as a whole, he had raised the question whether an organisation of the kind outlined in the French plan was realisable within the limited framework of Europe, still more of continental Europe. That question naturally acquired greater importance from the fact that several European States had declared that they could not accede to the proposed pact. Owing to the interdependence and overlapping existing between the interests of the various States to-day, the question of the organisation of peace could not, for reasons inherent in its nature, be settled, in his opinion, except on a very wide basis. That was notably true of a pact by which the signatories bound themselves to take, in case of an aggression, specific coercive measures against the country designated as the aggressor, since the application of such coercive measures always raised the question of the eventual attitude of the States not parties to the pact when faced with such a situation.

There was another consideration, one that had an even closer bearing on the suggestion for regional political pacts — the political effect which would result from each creation of a group of States. Two possibilities must be contemplated in that connection. There might be groups of States bound to one another by common interests and having no fundamental divergencies. These States might undertake to assist one another mutually in the event of one of them being attacked by a State not belonging to the group. The importance of such a pact would therefore reside in its external effect. In actual fact, however, it would be merely a modernised form of the pre-war alliances, even if it were formally incorporated in the general fabric of the League. Agreements of that kind naturally produced among the non-participating countries the feeling of a menace, and that feeling might lead to the formation of counter-groups and to a scission among the Members of the League.

M. Nadolny considered that a development of that sort would not contribute to the peace of the world and would be at variance with the idea and object of the League. It should, therefore, he thought, be ruled out entirely.

But a system grouping several European States and regulating mutual assistance in the event of one of the States signatories being attacked by another signatory, so that the agreement would make no provision for the case of a dispute with a non-participating State would, he thought, meet with certain objections. One of them was as follows: The decision, in the case of an armed conflict, as to whether there had been an aggression and who was the aggressor always involved a complicated and delicate enquiry. To pronounce on the aggressive or defensive attitude of the States engaged in a dispute, account must necessarily be had to the whole body of problems forming the subject of the dispute. Experience had proved that that was so. Again, the assistance granted to the attacked State by the other States entailed serious responsibilities. Another point to be borne in mind was the effects which such military acts might have outside the circle of countries which had signed the pact. Countries with limited means and which were poorly armed would certainly hesitate to assume such responsibilities unless they were led by one or more stronger States. Every system of mutual assistance must then, he thought, always be organised in such a way as to rule out the possibility that the national interests of a single State or group of States became one of the decisive elements. This object — namely, the avoidance of any preponderance of individual national interests — would be achieved with greater certainty if the system of security were general or universal. As against that, the smaller the number of countries participating in such arrangements, the more difficult it would be to realise the conditions he had just mentioned.

He would confine himself for the moment to the foregoing general remarks. The German delegation had no objection to the proposals that had been made with regard to the method of subsequent discussion.

The PRESIDENT hoped that at the next meeting it would be possible to complete the discussion to the extent of appointing a Committee to consider the whole of the proposals put forward. In that event, he would suggest that the Commission should then open a separate discussion, as suggested by M. Dovgalevsky, on the definition of the aggressor.

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

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<sup>1</sup> See Minutes of the twenty-ninth meeting of the General Commission, page 220.

## SEVENTH MEETING

*Held on Tuesday, March 7th, 1933, at 3.30 p.m.*

*President : The Right Honourable A. HENDERSON.*

### 9. QUESTION OF A PACT OF MUTUAL ASSISTANCE : GENERAL DISCUSSION (*continuation*).

M. DE MASIREVICH (Hungary) said that, generally speaking, the Hungarian delegation wished to co-operate in any effort to bring about a universal agreement for mutual assistance with a view to security. It believed, however, that, if the attainment of this purpose were possible, it could be reached only on the following conditions :

Firstly, it must not be forgotten that the best guarantee of equal security lay in disarmament, in the equalisation of forces which was the principal task of the Conference.

Secondly, the problem of the organisation of peace ought to be solved on a universal basis and not be limited to certain parts of the world. Partial or limited solutions in this matter could hardly promote the development of an atmosphere of confidence. On the contrary, it was to be feared that they would in all probability lead in the opposite direction, that was to say, back to the old system of hostile coalitions which, as history showed, had always ended in war.

Thirdly, there could be no doubt whatever that any kind of peace organisation ought to serve the cause of peaceful evolution and not be destined to the maintenance of a state of affairs which would prove to be an obstruction to the peaceful coexistence of nations. That seemed to be only the logical consequence of the well-known principles contained in the Covenant.

Fourthly, absolute guarantees ought to be established in virtue of which any international force would be used only for international purposes, any possibility that parts of national forces destined for international purposes would be used in any other way being categorically excluded. Positive guarantees should be created, moreover, to ensure that, if the necessity arose, the international force would be able to enter freely into action and would be strong enough to fight efficaciously against even the strongest military Powers.

Fifthly, systems of alliance incompatible with the idea of the Covenant and of internationally organised peace should be renounced as instruments of national policy. It might be well to recall that that very question had been discussed at length in the Assembly in 1921 and 1923, and that, in that connection, the delegations, and later the Governments, of a considerable number of States had deliberately opposed such alliances of a particular or partial character, pointing out their incompatibility with the pacific principles of the Covenant and the menace which they constituted for peace in general.

M. RUTGERS (Netherlands) thought that it would be difficult for the Members of the League to reject the principle of mutual assistance, for it appeared in the Covenant itself, not, it was true, as a fixed and absolute rule to be applied in all cases that might occur, but as one that was to operate in certain specific cases.

The Commission was at present discussing the extension of the application of that principle. This extension might be visualised in various ways. The French memorandum, for instance, contemplated the action that could be taken in the event of a breach of the Pact of Paris ; the Powers concerned would confer as promptly as possible with a view to appealing to public opinion and agreeing upon the steps to be taken. Such a consultation between the Powers might be regarded as an extension of the principle of mutual assistance.

The subject of discussion at the moment was that of strict application, in accordance with rules settled beforehand, under a definite convention and based on a stricter definition of the aggressor. With regard to that definition, M. Rutgers had nothing to add to what the Netherlands Foreign Minister had said during the general discussion of the French plan.<sup>1</sup>

The suggestion for the extension of the principle of mutual assistance was made with a view to the quasi-automatic application of that principle by very precise methods determined in advance. The Netherlands delegation felt some difficulty in reposing so much confidence in formulas by which the application of the principle of mutual assistance

<sup>1</sup> See Minutes of the thirty-second meeting of the General Commission, page 243.

would be regulated in advance in so precise and strict a manner, for all cases that might arise. Speaking generally, the powers of legislators did not at the present time inspire public opinion with so great a measure of confidence. The opinion held by legislators was that all cases that might arise were regulated in advance by the provisions they introduced, in such a way that the judge would be able to apply the law automatically. The tendency of the present day was rather to regard as "good judges" only those who did not feel themselves unduly bound by legal texts.

Would it be possible to regulate in advance the application of the sanctions entailed by the mutual assistance contemplated? Would it be possible to regulate in advance so serious and extreme a measure by providing for its automatic application?

M. Rutgers would refer to one of the resolutions of the 1928 Assembly relating to the application of the articles of the Covenant. The resolution said that the various studies constituted "a useful piece of work which, without proposing a hard-and-fast procedure in time of emergency, and without adding to or detracting from the rights and duties of the Members of the League, provides valuable indications as to the possibilities offered by the different articles of the Covenant, and as to the way in which they may be applied, without prejudice" — M. Rutgers would emphasise this point — "to the different modes of procedure which the infinite variety of possible eventualities may render necessary in practice". That was a point that must never be forgotten. Practice offered an infinite variety of methods.

When the case for assistance arose, it would always be desirable that the Powers should confer on the action to be taken, but in that case their attitude would not depend on the texts that might have been agreed after long discussion or on definitions that might have been laboriously worked out. In such an emergency, in such an hour of extreme gravity, the decision would depend on the question whether the political principle represented by mutual assistance was a living reality or not. If it were a living reality, the principle would be applied; otherwise, it would not.

M. Rutgers would leave aside the question of the majority decisions of the Council which were intended to ensure the quasi-automatic application of assistance. The Netherlands Foreign Minister had dealt with that point in the General Commission. He would, however, recall once again the very serious objection which the Netherlands would have to signing a convention on mutual assistance limited to the States of the European continent. He was not sure whether the draft resolution presented by the Greek, Yugoslav, Roumanian, Czechoslovak and Finnish delegations<sup>1</sup> contemplated a pact limited to those States. The fact that the proposal had been brought forward at the present juncture might be taken as reason for thinking that it was bound up with the French proposal. The text, however, did not contain the word "continent". In the Netherlands view, the abstention of the United Kingdom at the moment of concluding such a pact would be a serious objection. How would it be possible to justify a convention for European assistance, from which the United Kingdom was omitted? Could it be justified by the fact that the sea divided the British Isles from the continent of Europe? If so, was it true to say that, so far as assistance was concerned, England was separated from the continent, whereas Czechoslovakia and Switzerland were not? In modern times, the sea could not, from the point of view of military assistance, be regarded as an element of separation.

He supposed that the reason why the United Kingdom had been omitted was that given in a 1928 resolution, that concerning the submission and recommendation of the model treaties of non-aggression and mutual assistance. The resolution concluded with the following words: "Hopes that they may serve as a basis for States wishing to conclude treaties of this sort". If it were desired to form a group of the States wishing to conclude such conventions, it was of course quite conceivable that the mind would not turn to the United Kingdom first of all; but, if it were desired to draw a dividing-line between the States wishing and those not wishing to conclude such conventions, he did not think that the limits to be adopted could be those of the continent of Europe.

With regard to the draft resolution before the Commission, M. Rutgers came to the following conclusion. Under point (a), the resolution said, "The Commission decides to accept immediately the principle of a pact of mutual assistance". He was acquainted with the principle of mutual assistance, but not with the principle of a pact of mutual assistance. There were many pacts, and their significance differed according to the signatories; in particular, according to whether they were signed by the United Kingdom or not.

It followed that the Netherlands delegate could not vote for the present draft resolution, and, in fact, he wondered whether a small committee appointed to prepare a text would be of any use, unless there was an assurance, not only that there would be a majority in its favour in the Political Commission, but also that such a pact could be established.

In conclusion, the Netherlands delegation would not refuse its signature — far from it — to a pact of mutual assistance. That would not be the correct inference to draw from the objections he had just put forward. There might be certain advantages in such a pact, and they had been mentioned in the Commission — more especially that such a pact would make it possible to bring about a measure of disarmament transcending the hopes which there had been ground for entertaining hitherto. Another advantage, that mentioned by

<sup>1</sup> Document Conf.D./C.P.13.

the Czechoslovak delegate, was that the pact might to away with alliances. For the moment, the position hardly seemed clear enough to make it possible to pronounce on the principle of a pact of mutual assistance, until it was known what pact was in mind.

M. DE MADARIAGA (Spain) pointed out that, when he had spoken after the French delegate at the previous meeting of the Political Commission, he had suggested that the Soviet delegation's proposal should be considered on a European basis and in relation to the Convention to strengthen the Means of preventing War. Neither of his suggestions had been approved by the Soviet delegation. He had put them forward because the Commission had already taken a general decision whereby it agreed to discuss questions relating to assistance and security first on a European basis and then on a world basis. He realised, however, that it would be advisable to discuss the question of the definition of the aggressor before touching on the more general problem of pacts of mutual assistance. That being so, the Commission might perhaps depart from the rule that it was to deal first with questions relating to Europe, and discuss immediately questions of a world character, such as that of the definition of the aggressor.

M. de Madariaga felt, however, that the Commission would be well advised, when, after defining the aggressor on a world basis, it came to consider the problem of assistance and security from the European standpoint, to bring that definition into relation with the Convention to strengthen the Means of preventing War, an instrument which, in his opinion, was indispensable if pacts of mutual assistance were to be concluded.

He saw no objection to the Commission first studying the definition of the aggressor from a world standpoint and then examining, on a European basis, the pacts of mutual assistance in relation with the Convention for strengthening the Means of preventing War.

M. FELDMANS (Latvia) said that the Latvian delegation was grateful to the French delegation for having brought up again the old question of the necessity for a pact of mutual assistance. Such a pact was the logical outcome of all the League's work in regard to the organisation of peace. Latvia had always supported that idea. As far back as 1923 she had accepted the draft Convention on Mutual Assistance; a year later, in 1924, she had signed the Geneva Protocol, always with the same desire for the establishment in international relations of a balanced system of law and justice, under which, as in any well-organised State, any infringement of the law immediately called forth the concerted action of all the public authorities. In that connection it must be realised that, the stronger the force designed to compel respect for law, the less often would that force be required to intervene — indeed, it might never be required to do so. That was why the universality of a pact of mutual assistance must be the first and essential condition. But if, for various reasons, it was not possible to contemplate a world pact, Latvia was prepared to accept the principle of a European treaty. At the same time Latvia — as the French delegation had done in its plan — must make her final accession contingent on the accession of a sufficient number of other Powers, due account being taken of their importance and their geographical situation in relation to herself.

As to the draft resolution submitted by the Greek, Yugoslav, Roumanian, Czechoslovak and Finnish delegations, Latvia would vote in favour of the motion on condition that the necessary amendments were made in the text of the 1928 Convention so as to bring it into harmony with the spirit of the French plan. In many respects, that Convention was inadequate and defective. To quote one such defect, it provided for assistance only if the aggressor was one of the States parties to the Covenant. The French plan, on the other hand, did not embody that limitation, and rightly so, for it would deprive the idea of assistance of any real significance. M. Feldmans did not propose to deal with other deficiencies in the 1928 Convention, for he felt sure that the small Drafting Committee proposed in the draft resolution would make every effort to submit an adequate text.

That Committee should also examine the possibility of incorporating in the Convention the Belgian draft<sup>1</sup> on the procedure for investigation, which was of essential importance in the general framework of the pact.

Lastly, a proposal had been submitted by the Soviet delegation.<sup>2</sup> The Commission would realise the special interest taken by Latvia in such a proposal, put forward by a great Power with which she had a common frontier. The Latvian Government had highly appreciated the scope of the Soviet draft resolution and the feelings by which the Soviet Government had been actuated. By its draft, the Soviet Union condemned anew any policy of violence and proposed at the same time a practical means of designating the aggressor.

Without prejudice to the question whether the Soviet proposal should or should not be incorporated in the pact of mutual assistance, the Latvian delegation was prepared to support it and would be happy to find that other delegations shared its view.

Mr. EDEN (United Kingdom) said that, since several delegations, in the earlier stages of the debate, had been kind enough to make reference to the position of the United Kingdom in this connection, it would perhaps seem ungracious of him not to make any reply, even

<sup>1</sup> Document Conf.D./C.P.12.

<sup>2</sup> Document Conf.D./C.G.38 (see Minutes of the General Commission, page 237).

though he feared that the little he could say would add nothing to the stock of knowledge already possessed by the Political Commission as to the attitude of his Government on this question.

The Political Commission was now engaged upon a special problem which had figured largely in post-war history, the significance of which in present-day international relations it would be impossible for anyone to deny. Quite rightly, therefore, in his judgment, the important Chapter III of the French plan<sup>1</sup> contained provisions which dealt fully and faithfully with the problem.

The problem as it now presented itself to the Political Commission was surely the following: Was there anything that continental Europe could do by mutually undertaking to further a sense of international confidence and to render at once easier and speedier the reduction of armaments?

His Majesty's Government in the United Kingdom had more than once made plain its attitude towards what was now called the continental pact. As a Power geographically situated on the fringe of Europe, and possessed of important and varied interests in widely scattered portions of the earth, it was clearly impossible for the United Kingdom to view this problem in precisely the same perspective as a continental Power.

Here, perhaps, he might be allowed to make one or two brief observations on the speech of the Netherlands delegate, to which he had just listened with such interest. The delegate of the Netherlands, with very considerable debating skill, had tried to prove that the United Kingdom formed a part of the continent of Europe. Mr. Eden bowed to his arguments, but could not bow to his geography. Despite all that his eloquence, or Mr. Eden's, could contrive, the Channel would still be there. Still less could any arguments that could be contrived in the Political Commission in any way influence the point of view which the United Kingdom had always sought to maintain in relation not only to its European responsibilities but to its wider responsibilities elsewhere.

The United Kingdom delegation maintained that His Majesty's Government in the United Kingdom had done what it could and what it should to promote security in Europe. It had shouldered that responsibility at Locarno seven years ago. It would not, therefore — and Mr. Eden must make this plain — be possible for the United Kingdom Government to extend that responsibility by joining in a continental pact such as was outlined in Chapter III of the French plan. In fact, it was fortunately not asked to do so, and he would therefore like to say how much his delegation appreciated the understanding of the position of the United Kingdom revealed by the French plan, which limited the measure of security it sought to achieve in its innermost circle to that which might be realised among the nations of continental Europe.

There was now, however, also before the Political Commission a proposal accepting, in principle, a suggestion for a European pact of mutual assistance. That proposal had been put forward by the Greek and four other delegations. It was not clear from the terms of the proposal, but Mr. Eden presumed that the word "European" signified, in its context, the continent of Europe, and that the United Kingdom would not be asked to participate in the pact, any more than it was asked to participate in the innermost circle of the French plan. The proposal put forward by the five delegations would presumably be likewise limited to the Powers of continental Europe. The interpretation Mr. Eden ventured to place on this most interesting proposal was reinforced by the observations made at the previous meeting by the delegate of Czechoslovakia, which country was, of course, itself one of the authors of the proposal.

Mr. Eden felt that it would be something of an intrusion on the part of his delegation to offer advice to others in respect to obligations which it was not itself prepared to undertake. None the less, in the light of the obligations to which the delegate of Czechoslovakia had drawn specific attention — the obligations shouldered by the United Kingdom at Locarno — he might at least be permitted to say that engagements on similar lines might well bring appeasement to other continental countries that sought the greater confidence which an increased sense of security commanded. The immediate task of the Political Commission was to discuss that part of the problem of security, both in the French plan and in the programme of work submitted by His Majesty's Government,<sup>2</sup> that related to Europe. It was now at work upon the inner circle of the security programme. Admittedly, of course, that was by no means the only circle. At a later stage, it would be the Commission's duty to consider what its attitude should be to the outer circle of the French plan. The United Kingdom delegation would then be ready and willing to consider that problem. In the meanwhile there seemed to be wisdom in the suggestion that the immediate problem, in all its aspects, should be further examined in a committee of continental European States, where the more rapidly, no doubt, those States would be able to record the measure of agreement which they were able at once to realise.

Colonel LANSKORONSKIS (Lithuania) observed that there were two schools of thought: it was maintained on the one hand that no satisfactory results could be obtained in regard to disarmament unless equitable solutions were found in the matter of security, and, on the other hand, that the guarantees of security had already been enhanced so considerably that there was no longer any reason to make disarmament contingent on further legal or political guarantees.

<sup>1</sup> Document Conf.D.146

<sup>2</sup> Document Conf.D.154.



The one party maintained that the various undertakings in force, considered as instruments in the organisation of peace, were not sufficient, since no certainty existed that resort would not be had to force. To create real security, it was necessary, it was claimed, to consider the possibility of the violation of international undertakings, and there must be some guarantee that collective force could be employed against the aggressor State.

In point of fact, the present international undertakings offered no such guarantees. From that standpoint the League Covenant was still the most effective instrument. Unfortunately, it was not sufficiently effective; and its failure in that respect was due to the lack of organisation in regard to what were known as sanctions, because those which were provided for in theory were very difficult to apply in practice.

Only the sanctions of an economic character were compulsory. It must be recognised that, apart from the technical difficulties of organising such sanctions, the application of an economic blockade was closely bound up with the employment of military forces on the frontier, the participation of the navy, and other similar measures. Economic sanctions, therefore, were not conceivable without the application of military sanctions, which were not compulsory. The Council could only make recommendations, and the States concerned were free to accept them or not.

By way of example, suppose the States concerned agreed to take part in joint action against a Covenant-breaking State. Of what practical value would the decision concerning the principle of collective intervention be in such a case? In the first place, such intervention could only take place after a long interval of time. The reasons were as follows: First, the Council itself would have to meet, and decide whether there was reason to employ armed sanctions, and, in accordance with its decision, address its recommendations to Members of the League. The Governments of the various countries would, in their turn, have to examine the recommendations thus submitted and decide whether they should accept them or no. And since, in modern times, there were no absolute monarchies, the Governments alone could not commit their country to war, and the question would have to be submitted to Parliament, where further deliberations would delay the final solution.

Considered from the international standpoint, a whole series of difficulties would arise, since a divergence of view and of interests would soon appear between the States which were to engage in joint action. All those various divergencies and difficulties would have to be settled. How long would that phase of diplomatic action last?

The real value of such recommendations was very relative. Would the States invited to participate in a common action be ready, when faced with all those difficulties and the dire realities of war, to follow the Council's recommendations? Obviously, those States which did decide to take part in such joint action would do so in their own immediate interests rather than, to employ the solemn formula, in order to ensure "respect for international undertakings".

If, however, everything proceeded satisfactorily, if all the decisions were taken and if the diplomatic action of the Council resulted in the framing of an international policy of war, was that the end? Not at all — for the most important thing was the co-ordination of effort on the military front. The various moral and material difficulties attending a war of coalition were notorious, ranging from the organisation of a single command and the framing of the plan of campaign to the allocation of the means of warfare.

There must be no illusion that there would simply be a minor expedition — such as had formerly been sent to America or Asia — towards which several countries, by joint agreement, would contribute a few divisions in order to punish a guilty State. On the contrary, it would be a modern war, with all the means that were at the belligerents' disposal and all the problems resulting therefrom: plans of operations, concentration, transport, supplies, mobilisation of all national resources and, above all, the co-ordination of effort in a war of coalition.

Even admitting that the majority of those problems were provided for in the Council's "recommendations" or settled during the period of diplomatic action, that would not hasten the arrival of the means of warfare in the field. Mobilisation would be necessary and the forces thus mobilised must be despatched to the scene of action. Months would pass before the joint forces of the coalition could take action against the aggressor State. The latter — need it be added? — would only be aggressive if it felt sufficiently strong to impose its will by violence. During all that time, what would become of the State the victim of aggression?

So far, the organisation of joint action under the Covenant had not been satisfactory. That was perhaps one of the reasons why, very wisely, the Council had hitherto abstained from recommending collective intervention, although there had already been several victims of unjust aggression, Lithuania unhappily being a case in point.

Several endeavours to improve the organisation for the enforcement of sanctions had been unsuccessful. The States, uncertain of their security, still made the question of disarmament conditional on fresh guarantees of security in the form of a pact of mutual assistance. The judicious organisation of a system of assistance, an organisation which would make good the gaps in the Covenant, would undoubtedly constitute real progress from the standpoint of security.

Lithuania was prepared to go as far as possible in that direction. She was ready to vote in favour of the principle of mutual assistance and to examine the details of application, but subject to the condition that the system adopted should not weaken, instead of strengthening, the provisions of the Covenant and should not in actual fact be restricted



to a limited number of States. Otherwise, it would simply be a new form of alliance which, as M. Nadolny has so rightly remarked, might lead to a counter-alliance and a schism in the League of Nations.

Again, the solution of the problem of security must obviously depend on international confidence, which, in the Lithuanian delegation's view, was the real basis for disarmament. If the hypothesis were accepted *a priori* that international undertakings not to resort to force might be violated, then it could also be admitted that other undertakings, in particular, those relating to mutual assistance, might also be disregarded. What sort of guarantees were contemplated against this latter form of violation?

While holding the view that the degree of security implied by any pact of mutual assistance must depend, as M. de Madariaga had rightly said at the last meeting, on the amount of detail it contained, the number of contingencies for which it provided and the extent to which it was of world application, the Lithuanian delegate did not consider that the cause of disarmament need depend solely on the adoption of such a pact.

The Lithuanian delegation had already had occasion to state that disarmament was itself one of the factors of security — perhaps the most effective — especially qualitative disarmament. Lithuania, whose armaments weighed lightly in the general scale, was willing, moreover, to disarm unconditionally, but only on the basis of universality.

As a partial solution of the problem, in the sphere of the organisation of peace, Lithuania much appreciated the Soviet proposals concerning the definition of the aggressor and desired, in that connection, to support the Latvian delegate's declaration.

M. POLITIS (Greece) offered a few remarks on behalf of the five delegations which had submitted the draft resolution.

He would say first to Mr. Eden that the authors of the draft resolution, having entirely understood and borne in mind the United Kingdom delegation's previous statements, were not inspired by any hope that the United Kingdom would be able to assume any obligations in addition to those it had already undertaken.

The word "continental", which, of course, would have to appear in the draft resolution when it was a question of a pact of mutual assistance, had not been omitted through inadvertence, but because it had been thought that, while adhering to its position, the United Kingdom delegation might perhaps feel able to help in the work which would thus be put in hand on behalf of the States comprising the continent of Europe.

There were certain obligations, indeed, which had already been taken and which were not in any way challenged. There were even some of very recent date. They were not yet final, but they were accepted in principle, notably the renunciation of resort to force, which could, in one way or another, be embodied in or accompany the continental security pact. That would be a moral, and even a political, addition of inestimable value to that pact.

To M. Rutgers, who had said he could understand the principle of mutual assistance, but not the principle of a pact of mutual assistance, M. Politis would reply that, according to the intentions of the authors of the draft resolution, the Commission would be invited to pronounce on the principle of the expediency of concluding a pact of mutual assistance among the States of the European continent. There was no need for any long explanations to remind those who might perhaps have forgotten it of the desirability of such a step on the part of the European continental States.

Exactly five years ago, the Arbitration and Security Committee, which had met at Prague to prepare certain work that was to be examined later by the Committee, then by the Preparatory Commission and lastly by the League Assembly, had begun with what he might term a balance-sheet of the situation. In a report which attempted to estimate the value at that time of the security existing among the Members of the League there occurred the following phrase summing up the situation: "... the guarantees contained in Article 16 of the Covenant were vague as regards their principle and fortuitous as regards their application". He did not think that, in the past five years, anything had occurred to invalidate the accuracy of this finding by the Committee on Arbitration and Security. It was precisely because the guarantees contained in Article 16 of the Covenant and governing the application of Article 8 — for the latter article enjoined the reduction of armaments to the level compatible with security — were not precise in their principle or certain in their application, and because experience had perhaps shown that it was useless to hope that these rules could be strengthened on the universal plane, that it had been resolved to attempt to reinforce them in the European sphere.

At the present juncture, the question was of vital importance, because it might determine a greater or smaller measure of armaments reduction. That, indeed, was the crux of the question. It was in that spirit that the French plan had put forward the idea of a pact of mutual assistance among the European continental countries, and the draft resolution summed up the views held by the five delegations.

The authors of the draft were asking the Commission to recognise that it would be expedient to consider whether it was possible to establish between the continental States a pact which would confer greater precision on the guarantees in the League Covenant and facilitate their application. That was one way by which the means of preventing war could be enhanced, since mention was made of sanctions and the ultimate hypothesis in mind was the terrible possibility that war would be waged with the object of punishing anyone who waged it. In fact, if there were a sound system of sanctions, one in which it was possible really to believe, that would be the best preventive means, and there would be

ground for hoping that countries which were tempted to venture on war would thereby be prevented from doing so, owing to the enormous risks to which they would be exposed. When the Committee which it was proposed to set up came to consider the details of what could be embodied in a continental pact of security or mutual assistance, it would be necessary, as M. Paul-Boncour had suggested at the last meeting, to consider a number of questions in succession.

The first would be the point which the Commission had already settled in principle for the countries of the European continent, while at the same time reserving the possible extension of that principle to the universal sphere — namely, the renunciation of resort to force in any circumstances. The next would be, in accordance with the Soviet delegation's suggestions, the definition of the aggressor. Thirdly would come, in accordance with the ideas advocated by the Belgian delegation, the practical details for establishing the fact of aggression. Fourthly, there would be the question of the Council's powers in this matter — namely, whether the system of the League Covenant should be retained as it stood, or whether, for the purposes of the European continental countries, it would be desirable to advance a little further and to render more elastic the rules in the Covenant. Lastly, there was the very difficult, but highly important, question of the means of action that would be brought into play for the fulfilment of the pledge of mutual assistance. These means of action might be manifold. They might be purely national, such as those mentioned in certain instruments at present in force, in which the United Kingdom Government had participated. There might be others of an international character; that was to say, there might be cases in which co-operation would be restricted to forces which would be determined in advance, which would be specified in the pact of mutual assistance itself, and which each of the contracting parties would undertake, in case of necessity, to place at the disposal of the community.

Such were the various questions which arose. They deserved very serious study. At the present stage, it would be at any rate illogical if the organs of any conference whose aim was the great reform represented by the reduction of armaments should fail to make a serious and loyal attempt to discover what might be practically possible.

M. MOTTA (Switzerland) would be glad, before the vote, to explain the Swiss delegation's attitude on point (a) of the draft resolution.

Since the beginning of the sixteenth century, the international status of the Swiss Confederation had been and still was that of perpetual neutrality. That neutrality had been recognised as being in conformity with the true interests of Europe. It had been solemnly confirmed by the League Council in London on February 13th, 1920. According to the London declaration, the Swiss Confederation preserved its military neutrality intact. Any pact of assistance, if it meant for Switzerland an obligation to give military help or to apply economic sanctions in excess of those stipulated and defined, as to their nature and conditions, by Article 16 of the League Covenant, would place Switzerland in a position of conflict with the status which had been conferred upon her and which the other States had recognised.

The Swiss delegation, therefore, would be obliged to abstain from voting on the principle of a pact of assistance to which it could not be a party. It was, however, almost superfluous to add that if a pact for the purposes of assistance was capable of really strengthening the guarantees already contained in the Pact of Paris, and more particularly in the Covenant, and thus contributing to improve the general conditions of security and to facilitate a substantial reduction of armaments, Switzerland, like all other countries, would feel the utmost satisfaction.

The PRESIDENT then put to the vote the first part of the resolution submitted by the Greek, Yugoslav, Roumanian, Czechoslovak and Finnish delegations amended, with their consent, by the insertion of the words in italics :

“ In view of the special situation of Europe with regard to the problem of general security ;

“ Considering that a *European continental* pact of mutual assistance based on the proposals of the Committee on Arbitration and Security approved by the Assembly of the League of Nations in 1928 would increase existing security for all European nations without exception ;

“ Considering that such an organisation of peace would permit substantial general disarmament :

“ The Political Commission,

“ (a) Decides to accept immediately the principle of a *European continental* pact of mutual assistance ; ”

*Fourteen delegations voted in favour of and five against this part of the resolution.*

The PRESIDENT thought there could be no dispute about the second part of the resolution :

“ (b) Appoints a small committee to prepare a text as rapidly as possible for discussion by the Commission.”

He therefore suggested that the Committee be composed of M. Politis, as Chairman, and the delegates of Belgium, Czechoslovakia, Denmark, Finland, France, Germany, Hungary, Italy, Poland, Spain, Turkey and the Union of Soviet Socialist Republics.

M. DI SORAGNA (Italy) said that, as he had voted against the draft resolution, he did not feel that the presence of an Italian delegate in the Committee would be of any value. He therefore asked the President to excuse the Italian delegation from taking part in the Committee's work.

M. DOVGAEVSKY (Union of Soviet Socialist Republics) also declined the honour of taking part in the Committee's work. He pointed out that the Soviet Union was astride two continents, Europe and Asia. It could not, therefore, consider itself as a European State only. For that reason, M. Dovgalevsky had not voted against the proposal, but had abstained. He did not, however, think that his presence in the Committee would be of any use.

M. NADOLNY (Germany) said that, after the statements of the United Kingdom delegate, it might already have been anticipated that there would be some difficulty in proceeding with the work on the proposal of the five Powers, even though it were admitted that the United Kingdom might subsequently co-operate. In view, however, of the statements just made by the delegates of Italy and the Soviet Union, it was hardly likely, at the moment, that the proposal of the five Powers would lead to positive results. For that reason, the German delegation asked that it should be allowed to attend the Committee as an observer only.

M. DE MASIREVICH (Hungary) fully shared M. Nadolny's point of view and stated that, like the German delegation, the Hungarian delegation would follow the Committee's work as an observer.

M. Pierre Cot (France) made a proposal which would, he hoped, be acceptable to the delegates who had just indicated that they did not desire to take part in the Committee's work.

The Commission had just considered the question of the pact of mutual assistance. That question formed part of a vaster problem, that of security. Connected with this problem were other questions and other proposals, in particular two which M. Politis had mentioned: namely, M. Bourquin's proposal and the proposal of the delegate of the Union of Soviet Socialist Republics. The work of the Committee just constituted might therefore be suspended until the General Commission had had an exchange of views on these two proposals, and then perhaps M. Nadolny and the delegates of Italy, the Soviet Union and Hungary would no longer see any objection to attending the Committee to which the detailed application of these various proposals would be referred and which would be a drafting committee. If the different questions connected with the problem of security were thus studied in the same Committee, it might be possible to avoid the slight dispute that seemed to be threatening the meeting, and which it was in the interests of all the delegates to avert in order that their work might continue as rapidly as possible.

M. DI SORAGNA (Italy) supported M. Pierre Cot's proposal. In those circumstances, the Italian delegation was prepared to take part in all discussions, either in the Political Commission or in any technical committee that might be appointed for that purpose. Naturally, it made a reservation similar to that expressed a few days previously by M. Dovgalevsky with regard to the connection between the studies of such committees and the plan for European continental assistance.

M. NADOLNY (Germany) said that the German delegation was, of course, also prepared to take part in the discussion on the Soviet and Belgian proposals, either in the Political Commission, or in any other commission. He fully concurred in the explanations of his Italian colleague.

M. DE MADARIAGA (Spain) said he no longer desired to speak, as M. Pierre Cot had expressed exactly what he had intended to say.

M. DE MASIREVICH (Hungary) fully concurred in the observations of the delegates of Italy and Germany.

M. DOVGAEVSKY (Union of Soviet Socialist Republics) considered that the discussion should take place in the Political Commission itself.

With regard to the scope of the Soviet delegation's suggested declaration as to the definition of the aggressor, he fully supported the reservation M. di Soragna had just made.

M. FOTITCH (Yugoslavia) was very glad that M. Pierre Cot's proposal had met with almost unanimous approval. The Yugoslav delegation supported that proposal. It was understood that this procedure did not in any way exclude the study of the plan for mutual assistance already approved in principle by the Political Commission.

The PRESIDENT thought the Commission seemed disposed, on the whole, to accept M. Pierre Cot's proposal. He himself had intended that, after the Soviet and Belgian proposals had been discussed, all these proposals should be referred to the Committee appointed to consider the question of mutual assistance. He felt that the Commission was in a difficulty with regard to two points: first, it was trying to do in the inner ring what a good many delegations felt should apply equally to the outer ring, and, secondly, it was taking separately questions that really belonged to a whole chapter of proposals that ought to be associated with the question of security. The best solution would probably be to postpone the appointment of the Committee until the Soviet delegation's proposal with regard to the definition of aggression and the Belgian proposal had been discussed. All these questions could then, perhaps, be referred to the same Committee which would be asked to report back to the Political Commission.

M. DOVGALEVSKY (Union of Soviet Socialist Republics) desired to say that he had no objection to the President's proposal and was very willing to adopt the order of work he had suggested — namely, that the Commission should begin its examination of all these complicated problems by discussing the Soviet proposal. But he must again point out that the Soviet proposal was intended to be universal in its scope. It must therefore be studied in a drafting committee from which representatives other than those of the countries of the European continent were not shut out. Subject to this reservation, he supported the President's proposal.

The PRESIDENT thought M. Dovgalevsky must have misunderstood his suggestion. He had proposed that the Political Commission should first discuss the definition of aggression, adjourning the appointment of a committee for the present. At the end of the discussion it would be seen what form that committee should take. The President was himself of opinion that the definition of aggression should be considered in a committee dealing with everything connected with security. Meanwhile, the Commission would discuss the definition of aggression at its next meeting.

*The President's proposals were adopted.*

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## EIGHTH MEETING

*Held on Friday, March 10th, 1933, at 3.30 p.m.*

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*President: The Right Honourable A. HENDERSON.*

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### 10. DEFINITION OF AGGRESSION: DRAFT DECLARATION PROPOSED BY THE DELEGATION OF THE UNION OF SOVIET SOCIALIST REPUBLICS: <sup>1</sup> GENERAL DISCUSSION.

The PRESIDENT reminded the Commission of some of the previous studies undertaken by the League of Nations with regard to this question. It had first been considered in a report of the Temporary Mixed Commission in 1923. The Geneva Protocol of 1924 contained a whole article — Article 10 — dealing with the definition of aggression. In the report accompanying the Protocol, the Rapporteur, M. Politis, had stated that it was sufficient to say that "any State is the aggressor which resorts in any shape or form to force in violation of the engagements contracted by it either under the Covenant . . . or under the Protocol". There was, lastly, the General Convention to improve the Means of preventing War, Articles 2 and 4 of which had a bearing on the same matter.

M. DOVGALEVSKY (Union of Soviet Socialist Republics) said that the principles underlying the attitude of the Soviet Government towards the interdependence of disarmament and security had been expounded fairly explicitly. He need only remind the Commission, therefore, that these principles could be expressed in two propositions:

1. The maximum security can only be achieved by complete disarmament.
2. In the absence of complete disarmament, the degree of security is determined by the extent of the reduction of armaments.

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<sup>1</sup> Document Conf.D./C.G./P.V.38 (see also Minutes of the General Commission, Volume I, page 237).

The Soviet Government's original proposal,<sup>1</sup> which, it would be remembered, was for general and complete disarmament, was unfortunately not adopted by the Conference. Guided by the pacific aspirations of the labouring masses, the Soviet delegation had pursued its aim, which was to reduce the danger of war as far as possible and to lighten the burden of armaments that weighed most heavily on those very sections of the population that most eagerly desired peace and had the greatest hatred of war. That was why, after the failure of its proposal for total disarmament, the Soviet delegation, in the hope this time of obtaining the Conference's unanimous approval, had put forward its plan for a substantial reduction of armaments, and had declared its readiness to support any proposal for a real and extensive reduction of armaments going as far as possible in the direction desired by the Soviet Government.

The Soviet delegation maintained that attitude of principle. It had, however, always felt its duty to be to neglect nothing that might contribute towards the success of the Conference's work. In obedience to that idea, it could not overlook the fact that, if the Conference felt that disarmament must be preceded by security and was dependent upon security, it was faced with the alternative of defining and increasing security, thus making possible some reduction in armaments, or of declaring itself powerless and admitting the failure of several years' work. Having this in mind, the Soviet delegation had carefully studied the French proposal on security and had looked, in that proposal, for what was of interest to the States as a whole. As a result of its examination, it had once more noted the indisputable truth that no system of security against aggression could be complete and efficacious in the absence of a clear idea as to what constituted aggression.

Desiring that attention should, as soon as possible, be devoted to real disarmament, the Soviet delegation had placed before the Conference a draft definition of an aggressor.

The aim of this definition was therefore to place security on a sound basis. The Soviet delegation thought this definition should take the form of a declaration, universal in scope, either to be embodied in the future Convention on security and disarmament or to be the subject of a special agreement forming an integral part of that Convention.

Once the definition of the aggressor was accepted by all, and was consequently binding on all, it would serve as a guide for each State individually or for any group of States. It would also contribute, if not towards the complete avoidance of partial agreements between different groups of States, at any rate towards reducing considerably the danger of their assuming the character of alliances directed against third parties.

The Soviet declaration consisted, apart from its preamble, of two parts. The first part contained a positive definition of the acts constituting an aggression. The second part contained a list of circumstances which might not be invoked in its justification by a State guilty of the acts defined in the first part. Both parts were imbued with the common idea that all resort to force as a means for settling disputes between States must be considered as illegal. Both were therefore on the same plane as the "renunciation of the resort to force" that had been accepted by the Political Commission at its fifth meeting on March 2nd, in as far as it related to European States, though the Conference had still to make it universal.

The Soviet delegation reserved its right to discuss at a suitable moment and in detail each of the paragraphs forming the articles of the draft. One general remark might, however, be made at once with regard to Article 1. In particular, this article included among acts of aggression, in addition to the formal declaration of war, the various forms of hostility undertaken without a previous declaration of war. The prohibition to open hostilities without declaring war dated back to 1907. The third Hague Convention, in fact, at that time made it an international offence, whereas war as such was still considered perfectly legitimate. At the present moment, the fact that a formal declaration of war was prohibited internationally as an instrument of national policy provided yet another reason for making no difference, from the point of view of the idea of aggression, between war declared officially and *de facto* hostilities.

With regard to Article 2, in which were set out the circumstances that could never be invoked as an excuse for an act of aggression, the Soviet delegate desired to say that this list — which was perhaps incomplete — should, in his delegation's opinion, cover the most frequent causes of disputes and differences between States; its aim was that no dispute of that kind should ever serve as a cause, pretext or justification for an aggression. The list contained in Article 2 of the draft could therefore be supplemented, if necessary, in accordance with the suggestions which would, he hoped, be made during the discussion.

Perhaps the following question would be asked — M. Dovgalevsky thought he had already perceived it in the speeches of certain delegates during the general discussion in the Political Commission during the last two meetings — Was not the proposed definition

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<sup>1</sup> Document Conf.D.82 (Documents of the Conference, Volume I, page 124).

of the aggressor too complete? Was not its detailed character likely to give it undue rigidity which would subsequently hamper those who were called upon to establish the aggressor?

To this observation M. Dovgalevsky would reply that a full definition, a definition dealing with every conceivable aspect of aggression, would indeed be somewhat rigid. But the Soviet delegation had not only sought to provide a rigid formula; it had desired to make it as rigid as possible. The definition and establishment of an act of aggression must leave as little opening as possible for subjective feelings and judgments. Still more, a complete definition must, as far as possible, exclude any possibility of subjective interpretation, and the more automatic the establishment of the aggressor, the better for the work of peace.

That was why the Soviet delegation, which would of course be willing to accept any amendment improving its definition, hoped that amendments would not be aimed at weakening the text in such a way as to decrease its value as an objective and sure basis for determining who was the aggressor.

M. Lo (China) observed that a discussion on the definition of the aggressor must necessarily precede any useful consideration of the closely related questions as to how the provisions of the articles concerning sanctions in the Covenant, the provisions in the Pact of Paris, and the contemplated pact on the non-recourse to force could be made effective. There seemed to be a certain amount of unreality in the Political Commission's efforts, an unreality which might have been born of a highly strung and recently disillusioned world consciousness, but which could not fail to have a disturbing effect on the present deliberations. The man in the street would inevitably ask what was the use of seeking a definition of the aggressor when actual aggression, having already been both generally and juridically ascertained, was suffered to go on at the very moment when the abstract question was being vehemently debated.

However that might be, the very fact that new efforts were being made to seek a definition of the aggressor constituted definite recognition of the necessity for reaching a reasonable agreement upon this all-important question. The existing state of things in the international situation, particularly in the Far East, emphasised the urgency of those endeavours. That, he imagined, was the spirit inspiring the Soviet delegation's very frank and comprehensive proposal, which did not, as M. Litvinoff had said, pretend to absolute definitions, since such were hardly possible or conceivable. The proposal also made a wise distinction between the establishment of such factors as which side was the first to declare war or to commit a real act of aggression — questions that were relatively easy to determine — and the legitimacy of the causes and justifications for such aggression, which might be highly controversial and which did not lend themselves to ascertainment by the existing international procedure. This distinction ought to bring home the fact that, in striving for international security, the Conference could not, on the pretext of the existing limitations, delay too long in the solution of pressing problems, but would have to be satisfied if a machinery were evolved which could serve more or less as a fire extinguisher, leaving the final assessment of responsibilities to the judges and, perhaps, the historians.

As an abstract definition couched in a single sentence was deemed impossible, the Soviet proposal had resorted to the enumeration of the characteristics of aggression. It must be admitted that, while the enumeration of concrete examples lent considerable reality to a hypothetical concept, there were always disadvantages to be found in an attempt to define by example. A legal mind would object on the ground that since, according to the old maxim, the mention of one thing excluded another, in any future and unpredicted case which did not come, apparently or *prima facie*, within one of the various categories, it could be plausibly argued that they did not apply to such a case. A State unwilling to assume onerous responsibilities for action against the aggressor would not fail to cite the words, in opposition to the attempt to define the aggressor, that such an attempt would "be a trap for the innocent and a sign-post for the guilty".

In truth, however, definition by example, if not understood to be exhaustive, was better than a general and abstract statement of a set of circumstances. Opinions might differ as to the inclusion and exclusion of certain items in the list enumerated in the Soviet proposal. Most of the examples given were, nevertheless, satisfactory to the Chinese delegation. A few alleged fissures in the Covenant, the Pact of Paris, and general international law had been repaired. The character of war, in its actual as well as in its technical sense, had been fixed. A declaration of war was considered, emphatically, as not necessary to the creation of a juridical situation in a case where a State employing military measures denied the intention of waging war. Pacific blockade was denounced as aggression in the way it ought to be denounced. Political causes of justifications of aggression were properly excluded from the domain of law, in which only overt acts should form the subject of its regulation.

There would be very little disagreement as to the necessity of international efforts in the direction of the various problems raised in the Soviet list. If only a reasoned adjustment of these problems could have been achieved during the fifteen years since the great war, the extremely tense situation in the Far East might possibly have been



averted and China might have been spared a tragic loss of blood and treasure. Failure resolutely to face these inevitable and challenging questions at the eleventh hour would no doubt presage future complications. The delegations would, indeed, be deemed to have failed in their duty.

In the discussion of the Soviet proposal, the fact must not be overlooked that an all-pervading and readily comprehensible principle had inspired perennial efforts for the collective control of conflicts. Such a principle was that of pacific settlement. Political exigency or opportunism had been its inveterate enemy, and lawyers had invented excuses for justifying deviations from such a principle and had looked in international instruments for loopholes which did not exist. There was, indeed, much food for thought in M. Rutgers' reference to the maxim, *summum jus, summa injuria*.

While there must, of course, be no relaxation of the endeavour to make the peace machinery perfect in its working, the imperfect state of the existing machinery must not be seized upon as an excuse for not making every effort to see to the execution of the peace-preserving instruments already in force. Much less should it be assumed that, because the existing machinery had to be perfected, it would be right to sit and wait for the stage of perfection and leave pending problems uncared for.

In order, therefore, to rally world public opinion, it could not be too strongly emphasised that any scheme to define the aggressor must take into account the alleged loopholes in international instruments, particularly those which had been demonstrated in the actualities of international life. Otherwise, the results achieved by the present discussions would be far removed from realities, and, as such, would be hardly able to withstand the impact of contemporary events. As peace-preserving devices, they would be found definitely wanting.

The same conclusion was inevitable if one definition of the aggressor were adopted for one part of the world and another for the rest. A yardstick of such importance must be of universal application.

The Soviet proposal, as an exposition of contemporary, as distinguished from merely theoretical, difficulties in the definition of the aggressor, was therefore deserving of the most careful and comprehensive discussion of which the Commission was capable. The Chinese delegation gave it its wholehearted support and hoped for its adoption.

M. LANGE (Norway) said he had been glad that the French delegate had proposed, at the end of the previous meeting, that the special Committee set up to study the plan of mutual assistance in Europe should defer its work. He believed that it would be extremely difficult to discuss that question without first being clear as to certain principles and possibilities which arose in the universal sphere, with a view to reaching that stage in the discussion at which all would be ready to express their views as to the proposals for the reduction of armaments. If the Commission had for some time confined itself to the European sphere, that was because one delegation — the United States delegation — had said that it would wait to see what attitude the European States would take with regard to the substantial reduction of armaments. That, therefore, was the Commission's object, and, in that respect, M. Lange entirely agreed with the Soviet delegate.

The Norwegian delegation had already expressed, during the general discussion on the French plan, its great sympathy towards the Soviet delegation's proposal for the definition of the aggressor. That proposal, which was opportune and extremely valuable, and contained elements deserving of the closest attention, would possibly have to be supplemented.

The President had observed, at the beginning of the meeting, that this was no new question in the international world. In particular, it had been studied during the discussion of the 1924 Protocol, which, if M. Lange was not mistaken, laid down, for the first time in an international document, the idea of presumptive evidence of aggression. That idea was of the greatest importance and had been taken up again in recent years during the discussion and preparation of the Convention to improve the Means of preventing War. In certain respects, therefore, the Soviet proposal would need supplementing.

M. Lange wondered whether, as M. Dovgalevsky had already said, the list appearing under No. 2 might not be too rigid and whether the formulas employed might not lead to some misunderstanding. He was no jurist, but, looking at the matter from the point of view of the man in the street, he wondered whether the list contained in Section B might not create the impression that the acts thus enumerated would receive some kind of recognition, if not as being legitimate, at any rate as being admissible. Such a result would certainly be undesirable. In this matter, however, the Commission must rely upon the wisdom of its jurists, and there was good reason to congratulate the Soviet delegation on the proposal and to recommend its close study.

Lastly, M. Lange was particularly glad to see in a document issued by the Soviet delegation a specific recognition of the need for international organs. That was a new development which was worth noting.

Count RACZYŃSKI (Poland) welcomed on behalf of the Polish delegation the Soviet initiative and viewed its proposal very sympathetically. On the one hand, that proposal was connected with the principles embodied in Article 10 of the League Covenant, and, on



the other hand, took as a starting-point the principles embodied in Article 1 of the Pact of Non-Aggression which Poland had signed with the Soviet Government in July last, a pact that had been ratified and was in force.

The Polish delegate further desired to point out that this proposal covered only one part, undoubtedly an important part, of the system of security. It was an essential factor, but could only achieve its full significance when that system was established in its entirety and all the necessary consequences could be drawn from it.

The Polish delegation, moreover, thought it necessary to act prudently, and the vote taken at the Commission's previous meeting showed that prudence was, indeed, indispensable.

In conclusion, the Polish delegation considered that the Soviet proposal must be examined and given effect. No complete system of security could be established unless it included the very important ideas embodied in that proposal. Those ideas could, of course, be discussed and improved upon.

M. MASSIGLI (France) pointed out that the French delegation had already had an opportunity of expressing its sympathy with the Soviet proposal. He might therefore have refrained from speaking in the general discussion had he not thought it advisable to explain briefly in what spirit and for what reason his delegation was able to welcome the proposal. It believed that a definition of the aggressor was not, perhaps, in itself very important, and would form no more than an article in an encyclopaedia. But it had nevertheless been very glad to read, in the Soviet proposal, a paragraph to which the Norwegian delegate had just referred and which read as follows:

"Anxious to provide the necessary guidance to the international organs which may be called upon to define the aggressor".

The French delegation saw in this paragraph a starting-point, and it was that starting-point that it welcomed. It believed — and this was in accordance with the spirit of the French plan — that the Commission must in the first place set out to define the aggressor, in view of the consequences following upon such a definition. It was the international organs which would be responsible for drawing those consequences. The French delegation hoped the Soviet delegation would be able to follow it in that direction also.

The President had announced some days previously that a drafting committee would consider the details of the proposal. It was not necessary, therefore, for M. Massigli to dwell on any particular point in it. In his view, a declaration would not suffice, and some means must be found of embodying the principles underlying such a declaration in an article of the Convention.

Certain points in the positive definition of aggression might be open to discussion, and the Commission would not be surprised, he thought, to hear that he himself preferred the definition given in Chapter III, Section A, paragraph 3, of the French plan.<sup>1</sup>

Again, a negative list, such as that given in part 2 of the Soviet proposal might be thought to present more drawbacks than advantages, for no list was ever complete, and this might give rise to misunderstandings.

In conclusion, it might perhaps be found that part 3 of the Soviet proposal, which concerned the concentration of armed forces in the vicinity of a frontier, was not of such a nature as to cause the Commission to lose sight of a provision, to his mind preferable, to be found in the Convention to improve the Means of preventing War.

But these were only details, on which opinions might differ. They must be discussed and explained, and, in the circumstances, M. Massigli would confine himself to repeating that the French delegation approved the principle of the Soviet declaration and hoped that it would be studied as soon as possible in a small committee.

Mr. LESTER (Irish Free State) thought that a stage had been reached at which the old terminology regarding certain aspects of international affairs required to be revised. The absence of a declaration of war was no longer sufficient to make it possible to prevent the effects known as war, and for that reason he welcomed the Soviet delegation's proposal, which, he believed, would be found valuable in that it was necessary to have additional guidance on this fundamental question. He welcomed the proposal, particularly as it came from a State non-member of the League.

As to the text of the Soviet proposal, omissions from and additions to it — perhaps even very fundamental changes in regard to form — would probably be necessary before it could obtain any substantial agreement. He was not unaware of the legal difficulties and arguments which could be used against certain parts of the proposal, nor of the difficulties arising from what had been called the realities of each situation when a conflict between two States had occurred. Therefore, after a general discussion in the Political Commission, the best procedure might be to appoint a special committee to discuss the proposal or, better still, to have it discussed by a committee dealing with other related questions.

<sup>1</sup> Document Conf.D.146.

M. NADOLNY (Germany) assumed that the study of the question of the determination of the aggressor would, with other questions, be referred to a committee which would be not only a drafting committee but a committee of enquiry and drafting. He would therefore only make a few brief remarks.

As the President had already pointed out, the question of the determination of the aggressor was not a new problem. It had already been investigated and studied by the League of Nations. He would mention in this connection the work of the Special Committee of the Temporary Mixed Commission in 1923, M. de Brouckère's report of 1926 and the memoranda drawn up in 1928 by M. Politis and M. Rutgers for the Arbitration and Security Committee.

Since she had entered the League of Nations, Germany had taken part in the earlier work done with a view to setting the question of the aggressor, and the German delegation was to-day equally prepared to collaborate in studying the problem on the basis of the Soviet proposals and the French plan. Its motive in doing so would be the wish to contribute to the consolidation of world peace.

The great advantage of the Soviet proposal was that it laid down definite, concrete criteria for determining the aggressor. It was, he thought, very important to define, by means of as clear and objective criteria as possible, the rules which should govern the determination of the aggressor. That was an excellent suggestion which should undoubtedly be thoroughly studied. In doing so, it should not be forgotten that an agreement on the factors by which the aggressor could be determined was not only important from the standpoint of the exact measures to be taken against the aggressor, either under the Covenant of the League of Nations or in virtue of an understanding between the States signatory to the Paris Pact. There was still another aspect which the German delegation thought was of the utmost importance — namely, the preventive character of such international definition of the criteria for determining the aggressor.

He would point out that there was already one important precedent which should not be overlooked — namely, the General Convention to improve the Means of preventing War. Article 5 of that Convention provided that failure to comply with the Council's injunctions regarding the withdrawal of troops which had penetrated into the territory of another State or regarding the formation of a neutral zone would be considered as *prima facie* evidence that the party guilty thereof had resorted to war if war broke out as a result of its attitude. During the negotiations in connection with this Convention its preventive scope was particularly emphasised in several quarters. This aspect, therefore, should be constantly borne in mind by the delegations in examining the Soviet proposal.

A further advantage of the Soviet proposal, he thought, was that it had a universal basis. It would, in his view, be a serious mistake to think of laying down principles for determining the aggressor confined to a small group of countries, as that would lead to collisions and disputes with countries outside that group. International rules of such wide political scope should always have a universal basis. Naturally, there was nothing to prevent — and the Soviet delegation would certainly agree with him on that point — the rules thus laid down being used as a basis also for action taken under the League Covenant.

M. Nadolny added that the universal character of the Soviet proposal should also be reflected in the membership of the committee which would be asked to study it. Clearly, it would not be sufficient to appoint representatives of European countries only; the committee should be composed of members representing every part of the world.

The German delegate did not intend to discuss the proposal in detail at the present time. He would only make one brief observation, in conclusion, on a point on which M. Dovgalevsky, moreover, had already spoken. He was referring to the doubts expressed by the Netherlands representative during the general discussion of the French plan about the advisability of laying down beforehand too rigid rules for determining the aggressor. M. Nadolny wondered whether rules of an automatic character would really be appropriate here. M. Dovgalevsky had, he agreed, been right in asking for as full a list as possible to be drawn up of the criteria of aggression, but M. Nadolny felt that the cases which might arise would be too numerous to be covered by an absolutely exhaustive definition. He had in mind mainly the fact that a dispute, in all its different phases, was frequently so complicated that rigid criteria for determining the aggressor would be insufficient: all the factors in the dispute should be considered and weighed as a whole. It would, he thought, be necessary in drawing up certain rules for the determination of the aggressor — and the Soviet proposal seemed to him to furnish a very valuable basis in this connection — to reach an agreement which would be sufficiently elastic to enable all the possibilities to be taken into account and all the methods of conciliation to be exhausted.

M. SCHMIDT (Estonia) agreed with many of the other delegations that the Soviet proposal was a very valuable contribution to the attempt to find a definition for the aggressor. The problem was one of very great practical importance, for it was highly desirable to establish as clear and definite a wording as was practically possible.

The Soviet proposal seemed to M. Schmidt to contain in this respect elements which were undoubtedly really valuable and he was therefore fully prepared to give it all the attention it deserved. As had already been said, the Soviet draft needed some rearrangement, but the questions involved would not, he hoped, be very difficult to solve. The Estonian delegate trusted, therefore, that the Commission's efforts in this connection would lead to a positive result which would represent a substantial advance in the sphere of present-day international law.

Mr. EDEN (United Kingdom) had listened with very great interest to the discussion on the Soviet delegation's very important proposals. The objective which it was sought to realise was not, of course, a new one. There had been many and important attempts to realise it in the past in the sphere of varied international activities, more especially among the Members of the League of Nations themselves.

The preamble to the Soviet proposal stated, "It is necessary, with the utmost precision, to define aggression, in order to remove any possibility of its justification". That was the problem, and with this object in view the Soviet definition laid down a series of rigid and automatic tests according to which the aggressor in any particular case was to be identified.

Mr. Eden considered that to this attempt the Commission was bound to bring some of the experience of the past, to which the German delegate had rightly alluded. The possibility of defining the aggressor had been fully discussed in the past, and the conclusion had always been that it was impossible to lay down any such rigid criteria of universal application, since it was impossible to foretell how they would work in particular sets of circumstances, and there was serious risk that their application might result, as in the quotation to which the Chinese delegate had referred, in the aggressor being pronounced to be the aggressor.

Without attempting in any way to go into the history of the matter in detail at the present stage, he might refer to the study of the question, which M. Nadolny had mentioned, in the report of the Third Committee of the fourth Assembly in 1923, and the documents printed with that report. One quotation from the conclusion reached by the Special Committee of the Temporary Mixed Commission which had considered the definition of a case of aggression had been that "under the conditions of modern warfare it would seem impossible to decide, even in theory, what constitutes an act of aggression". The quotation goes on: "It is clear, therefore, that no simple definition of aggression can be drawn up and that no simple test of when an act of aggression has actually taken place can be devised".

Reference had also been made to the very important report of M. Rutgers<sup>1</sup> on Article 10 of the Covenant, in which he stated:

"The question of acts which are evidence of aggression has already been the subject of the most exhaustive and careful study by the League of Nations and by many of its Members. These studies have led to different conclusions, and we are constrained to believe that any attempt to lay down rigid or absolute criteria in advance for determining the aggressor would be unlikely in existing circumstances to lead to any practical result."

There was one other aspect of this question of which those countries which were Members of the League must not be neglectful. It was absolutely essential for such States that any definition which might be considered should not be inconsistent with the situation resulting for Members of the League from the Covenant, and, for certain of the States Members of the League, from treaties to which they were already parties. At a first examination it seemed, at least, very uncertain whether the proposals under discussion did, in fact, comply with that condition.

Mr. Eden drew the Political Commission's attention to the foregoing considerations, not, of course, in any hostile sense, but because he thought that the Commission could start its work more clearly if it discussed the matter in the light of the very considerable efforts made in the past. That being so, he must say quite frankly that, in view of the abandonment of previous attempts to lay down very rigid and absolute criteria such as those set forth in the Soviet proposal, he hardly felt sanguine of the success of any endeavour to retain that proposal, at least in the form suggested in the present instance.

M. WESTMAN (Sweden) noted that the Soviet proposal, as M. Dovgalevsky had pointed out on several occasions, attempted to define the aggressor on the universal plane. That was a high and meritorious aspiration.

In the course of the studies undertaken at Geneva for many years, the advantages and risks of fixing in advance the criteria to be applied in defining as an aggressor a State that had broken its international obligations had been weighed. These discussions were recalled by the present debate.

<sup>1</sup> See *Official Journal*, May 1923, page 671.

The Swedish delegation would be very glad if, after this discussion, it were found possible to reach unanimous agreement on such a definition, which would be both clear and precise in theory, and thorough and efficacious in practice. As the Committee which was about to be appointed would probably have a fairly heavy task in connection with the problem of security submitted to it by the Political Commission, M. Westman would take advantage of the general discussion to add a few remarks.

One thing was certain — namely, that one of the bases on which subsequent measures for increasing security would be founded must be the improvement of the existing methods of defining the aggressor, which would, in fact, amount to making more and more automatic the system of sanctions. That idea was undoubtedly correct in principle.

If the rules at present in force were examined, it would be noted that they took, as a starting-point, the principle, which was difficult to justify, that each State must determine separately whether, in the event of a conflict, one of the parties was at fault; that was to say, each State must itself settle the problem of the aggressor.

At the moment, however, when the Commission was endeavouring to make the sanctions more automatic and efficacious, it was important to ensure that, as far as possible, these rules would be practicable and would bring about the fundamental condition of any system of sanctions, which was not to provoke but to prevent war. In this connection, it was desirable, in M. Westman's opinion, to note that nothing would be gained by adopting a stipulation under which, for example, the Council was required to specify the aggressor by a majority decision, the various States being bound, in consequence of such a decision, to take part in economic and military sanctions. It was very doubtful whether the adoption of such a stipulation would really strengthen security, for the reason that it would be rash to expect, having regard to the grim realities of international life, that such a rule would be faithfully and unflinchingly observed. The decision which a Government would have to take with regard to the application of sanctions was, and always would be, a serious matter, and must be strongly supported by public opinion. From this point of view, it was essential that the aggressor State should be compelled to disclose its intentions to the whole world. It was important that the Council's decision should have the character of a confirmation of acts already recognised and observed by the whole world. Proceeding from that idea, the Swedish delegation was prepared, so far as it was concerned, to confer on the Council more extensive powers with regard to all decisions to be taken with a view to disclosing the aggressor State and in order to place world public opinion in a position to make its influence felt.

The Spanish delegate had pointed out some days previously that there was an international Convention to improve the Means of preventing War. Several speakers — M. Lange, M. Massigli and M. Nadolny — had just referred to that very Convention, which was, indeed, based on the principles M. Westman had just mentioned.

During the preparatory work for the Convention, the Swedish delegate had recommended certain stipulations which, on several points, went further than those actually embodied in the Convention. The time had now come, in his view — in order, from this standpoint at least, to strengthen security — to extend the Council's powers when it was required to take the measures provided for in the Convention to improve the Means of preventing War. Thus the Commission might consider the adoption of a rule providing for decisions by a competent majority in the case of measures of that kind.

In the event of a threat of war, the Council should have the power, for example, to make investigations and to take measures of supervision of all kinds, to decide upon the establishment of neutral zones, to order the cessation of military preparations subject to the necessary supervision. Further, the Council should be invested with power to prohibit, by a majority vote, the exportation of arms and other war material to one or both States parties to the dispute. Also, after the beginning of hostilities, the Council should be empowered to order the above measures, to decide upon the evacuation of an occupied territory, and to prescribe an armistice. Should any State refuse to comply with the Council's decisions, the latter should be able to impose export prohibitions of a more special character, or to prescribe the declaration of a boycott of wider scope.

Whereas the Covenant of the League of Nations provided for the possibility of an immediate and general boycott, while at the same time conferring on each State the right to take a decision itself, the Commission should recommend a system whereby the Council would be entitled to take such decisions, while observing, however, that the measures recommended must be taken one after the other so as to act as psychological and economic methods of coercion.

M. YADA (Japan) said that his delegation had examined with great interest the Soviet draft declaration concerning the definition of aggression. It amounted to a list of deeds and acts which, in the Soviet delegation's opinion, might serve as criteria for the definition of the aggressor. The Japanese delegation would venture to ask whether it was really possible to designate an aggressor State in so automatic and mechanical a way as was proposed in the draft.

One speaker in the General Commission had said, among other things, in connection with the definition of aggression, that attention must also be paid to an aggressor guilty of an economic war, of a Customs war or of a financial war. Further, it had been said in

the Political Commission itself that the decision, in the case of an armed conflict, as to whether there was aggression and who was the aggressor was always a complicated and delicate matter. To be able to pronounce on the aggressive or defensive attitude of the countries engaged in a dispute, account must necessarily be had to the whole group of problems forming the subject of the dispute. All that was entirely true. In recalling these points he had, of course, no intention of pointing out certain gaps or omissions in the Soviet draft. All that he wanted was that a fair and equitable formula should be found, one which would at the same time take into consideration the actual facts and have regard to all the aspects of human activity in the field of international relations, their complexity and their infinite variety.

M. Yada himself would frankly say that he felt quite incapable of juridical syntheses of that kind, especially as he realised that they involved very arduous and difficult work, for the solution of which the League had made the utmost endeavours since its origin down to the present day.

M. KÜNZL-JIZERSKY (Czechoslovakia), on behalf of the States of the *Petite Entente*, expressed their sympathy with the Soviet proposal concerning the definition of the aggressor. They regarded that definition as a valuable contribution to the working out of a real system of security. The three delegations considered that the question deserved most careful study. On points of detail they reserved their right to propose the necessary amendments, but, in principle, they would sincerely co-operate in the working out of an improved definition of the aggressor on the basis of M. Litvinoff's declaration.

Mr. GIBSON (United States of America) observed that the Conference had raised a series of technical questions which, up to the present, it had been unable to solve, and which still barred the path to an agreement on the reduction of armaments. The discussion in the Political Commission, in its turn, had not failed to raise a question which had bothered all students of international relations; for the definition of the aggressor had perhaps been more discussed than any other point in this whole field of thought. It seemed to him that the difficulty had always resided in the fact that any definition was by its nature limited. Thus there would always be ways of resorting to force which remained technically outside any definition that man in his finite wisdom could conceive, and conversely it was inconceivable that it should be possible to formulate an all-inclusive definition which would give assurance that it could be relied upon ultimately to meet any situation created by the infinitely complex interplay of human relationships.

Furthermore, he questioned the utility of a rigid definition, particularly one like that given under point 1 of the Soviet proposal, since conditions could readily be imagined in which even some of the acts listed would not in themselves necessarily constitute an act of aggression.

For practical reasons, it might perhaps be wiser to approach the problem from a somewhat different angle, and endeavour to examine the criteria which each Government would find helpful in any given case in reaching a decision regarding aggression. Such a method would perhaps be calculated to clear the thoughts of delegates on the subject, and it would avoid the danger of binding future action of which neither the cause nor the results could at present be foreseen.

Such were the queries which the United States delegation ventured to raise. The forthcoming discussion might, perhaps, clear them up, but at present the United States delegation questioned, in all sincerity, whether it was desirable and advisable to endeavour to put into words a problem which must in the final analysis be judged on the basis of more factors than could possibly be foreseen at the moment, and also on factors the relative evaluation of which would be different in each concrete case that would have to be decided.

M. DI SORAGNA (Italy) associated himself with the previous speakers' expressions of gratitude to the Soviet delegation for the practical contribution it had made to the study of the problem of the definition of the aggressor. Whatever opinion might be held as to the nature of that problem, it was none the less one of the most important points in the international law of the present day and of the future. The Italian delegation would be happy to take part in the work of the technical and legal committee which would study the problem, and would contribute its entire store of knowledge of the relevant texts and facts with the utmost goodwill. From the experience gained during the discussions on this matter in the past few years, it did not seem to M. di Soragna that it would be possible to classify it with those questions of which it was possible to say, at the present stage, with some degree of exactitude that they would receive a definite solution covering both their general character and limits. The very interesting observations of Mr. Eden and Mr. Gibson seemed to warrant doubts on the subject. It was, however, in any case certain that any progress which was real and not merely apparent could only be eminently desirable. It would represent a notable contribution to the common stock of international law.

In M. di Soragna's view, the progress of the work and its success would be the better assured the wider and more universal the basis upon which the delegations co-operated in the Commission, and the less the work itself remained dependent on any idea of subordination to more or less restricted plans for international organisation.

The PRESIDENT thought that the discussion had reached the stage when a Committee might be appointed to deal with the question of the definition of aggression. He therefore suggested that this Committee, under the chairmanship of the Vice-President, M. Politis, should consist of the representatives of the following countries : Belgium, United Kingdom, Cuba, Denmark, Estonia, Finland, France, Germany, Hungary, Italy, Poland, Spain, Switzerland, Turkey, Union of Soviet Socialist Republics, United States of America and Yugoslavia.

The Committee would be instructed to consider all questions of security, and the President would suggest that it would be helpful if it would, in the first instance, consider the Soviet delegation's proposal and, if possible, submit to the Political Commission a report on the definition of aggression upon which the Committee had found agreement. After reporting on the definition of aggression, the Committee would then examine other questions relating to security — that was to say, the Belgian proposal<sup>1</sup> and the question of mutual assistance which had been discussed by the Commission at the preceding meetings.

*The proposals of the President were adopted.*

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<sup>1</sup> Document Conf.D./C.P.12.

ANNEXES.  
DOCUMENTS OF THE POLITICAL COMMISSION.

Conf.D./C.P.1(3).

REVISED LIST OF MEMBERS OF THE POLITICAL COMMISSION  
(February 27th 1932, March 10th, 1933).

*President:* Mr. Arthur HENDERSON (United Kingdom).

*Vice-President:* M. N. POLITIS (Greece).

*Rapporteur:* M. E. BENEŠ (Czechoslovakia).

Country	Members	Substitutes
<i>Afghanistan:</i>	M. A. HUSEIN AZIZ Khan. Sirdar AHMED ALI Khan.	General Mohamed OMAR Khan. YUSUF Khan.
<i>Union of South Africa:</i>	Mr. C. T. TE WATER. M. B. J. PIENAAR. Major F. F. PIENAAR.	
<i>Albania:</i>	M. Lec KURTI.	
<i>United States of America:</i>	Mr. H. S. GIBSON. Mr. H. R. WILSON. Dr. WOOLLEY.	
<i>Argentine Republic:</i>	Dr. Ernesto BOSCH.	
<i>Australia:</i>	Mr. J. G. LATHAM. Sir G. DE LAUNE RYRIE. Mr. S. M. BRUCE.	Mr. F. G. SHEDDEN.
<i>Austria:</i>	M. E. PFLÜGL. M. Max HOFFINGER. M. R. HECHT.	M. M. LEITMAIER.
<i>Belgium:</i>	M. P. HYMAN. M. BOURQUIN.	Viscount POULLET. M. DE BROUCKÈRE.
<i>Bolivia:</i>	M. COSTA DU RELS.	M. A. OSTRIA-GUTIERREZ.
<i>Brazil:</i>	M. J. C. DE MACEDO SOARES. M. Carlos MARTINS PEREIRA E SOUZA.	M. Orlando LEITE RIBEIRO.
<i>United Kingdom of Great Britain and Northern Ireland:</i>	Sir John SIMON. Sir Philip SASSOON. Mr. A. EDEN.	Sir William MALKIN. Mrs. M. Corbett ASHBY.
<i>Bulgaria:</i>	M. C. BATOLOFF. M. D. MIKOFF. Colonel MARINOFF.	
<i>Canada:</i>	M. Maurice DUPRÉ. Dr. W. A. RIDDELL.	M. P. E. RENAUD. Mr. T. A. STONE. Lieut.-Colonel H. D. G. CREER. Miss KYDD.
<i>Chile:</i>	M. J. VALDÉS-MENDEVILLE.	M. J. SAAVEDRA-AGÜERO. M. GAJARDO.
<i>China:</i>	M. Liou Von TAO. Dr. W. W. YEN. M. T. Y. LO.	M. Lone LIANG. Major-General S. K. YAO. Major-General TCHENG-KAI. Dr. Hoo Chi-Tsai.
<i>Colombia:</i>	Dr. A. J. RESTREPO. Dr. E. SANTOS.	Dr. J. E. RUEDA. Dr. R. GUTZADO.



Country	Members	Substitutes
<i>Costa Rica :</i>	M. FIGUEREDO-LOBA.	
<i>Cuba :</i>	M. A. DE AGÜERO Y BETHANCOURT.	M. DE BLANCK.
<i>Czechoslovakia :</i>	M. E. BENEŠ. M. Z. FIERLINGER.	M. R. KÜNZL-JIZERSKY. M. A. HEIDRICH.
<i>Denmark :</i>	M. P. MUNCH. M. Eric DE SCAVENIUS. M. P. C. SCHOU.	M. W. BORBERG.
<i>Dominican Republic :</i>	M. E. DESCHAMPS. M. C. ACKERMANN.	
<i>Egypt :</i>	FAKHRY Pasha.	
<i>Estonia :</i>	M. A. SCHMIDT. General J. LAIDONER.	M. J. KODAR.
<i>Ethiopia :</i>	Comte LAGARDE, duc D'ENTOTTO.	The Badjeronde Zellioka AGUEDÉOU. Ato TASFAÉ TAGAGNE.
<i>Finland :</i>	M. R. ERICH. Dr. R. HOLSTI.	M. K. R. SWENTORZETSKI. Dr. E. HITONEN. Colonel I. A. E. MARTOLA. M. P. K. TARJANNE.
<i>France :</i>	M. André TARDIEU. M. PAUL-BONCOUR. M. Pierre COT. M. R. MASSIGLI.	M. MOYSSET. M. L. AUBERT. M. R. CASSIN.
<i>Germany :</i>	M. NADOLNY.	M. GÖPPERT. M. FROHWEIN. M. ASCHMANN.
<i>Greece :</i>	M. N. POLITIS.	M. R. RAPHAËL. M. A. CONTOUMAS.
<i>Guatemala :</i>	M. J. MATOS.	
<i>Haiti :</i>	M. C. MAYARD. M. A. ADDOR.	
<i>Honduras :</i>		
<i>Hungary :</i>	Count A. APPONYI. General G. TÁNCZOS. M. C. de MASIREVICH.	M. A. DE BALASY. M. B. DE SZENTISTVANY. Colonel G. DE SIEGLER. Captain DE HARDY. Commander S. DE SPÓNER.
<i>India :</i>	H. H. the AGA KHAN. The Rt. Hon. Sir Samuel HOARE, Bart. Sir Henry WHEELER.	Mr. S. K. BROWN. Colonel D. B. ROSS. Lt.-Colonel W. E. BEAZLEY.
<i>Iraq :</i>		
<i>Irish Free State :</i>	Mr. S. LESTER.	Mr. J. J. HEARNE. Mr. T. J. COYNE.
<i>Italy :</i>	M. GRANDI. Count Ugo CAVALLERO.	Marquis A. Meli LUPI DI SORAGNA. M. A. DE MARINIS. M. PILOTTI.
<i>Japan :</i>	M. T. MATSUDAIRA. M. N. SATO.	Viscount K. MUSHAKOJI. M. YADA. M. M. HOTTA.
<i>Latvia :</i>	M. J. FELDMANS.	General KALEYS. M. Ch. KALNINS.

Country	Members	Substitutes
<i>Liberia :</i>	Dr. A. SOTTILE.	
<i>Lithuania :</i>	M. P. KLIMAS. M. V. SIDZIKAUŠKAS.	Colonel LANSKORONSKIS.
<i>Luxemburg :</i>	M. J. BECH.	M. C. VERMAIRE. M. A. WEHRER.
<i>Mexico :</i>	Dr. F. CASTILLO NAJERA. M. A. PANI.	Colonel LEÓN. Major MERCADO.
<i>Netherlands :</i>	M. V. H. RUTGERS. M. J. P. A. FRANÇOIS.	
<i>New Zealand :</i>	Sir Thomas WILFORD.	Mr. C. KNOWLES.
<i>Norway :</i>	M. BRAADLAND. Dr. LANGE.	M. E. COLBAN. M. IRGENS.
<i>Panama :</i>	M. Narciso GARAY.	
<i>Persia :</i>	M. ALÂ. M. ANSARI.	M. SÉPAHRODI. Colonel A. RIAZI. M. A. MOTAMEDY.
<i>Peru :</i>		
<i>Poland :</i>	M. SZUMLAKOWSKI. M. E. RACZYNSKI.	M. MÜHLSTEIN. M. GWIAZDOWSKI. M. T. KOMARNICKI. Captain Poncet DE SANDON. M. KULSKI.
<i>Portugal :</i>	Dr. Augusto DE VASCONCELLOS. Dr. V. DE QUEVEDO.	Dr. J. L. D'AVILA LIMA. Dr. A. M. FERRAZ DE ANDRADE. M. BRANCO.
<i>Roumania :</i>	M. TITULESCO. M. S. RADULESCO. M. ANTONIADE.	M. M. RALEA. M. I. PETROVICI. M. V. V. PELLA. M. MUSATESCO.
<i>Sa'udi Arabia :</i>	Sheik Hafiz WAHBA.	M. E. DUSSAC.
<i>Siam :</i>	Prince PRIDI.	Luang BHADRAVADI.
<i>Spain :</i>	M. L. DE ZULUETA ESCOLANO. M. Leopoldo PALACIOS. M. S. DE MADARIAGA.	M. Araquistain Y QUEVEDO. M. López OLIVÁN. M. M. PEDROSO.
<i>Sweden :</i>	M. R. J. SANDLER. M. UNDÉN.	M. J. LÖFGREN. M. K. I. WESTMAN. M. E. C. BOHEMAN.
<i>Switzerland :</i>	M. G. MOTTA. M. Max HUBER.	M. E. PERRIER. M. C. GORGÉ.
<i>Turkey :</i>	Dr. Tevfik RÜSTÜ Bey. Cemal HÜSNÜ Bey. Necmeddin SADIK Bey.	APTÜLAHAT Bey.
<i>Union of Soviet Socialist Republics :</i>	M. M. LITVINOFF.	M. G. SOKOLNIKOFF. M. A. LOUNATCHARSKI. M. V. DOVGAEVSKY. M. Boris STEIN.
<i>Uruguay :</i>	Dr. E. BUERO. M. COSIO.	Mme. Paulina LUISI.
<i>Venezuela :</i>	M. C. ZUMETA. M. D. ESCALANTE.	M. Chacin ITEIAGO.
<i>Yugoslavia :</i>	M. I. CHOUMENKOVITCH. M. B. YEVITCH.	M. C. FOTITCH. M. L. ANDRITCH.

Conf.D./C.P.2.

Geneva, March 15th, 1932.

### MORAL DISARMAMENT.

#### DRAFT RESOLUTION SUBMITTED BY THE POLISH DELEGATION.

Recognising the important part played by the Press in the development of international relations ;

Desirous of associating the Press in the work of moral disarmament ;

Relying on the Press's sense of duty towards the international community :

The Disarmament Conference decides to request the Council to convene at the earliest possible date an international conference of representatives of the chief associations of journalists and editors for the purpose of :

(1) Examining the problem of moral disarmament in so far as it may concern the Press ;

(2) Making suggestions in regard to the action to be taken by Governments should the latter be called upon to supplement the work of the professional organisations with a view to bringing about moral disarmament in the domain of the Press.

Conf.D./C.P.3.

Geneva, March 15th, 1932.

#### DRAFT CONVENTION SUBMITTED BY THE POLISH DELEGATION.

Recognising that the work of organising peace cannot be fully effective unless it is firmly implanted in the minds of civilised peoples ;

Considering, moreover, that any international action, if it is to bear fruit, must develop in an atmosphere of mutual confidence based on respect for the rights of every country :

The High Contracting Parties have agreed upon the following provisions :

##### *Article 1.*

The High Contracting Parties undertake to introduce in their penal legislation within a period of .... years from the entry into force of the present Convention, the following provisions :

(1) Any person guilty of public incitement to war shall be punished by imprisonment for not less than .... and not more than .... years ;

(2) Any person guilty of having publicly incited his or her country to violate existing international law shall be punished by imprisonment for not less than .... and not more than .... years ;

(3) ..... etc.

In the penal legislation of the respective countries, the above provisions may be made subject to the reciprocity clause.

##### *Article 2.*

The High Contracting Parties undertake not to tolerate in their respective territories any organisation, whatever its statutory aim, which engages in activities incompatible with the prohibitions contained in the preceding article.

##### *Article 3.*

The High Contracting Parties undertake to carry into effect within a period of .... from the entry into force of the present Convention the teaching reforms necessary in order to enforce :

(1) The prohibition in State and private schools of any activities of teaching staffs or pupils intended to arouse hatred of foreigners or to disturb good relations between peoples ;

(2) The revision of school text-books with a view to eliminating all passages conceived in a spirit of hatred or contempt of a foreign people ;

(3) ..... etc.

##### *Article 4.*

The High Contracting Parties undertake to prohibit any broadcasting transmission likely to disturb international relations or to wound the national sentiments of listeners of another contracting country. This principle shall be applicable, not only to transmissions organised in the territory of any of the High Contracting Parties, but also to those organised by third parties and relayed from a broadcasting station of any of the High Contracting Parties.

##### *Article 5.*

The High Contracting Parties undertake to prohibit the projection of any film and, in general, any public performance likely to disturb good relations between the peoples or to arouse hatred of foreigners.

Conf.D./C.P.7.

Geneva, February 15th, 1933.

# DECLARATION OF NON-RESORT TO FORCE.<sup>1</sup>

## AMENDMENTS PROPOSED BY THE CZECHOSLOVAK DELEGATION

Replace the last words: "present or future differences between them" by: "*all differences between them of whatever nature they may be*".

Conf.D./C.P.12.

Geneva, March 4th, 1933.

# EUROPEAN PACT OF MUTUAL ASSISTANCE.

## PROCEDURE FOR ESTABLISHING THE FACTS.

### *Proposal by the Belgian Delegation.*

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.

Conf.D./C.P.13.

Geneva, March 4th, 1933.

## DRAFT RESOLUTION SUBMITTED BY THE DELEGATIONS OF GREECE, YUGOSLAVIA, ROUMANIA, CZECHOSLOVAKIA AND FINLAND.

In view of the special situation of Europe with regard to the problem of general security;

Considering that a European pact of mutual assistance based on the proposals of the Committee of Arbitration and Security approved by the Assembly of the League of Nations in 1928 would increase existing security for all European nations without exception:

Considering that such an organisation of peace would permit substantial general disarmament;

The Political Commission

(a) Decides to accept immediately the principle of a pact of mutual assistance;

(b) Appoints a small committee to prepare a text as rapidly as possible for discussion by the Commission.

<sup>1</sup> Draft declaration submitted by the United Kingdom delegation (document Conf.D./C.P.4).

Conf.D./C.G.133.

Conf.D./C.P.15.

Geneva, June 3rd, 1933.

COMMUNICATION FROM THE PRESIDENT OF THE COMMITTEE FOR MORAL  
DISARMAMENT TO THE PRESIDENT OF THE CONFERENCE.

Sir,

Now that the General Commission is about to conclude the first reading of the draft Convention referred to it, the Committee for Moral Disarmament thought that it might be useful for you to be informed of the enclosed resolution containing the programme which it has drawn up, so that, if necessary, you could communicate it to the General Commission in view of the resumption of its work.

As you will see, our Committee has decided to take all necessary steps to ensure that the result of its work shall be submitted to you in due time.

In virtue of the terms of reference conferred upon it by the Political Commission on March 15th, 1932, our Committee, whose work was interrupted for the reasons of which you are aware, is convinced that, by carrying out its programme, it can make a contribution which will be of particular value in view of the necessity of making a determined effort towards moral disarmament parallel to that which is being made in the sphere of material disarmament.

According to the provisions contemplated by the Committee, the High Contracting Parties would undertake to use all means at their disposal to promote good feeling and understanding between nations and also to prevent any incitement to war or other acts likely to disturb good international relations.

We feel sure that you will share these views, which are inspired by the desire to strengthen still further the essential conditions of lasting peace.

I have the honour to be, Sir,

Your obedient servant,

(Signed) Margery CORBETT ASHBY,  
*President of the Committee for Moral Disarmament.*

Appendix

RESOLUTION ADOPTED BY THE COMMITTEE ON JUNE 2ND, 1933.

The Committee on Moral Disarmament considers that provisions should forthwith be drawn up concerning moral disarmament, these provisions to stand on the same footing as the provisions regarding material disarmament in the final texts to be adopted by the Conference.

With a view to preparing these texts, the Committee proposes to utilise the following material which is already at its disposal:

(a) The preliminary draft text examined at the first reading last year concerning teaching, co-operation between intellectual circles, broadcasting, the theatre and the cinematograph;

(b) A preliminary draft text which will be prepared by M. Pella on the basis of his memorandum concerning the adaptation of municipal laws to meet the present stage of development of international life;

(c) The data already collected and to be submitted later concerning the co-operation of the Press in the work of moral disarmament.