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Geneva, November 17th, 1932.

**LEAGUE OF NATIONS**

**CONFERENCE FOR THE REDUCTION AND LIMITATION OF ARMAMENTS**

**SECOND REPORT ON THE QUESTION OF SUPERVISION**

*Approved by the Bureau on November 15th, 1932.*

*Rapporteur: M. BOURQUIN (Belgium).*



After discussing the preliminary report which I had the honour to submit to it (document Conf.D.140), the Bureau has decided to propose to the General Commission a settlement of the question of supervision based on the following principles.<sup>1</sup>

**I. PERMANENT DISARMAMENT COMMISSION.**

1. In accordance with the resolution adopted by the General Commission on July 23rd, 1932, a Permanent Disarmament Commission shall be set up.

2. This Commission shall be composed of Government delegates. Every contracting Power shall have a representative, accompanied by substitutes.

3. The Commission shall itself decide, if it thinks fit, to appoint a panel of experts whose assistance it may secure.

4. The Commission shall be sub-divided into sub-committees, to which the preparation of the work will be entrusted, so that the Commission itself in plenary session will have only to pronounce upon the proposals of the sub-committees.<sup>2</sup>

5. The question whether, side by side with the Permanent Commission, there should be set up a small committee of independent persons having, in general, the powers defined in No. 47 of the preliminary report has been reserved by the Bureau, which accordingly merely calls the attention of the General Commission to this point.

**II. FUNCTIONS OF THE PERMANENT COMMISSION.**

1. The Commission will be appointed to "follow the execution" of the Disarmament Convention.

2. On this subject, it will draw up reports at least once a year, which will be conveyed to the Council of the League of Nations<sup>3</sup> and to each of the contracting parties, and will also be made public.

<sup>1</sup> The Soviet delegation reserved its final attitude in regard to the conclusions set out in the present report. It considers that the question of supervision cannot be satisfactorily settled until the methods and the extent of the reduction of armaments are known. It further points out that the provisions regarding supervision which it proposed in its own draft of 1928, which was again brought forward in the Disarmament Conference, form an integral part of that draft and cannot possess their full value except within the system of disarmament in which they are embodied.

<sup>2</sup> The Austrian delegation reserves the right to submit to the General Commission concrete proposals designed to secure the equal participation of all the contracting parties in the proceedings of the Commission and its Sub-Committees.

<sup>3</sup> To avoid any misunderstanding, it should be noted that, although only the Council of the League is mentioned here, this does not imply any desire to restrict the powers of the Assembly. The object of the decision taken is simply to determine to which body the Permanent Commission will address its reports.

3. Subject to drafting, the Bureau has endorsed the principles adopted by the Preparatory Commission for the procedure regarding complaints (Articles 52 and 53 of the draft Convention). It has accordingly assumed that, in such cases, the Permanent Commission, to whose attention the matter would be brought through the Secretary-General of the League, would be instructed to investigate the matter and report on the results of its investigation; the reports it would adopt in this special case would, like the others, be communicated, with a full record of the proceedings, to the Council of the League and the contracting parties, and would be published as soon as possible.

4. The Bureau refrained from taking up any definite position in regard to the action of the Permanent Commission as contemplated by the draft Convention in the case of derogations (Article 50) and revision (Articles 58 and 59). It felt that they could not without risk be isolated from the much wider problem of which they form only one element—a problem which exceeds the present powers of the Bureau and will have to be considered later as a whole (see preliminary report, Nos. 12 and 13).

5. In addition to the functions mentioned above, which were already entrusted to it by the draft Convention, the Permanent Commission will be entrusted with the preparations for:

- (a) Such *executive agreements and preparatory measures* as may be thought necessary to ensure the practical, complete and loyal application of the Convention;
- (b) The *revisions* to which the Convention will be periodically subjected.

### III. MEANS OF SUPERVISION.

1. In accordance with Article 49 of the draft Convention, the Permanent Commission will "receive all the information supplied by the High Contracting Parties to the Secretary-General of the League in pursuance of their international obligations in this regard".

The efficacy of this rule will depend essentially on the provisions that will be embodied in the chapter of the Convention dealing with the "Exchange of Information" (Chapter IV of the Preparatory Commission's draft). As, however, such provisions cannot be decided upon until the actual details of the reduction and limitation of armaments are known, the Bureau must, for the present, be content to make a formal reference to this highly important aspect of the question.

2. The Commission will be entitled to request the contracting parties to supply it with any particulars it may consider necessary to complete the information which they have undertaken to give in virtue of their contractual obligations, or to furnish explanations regarding particulars already supplied if these should be the subject of any doubt or question.

3. In accordance with Article 49, paragraph 2, of the draft Convention, the Commission may make use of "any other information that may reach it from a responsible source and that it may consider worth attention".

4. In accordance with Article 46 of the said draft, "each Member of the Commission shall be entitled on his own responsibility to have any person heard or consulted who is in a position to throw any light on the question which is being examined by the Commission".

5. At the request of one or more members of the Commission acting in the name of their Governments, the Commission may decide to conduct local investigations.

This decision, which will define the subject of the investigation, shall be taken by a two-thirds majority of the members present at the meeting, abstentions being regarded as negative votes.

6. Any contracting party shall be entitled to request that investigations be conducted in his territory. On receiving such a request, the Commission shall accede to it and arrange for the investigation requested.

7. The regulations indicated under (3) and (4) above will be applicable to all the States signatories of the General Disarmament Convention.<sup>1</sup> There will be further provisions,<sup>2</sup> open to the accession of these States, for a system of periodical investigations, operating automatically under conditions to be laid down, in those States which agree thereto.

8. Subject to an agreement as to the legal details involved in the application of such a principle, the Bureau has declared in favour of immunity for persons denouncing violations of the Disarmament Convention from all repressive measures.

9. There is nothing in what precedes to prevent the Convention, in special cases, from adding to the means of supervision enumerated above other machinery better adapted to the special technical features of such cases. The question remains open, and it is desirable that the competent Committees should give it their attention.

<sup>1</sup> The Japanese delegation, while agreeing to the provisional adoption of these principles, states that it is not in a position finally to determine its attitude in regard to them until later, when all the legal and technical conditions of the problem are known.

<sup>2</sup> It will have to be considered later whether these provisions should appear as optional clauses in the General Disarmament Convention, or whether they should be inserted in a regional Convention. The question cannot be settled until the general structure of the instruments prepared by the Conference is known.

#### IV. OPERATION OF THE PERMANENT COMMISSION.

The Bureau has not up to the present discussed this aspect of the question, and it has not officially before it any proposal for modification of the articles in the draft Convention relating to it, with the possible exception of the Soviet draft (document Conf.D.87), which leaves the entire settlement of the problem to an additional Convention (Article 46).

The Rapporteur ventures to submit the following proposals to the Bureau :

1. Generally speaking, and subject to such changes, omissions and additions as will be indicated below, the provisions of the Preparatory Commission's draft on the subject to be maintained.

These provisions—with the exception of those which have already been approved incidentally by the Bureau in connection with other aspects of the problem—are contained in Articles 41, 42, 43, 45 and 47 of the draft.

2. Paragraph 3 of Article 41, which lays down the cases where the Commission is to be summoned in extraordinary session, to be modified in certain respects :

(a) Provision to be made for it to be summoned in extraordinary session if the Council of the League of Nations so requests ;

(b) At the same time, in view of the fact that the Commission, consisting as it will of representatives of all the signatory States, will be a much larger and more complicated institution than the small Commission which the authors of the draft had in mind, the question arises whether it would not be going too far to make its summoning in extraordinary session obligatory on the request of a single contracting party.

It would perhaps be wiser in such case to leave it to the Bureau of the Commission to settle what action to take in response to such a demand.

That part of the provision which makes the extraordinary summoning of the Commission *obligatory* "in the cases provided for in the present Convention" would, of course, remain and would operate, *for example*, in the case of a complaint brought by one State against another (Article 52 of the draft).

3. Article 43, which requires a quorum of at least two-thirds of the members of the Commission, was quite in place in an arrangement under which the Commission was a small organisation containing at most some twenty members. It is less in place, and might even become regrettably inconvenient, under the arrangement which the Bureau has accepted for a universally representative Commission.

It would seem desirable, if not to abolish this provision, at least to render it more elastic. But the Bureau will no doubt feel that, before settling this question definitely, it is preferable to wait until all the powers to be entrusted by the Convention to the Commission are known.

4. The second paragraph of Article 45 of the draft would be amended as follows :

"All decisions of the Commission shall be taken by a majority of the votes of the members present at the meeting, save in the cases specially provided for in the Convention."

5. All delegations will undoubtedly agree to leave it to the Secretariat of the League (whose admirable organisation and valuable assistance have once more been evinced in the course of the present Conference) to provide the Secretariat for the Permanent Commission. This was no doubt intended by the authors of the draft Convention ; but it seemed to them so much a matter of course that they omitted to make any formal provision to that effect in the text, and it is desirable that some such a provision should be inserted.

6. Lastly, it will be desirable to add to the draft Convention one or more provisions with regard to the expenditure of the Commission.

Such provisions might perhaps be based on the following principles :

(a) Travelling and hotel expenses of delegates, deputies, and, generally speaking, all the different members of delegations, to be at the charge of the Government they represent ;

(b) General expenses (Secretariat, sessions of the Commission and its sub-committees, etc.) to be included as a special chapter in the budget of the League ;

(c) An agreement to be reached with a view to arrangements for the inclusion of States non-members amongst those contributing to defray the expenditure arising.

\* \* \*

Various delegations have pointed out on several occasions the close connection between the question of supervision on the one hand and the question of disarmament on the other, and the impossibility of pronouncing definitively with regard to the former without knowledge of the nature and scope of the solutions to be adopted in the case of the latter. These delegations have accordingly placed on record that their assent to certain of the principles formulated above was governed by their desire to facilitate the adoption of an effective system of disarmament, and remains subject to the realisation of their hopes in this respect.

Geneva, December 9th, 1932.

LEAGUE OF NATIONS

## CONFERENCE FOR THE REDUCTION AND LIMITATION OF ARMAMENTS

PROPOSAL OF THE JAPANESE GOVERNMENT  
FOR THE  
REDUCTION AND LIMITATION OF NAVAL ARMAMENTS

*Note by the Secretary-General.*

At the request of the Japanese delegation, the Secretary-General has the honour to communicate to the delegations to the Conference the following proposals of the Japanese Government.

The Japanese Government, anxious for the realisation of the project of disarmament, whereby the peace of the world is to be consolidated, have been doing their utmost, in co-operation with other Powers concerned, to contribute to the success of the present Disarmament Conference. Paying sincere respect to the initiative taken by the participating Powers, particularly by President Hoover and the British Government, in putting proposals before the Conference, the Japanese Government have given careful consideration to those proposals. Having found, however, that these proposals contain certain points with which the Japanese Government cannot associate themselves, they wish to submit their point of view in so far as the problem of naval disarmament is concerned.

It is the earnest desire of the Japanese Government that, for the purpose of qualitative and quantitative reduction of naval armaments, the following should be observed by the present Conference as its guiding principle: that the Conference, always relying on the basis of the three important resolutions adopted by the General Commission in the early stages of the Conference—viz., those embodying the principle of reduction of armaments, the criteria for the limitation and reduction of armaments and the principle of qualitative disarmament—should seek to reduce those forces which are aggressive in character and strong in offensive power, and to find a fair and rational solution of the problem in such a way as to meet existing conditions, giving due consideration to the geographical situation and special circumstances of the various countries, so that the sense of security may not be impaired.

For the success of the Conference, the most careful attention should be given to the procedure to be followed in its future discussions. It is believed to be practically impossible for a World Conference such as the present one to seek to conclude a comprehensive agreement at a single stroke by having all the participating Powers take part in the discussion of every problem regardless of whether it is of minor importance or of concern to only some of those Powers. Such a method would rather jeopardise the chance of ultimate success. In the future discussions of naval questions, therefore, and with a view to realising the guiding principle set forth above, to facilitating the progress of the Conference, and to assuring the attainment of its object, the Japanese Government propose, as a practical and effective procedure, that:

(1) The general outline of agreements to be concluded shall form the subject-matter of prior negotiations between the United States, the British Empire, France, Italy and Japan, as was contemplated by the resolution of the General Commission on July 23rd;

(2) The agreements shall be of two kinds—general and special. Discussions on matters of a general character will be followed by discussions on matters of a sectional and detailed nature;

(3) A distinction shall be made between powerful naval vessels, which possess a high degree of relativity as between Powers, and less powerful vessels, which, having a close relation to geographical situation and special circumstances, are primarily necessary for defence and patrol services; in other words, such vessels as capital ships, aircraft-carriers and A-class cruisers on the one hand, and such vessels as B-class cruisers, destroyers and submarines on the other, shall be dealt with separately.

In the general agreement, qualitative limitation of all categories of naval vessels and quantitative limitation between the five leading naval Powers of capital ships, aircraft-carriers and A-class cruisers are to be effected so that the offensive power of these vessels will be greatly reduced; and the maximum tonnages, applying uniformly to the afore-mentioned five Powers, for B-class cruisers, destroyers and submarines respectively shall be fixed.

In the special agreements, quantitative reduction to be applied mainly to B-class cruisers, destroyers and submarines shall be effected within each group of Powers most closely related, taking into account their geographical situation and special circumstances.

The Japanese Government think that the method outlined above should prove to be the most practical way to obtain a fair and equitable agreement.

#### A. GENERAL AGREEMENT.

It is the purpose of this agreement to provide for qualitative limitation of naval vessels of all countries, together with a quantitative limitation between the United States, the British Empire, France, Italy and Japan, of vessels having a great offensive power and to fix the maximum tonnages, applying uniformly to the said five Powers, for B-class cruisers, destroyers and submarines respectively.

1. Reduction in the unit size of the various naval vessels and the calibre of the guns shall be agreed upon.

2. The reduction and limitation of the tonnages of capital ships, aircraft-carriers and A-class cruisers of the above-mentioned five Powers shall be agreed upon.

3. The maximum tonnages, applying uniformly to the five naval Powers, for B-class cruisers, destroyers and submarines respectively shall be agreed upon in the general agreement. The actual tonnages of these vessels to be retained by the five Powers shall, however, be fixed as low as possible within the above-mentioned maximum, by means of special agreements, between the Powers in the respective groups to which the said five Powers belong, taking the tonnages actually possessed by each Power as a basis and also bearing in mind the geographical situation and special circumstances of each country concerned.

4. As for the tonnages of the Powers other than the United States, the British Empire, France, Italy and Japan, it shall be agreed in the general agreement that they shall be limited and reduced by means of the special agreements, upon the basis of the actual tonnages of the Powers and with due regard to their geographical situation and special circumstances.

#### B. SPECIAL AGREEMENTS.

For the purpose of these agreements, the world shall be divided broadly into the Pacific, Atlantic, European and South-American groups, and the limitation and reduction of the tonnages to be actually retained by a country shall be agreed upon between that country and other countries of the same group on the basis of the provisions embodied in the general agreement. (As for the United States of America, the British Empire, France, Italy and Japan, the special agreements apply to the tonnages of B-class cruisers, destroyers and submarines.) A country which is closely related to more than one group shall participate in the negotiation of the agreement of each of those groups.

Throughout the discussions of the Conference in the first six months, the most important point unanimously agreed upon was the principle of qualitative limitation, which was adopted with the basic idea in mind of strengthening defensive power by weakening offensive power.

Having this end in view, the Japanese Government urge, first of all, the total abolition of aircraft-carriers, which were admitted by a great majority of the members of the technical Commissions to be most offensive, most efficacious against national defence, and most threatening to civilian populations. The Japanese Government also urge the reduction in the unit size of all categories of naval vessels, especially that of capital ships and A-class cruisers.

In view of the fact that the basic idea referred to above of strengthening defensive power by weakening offensive power necessarily demands a larger sacrifice on the part of larger navies in comparison with that of smaller navies, the former should be prepared to take the lead

in larger reductions than the latter. To apply the same percentage of reduction to both large and small navies alike would naturally impair the sense of national security of countries with lesser navies, and this sense of security will diminish as the measure of reduction is increased. It is absolutely necessary, therefore, that, in effecting the reduction in the tonnages of vessels possessing a high degree of relativity as between Powers, such as capital ships and A-class cruisers, the above consideration of national security should be taken into account in order that lesser naval Powers may not be disturbed in this regard. B-class cruisers and destroyers, having no great offensive power, are less important in the consideration of relativity. The tonnages required by each Power should therefore be determined primarily by the needs of that Power in view of its geographical situation and with due regard to the function of these types of vessels in coastal defence and protection of lines of communication in war-time, and for patrol and similar services in time of peace. Submarines, as was recognised by a large majority of the members of the Naval Commission, are of defensive and not offensive character. The degree of their relativity as between Powers is extremely slight, and they constitute an arm indispensable for the defence of a lesser naval Power. The required tonnage should be determined, therefore, solely by the geographical situation and defensive needs of each country.

In short, the greatest importance should be attached to considerations of the geographical situation and special circumstances of each country in determining the tonnages of B-class cruisers, destroyers and submarines. The Japanese Government therefore propose that the actual tonnages of these vessels to be retained by the various Powers be determined by means of special agreements, and that the uniform maximum tonnages acceptable to all the Powers, for these three types of vessels, be stipulated in the general agreement.

\* \* \*

In pursuance of the above considerations, the Japanese Government wish to put forward the following concrete proposal for the general agreement :

1. The maximum unit size and gun-calibre of vessels to be constructed in the future shall be reduced and limited as follows :

Type	Tonnage	Gun-calibre
Capital ship . . . . .	25,000	14 inches (355 mm.)
A-class cruiser . . . . .	8,000	8 inches (203 mm.)
B-class cruiser . . . . .	6,000	6.1 inches (155 mm.)
Destroyer (including flotilla leader) . . . . .	1,500	5.1 inches (130 mm.)
Submarine . . . . .	1,800	5.1 inches (130 mm.)

Aircraft-carriers shall be abolished, prohibiting at the same time the construction of aircraft landing platforms or decks on naval vessels.

2. The strength of the United States of America, the British Empire, France, Italy and Japan in capital ships and A-class cruisers shall be reduced to the following figures :

*Capital Ships.*

	Tonnage	Number of units
United States . . . . .	275,000	11
British Empire . . . . .	275,000	11
Japan . . . . .	200,000	8

For France and Italy, the maximum tonnage shall be fixed at 150,000 (number of units, not fixed) ; and within that limit the actual tonnage to be allowed each Power shall be agreed upon between the Powers concerned.

*A-class Cruisers.*

	Tonnage	Number of units
United States . . . . .	96,000	12
British Empire . . . . .	96,000	12
Japan . . . . .	80,000	10

For France and Italy, the maximum tonnage shall be fixed at 56,000 (number of units, 7) ; and within that limit the actual tonnage to be allowed each Power shall be agreed upon between the Powers concerned.

3. The maximum tonnages, applying uniformly to the United States, the British Empire, France, Italy and Japan for B-class cruisers, destroyers and submarines shall be fixed as follows :

Type	Tonnage
B-class cruiser . . . . .	150,000
Destroyer . . . . .	150,000
Submarine . . . . .	75,000



The proposal of the Japanese Government, based as it is upon the principles of disarmament, which have received the approval of the public opinion of the entire world, offers, in their opinion, a fair, reasonable and practical solution of the problems of naval disarmament. In putting forward this proposal, the Japanese Government wish to make it clear that they are animated by the sincere desire to facilitate the successful conclusion of the Conference. It is submitted, not only with the hope that the other naval Powers will encounter no difficulty in accepting it, but with the firm conviction that it will effect an enormous reduction in expenditures on armament that now weigh heavily upon the peoples of the world, and that it will lead the way toward the consolidation of a lasting world peace.

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Geneva, December 13th, 1932.

**LEAGUE OF NATIONS**

**CONFERENCE FOR THE REDUCTION AND LIMITATION OF ARMAMENTS**

**CHEMICAL, INCENDIARY AND BACTERIAL WEAPONS**

**Special Committee**

3

**SECOND SESSION**

(November 17th to December 13th, 1932.)

*President:* M. PILOTTI.

**REPLY TO THE QUESTIONNAIRE SUBMITTED BY THE BUREAU  
TO THE SPECIAL COMMITTEE**

*Rapporteur:* M. RUTGERS.

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## INTRODUCTION.

In the course of the twenty-sixth meeting, held on November 11th, the Bureau of the Conference drew up the questionnaire hereunder (document Conf.D./Bureau 30(1)), with regard to certain problems relating to chemical, incendiary and bacterial warfare, and submitted the questionnaire to the Special Committee on Chemical, Bacterial and Incendiary Weapons previously called special Committee on Chemical and Bacterial Weapons.

### QUESTIONNAIRE SUBMITTED TO THE SPECIAL COMMITTEE.

#### A. PROHIBITION OF THE PREPARATION OF CHEMICAL, INCENDIARY AND BACTERIAL WARFARE.

##### I. Defensive Material.

1. Is it necessary, in order to guard against the effects of chemical arms, to employ devices for individual protection (masks, protective clothing, etc.) ?

Is it practicable to entrust the preparation of these devices or some of them to an international body or can it be submitted merely to the technical supervision of an international body ? If so under what conditions ?

2. Is the preparation of measures of collective protection (underground shelters, etc.) essential for defence against chemical warfare ? Is it practicable to regulate this preparation by means of an international convention ? Can it be made subject to the technical supervision of an international body ?

3. Does the testing of protective material necessitate the use of poisonous substances ?

If so, what measures should be taken to prevent this giving rise to abuses ?

Should it be made compulsory to declare the quantities of poisonous substances produced with a view to testing protective material ? Should these quantities be restricted ? Should the results of the tests be made public ?

4. Can the preparation of the treatment of victims of chemical warfare give rise to abuse ?

(Omit the remainder of 4.)

##### II. Offensive Material.

1. How can the preparation of bacterial warfare be prevented ?

2. Is it practicable to prohibit the manufacture, import, export and possession of implements and substances exclusively suitable for use in chemical and incendiary warfare ?

(a) Are there such implements and substances ?

(b) What are they ?

(c) Are they of genuine importance ? If the above-mentioned prohibition can be pronounced, would this constitute an effective obstacle to the preparation of chemical warfare ?

3. Is it practicable to prohibit the manufacture, importation, exportation or possession of implements and substances capable both of pacific and military utilisation ?

If not, can the armed forces be forbidden to possess certain stocks of these substances or implements, or can States be obliged to declare those stocks ?

4. Can the training of armed forces in the use of chemical weapons be prohibited ? What would be the practical effect of this prohibition ?

5. Can the Committee suggest other practical forms of prohibiting the preparation of chemical, bacterial and incendiary warfare ?

##### APPENDIX.

##### Special Case of Lachrymatory Substances.

Should lachrymatory substances be included in the category of substances exclusively suitable for use in chemical warfare ?

If so, can they be treated separately ? Can such treatment give rise to abuse ?

Can the limitation of the quantities that may be produced, imported or kept in possession be of practical value ?

Is it possible to regulate the treatment of lachrymatory substances otherwise than by limiting the quantities that can be manufactured, imported or exported ?

#### B. SUPERVISION OF THE PROHIBITION TO MAKE PREPARATIONS FOR CHEMICAL, INCENDIARY AND BACTERIAL WARFARE.

1. (a) Can the prohibition of such preparations be supervised by consulting commercial statistics of the movements of chemical industries in all countries ?

(b) Can this supervision be exercised by entrusting to national or international bodies the inspection of chemical factories and by having the following data published :

The nature of the products manufactured therein ;

The existing stocks of manufactured products ;

The output capacity of the factories ?

Is it sufficient to do this for certain factories ?

(c) Is such supervision of practical value ?

2. From what facts will it be possible to deduce that the prohibition to make preparations has been violated ?

**First system:** Supervision based on the existence of regulations concerning production.

(a) Limitation of the chemical output capacity of States, or, at any rate, of a certain number of States, so that the chemical warfare potential of certain States should not be too unequal (quotas, industrial agreements, etc.).

(b) Limitation of the quantities of chemical products in stock.

Practical value of this system ?

**Second system:** The freedom of manufactures, imports and stocks is, in principle, complete, but the intention of using these substances for chemical warfare is alone prohibited.

From what facts can this intention be deduced :

(a) From the character of Government intervention in the management of production ;

(b) From abnormally large outputs ;

(c) From abnormal stocks ;

(d) From other facts ?

Practical value of this system ?

3. Can the Committee suggest other practical forms of supervision ?

### C. CASE OF A BREACH OF THE PROHIBITION TO USE CHEMICAL, INCENDIARY AND BACTERIAL WEAPONS AGAINST AN OPPONENT.

#### DETERMINATION OF SUCH A BREACH.

How should the determination of a breach be technically organised ?

Who should determine such a breach ? Should specialised experts be compulsorily attached to the authority responsible for determining the breach ?

Should these experts be designated in advance ?

Should two expert investigations be provided for—viz., by the experts of the country attacked and by international experts appointed in advance ?

How should the determination of the breach be organised so that it should take place as rapidly as possible ?

#### PENALTIES.

Has the Technical Committee any suggestions to make as regards the penalties to be applied to a State committing a breach of the Convention ?

\* \* \*

The special Committee met on November 17th and December 13th to reply to this questionnaire. As in the first session, M. Pilotti (Italy) was Chairman, and Professor Rutgers (Netherlands) Rapporteur.

The ten following States were represented on the Committee : United Kingdom, Denmark, France, Italy, Japan, Netherlands, Poland, Spain, Switzerland and United States of America. <sup>1</sup>

The Committee, which included qualified experts on all subjects submitted to it, appointed Rapporteurs for the different groups of questions as follows : <sup>2</sup>

In the course of the discussion, the several Rapporteurs, in view of the complexity of the various questions, obtained the collaboration of other experts in drawing up their special reports, with the result that the greater part of the work was done in Sub-Committees.

The Committee was at pains to give explicit answers to the various questions submitted to it, with certain observations on the answers given. The report ends with general conclusions ; but it is not possible that these should reproduce all the ideas and nuances contained in the report.

<sup>1</sup> The States were represented as follows :

*Chairman:* M. PILOTTI (Italy).

*Rapporteur:* Professor RUTGERS (Netherlands).

<i>United Kingdom:</i>	Brigadier A. C. TEMPERLEY. Mr. Davidson PRATT. Major B. H. ROBERTSON. Commander G. D. BELBEN. Squadron-Leader L. G. S. PAYNE.	<i>Italy:</i>	Professor DI NOLA. Lieut.-Colonel PELLEGRINI. Major RAPICAVOLI.
<i>Denmark:</i>	M. BORBERG.	<i>Japan:</i>	M. ENOMOTO. Lieut.-Colonel SOGAWA.
<i>Spain:</i>	General J. G. BENITEZ.	<i>Netherlands:</i>	Colonel VAN VOORST TOT VOORST.
<i>United States of America:</i>	Lieut.-Colonel A. V. STRONG.	<i>Poland:</i>	General BURHARDT-BUKACKI. Commandant SYPNIEWSKI. Captain A. PONCET DE SANDON.
<i>France:</i>	Professor André MAYER. M. René CASSIN. Captain VAUTRIN.	<i>Switzerland:</i>	Colonel FIERZ. Professor SILBERSCHMIDT.

<sup>2</sup> *Defensive material:* Colonel FIERZ.

*Medical and bacteriological questions:* Professor DI NOLA.

*Chemical questions:* Professor MAYER.

*Military questions:* General BENITEZ.

*Lachrymatory gases:* Mr. Davidson PRATT.

*Establishing the facts, and penalties:* M. CASSIN (assisted temporarily by M. ITO and Sir William MALKIN).

## Head I.

### PROHIBITION AND SUPERVISION OF THE PROHIBITION OF CHEMICAL, INCENDIARY AND BACTERIAL WEAPONS.

#### PART I. — PROHIBITION OF THE PREPARATION OF CHEMICAL WARFARE.<sup>1</sup>

##### Chapter I. — Defensive Material.

- I. *Is it necessary, in order to guard against the effects of chemical weapons, to employ devices for individual protection (masks, protective clothing, etc.) ?*

*Is it practicable to entrust the preparation of these devices or some of them to an international body, or can it be submitted merely to the technical supervision of an international body ? If so, under what conditions ?*

(a) From the technical point of view, it is impossible to guard against the effects of chemical weapons without recourse to devices for individual protection (e.g., respiratory apparatus, masks, protective clothing, gloves, unguents, etc.).

The possession of devices for individual protection by the victims of a chemical attack would be likely to reduce considerably the military advantages obtained by a party violating the prohibition, as the efficacy of the attack would thus be limited.

On the other hand, it might in certain cases be to the advantage of an armed force to be equipped with protective devices when delivering a chemical attack ; masks would be needed whenever the personnel is brought into direct contact with poisonous preparations through the nature of the attack itself (e.g., gas clouds and infection of ground). Such, however, is not always the case. To make an attack by means of shells or air-bombs, protective devices are unnecessary. Thus the fact of prohibiting the equipment of armed forces with protective devices would not place any serious barrier in the way of chemical warfare.

Nor should it be forgotten that protective devices against poisonous preparations are used in time of peace in a great number of industries. In certain countries, the manufacture of such devices has been highly developed. If, therefore, the armed forces thought it necessary to utilise such devices, they would always be in a position to procure them, even though such apparatus did not form part of their normal equipment, as such appliances are manufactured in great quantities for legitimate purposes.

(b) It would be difficult, if not impossible, to entrust the preparation or manufacture of such devices for individual protection to an international body, and it is not certain that it would be desirable. It is important that each country should be able itself to manufacture such protective devices as it may require. Even if the preparation and manufacture, or even the technical testing of such appliances were to be entrusted to an international body, that would not relieve the various countries of the necessity of conducting experiments with protective devices on their own account. It would always be necessary to adapt such devices to the special conditions of each country. Thus the centralisation of preparations and manufacture would very slightly reduce the extent and scale of the experiments which it would be necessary to conduct.

2. *Is the preparation of measures of collective protection (underground shelters, etc.) essential for defence against chemical warfare ? Is it practicable to regulate this preparation by means of an international convention ? Can it be technically supervised by an international body ?*

The preparation of measures of collective protection, which are not confined to the construction of underground shelters but comprise a whole series of measures (look-out units, alarms, organisation of rescue and disinfection services, constitution of stocks of disinfectants, etc.), is indispensable for defence against chemical warfare. It is impossible to regulate this on an international plane on account of the diversity of the circumstances which determine the defensive measures to be taken.

All measures of collective protection have a clearly defensive character and it would not appear appropriate to subject them to international control.

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<sup>1</sup> The Special Committee has deemed it preferable to reply separately to the questions relating to the preparation and use of chemical, bacteriological and incendiary weapons. These three classes of "weapons" are not comparable technically and it would appear more appropriate to have separate provisions for each.

3. *Does the testing of protective material necessitate the use of poisonous substances ?  
If so, what measures should be taken to prevent this giving rise to abuses ?  
Should it be made compulsory to declare the quantities of poisonous substances produced with a view to testing protective material ? Should these quantities be restricted ? Should the results of the tests be made public ?*

(a) The use of poisonous substances is necessary in testing individual devices ; it is also required both for testing shelters and apparatus for collective protection and for experiments on methods of disinfecting—e.g., clothing, material and, above all, ground.

In general, moreover, the tests cannot be confined to mere laboratory experiments. Tests in the fields are indispensable as a means of forming an accurate idea of the dangers against which protection is to be provided and also of the efficacy of the means of protection when applied in the conditions likely to arise in practice.

For the purpose of testing the efficacy of an individual protective device, the quantities of poisonous substances employed are insignificant. Larger quantities are necessary for tests in the field ; but, even then, the quantities of poisonous substances required are in all cases extremely small in comparison with those which would be required for a chemical attack and those which are in current use in the chemical industry.

(b) Although it is difficult to foresee the quantities of such substances which would be indispensable for experimental purposes, it would be possible to limit (by weight) the quantities of poisonous substances which might be placed at the disposal of the armed forces for the purpose of protective experiments. It should, however, be pointed out that, if the object of such measures was to restrict this class of experiment in any given country, success would by no means be assured. The restrictive provisions would apply only to protective experiments undertaken by organisations under State control. They would not affect those which might be conducted spontaneously by private industrial undertakings, and these would frequently be the more important. Furthermore, nothing would prevent Governments from entrusting their protective experiments to private organisations. Nevertheless, we shall see below that, if Governments were to exercise supervision over all products useless for other purposes than those of chemical warfare, this might be expected to restrict experiments on such substances conducted by private industrial undertakings.

(c) It might be possible to consider requesting Governments which promote experiments on protective devices to publish the results. For the reason just stated, the publication of such information would only give an incomplete idea of investigations concerning protection against poisonous substances. Such researches are in large measure conducted by private firms and are kept secret.

4. *Can the preparation of the treatment of victims of chemical warfare give rise to abuses ?*

The treatment to be given to victims of chemical warfare requires a complicated organisation—the formation, instruction and training of a staff of doctors, male and female nurses, and stretcher-bearers ; the organisation of first-aid stations, means of transport and specialised hospitals. Such measures as these could never give rise to malpractices and could not reasonably be prohibited.

On the other hand, the experimental study of the treatment of casualties caused by toxic substances may require laboratory research. Such researches resemble those conducted on poisonings resulting from the manipulation of chemicals in industrial undertakings. It is extremely desirable that they should be continued. Very small quantities of the chemicals which can be used in warfare will be necessary for this laboratory research. The malpractices to which such research might give rise would be even less serious than those which might result from investigations regarding methods of protection against toxic substances. Like research work on protective devices, these researches on the treatment of victims of chemical warfare should not be prohibited.

#### SUGGESTIONS OF THE SPECIAL COMMITTEE REGARDING PROTECTION OF CIVILIANS.

A. It is technically possible to subject certain protective devices—for example, devices for individual protection, or at least specimens of such devices—to technical testing by an international body. Such tests might lead to the introduction of standard devices for the protection of civilians.

In this connection, it should not be forgotten that the individual protection which should be afforded to civilians depends in part upon the methods adopted for the organisation of their collective protection. Such organisation naturally differs according to circumstances and local or national conditions.

B. The Special Committee considers that it would be useful to set up an international information service for the collection of material with regard to protection against chemical weapons. This body, which could be called upon when need arose to carry out researches and to assist in the work of providing for the protection of civilians, would enable all countries, and, in particular, those whose technical organisations are inadequate, to keep abreast of methods of preparing for the defence of civilians. This would impair the prospects of success of possible transgressors and lessen the temptation to have recourse to chemical weapons.

The more extensive the information which countries would be willing to supply to the above-mentioned service, particularly in regard to the results of experiments with protective devices, the more valuable would be its assistance.

The service might be attached to the Permanent Disarmament Commission.

## Chapter II. — Offensive Material.

2.<sup>1</sup> *Is it practicable to prohibit the manufacture, importation and possession of implements and substances exclusively suitable for chemical warfare?*

(a) *Are there such implements and substances?*

(b) *What are they?*

We will examine in turn the case of projectiles, means of projection and poisonous substances.

(1) *Projectiles.* — In the first place, it should be noted that by far the greater part of the projectiles charged with poisonous substances in the last war were projectiles of ordinary types.

It is, however, true that certain types of projectiles (hand-grenades, shells, trench-mortar bombs) have been invented for the purpose of containing poisonous substances. Such projectiles usually differ only very slightly from ordinary projectiles. They may be charged either with explosives or with poisonous substances; in particular (and it is this which makes it difficult to characterise them), they are quite suitable for being charged with smoke-producing substances, the use of which is allowed.

(2) *Means of Projection.* — As far as we are aware, there are no means of projection exclusively suitable for chemical warfare. There are ordinary guns firing poisonous shells, and ordinary aeroplanes capable of transporting receptacles charged with poisonous substances.

Mortars intended for this purpose may be used for throwing smoke-bombs. Apparatus intended for producing clouds of poisonous substances are either ordinary commercial bottles or cylinders or apparatus identical with that generally used for creating artificial smoke-clouds or even therapeutic clouds—for instance, when combating diseases of trees. Implements used for spraying ground with poisonous substances are the same as those which may be used in peace time for spraying of a totally different character.

(3) *Substances.* — There are substances which, as far as we are aware, have only been used for chemical warfare, such as dichlorethyl sulphide (mustard gas) and certain arsines.

It would be very difficult to give a complete list of these substances. Moreover, any such list, however complete it might be at the time it was drawn up, would very soon require to be amended, either because new poisonous substances had been discovered by ordinary chemical research not undertaken with a view to chemical warfare, or because the pacific use of poisonous substances mentioned in the list had been discovered or had become practicable.

(c) *Are they of genuine importance? If the above-mentioned prohibition can be pronounced, would this constitute an effective obstacle to the preparation of chemical warfare?*

The substances which have hitherto been exclusively suitable for carrying on chemical warfare were of considerable importance during the war. Some of them ranked among the most effective known chemical weapons. This is the case with mustard gas, not so much on account of its poisonous qualities as because it rendered a great number of men temporarily unfit for service.

A prohibition on the manufacture, importation, exportation or possession of substances exclusively suitable for chemical warfare might be proposed. There should, however, be no total prohibition, because a certain quantity of such substances would always have to be prepared with a view to studies on the question of protection.

If such a prohibition were observed in peace time, it would give a relative degree of security, inasmuch as the use of such toxic substances for aggression might be delayed through the quantities available at the moment of the outbreak of war being very small, while the period necessary for reaching the maximum productive capacity of the States would be prolonged. The prohibition would not, however, constitute a very great obstacle to preparations for chemical warfare. The substances under discussion can, in fact, be very easily and rapidly produced by manufacturers with the help of raw materials and intermediary compounds widely disseminated in commerce and easily obtainable (thiodiglycol; sulphur chloride and ethylene in the case, for instance, of mustard gas).

In general, the more highly the chemical industry of a country is developed and the better it is organised, the easier it would be to convert intermediary products into compounds exclusively suitable for carrying on chemical warfare. The more highly the chemical industry is developed, the less would production in war time be delayed by a prohibition of the manufacture of the compounds exclusively suitable for chemical warfare.

<sup>1</sup> For Reply to question 1, see page 14, Part IV.



3. *Is it practicable to prohibit the manufacture, importation, exportation or possession of implements and substances capable both of pacific and military utilisation?*

It is not practicable to prohibit the manufacture, importation, exportation or possession of implements or substances capable both of pacific and military utilisation.

No doubt the armed forces may be prohibited from holding certain stocks of these implements or substances; but, apart from the fact that stocks are always necessary for the preparation of protection, the prohibition of the possession by the armed forces of certain quantities of those substances which have a dual purpose would be, in practice, ineffective. Indeed, in countries possessing a chemical industry, there would be nothing to prevent the armed forces from requisitioning the stocks of these substances existing in the industrial establishments whenever they wished to commit an aggression.

Attention must again be drawn to the fact that, in a country possessing an important chemical industry, it will always be possible to use chemical weapons; and chemical warfare can always be rapidly organised, even though no special preparation has been made in peace time. Methods for using poisonous substances can be rapidly adapted; whenever these substances exist, chemical warfare is easy. Indeed, recourse may be had to shells prepared for charging with explosives or smoke, to bombs ready for charging with smoke, to commercial gas-cylinders, glass, earthenware or metal bottles, ordinary cannon, aeroplanes fitted with apparatus for sky-writing and spraying implements; the material necessary for chemical warfare is thus ready to hand. *In the case of an industrial country, such warfare can be improvised, and the speed with which this can be done depends exclusively on the industrial strength of the country.*

4. *Can the training of armed forces in the use of chemical weapons be prohibited? What would be the practical effect of this prohibition?*

The training of armed forces in the use of chemical weapons can be prohibited, but the practical effect of this prohibition would be very small.

Poisonous shells are the same as explosive shells; smoke apparatus is the same, whether the fumes are poisonous or not; compressed-gas cylinders are the same whether they are filled with poisonous or inoffensive gases, such as oxygen used by the health service or hydrogen used by airmen; the throwing of gas bombs from the air does not differ from the throwing of other projectiles by the same means and, in particular, the throwing of illuminating bombs, which even commercial aviation cannot dispense with; the spraying of ground can be carried on by men who are not specialists. For all these reasons the troops will be trained for chemical warfare in the normal course of their training.

There still remains the possibility of prohibiting specialised units for chemical warfare as a part of the armed forces. Such troops, which are not required for carrying on chemical warfare, may be necessary for organising protection.

Moreover, as regards the training of troops, training for defence against chemical warfare must not be subject to any prohibition for the reasons already mentioned.

5. *Can the Committee suggest other practical forms of prohibiting the preparation of chemical warfare?*

The Committee regrets that it cannot suggest any other practical means of prohibiting preparations for chemical warfare.

### Chapter III. — Police Material : Lachrymatory Substances.

As stated in the report (document Conf.D.120), the question of lachrymatory substances cannot be treated separately as far as the prohibition of the use of poisonous substances in war time is concerned. But it arises separately in peace time for the following reason. Some States use lachrymatory implements in police operations. They maintain with some justice that, while weapons usually given to the police may cause irreparable damage (death or serious injuries), the use of lachrymatory substances can merely cause inconvenience or temporary pain and nevertheless be equally effective in restoring order. If it is admitted that States can arm their forces as they desire in the exercise of their police functions, it is nevertheless true that such a practice might give rise to abuse, such as actual preparation for chemical warfare. For this reason the Committee is examining the question of lachrymatory substances separately.

The word "lachrymatory" does not correspond to the chemical composition of the substance, but expresses a physiological property. There are, indeed, many kinds of lachrymatory substances of varied chemical composition. Some are particularly poisonous

(chloropicrin, acrolein, etc.), while others have no toxic effects in the conditions under which they have hitherto been used for police operations or experiments in protection. They are used with the particular object of producing a lachrymatory effect. Such substances are benzyl chloride and bromide, chloracetophenone, etc. It might be possible to draw up a list of "non-poisonous lachrymatory substances", but the Committee does not think it advisable to do so, because it cannot state, from the strictly scientific point of view, that compounds designated as non-poisonous might not have dangerous effects under certain conditions of use.

*Should lachrymatory substances be included in the category of substances exclusively suitable for use in chemical warfare?*

Lachrymatory compounds in general are not exclusively suitable for use in chemical warfare, but, as a rule, are industrial products in common use.

There are no special implements for using lachrymatory substances; in particular, the grenades used in police operations are the same as smoke-producing grenades.

This reply governs the reply to the two following questions:

*If so, can they be treated separately? Can such treatment give rise to abuse?*

*Can the limitation of the quantities that may be produced, imported or kept in possession be of practical value?*

Since these substances are not exclusively suitable for chemical warfare, the reply must be in the negative.

*Is it possible to regulate the treatment of lachrymatory substances otherwise than by limiting the quantities that can be manufactured, imported or exported?*

Although the limitation of the quantities manufactured cannot in itself lead to any result, some means must be sought for taking action in regard to the use of lachrymatory substances for police operations. The use of lachrymatory substances for such operations might, indeed, give rise to abuse if, for instance, a State prepared a number of implements charged with lachrymatory substances out of proportion to the real needs of the police.

In order to avoid abuse, the following method may be suggested. A State wishing to use lachrymatory substances should be compelled to inform the Permanent Disarmament Commission. It should state the substances used, the implements which it proposed to employ and their number. The Commission would examine the question whether there was any disproportion between the arms notified and police requirements. To maintain the superiority of the police force over malefactors, it may be better for the information given to remain confidential.

The Committee has learnt that, in some countries, industrial firms manufacture or sell implements or devices charged with lachrymatory substances for the protection of private property. It thinks that in this case the State should remain responsible for its nationals. If private individuals wished to prepare, sell, purchase or possess implements or devices charged with lachrymatory substances it would be desirable that they should declare such intention and not be allowed to carry on this industry and trade or to possess such implements or devices without being subject to regulations laid down by the State.

#### Chapter IV. — Summary and Conclusions.

1. To sum up, the Special Committee is of opinion that:

(a) The prohibition of preparations for chemical warfare must not hinder chemical and pharmacological research lest such prohibition should prevent the growth of human knowledge and the prospects of overcoming the forces of nature and of combating the scourge of disease.

(b) The prohibition must not apply to research work, the preparation, manufacture, importation or exportation of apparatus for giving protection against poisonous substances, the preparation of measures of collective protection, the training of troops and of the population in protective measures against poisonous substances, and therapeutical research in regard to casualties due to poisonous substances, lest such prohibition should give a transgressor a decisive superiority and to increase the temptation to use the chemical arm.

(c) The prohibition must not apply to the manufacture, importation, exportation and possession of implements and substances suitable for legitimate use and capable of employment in chemical warfare, lest such prohibition should place insuperable obstacles in the way of chemical industry and hence of the progress of humanity.

2. The prohibition might apply to the preparation, importation, exportation and possession of substances exclusively suitable for chemical warfare. But this prohibition would be only of limited value. These substances can be easily obtained by converting ordinary substances; their manufacture can be improvised by any State possessing a chemical industry, and, the more powerful this industry is, the more quickly can this be done.

3. On the other hand, the Special Committee suggested some measures which it thinks might serve to increase the protection of the civil population and diminish the prospects of success of a possible transgressor State and the temptation for the latter to employ chemical weapons.<sup>1</sup>

## PART II. — SUPERVISION OF THE PROHIBITION OF CHEMICAL WARFARE.

### Chapter I. — Supervision by a Knowledge of Production.

#### SECTION I. — KNOWLEDGE BY MEANS OF STATISTICS.

I. *Can the prohibition of such preparations be supervised by consulting commercial statistics of the movements of chemical industries in all countries?*

The Special Committee does not regard this as an effective means of supervision. A mere consultation of the commercial statistics of the chemical industries in all countries would leave essential elements out of account.

To supervise the prohibition to make preparations for chemical warfare, it would not be sufficient to ascertain the quantity of products manufactured and imported or exported, but information would also have to be obtained with regard to their transformations and final use. Existing stocks would also have to be known, and another important item to be ascertained would be the output capacity of factories.

Commercial statistics, however, contain only very inadequate information, or no information at all, on these points. In addition, they are often published with some delay.

#### SECTION II. — SUPERVISION BY THE INSPECTION OF FACTORIES.

*Can the supervision be exercised by entrusting to national or international bodies the inspection of chemical factories and by having the following data published: the nature of the products manufactured therein, the existing stocks of manufactured products, the output capacity of the factories?*

*Is it sufficient to do this for certain factories? Is such supervision of practical value?*

Supervision such as that referred to here is not inconceivable in theory, but it is objectionable in practice for the reasons set out hereafter.

Some countries have organised for fiscal reasons the supervision of a certain number of chemical products, such as sodium chloride, alcohol, acetic acid, stearic acid, etc. This fiscal supervision makes it possible to watch, not only the manufacture of these products, but also their transport to the place of transformation. It is true that it does not always make it possible to ascertain exactly their final destination. Nevertheless, it may be said that the system works well and gives a rough idea of what happens to the products subject to duty, but such a supervision is not easy. It necessitates the existence of an official body of inspectors permanently present in the factories or authorised to enter them at any moment. Furthermore, the number of products thus supervised, even in countries where the fiscal system is most developed, is comparatively small.

Should it be desired to obtain an idea of the nature and quantity of products utilisable for chemical warfare, of the existing stocks, and of the output capacity of factories, the system of which we have just spoken would have to be generalised. It would be necessary to organise a national supervision over the majority of chemical products; for the possible transformations of these products are such that practically the whole chemical industry would have to be supervised in nearly all its operations, to obey the international regulation.

Naturally, such supervision would completely destroy secrecy in commercial affairs; in many cases, it would lead to the divulcation of manufacturing secrets, to the detriment of the national industry.

If it were desired to entrust supervision to an international body instead of to a national body, the difficulties would be considerable. The chemical factories of the whole world would

<sup>1</sup> The Netherlands delegation stated that, in its opinion, the following further conclusions should be drawn from the foregoing replies:

(1) Whereas the discussions have shown:

That, on the one hand, the construction of apparatus for the individual protection of the civilian population cannot be kept secret and that, moreover, it is desirable to create standard apparatus;

That, on the other hand, the apparatus for individual protection used in certain industries (and the construction of which cannot therefore be kept secret) are designed to protect the user from the same dangers as military apparatus for individual protection and in principle are of the same type;

The Netherlands delegation is of opinion that, as in the military sphere as a whole, the fullest possible publicity is essential, not only in regard to apparatus for the individual protection of the civilian population, but also in regard to military apparatus.

(2) Furthermore, the Disarmament Commission might collect all possible information on chemical industries under Government control. As regards the private chemical industry, it should see what could be done to supplement that industry's present statistics, in order to follow its degree of development from the point of view of the prohibition of chemical warfare.

have to be inspected by foreign inspectors. Assuming this to be possible, could there be any certainty of effectively preventing all preparations for chemical warfare in this way? It is doubtful. The measures of supervision might be evaded either by the preparation of products similar to those that were really aimed at, or by the formation of stocks of semi-finished products, or by the masking of the real capacity of the factories by the accumulation of spare parts for the plant.

It is therefore reasonable to suppose that, as the proposed system would necessitate an extremely cumbersome organisation, which would be difficult to set on foot and to operate and would be a source of numerous disputes and suspicions, it would not achieve its object.

In any case, nothing that might have been done in peace time could prevent the rapid conversion of chemical industries into war industries as soon as hostilities broke out. Any supervision would therefore have served only to delay the appearance of chemical warfare, and not to prevent it altogether.

## Chapter II. — Supervision by regulating Production.

2. *From what facts will it be possible to deduce that the prohibition to make preparations has been violated?*

FIRST SYSTEM : SUPERVISION BASED ON THE EXISTENCE OF REGULATIONS CONCERNING PRODUCTION.

- (a) *Limitation of the chemical output capacity of States or at any rate of a certain number of States so that the chemical warfare potential of certain States should not be too unequal (quotas, industrial agreements, etc.).*
- (b) *Limitation of the quantities of chemical products in stock. Practical value of this system?*

(a) It should first of all be observed that the industrial power of States as regards chemicals is not the outcome of chance. Originally, the great chemical industries developed near the sources of raw materials, and particularly near mineral deposits—for example, the chlorine and bromine industry near the sea or rocksalt mines, and the dyestuffs near where tar was to be found; *i.e.*, near coal-mines. The inequality of the distribution of deposits among States creates between them an inequality of strength in this respect which is due to nature and not to the will of man.

To endeavour to redress this inequality by limiting the output capacity of countries rich in raw material or possessing other favourable conditions (power in various forms—*e.g.*, hydroelectric stations, labour, etc.) is a difficult undertaking, and it is doubtful whether it is economically desirable.

Furthermore, the big chemical industries are key industries. The majority of chemical products are not finally consumed as such. They are used in other industries which could not subsist without them. That is why certain States, although at a disadvantage from the point of view of raw materials, have developed chemical industries in their own territory, owing to the desire to ensure to some extent their economic independence. The war showed that this form of industrialisation was necessary to safeguard political independence. We therefore think that States would hesitate to give up industries which, even if not very remunerative, are of really vital importance to them. Such are the profound difficulties which at present stand in the way of a redistribution of the chemical industries in the world or the limitation of the chemical output capacity of States.

The industrial agreements concluded up to the present cannot be of much assistance. These agreements relate chiefly to sales abroad; they consist in delimitations of geographical zones reserved to the exports of such and such a member; they relate sometimes to the maximum tonnage that may be offered for sale. They hardly ever touch upon the regulation of domestic markets. In any case, they do not directly limit stocks or output capacity.

It is true that they may, indirectly and in the long run, influence the development of the chemical industry in a country. By limiting that industry's market, they deter it from equipping factories or accumulating stocks which would not be remunerative. But this automatic regulation of output as the result of private agreement does not necessarily apply to products used for chemical warfare.

(b) It is, of course, possible to consider a limitation of the stocks that may be accumulated by States.

This limitation would be possible in the case of substances *exclusively suitable* for chemical warfare. As regards other products, the determination of limits will always be difficult. The necessity of meeting unforeseen demands (changes in dyestuffs dependent on fashion; need for certain fertilisers owing to atmospheric conditions; demand for certain insecticides on the appearance of parasites; provision for seasonal requirements); or, again, the accumulation of substances with a view to placing a new product on the market; or, lastly, the obligation to keep substances which have become useless owing to a technical improvement but for which it is hoped to find a new use—all these are factors that may justify the existence of stocks.

Even at the present time, manufacturers who have the greatest interest in not allowing stocks to accumulate make serious mistakes in estimating the required volume of production. It will therefore be necessary to fix such wide limits for stocks that regulation will probably be inoperative for the purpose aimed at—namely, the prevention of preparations for chemical warfare.

### Chapter III. — Supervision by determining the Character of Production.

SECOND SYSTEM: THE FREEDOM OF MANUFACTURES, IMPORTS AND STOCKS IS, IN PRINCIPLE, COMPLETE, BUT THE INTENTION OF USING THESE SUBSTANCES FOR CHEMICAL WARFARE IS ALONE PROHIBITED.

*From what facts can this intention be deduced?*

- (a) *From the character of Government intervention in the management of production?*
- (b) *From abnormally large outputs?*
- (c) *From abnormal stocks?*
- (d) *From other facts?*

*Practical value of this system?*

It must be recognised that it will always be difficult to discover the intentions of a State wishing to direct its chemical industry towards warlike purposes.

The fact of Government intervention in the management of the chemical industry is not sufficient to prove bellicose intentions. It may encourage this industry in order to make use of the products of its soil, or to induce industry to manufacture products which are useful to the country (chemical fertilisers for an agricultural country, dyestuffs for a country with a big textile industry, arsenic compounds for countries having to fight against tropical diseases, etc.) In doing so, it no doubt increases its war potential—for example, its capacity to produce explosives if it manufactures nitrogenous fertilisers, or to produce poisonous substances if it makes arsenical products; but how can it be proved that this is its real purpose?

If the fact of a Government's intervention constitutes no indication of its intentions, can the character of this intervention do so? It can only do so in a single case—namely, when a Government has substances prepared for its own account which are believed to be exclusively suitable for chemical warfare. Then, no doubt, it could be called upon to prove the legitimacy of its action. It would be more difficult if it confined itself to ordering the preparation, not of the toxic substances themselves, but simply of half-finished products in current use which are of a similar nature. How can it be proved that poisonous substances which are in current industrial use, even if produced in large quantities or stocked in abnormal quantities, are produced with a warlike intention? It will at most be possible, taking this fact in conjunction with others, to quote it as an indication of preparation for war. Taken by itself, it would not constitute a proof of such preparation.

If we examine the whole series of measures which can be taken to prohibit the preparation of chemical warfare, and to supervise the observance of this prohibition, we cannot but be struck by the extreme difficulty of the problem. In the case of a small number of products, no doubt those which have hitherto been used for chemical warfare only, their manufacture might perhaps be prohibited or supervised. But the value of this supervision would be very limited, since the substances could easily be obtained from other substances in current use. Furthermore, most of the substances suitable for use in chemical warfare are ordinary industrial products, and for the moment nothing can be done about these.

We must therefore have the courage to acknowledge that, if, leaving on one side the question of its moral value, we only consider the purely technical value of the prohibition to prepare chemical warfare, we must conclude that this prohibition is not of much practical effect.

### Chapter IV. — Suggestions regarding Supervision.

#### 3. *Can the Committee suggest other practical forms of supervision?*

*First suggestion.* — We have seen that one difficulty constantly arises when we come to consider the prohibition and prevention of preparation for chemical warfare.

This preparation may be carried out by private enterprises.

In these circumstances, the State to which the private enterprise belongs might regard itself as discharged from all responsibility. In order to obviate this possibility, it is desirable that no manufacture of or trade in poisonous substances *exclusively* suitable for the conduct of chemical warfare—such as, for instance, dichlorethyl sulphide ( $S(C_2H_5Cl)_2$ ) (commonly called mustard gas), for which no legitimate use is at the moment known, should be permissible without Government authorisation.

Regulations of this kind bearing on various dangerous products already exist in many countries.

*Second suggestion.* — It has been suggested in several quarters that an obstacle might be placed in the way of chemical warfare if penal legislation were introduced in each country providing for the punishment of the authors of the preparation of a prohibited form of warfare—for example, chemists or bacteriologists convicted of preparing chemical or bacteriological weapons. This proposal is interconnected with the question of supervision in general, which is not within this Special Committee's province.

*Third suggestion* (which did not meet with the unanimous approval of the Drafting Committee). — Without going so far as this, several members of the Committee thought that a kind of stigma involving the prohibition to practice their profession might be attached to those engaging in work aimed at the preparation of chemical or bacteriological warfare. As regards chemistry in particular, a "society of chemists" might be constituted in each country on the model of the medical associations or law societies which already exist in certain countries. All chemists should compulsorily belong to this society. Among the professional rules would be the prohibition to prepare for war by means of poisonous substances, and those failing to observe this rule would be expelled from the society, the reason for the expulsion being made public.

The Special Committee noted that this was a suggestion on which it was very difficult to form an opinion, and that it raised a number of moral, political and administrative questions which did not come within the Committee's province and were, moreover, interconnected with the general question of supervision.

#### RECOMMENDATION.

The Special Committee recommends that the Committee for the Regulation of the Trade in, and Private and State Manufacture of, Arms and Implements of War should bear the work of the Special Committee in mind when dealing with the question of preparation for chemical warfare.

### PART III. — PROHIBITION OF PREPARATION FOR INCENDIARY WARFARE.

I. *Is it practicable to prohibit the manufacture, importation, exportation and possession of implements and substances exclusively suitable for use in incendiary warfare?*

(a) *Are there such implements and substances?*

(b) *What are they?*

The case of incendiary implements and that of incendiary substances must be examined separately.

#### I. IMPLEMENTS.

(1) *Implements directed against persons.* — These are known as flame-projectors. They have not only a military use, but also another, though somewhat limited, use in destroying locusts.

The structure of these implements is such that they are very similar to apparatus used for legitimate purposes. For example, certain fire-extinguishers can, with slight modifications, be used as flame-projectors. In the same way, smoke-producing apparatus may be turned into flame-projectors.

(2) *Implements directed against material.* — There are *specifically incendiary* shells and bombs. Such are the projectiles which utilise aluminothermy.

There are also smoke-producing shells which, in certain conditions, can produce direct incendiary effects.

#### II. SUBSTANCES.

There are no substances exclusively used for incendiary warfare. Incendiary substances consist of current industrial products.

(c) *Are they of genuine importance?*

*If the above-mentioned prohibition can be pronounced, would this constitute an effective obstacle to the preparation of chemical warfare?*

It is possible and practicable to prohibit the manufacture, possession, importation or exportation of incendiary projectiles. As is stated in document Conf. D.120, this prohibition should not apply to "projectiles specially constructed to give light or to be luminous and generally to pyrotechnics not intended to cause fires, or to projectiles of all kinds capable of producing incendiary effects accidentally, or to projectiles designed specifically for defence against aircraft, provided that they are used exclusively for that purpose".

This prohibition would constitute an effective obstacle to the preparation of incendiary warfare; but it would not prevent belligerents, once hostilities had begun, from rapidly resorting to this type of warfare, for the implements in question are easy to construct and the substances can rapidly be manufactured.

2. *Is it practicable to prohibit the manufacture, importation, exportation or possession of implements and substances capable both of pacific and military utilisation?*

It is not practicable to prohibit the manufacture, possession, importation or exportation of incendiary substances, since these substances can be used for numerous purposes.

It is possible to prohibit the manufacture of flame-projectors; but, in practice, it is impossible to define such apparatus.

3. *Can the training of armed forces in the use of incendiary weapons be prohibited? What would be the practical effect of this prohibition?*

The training of armed forces in the use of incendiary weapons can be prohibited. But training in bomb-throwing is the same, whether the bombs are incendiary or not, and there is therefore no special training for the latter purpose. Training in the handling of flame-projectors is hardly necessary, for they are very simple implements. Hence the proposed prohibition would have very little practical effect.

4. *Can the Committee suggest other practical forms of prohibiting the preparation of incendiary warfare?*

The Committee regrets that it is unable to suggest other practical means of ensuring the prohibition of preparations for incendiary warfare. In its opinion, the only practical measure which can be taken in this sphere is the prohibition to manufacture, possess, import or export incendiary projectiles as defined above, with the exception stipulated in the document already mentioned (document Conf.D.120).

Needless to say, all measures for collective protection against fire are indispensable, and cannot be prohibited.

#### PART IV. — PROHIBITION OF PREPARATION FOR BACTERIAL WARFARE.

##### *How can preparations for bacteriological warfare be prevented?*

In practice, it is not possible to prevent preparations for bacteriological warfare. The Committee considers that this reply calls for the following explanations:

1. The problem of bacteriological warfare is entirely different from that of chemical warfare. Chemical warfare is known to us from actual experience; bacteriological warfare, on the other hand, is a hypothesis. Nor are there any results of laboratory experiments on which knowledge can be based. The behaviour of pathogenic microbes intentionally transported from the laboratory to natural media is practically unknown to us. It must nevertheless be admitted that such warfare is possible. Furthermore, we can only imagine what it would represent and how it could be prepared, and deduce from such suppositions possible methods of defence.

2. Bacteriological warfare might be combated with the greatest prospects of success in a country with a high standard of public health. The organisation of a suitable health service in time of peace represents the most effective means of defence against bacteriological infection. It is, however, impossible to guarantee that a health service, however perfectly organised, could unfailingly master all the epidemics which might be disseminated.

We wish to draw special attention to the fact that, after causing an epidemic, a country would speedily lose control of it, and itself run serious risks.

3. We are not at present in a position to subject bacteriological research to effective supervision. Virulent bacteria, such as might cause epidemics, are to be found in all bacteriological laboratories (both public and private), and also in hospitals treating contagious diseases. There can be no question of hindering the progress of medical bacteriology, the objects of which are humanitarian (the preparation of sera, vaccines, etc.), by supervising and restricting experiments with virulent cultures. Such supervision, moreover, would never be complete, and therefore always ineffective.

4. The Permanent Disarmament Commission should not lose sight of the possible danger of bacteriological warfare.

## Head II.

### ESTABLISHMENT OF THE FACT OF THE USE OF CHEMICAL, INCENDIARY, OR BACTERIAL WEAPONS.<sup>1</sup>

#### PART I. — ESTABLISHMENT OF THE FACT OF THE USE OF CHEMICAL OR INCENDIARY WEAPONS.

##### Chapter I. — General Considerations.

In view of the serious consequences involved, the establishment of the fact of a breach of the prohibition to use chemical or incendiary weapons should satisfy a number of conditions :

1. It should be *extremely rapid*, and, if possible, almost instantaneous, for the following main reasons :

(a) The offending State should not derive substantial military advantages, or even perhaps a decisive superiority, from a tardy imposition of penalties due to delay in establishing the facts ;

(b) Certain substances, like chloropicrin, brominated ketones, etc., leave traces on the ground for only a relatively short space of time (a few hours at the most) ;

(c) There are other volatile substances, like phosgene, the use of which can only be proved by medical examination of the victims. Such examination would have to be made with the least possible delay and before certain clinical or anatomo-pathological phenomena had disappeared or undergone transformation. The effects of lachrymatory substances disappear immediately.

2. The facts should be established by *persons or bodies offering the greatest possible guarantees of impartiality* so as to carry weight with all Governments and with public opinion. It would seem advisable to put this operation under the direction of the Permanent Disarmament Commission ;<sup>2</sup> the persons or organisations responsible for the work should act in the name of, and have to report to, the said Commission, even if they had not been directly appointed by it.

3. The facts should be established by *persons possessing indisputable qualifications and approved moral worth* who, in the discharge of their international mission, should be given the fullest support of international institutions and of the authorities both of the country alleged to be attacked and of the country alleged to be the offender, and, if necessary, of other countries.

To ensure that the above three conditions are satisfied, the procedure for the establishment of the facts of a breach should be *settled beforehand* on practical lines, but the technical machinery thus established should neither be complicated nor rigid.

We will first deal with the questions relating to the organisations responsible for establishing the fact of a breach and then discuss those relating to procedure.

##### Chapter II. — Organs responsible for establishing the Facts.

###### QUESTIONS 2, 3 AND 4.

*Who should determine the breach? Should specialised experts be compulsorily attached to the authority responsible for determining the breach? Should these experts be designated in advance? Should two expert investigators be provided for—viz., by the experts of the country attacked and by international experts appointed in advance?*

A. The Permanent Disarmament Commission is not as a rule in a position itself to determine with the necessary speed whether a breach has been committed. Provision should therefore be made for a *commission for urgent initial investigation*, whose normal duty it would be to collect forthwith the available evidence, with a view to the ultimate decision as to whether a breach has been committed.

<sup>1</sup> The Special Committee has studied separately the problem of establishing the facts in regard to the use of chemical and incendiary weapons on the one hand, and in regard to bacteriological weapons on the other.

<sup>2</sup> The tasks of the Permanent Commission not yet having been fully defined, any proposal must be understood as being subject to the final attributions which the Conference may assign to this Commission within the general framework of the Convention and of any decisions which may be taken with regard to the questions of supervision and the establishment of facts.



Proofs which the aggrieved party may have had collected by its own experts at the actual time of the attack, or immediately afterwards, have only an *ex parte* character and serve rather to justify the complaint. The aggrieved party should therefore be in a position to have the fact of the use of chemical or incendiary weapons by the other party established without delay by qualified persons already in or near its territory.

1. It would be possible, with a view to prompt action, to entrust the duty of making the first urgent investigations to some person nominated in peace time by the Permanent Commission to direct the work of a Commission of Enquiry. Alternatively, if a Supervisory Commission had already been sent into the country in pursuance of Article 4 of the *General Convention to improve the Means for preventing War*, the State on whose territory the Commission already was might agree to an extension of its powers as defined and limited by Article 4, paragraphs 1 and 4, of that Convention. As a third alternative, the Permanent Disarmament Commission might already have accredited to the States between which hostilities had broken out, certain qualified representatives to whom it would naturally fall to carry out the urgent initial investigations. Such persons, if not themselves qualified experts, would appeal to qualified experts under the conditions proposed in No. 3 below.

If such is not the case, the State attacked must know to whom it should apply to have the fact of a breach of the prohibition to use chemical or incendiary weapons established. It is accordingly necessary to agree to entrust the duty of making the first urgent investigations to the doyen of the Diplomatic Corps, or failing him the senior ranking diplomatic representative, because, in the first place, such a diplomatic representative is on the spot and can take prompt action as an *ex officio* representative of the Permanent Disarmament Commission, while, in the second place, being accredited to the country, he can act without giving offence to anyone.

2. The doyen of the Diplomatic Corps or his substitute would call upon persons of a nationality other than that of the countries concerned: military, naval or air attachés, members of the diplomatic corps or foreign consuls *de carrière*. The special duties of these military attachés or foreign consuls would be not merely to ensure the impartiality of the enquiry, irrespective of the nationality of the technical experts co-opted, but also to give their views on the military, economic or moral consequences resulting from the illicit use of chemical or incendiary weapons.

For both these reasons, the participation of the qualified representative of a Power not party to the dispute to whom the country accused would entrust the interests of its nationals seems to be highly desirable.

Is it necessary to draw up a nominal roll or roster of the military attachés or consuls who could be called in by the doyen of the Diplomatic Corps, and should it be deposited with the latter? It would seem that the reply to this question should be in the negative; excessive rigidity would impair, rather than promote, the rapidity of the investigations. In any event, if a list is to be compiled beforehand, this should be done by the special section of the Permanent Disarmament Commission, which would keep it up-to-date and communicate it to the doyen of the Diplomatic Corps accredited to each country, together with the list referred to in the next paragraph.

3. The need in every case for calling in specialist experts—chemists, biologists, doctors, etc.)—has been disputed by one delegation as calculated to render cumbersome an organisation which should be essentially elastic. It is true that, in certain obvious cases—*e.g.*, mass infection of an area by mustard gas—it might conceivably be less essential to have the assistance of qualified specialists. The general rule to be laid down, however, should be quite different. In order that the initial urgent establishment of the facts—in any case, a very difficult matter—should possess the necessary weight and authority, specialist experts should be called in.

These experts should be international and appointed in advance.

When he receives a complaint from the Government to which he is accredited, the doyen of the Diplomatic Corps or his substitute should therefore first notify technical experts of a nationality other than that of the opposing Powers residing in countries adjacent to the complainant State. He will explain to these experts selected by him from a list of names (consisting partly of persons nominated on personal grounds, partly of nominees of scientific institutions) compiled and transmitted to him beforehand, the nature of the mission to be carried out and the place to which they must proceed with the utmost speed. To save time, the message will be sent through the representatives and the Government of the country where each of the technical experts in question resides. The latter should be requested to state immediately whether they can or cannot answer the summons.

If he thinks it impossible to secure sufficiently promptly the assistance of the experts referred to in the previous paragraph, the doyen of the Diplomatic Corps may appeal to technical experts residing in the territory of the complainant State, selecting them from among the foreign technical experts resident in that country who are included in the list in his possession.

Lastly, if there are no foreign technical experts immediately available, the doyen may call upon chemists, biologists or doctors, nationals of the complainant country who, on account of their technical qualifications and high moral standing, appear on the list compiled beforehand by the Permanent Disarmament Commission.

It should be the duty of the Permanent Disarmament Commission to constitute, either direct or through the special section, a panel of experts qualified to make investigations, should occasion arise, in order to determine whether a breach has been committed.

The lists prepared beforehand very carefully, country by country, and brought up to date at intervals, should in principle be lists of names. The Permanent Commission should, however, be empowered to designate certain well-known scientific institutions which will be called upon to send one of their collaborators immediately the doyen of the Diplomatic Corps makes the request, so as to prevent any breakdown in the operation of the organ for urgent initial investigation.

4. One delegation suggested that instead of military or diplomatic officials, the Commission should also include legal experts with experience in establishing material facts in criminal investigations on the basis of legal principles.

In view of the grave nature of the accusation, and of its consequences if it is proved, the presence of a magistrate or legal authority experienced in conducting criminal investigations would be extremely valuable. It would therefore be highly desirable that the doyen of the Diplomatic Corps should be able to enlist the services of such persons and to include them in the Commission. As, however, it is difficult to bring in qualified legal experts from abroad at short notice, and as, also, every reliance can be placed on technical experts accustomed to take samples or make analyses for the law courts, it is impossible to lay down as a rule that the doyen of the Diplomatic Corps must include a magistrate in the Commission.

B. A reply has already been given to the question of the double expert opinion given by the experts of the country attacked and by international experts appointed beforehand (see A, paragraph 2 above).

The Permanent Disarmament Commission should not be required to have two expert investigations made by international experts directly selected by it.

As the first determination of a breach made on the complaint of the country attacked bears from the very outset an international character, two expert investigations are not, in principle, necessary.

It should, however, be possible for the Permanent Commission to institute a supplementary investigation, since it would be the Commission's duty to declare whether a breach has or has not been committed. If the first findings be impracticable on the territory of the State attacked, or if they should be insufficiently conclusive or be seriously invalidated by data collected in the country alleged to have committed the breach or submitted by that country in its defence, the Commission would be entitled to seek information by every means at its disposal.

### Chapter III. — Procedure for establishing the Fact of a Breach:<sup>1</sup>

#### QUESTIONS I AND 5.

*How should the determination of a breach be technically organised? How should the determination of the breach be organised so that it should take place as rapidly as possible?*

A. The country claiming that chemical or incendiary weapons have been used by its opponent will immediately notify the Permanent Commission and simultaneously apply to the person entrusted with the duty of making the first urgent investigations.

It will have to take all the necessary steps to enable the Commissioners to discharge their duties and, in particular, supply them with all evidence it may be able to collect and preserve before or since the complaint was lodged, for instance, depositions, reports and facts ascertained by its own technical experts, material evidence such as apparatus, contaminated clothing, bodies of victims, substances seized, etc. It should also take into account the evidence of foreigners, particularly of military attachés who were in the neighbourhood of the place where the prohibited weapons were used, and which these authorities may have taken before the Commission's arrival.

It should appoint one or more officials who should hold themselves at the Commission's disposal and who should bear written instructions giving them every right to requisition the help of civil and military authorities and secure the Commissioners' access to any place it may be necessary for them to visit in the discharge of their mission.

B. The Commissions for Urgent Initial Investigation instructed to proceed to territory under the *de jure* or *de facto* authority of the complainant State will be regarded as investigating bodies.

The Commissioners should therefore have the right and the duty to verify all the facts set forth in the complaint as constituting the use of the prohibited chemical or incendiary weapons, their effects on persons and objects and also their military, economic or moral consequences. They should also have the right, *ex officio*, to take note of any other breaches of the same nature that may have been committed prior or subsequently to the initial complaint as well as to their consequences.

For this purpose, they should accept all documents and statements; they should conduct interrogatories of witnesses or victims, examine victims and take samples of all articles the state or composition of which would be likely to throw light on the facts and the nature of the means used in violation of the prohibition.

The necessary analyses may be carried out by members of the Commissions in the establishments or laboratories which the complainant State must place at their disposal. It is desirable, however, that the Commissions should be empowered to have the analyses

<sup>1</sup> See the reservation on page 15 with regard to the function of the Permanent Disarmament Commission.

made in a State not directly concerned in the dispute if they think it necessary in order to ensure the rapidity and efficiency of the investigation.

The Commission for Urgent Initial Investigation should send a report to the Permanent Commission and should notify the latter even before the termination of its mission should circumstances arise making the carrying out of its mission difficult or impossible or should it already have secured evidence of serious facts necessitating urgent action.

C. On receiving a complaint, the Permanent Disarmament Commission should immediately notify the State which has been accused, or any other State that might be held responsible. It should invite it to give all necessary explanations, and should remind both the complainant and accused States of the prohibition to use chemical or incendiary weapons and of the consequences of any breach of this prohibition.

The Commission should be empowered to proceed to any measure of investigation into the facts constituting a breach as under paragraph B above, whether on the territory under the *de jure* or *de facto* authority of the complainant State, or on territory under the *de jure* or *de facto* authority of the State accused or of the State that may be held responsible. It should be entitled, in particular, to entrust the holding of an additional investigation or counter investigation to Commissioners directly appointed by it or to appoint additional members to the Commission for Urgent Initial Investigation.

D. When a complaint has been lodged with the Permanent Commission, it should be the right and the duty of the State or States which have been accused or may be held responsible to supply the Commission at the earliest possible moment with all explanations of the facts reported in the complaint or ascertained subsequently. Further, if they have been notified of the despatch of Commissioners they should take all the necessary measures to help the latter to carry out their mission. They should see that the public authorities or inhabitants of the country in no way obstruct the operations of the Commission. They should, in particular, appoint one or more officials who should be constantly at the Commissioners' disposal and who should bear written instructions empowering them to requisition the protection and help of the military or civil authorities both for their investigations carried out on the spot (for example, battlefields, hospitals, military parks and works, factories, laboratories, etc.) or in their scientific researches (for example, taking of samples, analyses, etc.).

E. Quite apart from the rules already suggested regarding investigating bodies and methods of establishing the fact of a breach, the following principle might be laid down. All States parties to the Convention prohibiting the use of chemical or incendiary weapons, and the complainant or accused States in particular, should give the most definite undertakings that they will arrange or afford every facility for the speediest form of transport (aeroplanes, boats, railways, motor-cars) for the staff of investigating commissions and for communications of all kinds (by telegraph, telephone, wireless, mail, etc.) between the Permanent Commission and the persons or bodies responsible for establishing the facts and also between the doyen of the Diplomatic Corps accredited to a country and the experts invited by him.

Experts and commissioners should also enjoy the necessary diplomatic immunity.

In the case of States not directly involved, the above undertaking must be supplemented as follows :

They should forward with the utmost urgency to experts resident in their territory the summons sent through them by the doyen of the Diplomatic Corps or the Permanent Disarmament Commission and the reply of the said experts. They should supply the latter with the speediest forms of transport. Lastly, pending the receipt of the diplomatic passports or visas and other officials papers to be issued through the Disarmament Commission, they should immediately give the experts thus invited a document confirming their status and enabling them to start forthwith.

On the request of a Commission for Urgent Initial Investigation or of the Permanent Commission, the same countries should place such services of their scientific laboratories or health establishments at the Commission's disposal as may be necessary for rapid and effective investigations.

F. It should be the duty of the Permanent Disarmament Commission to establish the fact of the use of chemical or incendiary weapons by a declaration to that effect as soon as possible.

The proceedings and the declaration to be made by the Commission raise certain questions which have not been referred to the Special Committee—viz. : (1) What authority at the seat of the Permanent Commission is qualified, on behalf of that Commission, to receive the complaint, notify the State alleged to be the offender and order the first measures of investigation ? (2) What part should be played by the complainant State and by the accused State in the Commission's proceedings ? (3) What part will they take in the issue of the declaration ?

Apparently these questions will have to be decided together with those concerning the organisation and operation of the Permanent Commission generally ; account, however, should be taken of the conditions of special urgency and gravity under which the Permanent Commission will here be called upon to act.

G. In view of the great importance of the procedure for establishing the fact of a breach and in order to prevent any harmful delay, it would be desirable to draw up regulations facilitating the application of that procedure.

## PART II. — ESTABLISHMENT OF THE FACT OF THE USE OF BACTERIAL WEAPONS.

### Chapter I. — General Considerations.

In case of resort by a State to the use of bacteriological weapons, the establishment of the fact of infringement should fulfil the same conditions of speed, impartiality and competence as the establishment of recourse to chemical or incendiary weapons.

It may simply be observed that here the necessary establishment of the fact of infection is particularly urgent, not only in order that effective measures may be taken against epidemic contamination, but particularly in order to discover any evidence establishing the *deliberate* character of the contamination and to determine the persons who have taken part in the prohibited acts on behalf of a State at war.

The difficulties of this investigation are, moreover, greatly aggravated by the fact that the effect of a bacteriological contamination does not make itself felt until the end of the period of incubation and that a deliberate attempt at contamination is not necessarily successful.

### Chapter II. — Organs and Procedure for establishing the Facts.

In principle, the constitution of the organs for establishing the facts and their operation should be the same as in the case of the use of chemical or incendiary warfare.

Nevertheless, technical experts qualified to act on the Commission for Urgent Initial Investigation or appointed by the Permanent Disarmament Commission might with advantage be "clinical doctors, veterinary surgeons, biologists and bacteriologists".

Moreover, the regulations laid down to facilitate the application of the procedure of establishing the facts should be adapted to the particular case of bacteriological warfare.

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## Head III.

### PENALTIES FOR THE USE OF CHEMICAL, INCENDIARY, OR BACTERIAL WEAPONS.

The Special Committee, in view of the fact that the problem of the effects of the establishment of the fact of a breach is the same as regards the use of bacteriological weapons and as regards the use of chemical or incendiary weapons, except in the matter of possible reprisals in the same form, did not consider it necessary to deal separately with these two aspects of the problem.

#### ONLY QUESTION.

*Has the Technical Committee any suggestions to make as regards the penalties to be applied to a State committing a breach of the Convention?*

### Chapter I. — General Considerations.

In accordance with the observation of the Chairman of the Committee, the term "penalties" should be understood in the widest possible sense. It actually includes the measures of any kind to be specified in the General Convention which are applicable in the event of a breach of the provisions concerning the prohibition of the use of chemical, incendiary and bacteriological weapons, whether these relate to general measures applicable in common to all breaches of the Convention or to the "special measures" laid down in the resolution of the General Commission of the Conference, dated July 23rd, 1932, under Head III, No. 5, Violations, to supplement "the rules of international law" to be formulated in connection with chemical, incendiary and bacterial warfare.

In that case, those "special measures" are essential; for a State that resorts to war in breach of the Covenant and Pact is already exposed to the general measures provided for against an aggressor, and, if there are no special measures in case it uses prohibited weapons, it will be to its interest to use them, as the risk will be no greater.

The Committee realises that the subject of "sanctions" is primarily political in character. However, in the consideration of purely technical features of sanctions for the violation of the prohibition of chemical, incendiary or bacterial warfare, the Committee was faced with

the very real difficulty of clearly differentiating between the political and technical phases of the matter, because purely technical considerations may have a political implication, and purely political measures in this regard may have involved technical phases. It would be highly desirable to have the basic political questions first determined by the competent body and then study the technical questions arising therefrom ; but, since the question of technical considerations of sanctions has risen, the Committee puts forward the suggestions appearing in Chapters II to V in the hope that they may afford some measure of assistance to the Bureau in its consideration of this question.

## **Chapter II. — Technical Measures of Assistance to the State attacked, with a View to Protection.**

1. It is suggested that the most effective sanction against the violation of the prohibition of chemical, incendiary or bacterial warfare, in order to make good, mitigate or prevent the effects of such attack, would be an undertaking to place the resources of the chemical industry of the world, as well as the laboratories and technical, professional and scientific personnel at the disposition of the State attacked.

It is possible that the apparatus for individual protection at the disposal of the State attacked (such as masks, protective clothing) may prove inadequate in the event of a large-scale attack, or an attack made with the use of newly-invented toxic substances or substances used for the first time for this purpose ; or again, competent chemists and doctors may not be available ; lastly, the necessary disinfecting material and disinfectants and the specific remedies may be lacking.

If the principle of assistance were accepted, its general conditions might be laid down in the Convention, and preparations for the granting of assistance might be entrusted to the International Information and Documentation Service for Protection against Chemical Weapons, the establishment of which is contemplated in this report. Provision should be made, either in the Convention or in the executive Regulations, for the constitution of a suitable body, due regard being had, *inter alia*, to the nature of the requirements to be met, to the speed with which each State could furnish assistance and to the efficacy of such assistance.

In this connection, it is to be noted that the above measures, if not organised on a universal basis, might be provided for on a regional or continental basis. It is to be noted, however, that in the Committee's opinion, the measures would lose much of their efficacy.

The Committee had before it the question whether assistance should be granted free of cost to the States attacked, but it felt unable to discuss this matter, as being outside its terms of reference. The question is therefore merely noted in the present report.

2. It is possible that a State may not be in a position to furnish to the attacked State its share of the necessary scientific, medical and technical assistance. The Committee feels bound to bring to the notice of the Conference the question whether, in such a case, the State concerned should not be asked to make a financial contribution to be specially allocated to the treatment of the victims of chemical, incendiary or bacteriological warfare, and protection against such warfare.

3. As regards measures, the object of which might be to deprive the guilty State of the advantages of any kind which it may have obtained by the use of the prohibited weapons, these are mainly of a political nature. Their technical aspect (dispatch of technicians and material to the State attacked) must be examined in Chapter IV, 1.

## **Chapter III. — Technical Measures, the Object of which is to make the Guilty State unable or unwilling to continue to use the Illicit Weapon.**

These measures of pressure contemplated in the report (document Conf.D.142), varying from mere diplomatic representations to military measures, are mainly of a political nature. This also applies to economic measures, such as the breaking off of commercial and financial relations between the signatory States, their nationals or residents, and the guilty State, its nationals or residents.

However, there is one technical suggestion which deserves to be considered : *The stoppage of supplies to the guilty State of raw materials, products and appliances necessary for chemical, incendiary and bacteriological warfare* has been proposed as an initial technical measure with a view to paralysing or restricting chemical or incendiary warfare.

For instance, as regards the manufacture of toxic substances, certain materials used, such as sulphur, arsenic, bromine and iodine are very unequally distributed throughout the world.

In certain cases, the prohibition to dispatch raw materials, products and appliances necessary for chemical or incendiary warfare would hamper the continuance of that warfare.

However, this prohibition would be quite ineffective as regards bacteriological warfare and its effects would be very limited as regards incendiary warfare. Even where chemical warfare is concerned, no rapid or even practical effect could be expected of this action if the guilty State possessed a highly developed chemical industry. In addition to its own supplies, such a State might collect in advance considerable stocks of raw material from abroad, and might also find substitutes or manufacture other poisonous gases or liquids.

#### Chapter IV. — Technical Aspect of Reprisals.

The Special Committee is not called upon to examine as a whole the problem of reprisals—*i.e.*, of the retaliatory use of chemical or incendiary weapons, excluding all retaliation by use of bacteriological weapons or of the prohibition of such retaliation, but it has received suggestions with regard to its examination from the technical aspect. In this connection, three questions should be studied :

1. *If the Convention admitted the possibility of individual reprisals of a chemical or incendiary nature (to the exclusion of any use of the bacteriological weapon) to be exercised by the attacked State against the State guilty of such use, would this admission involve a preparation for chemical or incendiary warfare in peace time, in contradiction with the aim pursued by the Conference ?*

It has been proved that a large number of chemical manufactures intended for war can be improvised by a country having a well-equipped chemical industry and varied stocks of substances. Indeed, it is for this reason that the technical supervision of the prohibition of preparations for chemical or incendiary warfare is so difficult and possibly wholly ineffective.

As, however, the installation and starting up of the manufacture of certain toxic substances on a large scale requires a certain time, a country which confines itself to preparing reprisals *after* the chemical or incendiary aggression which it has suffered will undoubtedly be, at any rate at first, in a position of inferiority in regard to its adversary—other things being equal, of course. It may thus be feared that each country will be tempted to proceed in advance to studies and preparations for chemical or incendiary warfare with a view to possible reprisals. This result would, however, be contrary to the aim pursued by the Conference.

The Special Committee cannot therefore give a negative technical reply to the question raised, unless two other factors are brought into play to eliminate any temptation to prepare in advance for chemical or incendiary reprisals, *viz* :

(a) These reprisals and this preparation could never begin until a breach of the prohibition had been officially established. Should the establishment of this breach suffice, or would a special authorisation of the Commission be necessary? This is a political question on which it is not for the Committee to make any suggestions.

(b) To make up for the technical handicap imposed on the State attacked as a result of having observed the prohibition to make preparations in advance for individual reprisals, the *technical assistance* of the other States would be necessary from the moment this preparation had become licit. This technical support might consist in sending to the State attacked technical experts and supplies likely to hasten and assist individual reprisals.

2. *If the Convention entertained the possibility of collective reprisals by chemical or incendiary weapons what would be the position of the transgressor State ?*

Natural resources and the chemical industry are so distributed throughout the world that it is certain that the transgressor State would necessarily be in a state of technical inferiority if the countries not directly affected agreed to apply collective reprisals by means of chemical or incendiary weapons.

3. *If the Convention precluded the possibility of all collective reprisals with chemical or incendiary weapons, what would be the position of the transgressor State ?*

It cannot be asserted that the transgressor State would always be assured of final superiority. But, in view of the enormous importance assumed by chemical weapons in the last period of the world war and the progress made by science since, there can be no doubt that a State endowed with abundant natural resources and a strong chemical industry would derive immediate advantages, either from a large scale employment of chemical or incendiary weapons or even from their restricted use against specially selected objectives, such as capital cities, electrical power stations, key factories. These advantages might be such as to hinder or even paralyse the means of defence possessed by the State attacked and by States co-operating in collective measures.

The temptation for a country to have recourse to prohibited arms would be considerably increased if it knew in advance that it was safe from any individual or collective reprisals of a chemical and incendiary nature and if, further, it had no reason to apprehend that all the other States would range themselves against it, despite their technical inferiority on this point.

#### Chapter V. — Suggestion with a View to hastening the Practical Application of Penalties as soon as the Fact of a Breach has been established.

Several delegations put forward the idea that the period elapsing between the date on which a State which had been the victim of the use of an illicit weapon had laid its complaint before the Permanent Disarmament Commission and that on which the Commission established the fact that a breach had been committed should be made use of by the Commission for preparatory measures to be taken in view of the possible application of penalties.

Provision should no doubt be made for the Permanent Disarmament Commission to be authorised to take in advance any preparatory steps which might be necessary to ensure the application of its decisions. But, however thorough this preliminary preparation, it could not be sufficiently precise as long as it was carried out on the theoretical plane. Once an accusation had been brought by one State against another, however, the facts adduced in support of the complaint would bring the Commission face to face—even before the facts had been finally verified—with certain definite or at any rate concrete eventualities and corresponding responsibilities.

In the Special Committee's opinion, the members of the Permanent Commission present at its headquarters should therefore, on receiving a complaint, summon all the competent organs, so that the arrangements provided for the case of an infringement of the prohibition should be brought into play immediately the fact of a breach had been established.

#### Chapter VI. — Conclusions regarding Penalties.

The Committee has now to estimate the practical value of the positive suggestions and observations it has put forward, while remaining within the bounds of its purely technical task.

1. These suggestions may be of genuine technical efficacy as regards assistance of a scientific, medical or technical nature which might be provided for the protection of a State which was a victim of a chemical, incendiary or bacteriological attack.

2. The effects of measures intended to deprive the guilty State of the technical means or of the desire to continue to use the illicit weapon, consisting in the stoppage of external supplies necessary for chemical or incendiary warfare would be very limited and in any case belated.

3. As regards the question of reprisals, the following technical conclusions were reached :

(a) The recognition of the right of individual reprisals would compromise the prohibition to make preparations for chemical or incendiary warfare, unless, on the one hand, the preparation of such reprisals was made conditional on the previous establishment of the fact of infringement, and, on the other hand, the victim State was assured of concrete assistance from other States in making the said preparations, in order to compensate for its technical inferiority.

(b) There can be no doubt that the transgressor State would necessarily be in a position of technical inferiority if the countries not directly concerned agreed to exert collective reprisals by means of chemical or incendiary weapons.

(c) In the event of the Convention excluding all reprisals, even collective reprisals, it cannot be asserted that the transgressor State would always be assured of final superiority, but its position would be considerably strengthened. It could derive very important advantages from the use of chemical weapons. The temptation for such a State to have recourse to forbidden weapons would be much greater if it knew in advance that it was safe from any individual or collective retaliation.

4. From every point of view, it would be desirable for the Permanent Disarmament Commission and the States signatories of the Convention to avail themselves of the short period elapsing between the submission of a complaint by a State and the establishment of the fact of a breach to make preparations with a view to the possible application of penalties.

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### GENERAL CONCLUSIONS OF THE REPORT OF THE SPECIAL COMMITTEE.

(Replies to the Questionnaire submitted by the Bureau to the Committee (Conf.D./Bureau 30/I.A.C.B.24).)

#### A. Prohibition of Chemical, Incendiary and Bacterial Warfare.

##### I. DEFENSIVE MATERIAL.

1. Protection against the effects of chemical weapons involves the employment of individual protective devices (masks, protective clothing, etc.).

In practice, neither the preparation of these devices nor the supervision of such preparation can be entrusted to an international body.

2. The preparation of means of collective protection (underground shelters, etc.) is an essential means of defence against chemical warfare. Such preparatory work cannot in practice be governed by an international convention, nor can it be submitted to the technical supervision of an international body.

3. The testing of protective material involves the employment of poisonous substances though in quantities insufficient for purposes of military action. There is a risk that any obligation to publish the quantities of poisonous substances produced for this purpose or the limitation of such quantities would fail in its object since it would leave out of account the

experiments carried out by private industry on its own initiative. For the same reason, only a very partial idea of the work done for protection against poisons and its results would be obtained by imposing the obligation to publish the results of experiments (see the short note inserted in the report at the request of the Netherlands on page 10).

4. The preparation of measures of treatment to be given to the victims of chemical warfare cannot give rise to malpractices.

Certain protective devices—*e.g.*, masks—could be submitted to a technical examination by an international body. It would be possible to set up as a technical organ of the Permanent Disarmament Commission<sup>1</sup> an international information and documentation service regarding protection against chemical warfare.

## II. OFFENSIVE MATERIAL.

### (a) *Chemical Warfare.*

2. It would be possible to prohibit manufacture, the import and the possession of apparatus and substances exclusively used for chemical warfare, but such a prohibition would be of only limited value. The manufacture of those substances, which, during the war, were of considerable importance, can be improvised by any State possessing a chemical industry.

There are no projectiles or means of projection which are exclusively employed for carrying on chemical warfare.

3. It is not possible to prohibit the manufacture, import, export or possession of apparatus and substances capable of employment both for peaceful and for warlike purposes. Any such prohibition imposed upon a State would either be ineffective in practice, in view of the stocks held in industrial establishments, or it would inflict irreparable damage on the chemical industry.

As regards limitation of stocks see below under B, 2.

4. It would be possible to prohibit the training of armed forces in the use of chemical weapons, but the practical effect of such a prohibition would be very small as the material used for chemical warfare is not of a specialised character.

5. The Committee regrets that it is unable to suggest any other practical measures to enforce the prohibition of the preparation for chemical warfare.

*Appendix: Special Case of Lachrymatory Substances.* — Lachrymatory substances do not come within the category of substances exclusively employed for purposes of chemical warfare.

It might be possible to request any State desirous of employing lachrymatory substances for police purposes to inform the Permanent Disarmament Commission of the substances employed and the nature and quantity of the apparatus which it proposes to use.

It might be possible to request the State to regulate the use by individuals of arms, appliances or plant, capable of being employed for the protection of private property, and in which chemical substances are used.

### (b) *Bacterial Warfare.*

It is not possible in practice to prevent preparation for bacteriological warfare.

### (c) *Incendiary Warfare.*

The apparatus and substances suitable for the conduct of incendiary warfare are not exclusively applicable to such warfare, with the exception of specifically incendiary shells and bombs; the latter are easily manufactured and can be quickly produced, but it would be possible to prohibit their manufacture, import, export or possession.

It is not possible in practice to prohibit the manufacture, import, export or possession of incendiary apparatus and substances which are suitable for both peaceful and military purposes.

No special training of armed forces is required for purposes of incendiary warfare.

The Committee regrets that it is unable to suggest any other practical methods to enforce the prohibition of the preparation of incendiary warfare.

## B. Enforcement of the Prohibition against the Preparation of Chemical Warfare.

1. (a) It is not possible to enforce the prohibition against such preparation by an examination of the commercial statistics of the activities of chemical industries in all countries (see the short note inserted in the report at the request of the Netherlands on page 10).

<sup>1</sup> See the reservation on page 15 with regard to the function of the Permanent Disarmament Commission.

<sup>2</sup> For reply to question 1, see under b) below.



(b) It is conceivable in theory, but impossible in practice, to exercise this control by entrusting national or international bodies with the duty of inspecting chemical factories and of making public the character of the products therein manufactured, the existing stocks of manufactured products and the production capacity of the factories. If any such control were proposed, it would have to apply to the entire chemical industry. The practical value of such control would be very limited in view of the ease with which chemical warfare can be improvised.

2. It is not possible to base control upon a limitation of the chemical production capacity of States, or at least of a certain number of States, so that the potential capacity of certain States for chemical warfare should not be excessive, compared to that of other States, nor upon a limitation of the quantity of chemical products in stock, in view of the fact that both the potential capacity and the quantities concerned depend upon the distribution of the sources of raw material, upon industrial development, upon entirely legitimate reasons of industrial policy on the part of the States, and, in general, upon several factors subject to variation and not susceptible of control. Such limitation would only be possible in the case of substances exclusively used for chemical warfare. It is not possible to prohibit the intention to make use of substances for chemical warfare while at the same time leaving the manufacture, import and stocking of such material entirely unsupervised. The intention referred to above is not susceptible of proof as it cannot be deduced with certainty either from the nature of State intervention in production or from the extent of production or from abnormal stocks or from other factors.

### C. Cases of Infringement of the Prohibition of the Employment against an Adversary of Chemical, Incendiary and Bacterial Weapons.

#### I. ESTABLISHMENT OF THE FACTS.

The establishment of the facts should fulfil the following three conditions : it should be extremely rapid, it should afford the greatest possible guarantees of impartiality, and it should be carried out by persons of recognised qualifications and of high moral standing.

#### 2. BODY BY WHICH THE FACTS ARE TO BE ESTABLISHED.

The duty of collecting evidence would in normal circumstances be entrusted to a *Commission for urgent initial investigation*, which would be international in character.

Evidence collected by the experts of the complainant State is of unilateral character and serves chiefly to justify the complaint.

The Commission for Urgent Initial Investigation may be constituted in peace time or may be composed of representatives of the Permanent Disarmament Commission accredited to the belligerent States.

Failing these arrangements, the complainant State should apply to the doyen of the Diplomatic Corps, who will appoint to be members of the Commission : (1) military attachés, members of the Diplomatic Corps or consuls *de carrière*, (2) technical experts of foreign nationality selected from a list drawn up in advance by the Permanent Disarmament Commission. It might, under certain circumstances, apply to magistrates.

The Permanent Disarmament Commission should not be required to undertake a supplementary enquiry, but should have the right to do so.

#### 3. PROCEDURE FOR ESTABLISHING THE FACTS.

The complainant State should at once inform the Permanent Commission and should at the same time see that the urgent initial investigations are carried out.

The Commission for Urgent Initial Investigation should forthwith enquire into the matter and report to the Permanent Commission.

The latter should inform the accused State of the complaint and should, if necessary, order an enquiry in its territory.

When the evidence of the States involved has been heard, it will state whether the prohibited weapon has been used.

The States involved and, if necessary, all the other signatory States, should take all necessary steps to enable the Commissioners to perform their duty. The executory regulations should also deal with the facilities to be given to the Commissioners in regard to transport, communications and their technical work.

#### 4. PENALTIES.

The word "penalties" is understood in the widest sense—general measures or "special measures" recognised to be necessary by the General Commission's resolution of July 23rd, 1932.

The Committee has, however, confined itself to formulating among the possible suggestions those that relate to technical measures, and examining only the technical aspects of the other measures.

The Committee has ignored the question of breaches of the prohibition to make preparations in time of peace or war, which did not fall within its terms of reference.

The Committee is of opinion that it would be effective if all the States signatory to the Convention were to give the attacked State scientific, medical and technical assistance in repairing, attenuating or preventing the effects of the use of the prohibited weapons.

The stoppage of supplies to the offending State of raw materials, products and implements necessary for chemical, incendiary or bacterial warfare might be contemplated; but its effect would be limited and in any case delayed.

The Committee is not called upon to state whether individual or collective reprisals in the same form as the offence should be permitted or forbidden. It has, however, had to consider the technical aspect.

From this point of view, it has realised the extreme gravity of the question in view of the very considerable and possibly even decisive advantages that the use of chemical or incendiary weapons would give to the offender as against an adversary or adversaries who were forbidden to use the same weapons, even by way of reprisals. These advantages would be purely temporary and might even disappear entirely if the use of chemical or incendiary weapons were permitted by way of reprisals under certain rigid conditions. These conditions might be so established as to guard entirely against the danger that the admission of reprisals might nullify the prohibition of preparations for chemical and incendiary warfare.

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Genève, le 7 juillet 1932.

SOCIETE DES NATIONS

CONFERENCE POUR LA REDUCTION ET LA LIMITATION DES ARMEMENTS

**COMMUNICATION DU GOUVERNEMENT DE L'ALBANIE AU SUJET  
DES PROPOSITIONS DU PRESIDENT HOOVER (Conf. D/126)**

Note du Secrétaire général:

Le Secrétaire général a l'honneur de communiquer aux délégués à la Conférence pour la réduction et la limitation des armements la lettre ci-dessous du Délégué de l'Albanie en date du 7 juillet 1932.

"J'ai l'honneur de communiquer à Votre Excellence que la Délégation du Royaume d'Albanie donne son adhésion aux propositions faites par Monsieur Hoover, Président de la République des Etats-Unis d'Amérique.

En vous priant de bien vouloir communiquer ce qui précède aux Honorables Délégations à la Conférence pour la réduction et la limitation des armements.....

(signé) LEC KURTI.

Délégué de l'Albanie."

LEAGUE OF NATIONS

CONFERENCE FOR THE REDUCTION AND LIMITATION OF ARMAMENTS

**COMMUNICATION FROM THE ALBANIAN GOVERNMENT CONCERNING  
PRESIDENT HOOVER'S PROPOSALS (Conf. D/126)**

Note by the Secretary-General:

The Secretary-General has the honour to communicate to the delegates to the Conference for the Reduction and Limitation of Armaments the following letter from the Albanian delegate dated July 7th, 1932.

"I have the honour to inform your Excellency that the delegation of the Kingdom of Albania gives its support to the proposals made by President Hoover, President of the United States of America.

Will you be so kind as to communicate the above to the delegations to the Conference for the reduction and the limitation of armaments.....

(signed) LEC KURTI.

Delegate of Albania."

Genève, le 14 juillet 1932.

SOCIETE DES NATIONS

CONFERENCE POUR LA REDUCTION ET LA LIMITATION DES ARMEMENTS

**COMMUNICATION DE LA DELEGATION DU GRAND-DUCHE DE LUXEMBOURG  
AU SUJET DES PROPOSITIONS DU PRESIDENT HOOVER (Conf. D/126)**

Note du Secrétaire général:

Le Secrétaire général a l'honneur de communiquer aux délégués à la Conférence pour la réduction et la limitation des armements la lettre ci-dessous du Délégué suppléant du Grand-Duché de Luxembourg, en date du 9 juillet 1932.

"Ayant été empêché d'assister aux séances de la Commission générale de jeudi et de vendredi derniers, j'ai l'honneur de vous prier de bien vouloir communiquer que, le Grand-Duché de Luxembourg n'ayant aucune force militaire, navale ou aérienne, il est en faveur de toute proposition qui vise à la réduction et à la limitation des armements et il adhère par conséquent sans réserve aux propositions américaines."

Pour la délégation luxembourgeoise,  
le délégué suppléant:  
Ch. G. VERMAIRE.

LEAGUE OF NATIONS

CONFERENCE FOR THE REDUCTION AND LIMITATION OF ARMAMENTS

**COMMUNICATION FROM THE DELEGATION OF THE GRAND DUCHY OF LUXEMBURG  
CONCERNING PRESIDENT HOOVER'S PROPOSALS (Conf. D/126)**

Note by the Secretary-General:

The Secretary-General has the honour to communicate to the delegates to the Conference for the Reduction and Limitation of Armaments the following letter from the Luxemburg delegation dated July 9th, 1932

"Having been prevented from being present at the meetings of the General Commission last Thursday and Friday, I have the honour to request you to let it be known that as the Grand Duchy of Luxemburg has no military, naval or air forces it is in favour of any proposal aiming at the reduction and limitation of armaments, and it therefore accedes without reservation to the American proposals."

For the Luxemburg Delegation:

(Signed) Ch. G. VERMAIRE.

Substitute Delegate.

Geneva, November 22nd, 1932.

LEAGUE OF NATIONS

CONFERENCE FOR THE REDUCTION AND LIMITATION OF ARMAMENTS.

TRADE IN AND MANUFACTURE OF ARMS.

Resolution adopted by the Bureau on November 22nd, 1932.

The Bureau of the Conference,

Having taken cognisance of the report of the Rapporteur of the Committee for the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War and heard the proposals and comments made by the various delegations at the Bureau's meeting on November 18th,

Approves the Committee's Report and the methods of work adopted by it,

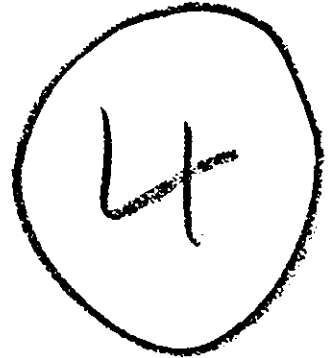
- 1) Requests the Committee and its Sub-Committees to resume work as quickly as possible in order that the Bureau may at the earliest possible moment have at its disposal all the necessary material to enable it to submit to the Conference the proposals provided for in the General Commission's resolution of July 23rd.
- 2) Considers that the Committee has been entrusted with the examination of all the aspects of the problem of the regulation of the trade in and manufacture of arms, but that it must choose a practical method of work based on the declarations made at the Bureau's meeting on November 18th.
- 3) Considers that it is already agreed that the provisions relating to the trade in and manufacture of arms and implements of war shall be included in the same legal instrument as the Convention for the Reduction and Limitation of Armaments.
- 4) Requests the Committee to consider in what conditions equality of treatment may be attained:
  - a) between producing and non-producing countries;
  - b) between the different contracting countries (special zones, etc.);
  - c) between State manufacture and private manufacture.
- 5) The Bureau requests the Committee to consider whether within the general framework of supervision already adopted by the Bureau, it is necessary to provide a technical procedure better adapted to the international supervision of the trade in and manufacture of arms.
- 6) As regards the Committee's conclusions concerning the questions of the limitation of and publicity in regard to war material, the Bureau considers that any final formula should be postponed until appropriate solutions have been reached by the competent organs of the Conference.
- 7) The Bureau draws the Committee's attention to the desirability of collecting the necessary documentation with regard to the licence systems adopted by the different countries, and of studying the possibility of framing an international licence system.

Geneva, February 3rd, 1932.

LEAGUE OF NATIONS

**CONFERENCE FOR THE REDUCTION AND LIMITATION  
OF ARMAMENTS**

**RULES OF PROCEDURE.**



**Organs of the Conference.**

**I. DELEGATIONS.**

1. The Conference shall consist of the delegations appointed by the Governments invited to the Conference.
2. Each delegation shall consist of one or more delegates who may be accompanied by substitute delegates, advisers, experts and secretaries.

**II. THE PRESIDENT.**

1. The President shall announce the opening, suspension and adjournment of the meetings; he shall submit to the Conference all communications whose importance appears to him to warrant that course; he shall ensure the observance of the rules of procedure, accord the right to address the Conference, declare the debates to be closed, put questions to the vote and announce the result of the voting.
2. The Conference shall elect its Vice-Presidents, one of whom shall act for the President if occasion arises.

**III. BUREAU.**

1. The Bureau of the Conference shall consist of the President, the Vice-Presidents and the Chairmen of the Commissions, on which all the Delegations are represented. The Honorary President shall be a member of the Bureau ex-officio.
2. The Bureau shall assist the President in the general direction of the work of the Conference.

**IV. COMMITTEE FOR THE EXAMINATION OF DELEGATES' CREDENTIALS.**

1. The committee set up to examine the delegates' credentials shall report to the Conference.
2. Any plenipotentiaries whose admission cannot be decided upon forthwith shall sit provisionally with the same rights as other plenipotentiaries, unless the Conference decides otherwise.

**V. COMMISSIONS.**

1. The Conference shall have the right, according to the exigencies of the business on hand and convenience of work, to set up commissions on which all delegations may be represented by a delegate, who may be assisted by advisers, experts and secretaries. Committees may also be set up consisting of delegates of a limited number of countries.
2. Each commission shall appoint its Chairman and its Vice-Chairman or its Vice-Chairmen and shall, at the appropriate time, appoint one or more Rapporteurs.
3. The commissions may themselves set up sub-commissions.

19 FEB 1932

Geneva, February 3rd, 1932.

**LEAGUE OF NATIONS**

**CONFERENCE FOR THE REDUCTION AND LIMITATION  
OF ARMAMENTS**

**RULES OF PROCEDURE.**



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3. The commissions may themselves set up sub-commissions.

## VI. SECRETARIAT.

The Secretary-General of the League of Nations shall be responsible for the secretarial work of the Conference and of its commissions, sub-commissions and committees as well as of the General Committee of the Conference.

### Procedure.

## VII. PUBLICITY.

The meetings of the Conference and of its commissions shall be held in public unless the Conference or the commission otherwise decide. Sub-commissions and committees will as a rule sit in private.

## VIII. RIGHT TO ADDRESS THE CONFERENCE.

1. No member may address the Conference without the permission of the President. As a general rule, speakers shall be called upon in the order in which they have signified their desire to speak.
2. The Chairmen and Rapporteurs of commissions shall be accorded precedence for the purpose of defending or explaining the conclusions arrived at by their commissions.
3. The Conference may limit the time allowed to each speaker.
4. The President may call a speaker to order if his remarks are not relevant to the subject under discussion. If necessary, he may direct the speaker to resume his seat.
5. If, when a question is under discussion, a member rises to a point of order, such point of order shall be immediately decided by the President.

## IX. LANGUAGES.

1. Speeches in French shall be summarised in English, and vice versa, by an interpreter belonging to the Secretariat.
2. A representative speaking in another language shall provide for the translation of his speech into one of these two languages.
3. All documents, resolutions and reports circulated by the President or the Secretariat shall be drawn up in both French and English.
4. Any representative may have documents circulated in a language other than French or English, but the Secretariat will not be responsible for their translation or printing.

## X. PREVIOUS QUESTION: CLOSURE.

1. During the discussion of any question, any delegation may move the previous question or the adjournment. Any such question shall have priority in the debate. In addition to the proposer of the motion, two speakers may address the Conference, one in favour of and one against the motion.
2. A delegation may at any time move the closure of the debate, whether any other representative has signified his wish to speak or not. If application is made for permission to speak against the closure, not more than two speakers may be called upon, one to speak in favour and one to speak against. The Conference shall decide on the closure by a majority of votes.

## XI. DRAFT RESOLUTIONS AND AMENDMENTS.

1. As a general rule, no proposal shall be discussed or put to the vote unless copies of it have been circulated to all representatives not later than the day preceding the meeting.
2. The President may, however, authorise a departure from this rule. If any objection is raised, he shall take the opinion of the Conference, which shall decide by a majority of votes.
3. Subject to the general rules of procedure, and the rule in Part X, paragraph 1, in particular, the Conference must come to a decision on all propositions submitted to it by delegations, if the delegation so demands.



## XII. VOTING.

1. The Conference shall vote by nominal roll-call. The commissions shall vote by delegates raising their hands, except in cases where it is decided that a vote shall be taken by nominal roll-call.
2. Delegations which declare that they abstain shall be regarded as not present.
3. When a number of proposals are before the Conference, the proposal furthest removed in substance from the principal one shall be voted on first.
4. Parts of a proposal shall be voted on separately if a delegation requests that the proposal be divided. In such a case, a vote must be taken on the whole text after its various parts have been voted upon separately.
5. If an amendment striking out part of a proposal is moved, the Conference shall first vote on whether the words in question shall stand as part of the proposal. When an amendment adds to a proposal, the amendment should be voted on first and, if it is adopted, the amended proposal shall then be voted on.

## XIII. ELECTIONS.

1. Elections shall as a general rule be carried out by secret ballot.
2. If, when only one person is to be elected, no one obtains at the ballot an absolute majority of votes, a new ballot shall be taken; but on this occasion the voting shall be confined to the two candidates who have obtained the largest number of votes at the first ballot. If there is, at this ballot, an equality of votes for the two candidates, the elder candidate shall be declared elected.
3. When a number of elective places of the same nature are to be filled at the same time, those persons who obtain an absolute majority at the first ballot shall be elected. If the number of persons obtaining such majority is less than the number of persons to be elected, there shall be a second ballot to fill the remaining places, the voting being restricted to the unsuccessful candidates who obtained the greatest number of votes at the first ballot, but not more than double in number the places remaining to be filled. Those candidates, to the number required to be elected, who receive the greatest number of votes at the second ballot shall be declared elected.

## XIV. ENFORCEMENT OF THE RULES OF PROCEDURE.

The Conference's rules of procedure shall also apply, with suitable modifications, to the commissions, sub-commissions and committees.

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Geneva, February 4th, 1932.

LEAGUE OF NATIONS

CONFERENCE FOR THE REDUCTION AND LIMITATION  
OF ARMAMENTS

REPORT OF THE PETITIONS COMMITTEE.

Rapporteur: M. REYNAUD (France).

The Petitions Committee yesterday held the first meeting at which, in accordance with the instructions it has received from the Conference, it examined the text of the petitions already received and the conditions under which these petitions could be submitted to the Conference.

The Conference had approved at its first meeting its President's suggestion to hold an *ad hoc* meeting on Saturday afternoon to hear the persons who are submitting petitions. The Petitions Committee had been instructed to define the conditions under which this presentation could take place.

While recognising the importance of the international and national organisations which some of the petitioners represent, the Committee was unable to disregard the exceptional character of a Conference exclusively composed of the plenipotentiary representatives of Governments, hearing persons, who, whatever their personal standing might be, speak on behalf of private organisations.

No one would be prepared to admit that, after the discussions of the Conference, private persons should be allowed to take part therein officially, even in the form of petitions.

The Committee therefore wishes to make it quite clear that there can only be one single meeting prior to the opening of the general discussion.

Moreover, in order to mark clearly the exceptional character of this meeting, it proposes that a summary of the speeches made on Saturday should be included in an annex to the Minutes of the meeting.

As regards the conditions under which these speeches will be heard on Saturday, the Committee is of opinion:

1. That, in accordance with the suggestion made at the opening meeting of the Conference by its President, the text of these statements should be previously examined by the Committee, which has duly authorised its Chairman to do so. Only texts which have been submitted to the Committee before the approval of this report can be taken into consideration.
2. That the time allowed to each speaker should be limited, so that all may be heard at the one meeting devoted to the purpose.

The Committee also proposes to rely for the application of these rules on the President of the Conference.

Nevertheless, while allowing the President of the Conference all necessary latitude, the Committee has decided in order to facilitate the progress of the extraordinary meeting, to invite the various petitioners to group themselves together in the following categories:

1. Women's Associations;
2. Students' Organisations;
3. Religious Groups;
4. League of Nations Unions;
5. Labour Organisations.

The Committee recommends that each group should agree to entrust to one single person the duty of speaking on behalf of the group.

Should the Conference receive requests from associations which cannot be placed in one of the above categories, the Chairman of the Committee will get into touch with the President of the Conference, in order to decide the procedure to be followed.

The representatives of associations or groups will be allowed to speak on Saturday to the Conference, in the order to be fixed by the President.

These are the proposals submitted by the Committee for the meeting to be held for the purpose on Saturday next. In future, the Committee proposes to keep to the normal procedure regarding the reception of delegations by the President and the publication of communications addressed to the Secretariat by international and national organisations. These suggestions will apply both to communications already received and which will not be heard at the meeting on Saturday and to any which may reach the Secretariat of the Conference at any time before its close.

\* \* \*

#### RECEPTION OF DELEGATIONS BY THE PRESIDENT.

Several delegations of international and national organisations have asked leave to present to the President of the Conference resolutions passed by those organisations or their good wishes for its success. There seems no reason why the President should not receive the delegations of these organisations. In doing so, moreover, he will simply be following the precedent established by other international conferences.

#### PUBLICITY.

##### (a) *Communications from international organisations.*

The Conference might request the Secretariat to draw up and publish in the *Conference Journal* a list of the communications transmitted to the Conference at the plenary meeting and of those received by the Secretariat.

A brief summary of their contents would also be given.

##### (b) *Communications from national organisations.*

A list of the names of these organisations and the dates of their communications might be drawn up and published in the *Conference Journal*.

The Secretariat will also provide statistics of telegrams and letters from private persons embodying a similar formula. As was decided at the Hague Conference of 1907, the documents containing petitions might be placed at the disposal of any delegations that may wish to consult them.

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Should any difficulty arise in carrying out these rules, the Secretariat will consult the Committee.

Geneva, February 4th, 1932.

**LEAGUE OF NATIONS**

6

**CONFERENCE FOR THE REDUCTION AND LIMITATION  
OF ARMAMENTS**

**Report by the Committee to draw up Rules of Procedure  
for the Conference.**

Rapporteur : M. COLBAN (Norway).

The Committee to draw up Rules of Procedure for the Conference met on February 3rd and 4th, under the Chairmanship of the President of the Conference, and made certain changes in the draft rules of procedure drawn up by the Secretary-General, which the Conference had referred to the Committee as the basis of its labours: comments on the most important of these changes will be found in this report. The Committee also saw fit to make a certain number of recommendations to the Conference, which are also specified below, with regard to the application of the rules.

*Part II, Paragraph 2.* — The Committee proposes to the Conference to fix the number of Vice-Presidents at fourteen, considering this number to be sufficient to allow of the inclusion in the Bureau of representatives of Germany, the British Empire, the United States of America, France, Italy, Japan and the Union of Soviet Socialist Republics and an equal number of representatives of other countries.

*Part III, Paragraph 1.* — As regards the composition of the Bureau, it is understood that the Chairmen of Commissions on which all the delegations are represented will be added to the Bureau, where the Chairmen of Commissions are not taken from the list of Vice-Presidents elected by the Conference.

The Committee was unanimous in the view that the Honorary President elected by the Assembly should be a member of the Bureau *ex officio*.

*Part IV, Paragraph 1.* — The text of the draft rules has been amended to allow of the work of the Committee set up to examine delegates' credentials continuing during the Conference.

*Part V.* — It will be noticed that the Committee has proposed the suppression of paragraph 2 of the original draft rules. This omission was proposed on the ground that it is premature to decide here and now as to the establishment of the Commissions specified in the paragraph. The Committee was unanimous in the view that it might be necessary from the outset to refer certain questions to the General Commission, and it accordingly proposes that the Bureau should request the Conference to decide now on the constitution of this General Commission.

As regards the four other Commissions — namely, the Land, Naval, Air and National Defence Expenditure Commissions enumerated in the above-mentioned paragraph 2 of the initial draft — the creation of which will almost certainly be required, the Committee leaves the decision as to their constitution and the time of such constitution, if decided upon, to the Bureau which will in due course make recommendations to the Conference on the subject. The Committee was also of opinion that the Bureau might, if necessary, establish mixed Commissions to deal with questions coming within the sphere of activity of more Commissions than one.

*Part XI, Paragraph 3.* — The Committee draws attention to Paragraph 3 which is entirely new and does not appear to call for explanation.

Genève, le 4 février 1932.

**SOCIÉTÉ DES NATIONS**

**CONFÉRENCE POUR LA RÉDUCTION ET LA LIMITATION  
DES ARMEMENTS**

**Rapport du Comité chargé d'élaborer un règlement  
de la Conférence.**

Rapporteur: M. COLBAN (Norvège).

Le Comité chargé d'élaborer le règlement de la Conférence s'est réuni sous la présidence du Président de la Conférence les 3 et 4 février et a apporté au projet de règlement intérieur, préparé par le Secrétaire général et que la Conférence lui avait donné comme base de travail, certaines modifications, dont les plus importantes sont commentées dans ce rapport. En outre, le Comité a cru bon de faire à la Conférence, pour l'application de ce règlement, un certain nombre de recommandations qui sont également mentionnées ci-après.

*Partie II, paragraphe 2.* — En ce qui concerne le nombre des vice-présidents, le Comité suggère à la Conférence de le fixer à quatorze, ayant à l'esprit que ce nombre permettrait d'inclure dans le Bureau les représentants de l'Allemagne, de l'Empire britannique, des Etats-Unis d'Amérique, de la France, de l'Italie, du Japon, de l'Union des Républiques soviétistes socialistes et un nombre égal de représentants d'autres pays.

*Partie III, paragraphe 1.* — En ce qui concerne la composition du Bureau, il est entendu que le Bureau s'augmentera, au fur et à mesure de leur élection, des présidents des commissions où toutes les délégations seront représentées, lorsque ces présidents ne seront pas pris parmi les vice-présidents élus par la Conférence.

Le Comité a été unanime à penser que le Président d'honneur que l'Assemblée a élu devrait être, de droit, membre du Bureau.

*Partie IV, paragraphe 1.* — Le texte du projet a été modifié de façon à prévoir que l'activité de la Commission de vérification des pouvoirs pourrait se poursuivre au cours de la Conférence.

*Partie V.* — Il est à noter que le Comité propose à la Conférence de supprimer le paragraphe 2, du projet de règlement initial, estimant qu'il est prématuré de décider, dès maintenant, de la constitution des commissions qui y sont énumérées. Il a été unanime à penser que dès le début, il pourrait être nécessaire de renvoyer certaines questions à une Commission générale et, dans ces conditions, il suggère que le Bureau prie la Conférence de décider, dès maintenant, la constitution de cette Commission générale.

En ce qui concerne les quatre autres commissions, à savoir: commission terrestre, commission navale, commission aérienne, commission des dépenses de défense nationale, qui étaient énumérées à ce même paragraphe 2 du projet initial et dont la création s'imposera sans doute, le Comité laisse la question de leur constitution et la date de cette constitution, si l'on décide d'y procéder, au Bureau, qui, en temps utile, fera à la Conférence des propositions à ce sujet. Le Comité a également pensé que le Bureau pourrait, s'il était nécessaire, constituer des commissions mixtes pour traiter de questions qui intéresseraient plusieurs commissions.

*Partie XI, paragraphe 3.* — Le Comité appelle l'attention sur le paragraphe 3, qui est entièrement nouveau et qui ne semble pas réclamer d'explications.

19 FEB. 1932

Geneva, February 11th, 1932.

LEAGUE OF NATIONS

7

**CONFERENCE FOR THE REDUCTION AND LIMITATION  
OF ARMAMENTS.**

**Proposals of the Spanish Delegation.**

**GENERAL PROVISIONS.**

The Convention shall be explicitly concluded on the basis of Article 8, and in consequence Article 60 of the Draft Convention shall be either omitted or amended, as, under the terms of the Covenant and in particular Article 8, paragraph 4, the Contracting Parties may not denounce the Convention, but may only propose its revision under paragraph 3.

Provisions shall be added to the Convention with a view to rendering the application of Article 8 more effective.

**LAND ARMAMENTS.**

1. Abolition of all arms which a majority of the Conference shall deem to be of an aggressive character. Technical criteria, such as calibre, mobility, etc., shall be decided by the Conference after consultation with experts.

2. As an additional measure to Article 10 of the Convention, provisions shall be included to provide for:

A. The limitation of stocks of material and the establishment and publication of an inventory;

B. The incorporation in the Disarmament Convention of:

(a) The Convention of 1925 on the supervision of the international trade in arms and ammunition:

(b) A Convention to be proposed by the Conference, providing for international and national supervision of the private and State manufacture of arms and ammunition, such manufacture to be subject to a system of licensing and publicity.

The principles which will govern this Convention are those formulated in the Report of the Temporary Mixed Commission (Document A.16.1924.IX), duly amended by the Minority Report on page 22.

**NAVAL ARMAMENTS.**

1. No State may build vessels of over 10,000 tons or capable of carrying guns of over 203 mm. No submersible vessel may have a displacement of more than 1,000 tons or a radius of action greater than that which the Conference may determine as giving the vessel an aggressive character.

2. Merchant vessels may not be strengthened for the purpose of being equipped with guns or with other appliances enabling them to be used for war purposes.

**AVIATION.**

Complete abolition of military aviation; internationalisation of civil aviation.

Genève, le 11 février 1932.

## SOCIÉTÉ DES NATIONS

### CONFÉRENCE POUR LA RÉDUCTION ET LA LIMITATION DES ARMEMENTS

## Propositions de la Délégation espagnole.

### DISPOSITIONS GÉNÉRALES.

La Convention sera explicitement conclue sur la base de l'Article 8, et par conséquent l'Article 60 du projet de Convention devra être ou supprimé ou modifié, les Parties contractantes ne pouvant, aux termes du Pacte et notamment du paragraphe 4 de l'Article 8, dénoncer la Convention, mais seulement proposer des revisions aux termes du paragraphe 3.

Des stipulations devront être ajoutées à la Convention afin de rendre plus adéquate l'application de l'Article 8.

### ARMES DE TERRE.

1<sup>o</sup> Abolition de toutes les armes que la Conférence à la majorité estimera avoir un caractère agressif. Les critères techniques tel que calibre, mobilité, etc., seront décidés par la Conférence après l'avis des techniciens.

2<sup>o</sup> Comme mesure additionnelle à l'Article 10 de la Convention, des stipulations seront insérées pour assurer:

- A. La limitation des stocks de matériel et l'établissement et publication d'un inventaire;
- B. L'incorporation à la Convention du désarmement:

a) De la Convention sur le contrôle du commerce international des armes et des munitions de 1925;

b) D'une Convention à proposer par la Conférence portant contrôle international et national de la fabrication privée et d'Etat des armes et des munitions, soumettant cette fabrication au régime de la licence et de la publicité.

Les principes qui devront régir cette Convention sont ceux qui sont formulés au rapport de la Commission temporaire mixte (document A.16.1924.IX), dûment amendé par le rapport de minorité qui figure à la page 22.

### ARMEMENTS NAVALS.

1<sup>o</sup> Aucun Etat ne pourra construire des navires supérieurs à 10.000 tonnes, ni pouvant porter d'artillerie supérieure à 203 millimètres. Aucun navire submersible ne pourra déplacer plus de 1.000 tonnes, ni avoir un rayon d'action supérieur à celui que la Conférence pourra déterminer comme donnant au navire le caractère agressif.

2<sup>o</sup> Les navires marchands ne pourront être renforcés dans le but d'y installer de l'artillerie ni d'autres dispositifs leur permettant de servir à des fonctions militaires.

### AVIATION.

Abolition absolue de l'aviation militaire; internationalisation de l'aviation civile.

Geneva, February 15th, 1932.

LEAGUE OF NATIONS

8

CONFERENCE FOR THE REDUCTION AND LIMITATION  
OF ARMAMENTS

Proposal of the Turkish Delegation for the  
Reduction of Armaments.

ARTICLE 1.

The object of the reduction of armaments is to reduce the peace-time land, sea and air armed forces of all countries to an equal limit.

This limit is to be attained within ten years. Accordingly, armies exceeding a strength of ..... shall annually be reduced by 10 per cent of the amount by which their effectives exceed the limit so fixed.

ARTICLE 2.

When the above-mentioned limit is fixed, the manufacture and use of the following classes of war material shall be completely forbidden:

- (a) Military aircraft, together with all air bombardment;
- (b) Heavy artillery of a calibre exceeding  $x$  cm.;
- (c) Tanks and armoured cars;
- (d) Warships carrying guns of a calibre exceeding  $y$  cm. and having a displacement of more than  $z$  tons.

ARTICLE 3.

*Gas.* — The use of asphyxiating gases and bacteriological weapons being prohibited, all peace-time preparations for their use shall be likewise prohibited.

ARTICLE 4.

All material designed for the projection of the above-mentioned weapons is also prohibited.

ARTICLE 5.

The strength and armament of police and gendarmerie forces and Customs guards shall be fixed by special commissions, and these forces shall not be included in the limits provided for in Article 1.

In calculating these forces, the needs of the different countries will, of course, be taken into consideration.



Genève, le 15 février 1932.

**SOCIÉTÉ DES NATIONS**

**CONFÉRENCE POUR LA RÉDUCTION ET LA LIMITATION  
DES ARMEMENTS**

**Proposition de la Délégation turque  
pour la réduction des armements.**

ARTICLE PREMIER.

Le but visé par la réduction des armements est de réduire les forces armées en temps de paix — de terre, de mer et de l'air — de tous les Etats à une limite égale.

On atteindra cette limite dans un délai de dix ans. Par conséquent, les armées dépassant le chiffre de ..... devront subir, chaque année, une réduction de 10% sur la partie de leur effectif dépassant la limite ainsi fixée.

ARTICLE 2.

Au moment de fixer la limite susindiquée, la fabrication et l'usage des matériels de guerre suivants, seront complètement interdits:

- a) Aviation militaire; tout bombardement aérien;
- b) Artillerie lourde d'un calibre dépassant  $x$  cm.;
- c) Chars d'assaut et autos blindés;
- d) Bâtiments de guerre munis de canons d'un calibre supérieur à  $y$  cm. et ayant un déplacement de plus de  $z$  tonnes.

ARTICLE 3.

*Gaz de combat.* — L'emploi des gaz asphyxiants et des moyens bactériologiques étant défendu, tout préparatif en temps de paix en vue d'un tel usage sera également défendu.

ARTICLE 4.

Est également prohibé tout matériel destiné au lancement des moyens susindiqués.

ARTICLE 5.

Les forces de police et de gendarmerie ainsi que les gardes douaniers dont l'effectif et l'armement seront fixés par des commissions spéciales ne sont pas compris dans les limites prévues à l'article premier.

Il est bien entendu que dans le calcul de ces forces les besoins des différents pays seront pris en considération.

Geneva, February 17th, 1932.

**LEAGUE OF NATIONS**

**CONFERENCE FOR THE REDUCTION AND LIMITATION OF ARMAMENTS**



**Proposals by the Haitian Delegation**

The Haitian delegation proposes that all States taking part in the Conference should undertake, in a general convention:

1. In accordance with the principles of mutual help which constitute the foundation of the League, to provide the latter, by a contribution from all the States belonging to it, to be fixed for each in proportion to the numbers of its population and to its national resources, with an organised land, sea and air force, and effectives deemed by experts to be adequate to assist or defend peoples who are the victims of aggression, without prejudice to the sanctions already laid down in Article 16 of the Covenant: aggression to be defined by the League and the aggressor to be determined by the Permanent Court of International Justice;

2. To reduce existing armaments and to limit their strength in accordance with the principles contained in the six paragraphs of Article 8, under the conditions laid down in the draft of the Preparatory Commission, the supervision of these measures being left to a special organisation of the League in accordance with the suggestion of H. E.M. Zulueta Escolano, the distinguished head of the Spanish delegation;

3. To abolish forthwith chemical and bacterial arms, the bombardment from the air of civilian populations and the use of offensive armaments, and to forbid all methods of war which are cruel to excess and useless, and which generous minds, expressing the universal feeling of the members of this Conference, have condemned in this place. It must at the same time, in our opinion, always be borne in mind that there are no intermediate stages between barbarity and worse things, and that in any case it is essential, with the aid of the coercive police force to be placed at the disposal of the League, to achieve the progressive abolition of all the means of destroying human life and property, except in cases where the international force is itself repressing crimes committed against peace;

4. To renounce the compulsive clauses embodied in the treaties for the benefit of one nation or group of nations against defeated nations, inasmuch as the League should be exclusively responsible for the full and complete execution of all the duties deriving from those treaties; for if the world is to be delivered from its present intolerable and dangerous condition there must no longer be one mentality of the victors and another of the vanquished. There must be no victor but peace, and no vanquished but war;

5. As a corollary to the preceding Article, to refer to the Permanent Court of International Justice any dispute likely to lead to a rupture between two nations or between one nation and the League of Nations in accordance with the terms of Article 15 as amended; breaches of these undertakings and of the awards of the Permanent Court of International Justice to be followed by penalties enforced by the League;

6. To substitute henceforward in relations between organised nations this new régime of international law, in all parts of the world, for the previous régime which tolerates *de facto* situations created by the forcible action of one nation against another nation and which tolerates "regional understandings" not freely entered into by all the parties and essentially incompatible with Article 10 of the Covenant, to which no exception may hereafter be made either by the Covenant itself or by any individual treaty;

7. To recommend the participating States to follow the example of the Spanish Republic and bring into harmony with these new principles of the final Convention ultimately to be concluded the provisions of their national constitutions and the clauses of the Covenant which should be amended according to the customary procedure.

8. To bring into operation when necessary, according as the Council of the League of Nations may think fit, the sanctions provided for in Article 16 or any other kind of sanctions, against any State signatory to the Convention which may refuse to furnish its contingent to the international force.

Genève, le 17 février 1932.

## SOCIÉTÉ DES NATIONS

### CONFÉRENCE POUR LA RÉDUCTION ET LA LIMITATION DES ARMEMENTS

#### Propositions de la Délégation haïtienne

La délégation haïtienne propose que toutes les nations participantes s'engagent par une Convention générale:

1. Suivant les principes du mutualisme qui forment le fondement de la Société des Nations, à pourvoir la Société des Nations, par une contribution de tous les Etats participants, fixée pour chacun d'eux proportionnellement à son chiffre de population et à ses ressources nationales, d'une force terrestre, navale et aérienne organisée et d'un effectif suffisant suivant l'avis des experts pour assister ou pour défendre les peuples victimes d'une agression, sans préjudice des sanctions déjà prévues à l'article 16 du Pacte actuel, l'agression devant être définie par la Société des Nations et la qualité d'agresseur fixée par la Cour permanente de Justice internationale;

2. A réduire les armements actuels et à en limiter l'importance suivant les principes contenus dans les six alinéas de l'article 8, dans les conditions préconisées par le projet de la Commission préparatoire, en confiant, de plus, le contrôle de ces mesures aux soins d'un organisme spécial de la Société des Nations, suivant les suggestions de S.E. M. Zulueta Escolano, l'éminent président de la délégation espagnole;

3. A abolir immédiatement les armes chimiques et bactériologiques, le bombardement aérien des populations civiles, l'emploi des armements offensifs, à proscrire toutes les méthodes de guerre trop cruelles et inutiles que des esprits généreux, organes de l'opinion universelle ou membres de cette Conférence, ont condamnés ici. Toutefois, on ne doit pas perdre de vue, pensons-nous, que du barbare au pire il n'est pas de degrés, et qu'il faut arriver malgré tout et grâce à la force de police et de coercition dont disposera la Société des Nations, à l'abolition progressive de tous les moyens de détruire les vies humaines et les biens, réserve faite des cas où la force internationale poursuivra la répression des crimes contre la paix;

4. A renoncer aux clauses de contrainte édictées dans les traités au bénéfice d'une nation ou d'un groupe de nations contre des nations vaincues, la Société des Nations devant être seule à assurer l'exécution pleine et entière de toutes les charges découlant de ces traités, car, pour délivrer le monde de l'insupportable et dangereux malaise actuel, il faut qu'il n'y ait plus ni mentalité de vainqueur ni mentalité de vaincu. Il ne doit y avoir de vainqueur que la paix, et de vaincu que la guerre.

5. A déférer, en conséquence de l'article précédent, à la Cour permanente de Justice internationale tout différend susceptible d'entraîner une rupture entre deux nations ou entre une nation et la Société des Nations, suivant les termes de l'article 15 amendé, les infractions à ces obligations et les sentences de la Cour permanente de Justice internationale devant être suivies de sanctions applicables par la Société des Nations.

6. A substituer désormais, dans les rapports entre les peuples organisés, ce nouveau régime de droit international, dans toutes les parties du monde, à l'ancien régime qui tolère des états de fait créés par la force d'une nation employée contre une autre nation ou qui tolère des « ententes régionales » non librement consenties par toutes les parties et dont l'essence est contraire à l'article 10 du Pacte auquel il ne saura plus être dérogé, ni par ledit Pacte ni par aucun traité particulier.

7. A recommander aux Etats participants de suivre l'exemple de la République espagnole, et d'harmoniser avec ces principes nouveaux de la Convention définitive à intervenir, les dispositions de leurs constitutions nationales et les textes du Pacte qui, suivant la procédure d'usage, mériteraient d'être amendés.

8. A faire jouer au besoin, à la latitude du Conseil de la Société des Nations, les sanctions prévues à l'article 16 ou toute autre sorte de sanction, contre tout Etat signataire de la Convention qui refuserait de fournir son contingent à la force internationale.

8 APR 1932

Geneva, March 9th, 1932.

LEAGUE OF NATIONS

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**CONFERENCE FOR THE REDUCTION AND LIMITATION  
OF ARMAMENTS**

**List of Questions referred to the Commissions  
for Examination.**

The following lists have been communicated to the General Commission as annexes to the report of the Bureau adopted by the General Commission on March 8th, 1932 (document Conf.D.101). There will be found, in the order of Commissions and in the order adopted by the draft Convention:

(a) The articles of the draft Convention and the proposals of the delegations in connection with these articles;

(b) The proposals which do not refer to the articles themselves, but whose contents relate to the chapters of the draft Convention.

The order in which the questions figure in these lists does not in any way bind the special Commissions as regards their agenda.

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A summary of all the proposals mentioned above will be found in document Conf.D.102.

**GENERAL COMMISSION.**

**DISCUSSION OF PRINCIPLE ON THE FOLLOWING QUESTIONS.**

**A. QUESTIONS REFERRING TO Article 1 WITH THE DIFFERENT PROPOSALS CONNECTED WITH THE PRINCIPLE OF THE REDUCTION AND LIMITATION OF ARMAMENTS.**

The main questions involved are the following:

**I. The principle of reduction of armaments:**

- (a) Definitive reduction under a single convention;
- (b) Reduction to the lowest possible level.
- (c) Reduction to be brought about by stages.

**II. (a) Criteria for limitation or reduction;**

- (b) Taking into consideration of the particular conditions of the different countries;
- (c) Method of computation of the effectives based on the absolute needs for internal order and relative needs for national defence.

**[III. (a) Simultaneous application of a quantitative and qualitative limitation by the prohibition of certain material or of certain categories of armaments;**

- (b) Prohibition of certain material except under certain conditions.

IV. Reduction subject to measures to be taken in regard to the organisation of peace:

*Political Conditions:*

- (a) Placing at the disposal of the League of Nations of certain material, etc.;
- (b) Creation of an international force.

*Juridical Conditions:*

- (a) Organisation of arbitration;
- (b) Mutual assistance;
- (c) Sanctions;
- (d) Re-adaptation of the international regime.

- V. (a) Disarmament laid down in the Treaties of Peace regarded as an indication;
- (b) Uniformity of methods of disarmament under the principle of the equality of rights of States;
- (c) Equality of right between all States and perequation of armed forces at the lowest level;
- (d) Application of Article 8 to all States.

VI. Limitation and reduction of the whole of the armed forces capable of immediate mobilisation.

VII. Regional agreements within the framework of the general agreement.

VIII. Demilitarised zones.

IX. Limitation of international law regulations with regard to blockade.

(The question of moral disarmament is referred to the Political Commission.)

B. OTHER QUESTIONS TO BE STUDIED BY THE GENERAL COMMISSION IN CONNECTION WITH THE HEADINGS AND ARTICLES OF THE DRAFT CONVENTION.

1. Part I. — Personnel.

Proposals raising the following principles:

- (a) Abolition of compulsory service;
- (b) Freedom of choosing the system of service;
- (c) Limitation and reduction of trained reserves;
- (d) Limitation and reduction of the annual contingent.

2. Part II. — Material.

Proposals concerning chiefly:

- (a) Prohibition of certain material;
- (b) Direct limitation (quantity) in different forms;
- (c) Application of different methods according to the country.

3. Chapter A. — Land Material.

- (a) Prohibition of certain material;
- (b) Prohibition of certain fortifications;
- (c) Direct limitation of quality;
- (d) Direct limitation of quantity;
- (e) Article 10: Limitation of land material by the budgetary method.

Proposals aiming at combined direct and indirect limitation.

4. Chapter B. — Naval Material.

Proposals aiming notably at:

- (a) Prohibition of certain material;
- (b) Prohibition of certain fortifications;
- (c) Fixing of the method of reduction;
- (d) Direct limitation of certain material (other than the vessels themselves).

5. Chapter C. — Air Armaments.

Proposals aiming notably at:

- (a) Abolition of military aviation;
- (b) Abolition of military aviation combined with an internationalisation of civil aviation;
- (c) Prohibition of certain material;
- (d) Internationalisation or supervision of civil aviation.

6. Trade in and manufacture of arms.

Proposals aiming at taking into account in the draft Convention the trade in and manufacture of arms.

7. Part III. — Article 29 (Limitation of expenditure).

Proposals raising notably the question of the principle of budgetary limitation, the extension of this method, and the question of the combination of the direct and indirect methods.

8. Part V. — Chemical arms (Prohibition of the preparation of chemical arms).

Proposals aimed at the introduction of further restrictions in this connection.<sup>1</sup>

- (a) Prohibition of the preparation of chemical and bacteriological arms;
- (b) Control of manufacture;
- (c) Sanctions;
- (d) Prohibition of the use of chemical and bacteriological arms;
- (e) Prohibition of the use of deadly gases and of bacteriological methods.

9. Protection of the civilian population. Proposals in this connection.<sup>1</sup>

10. Article 53 (Maintenance of the previous treaties). Proposals in this connection.

11. Article 57 (Duration of the Convention). Proposal in this connection.

12. Article 58 (Revision). Proposal in this connection.

13. Article 59 (Special circumstances). Proposal in this connection.

14. Article 60 (Denunciation). Proposal in this connection.

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## POLITICAL COMMISSION.

### QUESTIONS TO BE DEALT WITH BY THE POLITICAL COMMISSION WITHOUT PREVIOUS DISCUSSION BY THE GENERAL COMMISSION.

- 1. Article 1. — Proposals relating to moral disarmament to be found in Article 1 under the sub-head, "A. Political Conditions: 3—Moral Disarmament".
- 2. Part VI. — Miscellaneous provisions. Proposal on the subject.
- 3. Chapter A (Permanent Disarmament Commission). Proposals on the subject.
- 4. Article 40 (Constitution and composition). Proposals on the subject.
- 5. Article 41 (Convocation and meetings).
- 6. Article 42 (Rules of Procedure).
- 7. Article 43 (Quorum).
- 8. Article 44 (Representatives of States not having Members on the Commission).
- 9. Article 45 (Votes).
- 10. Article 46 (Consultation of individuals).
- 11. Article 47 (Minority reports).
- 12. Article 48 (Communication and publication of reports).
- 13. Article 49 (Communication of information received. Report of the Commission).

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<sup>1</sup> These proposals might also be referred to the Land, Naval and Air Commissions for an opinion before any decision is taken on the principle.

*Additions regarding the Powers of the Permanent Disarmament Commission.*

- 14.(a) Supervision. Proposals on the subject.
- 15.(b) Preparations for further stages of disarmament. Proposals on the subject.
16. Article 50 (Conditions; notifications).
17. Chapter C (Procedure regarding complaints). Supplementary proposal on the subject.
18. Article 51 (Violation: matter of general concern).
19. Article 52 (Procedure in case of complaints).
20. Article 54 (Disputes: arbitral procedure).
21. Article 55 (Ratification and entry into force). Proposal on the subject.
22. Article 56 (Measures for carrying the Convention into effect). Proposals on the subject.

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## LAND COMMISSION.

### QUESTIONS TO BE DEALT WITH WITHOUT PRELIMINARY DISCUSSION IN THE GENERAL COMMISSION.

1. Articles 2 and 3 (Definition and limitation of average daily effectives, proposals 4 and 5).
2. Tables I, II and III, and proposals 1, 2 and 3.
3. Article 4 (Formations organised on a military basis) and proposals 1 to 5.
4. Tables IV and V.
5. Proposal regarding reduction in the number of units.
6. Articles 5 to 9, table and proposal thereon.
7. Article 30 and annexed Tables I to V (Publicity regarding effectives).
8. Article 31 (Compulsory preparatory military training).
9. Article 32 (Publicity regarding length of service).
10. Article 33 (Publicity regarding expenditure on land war material).
11. Part V (Chemical warfare (whole question) and proposals 1 to 4 of the Chapter: Protection of Civilian Population).
12. Polish proposal regarding the powers of the Permanent Disarmament Commission. Page 26 of document Conf.D.102.

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## NAVAL COMMISSION.

### QUESTIONS TO BE DEALT WITH BY THIS COMMISSION WITHOUT PREVIOUS DISCUSSION BY THE GENERAL COMMISSION.

#### *Part I. — Personnel.*

1. Articles 2 and 3 and proposals 4 and 5, Table VI (Limitation of Naval Effectives). Proposal on the subject.
2. Article 4, Table VII and proposals on the subject.
3. Chapter B, Articles 5 to 9 and table. Proposal on the subject.

#### *Part II. — Material.*

4. Chapter B (Naval Armaments). General proposals of a technical character.<sup>1</sup>
  5. Article 12 (Distribution of tonnage by categories). Proposals on the subject.
  6. Article 13 (Transfer). Proposals on the subject.
  7. Article 14 (Capital ships).
  8. Article 15 (Aircraft-carriers).
  9. Article 16 (Submarines).
- } Certain proposals on the subject.<sup>2</sup>

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<sup>1</sup> These concern more particularly: (a) the prolongation of naval agreements; (b) the limitation of non-floating material; (c) restriction of the use of mines.

<sup>2</sup> The questions of principle raised in connection with these articles will be examined by the General Commission.

10. Article 17 (General undertaking regarding the construction and purchases of vessels)  
Proposals on the subject.
11. Article 18 (Rules for replacement). Proposals on the subject.
12. Article 19 (Merchant ships). Proposals on the subject.
13. Article 20 (Vessels constructed for other Powers). Proposals on the subject.
14. Article 21 (Transfer of vessels). Proposals on the subject.
15. Article 22 (Rules for disposal). Proposals on the subject.
16. Article 23 (Hulks).
17. Annex I<sup>1</sup> (Exempt vessels).
18. Annex II (Special vessels).
19. Annex III (Definitions). Proposals on the subject.
20. Article 24 (Limitation of expenditure on naval material).

*Part IV: Exchange of Information.*

21. Article 30 (Publicity of effectives).
22. Article 32 (Publicity regarding length of service).
23. Article 33 (Publicity of expenditure on naval material).
24. Article 34 (Publicity regarding the construction of vessels).
25. Article 35 (Publicity regarding merchant ships).

*Part V. — Chemical Warfare.*

26. Chemical warfare (in its entirety), and proposals 1, 2, 5, 6, 7 and 8 of the Chapter:  
Protection of the Civil Population.

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## AIR COMMISSION.

This Commission might undertake a preliminary examination of the principle of the abolition of military aviation (with or without the internationalisation of civil aviation).

Should the Commission not be in favour of the adoption of this principle, it might examine the following questions:

1. Articles 2 to 4 and Tables annexed (Limitation of air effectives). Proposals on the subject.
2. Articles 5 to 9 and Table (Length of service). Proposals on the subject.
3. Article 25 (Limitation of number and total horse-power of aeroplanes). Proposals on the subject.
4. Article 26 (Limitation of number and total horse-power and of total volume of dirigibles).  
Proposals on the subject.
5. Article 27 (Measurement of the horse-power and volume of dirigibles). Documents C.259  
and 260.1931 (Standard measurements of the horse-power of aeroplane engines).
6. Article 28 (Civil aviation). Relations with military aviation.
7. Article 30 (Publicity regarding effectives).
8. Article 32 (Publicity regarding length of service).
9. Article 36 (Publicity regarding military aircraft).
10. Article 37 (Publicity regarding civil aviation). Document C.95.1932.
11. Part V. — Chemical Arms: Proposals 1, 2, 9, 10, 11 and 12 of Chapter: Protection of the  
Civil Population. Document Conf.D.102.
12. Polish proposals relating to the powers of the Permanent Disarmament Commission.
13. Article 59 (Revision in special circumstances: Interdependence between civil and military  
aviation).

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<sup>1</sup> The annexes and tables depending directly on the articles are not mentioned.



## COMMISSION ON NATIONAL DEFENCE EXPENDITURE.

### QUESTIONS TO BE DEALT WITH BY THIS COMMISSION WITHOUT PREVIOUS DISCUSSION BY THE GENERAL COMMISSION.

1. Article 29 (Limitation of total annual expenditure). Proposals on the subject, more particularly:
    - (a) Continuous study of the budgetary method in consideration of fluctuations in purchasing power;
    - (b) Budgetary limitation relating to total expenditure and to individual chapters;
    - (c) Abolition of secret funds and unification of the military budget.
  2. Article 33 (Publicity of land and naval expenditure).
  3. Article 36 (Publicity of total expenditure).
  4. Examination of the Report of the Committee of Experts on Budgetary Questions (document C.182.1931.IX):
    - (a) Part of the report concerning publicity.
    - (b) Part of the report concerning limitation, in so far as this part deals with the questions enumerated under 1.
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Geneva, April 15th, 1932.

**LEAGUE OF NATIONS**



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

**PROPOSALS OF THE AFGHAN DELEGATION**

1. Abolition of every kind of heavy artillery, according to the definition of the Italian Delegation.
2. Abolition of tanks and armoured cars.
3. Abolition of all bombing machines and prohibition of dropping bombs and any other objects and materials which may be used in achieving a military purpose, from aircraft, as well as all preparations to that effect without even a single exception.
4. Abolition of chemical and bacteriological weapons of every kind.
5. Construction and maintenance of the fortifications and all the means which are generally adopted near the frontier limits and give superiority to attack over defence should be forbidden.
6. With regard to limitation of forces, the equalisation as proposed by the Turkish Delegation, seems to us preferable.
7. Indirect limitation of arms by budgetary system does not appear to be applicable to non-producing countries, as such countries have to bear a heavy expenditure to meet their defensive requirements, maintain the reserve stocks and, especially in the event of an aggression, encourage their local manufacture. This difficulty is more noticeable in the case of the countries which, being situated in a distinctly disadvantageous position owing to absence of maritime conveyances and lack of a sea-harbour, are reduced to the necessity of importing their arms and ammunitions through the territories of other Powers.
8. For adoption of effectual measures for the adequate protection of the civil population, the revision of the existing laws of war is desirable.

Genève, le 15 avril 1932.

## SOCIÉTÉ DES NATIONS

### **Conférence pour la réduction et la limitation des armements.**

#### **PROPOSITIONS DE LA DÉLÉGATION D'AFGHANISTAN**

1. Suppression de l'artillerie lourde de toute espèce, suivant la définition de la délégation italienne.
2. Suppression des chars d'assaut et des autos blindées.
3. Suppression de tous appareils de bombardement et interdiction de jeter d'un aéronef des bombes et tous autres objets et matériels susceptibles de servir à la réalisation d'un but militaire ainsi que de faire tous préparatifs à cet effet sans aucune exception.
4. Suppression des armes chimiques et bactériologiques de toute nature.
5. La construction et le maintien des fortifications et de tous les moyens qui sont généralement adoptés près des frontières et donnent la supériorité à l'attaque sur la défense, doivent être interdits.
6. En ce qui concerne la limitation des effectifs, l'égalisation proposée par la délégation turque nous paraît préférable.
7. La limitation indirecte des armements par la voie budgétaire ne paraît pas applicable aux pays qui ne fabriquent pas eux-mêmes, étant donné que ces pays ont à supporter de lourdes dépenses pour faire face aux besoins de leur défense nationale, maintenir leurs stocks de réserve et notamment en cas d'agression pour encourager leur fabrication locale. Cette difficulté apparaît de façon plus évidente lorsqu'il s'agit de pays qui par suite de la situation nettement désavantageuse dans laquelle ils se trouvent par suite de l'absence de moyens de transport maritimes, du manque de ports de mer, sont réduits à la nécessité d'importer leurs armements et leurs munitions en les faisant passer à travers les territoires d'autres Puissances.
8. Pour l'adoption de mesures efficaces assurant la protection adéquate de la population civile, il est désirable de reviser les lois de la guerre existantes.

Geneva, May 30th, 1932.

**LEAGUE OF NATIONS**

12

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

**GENERAL CONVENTION TO IMPROVE THE MEANS  
OF PREVENTING WAR.**

(C.658(I).M.269(I).1931.IX.)

**REGULATIONS FOR THE EXECUTION OF ARTICLE 4.**

The Secretary-General, in conformity with the resolution adopted by the Council on May 18th, 1932, has the honour to transmit to the Governments of the States invited to the Conference for the Reduction and Limitation of Armaments the following documents:

- (1) Extract from the Minutes of the third meeting of the sixty-seventh session of the Council;
- (2) Report to the Council of the Permanent Advisory Commission for Military, Naval and Air Questions;
- (3) Regulations for the execution of Article 4.

**EXTRACT FROM THE MINUTES OF THE THIRD MEETING (PUBLIC)  
OF THE SIXTY-SEVENTH SESSION OF THE COUNCIL**

*Held on Wednesday, May 18th, 1932, at 10.30 a.m.*

Present: All the representatives of the Members of the Council, and the Secretary-General. Norway was represented by M. ANDVORD, and Peru by M. BARRETO.

**3075. General Convention to improve the Means of preventing War.**

M. DE MADARIAGA presented the following report and draft resolution: <sup>1</sup>

" 1. At its meeting on September 26th, 1931, the Assembly of the League of Nations adopted the following resolution:

" " The Assembly,

" " 1. Taking note of the report submitted to it on behalf of the Third Committee;

" " 2. Thanking the Special Committee for the admirable work it has done towards the framing of the draft General Convention to improve the Means of preventing War:

" " 3. Approves the text of the said Convention which has been drawn up by the Third Committee;

<sup>1</sup> Document C.451.1932.IX.

“ 4. Decides to open the Convention for signature by the States Members of the League and by those non-member States to which the Council of the League shall have communicated a copy of the Convention for that purpose;

“ 5. Earnestly trusts that a large number of States will sign the Convention before the opening of the forthcoming General Disarmament Conference; and

“ 6. Requests the Council to make the necessary arrangements in good time for the preparation of the rules referred to in the last paragraph of Article 4, in order that, should circumstances so dictate, the Convention may be put into effect immediately upon its entry into force.’

“ 2. In execution of the mission entrusted to it by paragraph 6 of the resolution passed by the Assembly, the Council, at its meeting on September 30th, 1931, adopted the conclusions of the report submitted by the representative of Spain in the following terms:

“ As regards the question of the rules referred to in the last paragraph of Article 4 of the Convention, the Council might decide that these regulations should be drawn up by its Permanent Advisory Commission for Military, Naval and Air Questions. To this Commission would be added the Legal Adviser of the League of Nations and the Secretary-General of the Transit Organisation. If necessary, the Commission could also call in the assistance of other experts.

“ As the members of the Commission will be at Geneva for the Disarmament Conference, the Commission might meet at the beginning of the Conference.

“ Once the regulations have been drawn up by the Commission and approved by the Council, they can be forwarded by the Secretary-General to the Governments of the States invited to the Disarmament Conference.’

“ 3. The Permanent Advisory Commission for Military, Naval and Air Questions met at Geneva on April 20th and 22nd and on May 3rd; and, with the assistance of the Legal Adviser and the Secretary-General of the Communications and Transit Organisation, drew up the draft set of regulations for the execution of Article 4 of the General Convention to improve the Means of preventing War which the Council had asked it to prepare.

“ 4. The Permanent Advisory Commission for Military, Naval and Air Questions has appended a report to the draft regulations which it is submitting to the Council.

“ In this report it calls the Council’s attention to two points:

“(a) The Commission expresses the opinion that it is essential that the experts who are to serve on the commissions of inspection should be appointed as quickly as possible when their services are required. The Commission was unanimous on this point. I am sure all my colleagues will agree with me in holding that the Commission’s anxieties are perfectly justified, and in expressing the firm conviction that Governments will at all times be willing to sanction with the utmost despatch the appointment of one of their nationals as commissioner.

“(b) The Commission points out that it is not, strictly speaking, competent to deal with Articles 18 and 19 of the regulations, which provide for financial arrangements for the expenditure occasioned by the working of the commissions of inspection. I think the Council will agree with me that the provisions of these articles are wholly judicious.

“ 5. The Council will wish to thank the Permanent Advisory Commission for Military, Naval and Air Questions for the manner in which it has discharged the duty entrusted to it by the Council.

“ Should the Council approve the foregoing suggestions, I would propose the adoption of the following resolution:

“ The Council,

“ Having considered the draft regulations provided for in Article 4 of the Convention to improve the Means of preventing War of September 26th, 1931, which it had instructed the Permanent Advisory Commission for Military, Naval and Air Questions to prepare, approves those regulations.

“ It requests the Secretary-General to forward the regulations, together with the report of the Permanent Advisory Commission and the present report, to the Governments of the States invited to the Disarmament Conference.’”

M. de Madariaga added that, according to information he had received from the Secretariat, this Convention had been ratified by one Member of the Council, Peru, and signed by nineteen other countries. He was sure the Members of the Council would agree that the ratification of this Convention by all the Members of the League of Nations would appreciably strengthen the feeling of security without which very little result could be expected from the Disarmament Conference.

Count WELCZEK supported the Rapporteur’s proposal. The regulations drawn up by the Permanent Advisory Commission seemed to him to be in complete uniformity with the object

of the last paragraph of Article 4 of the General Convention to prevent war. The representative of Germany expressed the hope that, now the Convention had been supplemented, the States which had not yet signed it would decide to accede to it, and that it could soon be put into effect.

The regulations contained measures relating to air forces as well as to land and naval forces. The Commission had had no choice in the matter, since the General Convention, the application of which it had to facilitate, itself contained provisions relating to the air arm.

At the present time, however, several delegations, among others the German delegation, had placed before the Conference proposals for the complete abolition of the air arm. Obviously, if the proposals were adopted, the provisions in the regulations and in the Convention as regards air navigation would become unnecessary.

It was perhaps advisable to make this observation in order to avoid any impression that the Council's approval of the present regulations in any way prejudiced the fate of the proposals in question.

M. PAUL-BONCOUR found it particularly easy to associate himself with the remarks and recommendations made by the Rapporteur and the German representative because France was one of the countries which had signed the Convention concerning the Means of preventing War. She was only deferring her ratification of the Convention until the regulations submitted at the present Council meeting had been approved and until she saw what signatures or ratifications had already been given.

He associated himself, needless to say, with those Members who had signified their approval of the regulations. He would, however, venture to draw the Council's attention to certain remarks which appeared, not, he regretted to say, in the actual body of the regulations, but in the accompanying report. It was beyond doubt that the regulations which had thus been drawn up, and the Council's powers which the regulations were intended to render operative, would be valuable in proportion to the rapidity with which the regulations could be put into effect and, in the circumstances, to the rapidity with which the Commission provided for in Article 4 would be able to reach the spot. The Commission would consist of experts appointed by the Council and belonging to Governments not concerned in the dispute. The speed with which they could be selected and sent to the spot was of great importance. The French Government would have desired—and its representative on the Permanent Commission had expressed its wish—that there should always be ready a list of experts proposed by the Governments, so that the Council could make its selection under conditions more favourable to rapidity. That suggestion had not been accepted. It was, however, stated in the report that the Governments would undoubtedly be prepared to nominate the experts so designated within the shortest possible time. M. Paul-Boncour had desired to draw attention to this point at the moment of France's signifying her approval of the regulations.

*The draft resolution was adopted.*

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## REPORT TO THE COUNCIL OF THE PERMANENT ADVISORY COMMISSION FOR MILITARY, NAVAL AND AIR QUESTIONS.

The Permanent Advisory Commission for Military, Naval and Air Questions met at Geneva on April 20th and 22nd and May 3rd. In response to the Council's request dated September 30th, 1931, it drew up, with the assistance of the Legal Adviser and the Secretary-General of the Communications and Transit Organisation of the League, a draft set of regulations for the execution of Article 4 of the General Convention to improve the Means of preventing War.

In transmitting these regulations, which were unanimously approved by the Commission, the latter ventures to call the Council's attention to one point which it regards as important. Article 1 of the regulations provides that the Commissioners shall be appointed by the Council of the League of Nations with the approval of the States of which such experts are nationals. The Commission is of opinion that it is essential that these experts should be appointed as quickly as possible and that from that point of view it would perhaps be desirable for the Council to be certain that in case of need it can always find the desired number of experts without delay.

In particular, it has been suggested that the States parties to the Convention should give an undertaking to supply with the utmost rapidity any experts for whom they may be asked. The Commission has not thought it necessary, however, to introduce this provision into the regulations.

The Commission would also call the Council's attention to Articles 18 and 19 of the regulations, relating to the financial arrangements for the working of the commissions, which, not considering itself competent, the Commission has referred to the Secretariat of the League of Nations.

The Japanese delegation, in view of the attitude adopted by its Government during the discussions in the Special Committee and in the Third Committee of the Assembly's twelfth session, refrained from signifying approval of the draft regulations.

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## REGULATIONS FOR THE EXECUTION OF ARTICLE 4.

### CHAPTER I. — CONSTITUTION OF COMMISSIONS OF INSPECTION.

#### *Article 1.*

When there is occasion to constitute a Commission of Inspection, the commissioners shall be appointed by the Council of the League of Nations with the approval of the States of which such experts are nationals.

The commissioners may not be nationals of the parties to the dispute.

#### *Article 2.*

The Council may request the Permanent Advisory Commission for Military, Naval and Air Questions to submit to it, according to the circumstances and the nature of the conservatory measures contemplated, proposals in regard to the exact composition of the Commission, its organisation and its working.

#### *Article 3.*

Unless otherwise decided by the Council, the Commission of Inspection shall include the same number of commissioners of each nationality represented on the commission.

#### *Article 4.*

The Council shall appoint the President of the Commission. The latter shall organise the work of the Commission subject to the provisions of the Convention and of the present regulations.

#### *Article 5.*

The Commission may be divided into several sections. Each section shall consist of not less than three members. These shall be of different nationalities.

#### *Article 6.*

If a section consists entirely of officers, the senior member of the highest rank shall be president of the section.

If a section consists of both civilians and officers, its President shall be appointed by the President of the Commission. However, the President of the Commission may not appoint an officer other than the senior member of the highest rank.

If there are several sections, their Presidents shall as far as possible be of different nationalities.

### CHAPTER II. — WORK OF THE COMMISSIONS.

#### *Article 7.*

The rôle of the Commission of Inspection is defined and limited by Article 4 of the Convention (first and fourth paragraphs). The Commission shall also comply with the detailed instructions it may have received from the Council of the League of Nations.

#### *Article 8.*

In the event of the application of Article 2 of the Convention, the commissioners shall have, subject to the provisions contained in the fourth paragraph of Article 4 of the Convention, the right to visit any point to which they may have to proceed in execution of their mission and to remain there as long as may be necessary for the purpose of verifying on the spot the execution of the conservatory measures recommended by the Council.

In the event of the application of Article 3 of the Convention, the commissioners shall, for the performance of the mission entrusted to them by the Council, have the right to move about freely and to remain within the zone between the lines fixed by the Council in accordance with the said article. This right shall be guaranteed to them even if hostilities not creating a state of war should have occurred.

On land, if the said zones determined with the consent of the parties concerned under the conditions laid down in the second paragraph of Article 3 include military establishments, the commissioners shall have the right to enter and remain in those establishments for the performance of their mission.

On sea, in the case of warships of one of the parties being authorised to pass through one of the above-mentioned zones, in order to ensure the necessary communications between the various territories of the said party, the President of the Commission may depute commissioners to go on board these warships.

As regards the supervision of the movements of aircraft, the commissioners shall have the right to establish lookout posts either at the frontiers or in the zones referred to in the second paragraph of this article. If the Council has not forbidden civil aircraft to approach the frontiers or the intermediate zone, the commissioners shall have the right to fix compulsory crossing points for civil aircraft. Should the Commission not have at its disposal the means required for supervising night flying this may be prohibited at the frontiers or in the said zones to all aircraft by the President of the Commission.

If one of the parties so requests, the President of the Commission shall depute one or more commissioners to accompany any land, sea or air forces of the said party which, moving near one of the above-mentioned zones, might wish to prove that they have not entered that zone.

Subject to arrangements to be concluded with the parties, enabling the commissioners to make themselves known, they shall comply as far as possible with the rules of international law on the employment of envoys, in so far as those rules do not impede the performance of their mission.

*Article 9.*

The commissioners shall enjoy all diplomatic privileges and immunities.

They shall be provided as soon as possible, in addition to diplomatic passports or visas, with identity papers drawn up by the Secretary-General of the League of Nations in the name of the Council indicating the official status of the holder and the mission entrusted to him.

CHAPTER III. — FACILITIES TO BE ACCORDED TO COMMISSIONS OF INSPECTION BY THE PARTIES TO THE DISPUTE.

*Article 10.*

The Governments parties to the Convention to which the Council shall have notified the dispatch of a Commission of Inspection shall take the necessary measures to enable the commissioners to discharge their duties. They shall see that the public authorities and the population place no obstacle of any kind in the way of the work of the Commission. They shall give the latter all assistance in their power in order to facilitate the accomplishment of its mission. They shall, more particularly, appoint one or more officials who shall be at the constant disposal of the Commission. Such officials shall be provided with written instructions giving them full powers to call for the assistance of the civil and military authorities.

During the execution of their mission, the commissioners may not refuse the company of officials of the State party to the dispute in whose territory their mission is being performed.

*Article 11.*

The Governments parties to the Convention shall give instructions to the responsible authorities, with a view to ensuring that transport of persons belonging to the Commissions and communications of all kinds between the Commissions and the Council of the League of Nations shall be effected as rapidly as possible.

*Article 12.*

The Governments parties to the dispute shall give instructions to the responsible authorities to offer the Commissioners any protection that may be asked for by them.

*Article 13.*

The Governments parties to the dispute shall on their respective territories provide the Commission with all facilities for transport and accommodation that might reasonably be requested. The expenses of transport and accommodation shall be defrayed by the commissioners.

*Article 14.*

The Governments parties to the dispute shall send to the Council of the League of Nations and to the President of the Commission a copy of the orders, powers and instructions that they may have given in conformity with the provisions of the present chapter.

CHAPTER IV. — REPORTS.

*Article 15.*

The President shall keep the Council informed of the activities of the Commission of Inspection. He shall in particular inform the Council immediately of any infraction of the conservatory measures recommended which might be committed by the parties.

In order to permit of the application of the provisions of the second paragraph of Article 4 of the Convention, the President of the Commission shall immediately inform the Council, under the conditions laid down in Article 11 of the present rules, of the arrival on the spot of the commissioners and of the precise time at which they will be in a position to perform their mission.

Should any difficulty arise between the Commission and the authorities of any one of the parties to the dispute, the President shall immediately inform the Council. Pending the decision by the Council, the President of the Commission shall take all necessary steps to enable the commissioners to continue their mission under the most effective conditions possible. The Government of the party concerned shall instruct its responsible authorities to assist the commissioners for this purpose on all points not directly affecting the difficulty in question.



*Article 16.*

On the conclusion of the mission, the President of the Commission shall submit to the Council of the League of Nations the Commission's report, and also, in the event of disagreement, any dissenting opinions.

CHAPTER V. — SECRETARIAT AND FINANCIAL PROVISIONS.

*Article 17.*

Should the Council consider it necessary, a secretariat for the Commission shall be organised by the Secretary-General of the League of Nations. The members of that secretariat shall enjoy the same diplomatic privileges and immunities as the commissioners.

*Article 18.*

The allowance granted to the commissioners shall be fixed by the Council on the advice of the Secretary-General of the League of Nations, and shall be calculated on the basis of those generally given for similar missions. Unless otherwise decided by the Council, the expenses attaching to such Commissions shall be borne by the parties to the dispute.

*Article 19.*

The necessary funds shall be advanced to persons belonging to the Commissions by the Secretariat of the League of Nations, under conditions fixed by the Council in conformity with the regulations for the financial administration of the League of Nations.

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Geneva, June 14th, 1932.

LEAGUE OF NATIONS

CONFERENCE FOR THE REDUCTION AND LIMITATION  
OF ARMAMENTS

15

Proposal of the German Delegation concerning  
Qualitative Disarmament.

The General Commission;

Having noted the reports submitted by the Land, Naval and Air Commissions, and by the Special Committee of Chemical and Bacteriological Weapons concerning the execution of the task which the General Commission had entrusted to them by its resolutions of April 22nd and May 10th, 1932, with the object of assisting it in determining how the principle of qualitative disarmament might be applied;

Recalling its resolution of April 19th, 1932, under the terms of which the present Conference is to accomplish the first decisive stage in a general reduction of armaments to the lowest possible level;

Recalling the questions raised in its resolution of April 22nd, with a view to the practical application of the principle of qualitative disarmament adopted by it;

Being of opinion that the first two of these questions could be most usefully answered by interpreting them as follows:

"Supposing that one State either (a) adopts a policy of armed aggression, or (b) undertakes offensive operations against another State, what are the weapons which, by reason of their specific character, and without prejudice to their defensive purposes, are most likely to enable that policy or those operations to be brought rapidly to a successful conclusion?"

Decides:

That qualitative disarmament shall include:

A. Land armaments:

- (1) Artillery material of a calibre of more than approximately 100 mm. or of a useful range of more than 15 km.;
- (2) Tanks of every kind and armoured cars capable of moving across any terrain;
- (3) Armoured mobile cupolas and armoured trains equipped with artillery material of a calibre of more than 100 mm. approximately or of a useful range of more than 15 km.
- (4) Fortresses, field-works and works in respect of which the outer limit of the most advanced organisations is situated at a distance of less than 15 km. from the frontier of the country.

B. Naval armaments:

- (1) Capital ships of more than 10,000 tons;
- (2) Aircraft-carriers;
- (3) Submarines;
- (4) The laying of automatic contact-mines in the open sea.

C. Air armaments:

- (1) All military land or naval aircraft.

By military aircraft are to be understood all aircraft:

- (a) Which form part of the equipment of an armed force or are requisitioned by such force; or

- (b) Which are manufactured for the armed forces of the country; or
- (c) Which are manned by a military pilot or a military crew commissioned to that effect; or
- (d) Which have military specifications—that is to say, armour or installations to receive means of warfare of every kind, such as guns, machine-guns, torpedoes, bombs or instruments for aiming or launching such means of warfare; or
- (e) Which are identified by identity marks as military aircraft.

(2) Arms and means of warfare of every description destined to be utilised by aircraft as well as means of warfare or instruments constructed for such utilisation.

D. Chemical and bacteriological arms:

(1) The use, for the purpose of injuring an adversary, of all natural or synthetic noxious substances, whatever their state, whether solid, liquid or gaseous, whether toxic, asphyxiating, lachrymatory, irritant, vesicant, or capable in any way of producing harmful effects on the human or animal organism, whatever the method of their use;

(2) Appliances, devices or projectiles specially constructed for the utilisation of the said noxious bodies, with a view to injuring an adversary;

(3) All methods employed for the purpose of injuring an adversary and consisting of the projection, discharge or dissemination in any manner, in places inhabited or not, of pathogenic microbes in whatever phase they may be (virulent or capable of becoming so), or of filter-passing viruses, or of infected substances, whether for the purpose of bringing them into immediate contact with human beings, animals or plants, or for the purpose of affecting any of the latter in any indirect manner—for example by polluting the atmosphere, water, food-stuffs, or any other objects;

(4) Projectiles specifically intended to cause fires;

(5) Appliances designed to attack persons by fire, such as flame-projectors.

Geneva, June 15th, 1932.

## LEAGUE OF NATIONS

### CONFERENCE FOR THE REDUCTION AND LIMITATION OF ARMAMENTS

#### SPECIAL REGIME FOR MILITIA ARMIES.

##### PROPOSAL BY THE SWISS DELEGATION.

As the Federal Government pointed out in the document relating to the position of the armaments of Switzerland (document Conf. D.32), the draft Convention framed by the Preparatory Commission relates only to permanent armies. It does not take into account the characteristics peculiar to militia armies. That is explained quite naturally by the fact that militia armies are in the nature of an exception, while the draft Convention, as an initial draft designed to serve as a basis for discussion at the Disarmament Conference, can hardly take into account any but the most usual type of army—*i.e.*, the permanent army.

It is important, however, when perfecting this draft, not only to consider the most usual type of national army, but to reserve a special place for the less usual type—*i.e.*, the militia army—especially in view of the fact that, according to the practically unanimous view, that particular formation represents the type of defensive army *par excellence*, and on those grounds is deserving of special consideration by the Disarmament Conference.

The militia army, as we conceive it and as it exists in Switzerland, is essentially different from the permanent army. It can hardly be brought under the general regime of the future Convention. It should, by reason of its very special nature, form the subject of special treatment.

This logical and practical necessity has already been stressed in document Conf. D.79 (I.A.3), submitted to the Conference on February 18th. The German delegation enunciated the principle that "due regard must be had, in any case, to the special circumstances of States having a militia system".

It would seem then that the Conference should examine what States actually possess a militia system, for the use of that term in contemporary literature appears to us to have given rise to certain abuses.

No one has ever questioned the statement that the Swiss army represents the true type of a militia army. It may not be superfluous then to recall the principal distinctive features of that army, if only to prevent any further misunderstanding.

The essential characteristic of a militia army, such as the Swiss army, lies in the fact that it possesses no units (companies, batteries, squadrons), formations (battalions, groups, regiments), commanding officers or staffs continuously on duty. The various units, formations and staffs are organised, but they only serve for a short period each year. They are called up every year for refresher courses, for a period of thirteen days for the infantry and sixteen days for the artillery, including the days for mobilisation and demobilisation.

The distinctive feature of the militia army is not then, as is frequently stated, the shortness of the period of service, but the fact that units, formations, commanding officers and staffs are not permanent.

The units not being permanent—and this is a second characteristic ensuing from the first—the training of the soldier is not carried out in the unit to which he will be posted, but at special training courses (schools for recruits).

Nor is the cadre of officers and N.C.O.s of the school for recruits permanent. It is recruited from among N.C.O.s and officers of the militia. As N.C.O.s are appointed men who have just obtained the rank of corporal in a special school for N.C.O.s; as section or platoon commanders, lieutenants who have received their commissions the previous year; and as company commanders, first-lieutenants who have completed certain preparatory courses (central schools).

In the schools for recruits, the cadres have to train others and also to be trained themselves. They are trained for the functions which they will have to perform in the militia by instructors

who are professional officers. There are not many of these instructors: one superior officer, who is at the head of the whole school, and one officer (a major or a captain), who is responsible for the training of each company, battery or squadron. They have no command properly speaking. They regulate and supervise the training. They constitute first and foremost a teaching staff.

After passing through the school for recruits, the companies are dissolved and the men are assigned to the units of the army. The course at the school for recruits is of short duration (65 to 90 days, according to the arm). The short time devoted to training is without doubt another characteristic of the militia army; but, as we have said, it is not the essential characteristic.

A more important feature is to be found in the fact that the Swiss militia is not a formation *sui generis* intended, as in the case of other militia troops, as an auxiliary to a permanent formation for national defence. It provides unaided for the defence of the country.

These few brief indications show that a militia army like the Swiss army is in no way adapted for a strategic offensive without further instruction and training; it is incapable of suddenly taking the offensive. For that reason, it would be well to encourage as much as possible the formation of national armies of this type. This would be in the interests of peace.

How should the militia army be dealt with in the future Convention? As the question is of a somewhat technical character, it should be referred to the technical commissions. The Swiss delegation therefore proposes that the General Commission adopt a resolution to that effect which might be worded as follows:

“ The General Commission,

“ Considering that militia armies should be subject to a treaty regime which will take into account their special characteristics,

“ Instructs the technical commissions to consider the details of this regime.”

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Genève, le 23 juin 1932.

**SOCIÉTÉ DES NATIONS**

**Conférence pour la réduction et la limitation  
des armements**

**COMMISSION NAVALE**

**RAPPORT A LA COMMISSION GÉNÉRALE (document Conf. D. 121).**

*Note du Secrétaire général.*

Conformément aux instructions du Président de la Conférence, le Secrétaire général a l'honneur de communiquer à la Conférence le document suivant :

COMMUNICATION, EN DATE DU 16 JUIN 1932, DU DÉLÉGUÉ DE LA PERSE AU PRÉSIDENT DE LA COMMISSION NAVALE.

Genève, le 16 juin 1932.

J'ai l'honneur de vous faire savoir qu'après avoir vu les avis des différentes délégations sur les armements navals, j'ai constaté que dans le rapport à la Commission générale aucune mention n'est faite de l'opinion exprimée par la délégation persane.

Or, dans la séance du 3 mai de la Commission navale, le colonel Riazi a fait savoir son point de vue sur l'ensemble des questions navales à l'ordre du jour.

De cette déclaration il résultait clairement que mon pays était prêt à accepter les armements navals les plus bas et ne reconnaissait *a priori* comme inoffensifs que les sous-marins de faible tonnage, sous réserve que dans l'emploi de ces navires les restrictions internationales d'ordre humanitaire imposées par le Traité de Londres soient généralisées et strictement observées.

Je vous serais donc très obligé de bien vouloir faire insérer dans ledit rapport ces idées générales comme opinion de la délégation persane, et au cas où le rapport définitif ne pourrait pas être touché, de bien vouloir annexer cette déclaration au rapport à envoyer à la Commission générale et d'en faire connaître la teneur aux autres membres de la Commission.

(Signé) A. SÉPAHBODI.

Official No.: **Conf. D. 127.**

Geneva, June 23rd, 1932.

**LEAGUE OF NATIONS**

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

**NAVAL COMMISSION**

**REPORT TO THE GENERAL COMMISSION (document Conf. D. 121).**

*Note by the Secretary-General.*

In accordance with the instructions of the President of the Conference, the Secretary-General has the honour to circulate to the Conference the following document :

COMMUNICATION, DATED JUNE 16TH, 1932, FROM THE PERSIAN DELEGATE TO THE PRESIDENT  
OF THE NAVAL COMMISSION.

Geneva, June 16th, 1932.

[*Translation.*]

I have the honour to inform you that, on reading the opinions of the various delegations on naval armaments, I have observed that the report to the General Commission contains no mention of the views expressed by the Persian delegation.

At the Naval Commission's meeting on May 3rd, Colonel Riazi gave his opinion on the whole of the naval questions on the agenda.

This statement made it clear that Persia was prepared to accept the lowest naval armaments and recognised *a priori* as non-offensive only submarines of small tonnage, provided that in the use of these vessels the international humanitarian restrictions imposed by the Treaty of London were rendered general and strictly observed.

I should therefore be very much obliged if you would have these general ideas inserted in the report as the opinion of the Persian delegation and, should it not be possible to modify the final report, append this declaration to the report to be sent to the General Commission and inform the other members of the Commission of its tenor.

(Signed) A. SEPAHBODI.

Geneva, June 23rd, 1932.

LEAGUE OF NATIONS

16

**CONFERENCE FOR THE REDUCTION AND LIMITATION  
OF ARMAMENTS**

**APPLICATION OF THE QUANTITATIVE PRINCIPLE**

**LETTER FROM THE AUSTRALIAN DELEGATION TO THE  
PRESIDENT OF THE CONFERENCE, DATED JUNE 17<sup>TH</sup>, 1932.**

1. The proposal which is made on behalf of the Australian delegation can best be introduced by asking the following question:

- (a) Is the Disarmament Conference proceeding upon the basis that it is now endeavouring to reach an agreement fixing a limit of armaments which is never to be exceeded, or
- (b) Is the Conference endeavouring to reach an agreement for a limited period, after the expiration of which all States are to be free, subject to any further agreement which may hereafter be made by them?

2. The position is not as clear as it ought to be.

Resolutions have been passed by the General Commission approving a programme of reduction in armaments by successive revisions, the reduction being described as the reduction "provided for in Article 8 of the Covenant of the League of Nations". (Resolution of General Commission of April 19th, 1932.)

I am aware that Article 8 has been variously interpreted and I am not basing this suggestion upon any contention that the interpretation to which I proceed to refer must be accepted as correct. I only submit that it is a possible interpretation which should be kept in mind as a possibility when the subject of disarmament is under consideration under the auspices of the League.

Article 8, paragraph 2, of the Covenant provides for the formulation by the Council of the League of plans for reduction.

Paragraph 3 provides that such plans shall be subject to reconsideration and revision at least every ten years.

It appears, therefore, that the "plans" contemplated in Article 8 are *permanent* plans, to be reconsidered and revised at least every ten years. Thus, in fifty years, the plans should be revised at least five times. The article does not contemplate an agreement which expires at the end of a specified period, but a plan which continues, unmodified, unless, after reconsideration, it is revised. Any such "revision" must be as the result of an agreement by *all the parties*. The provision can hardly mean that any one party can arbitrarily "revise", leaving the others bound by the agreement according to its original terms.

Paragraph 4 makes the position clear as to possible increase of armaments. It provides that, after the plans have been adopted by the Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council. This provision necessarily applies during the currency of the "plans", which, as above stated, is permanent, subject only to agreed revision.

The result is that, if the particular method specified in Article 8 (upon this interpretation) is to be applied, all States must take the responsibility of specifying the strengths of defensive forces which they are prepared to accept as *ultimate strengths*—*i.e.*, as not to be increased without the concurrence (which must be unanimous) of the Council of the League.

3. In endeavouring to fix such figures, a Government must *provide for all contingencies of the future* which it regards as practical in character. I doubt whether any Government is prepared really to accept such a responsibility, particularly at a Disarmament Conference.



Illustrations of the difficulty of arriving at any reasonable solution of this problem could be given, not only by countries which fear aggression in the near or remote future, but also by relatively young and undeveloped countries which confidently anticipate a great increase of population, and by countries which, at the present time of economic depression, are compelled to limit their defensive forces to what financial stringency dictates rather than to what considerations of national safety would prescribe.

If the figures of what I have called "ultimate strength" were published, I believe that they would, as a whole, astonish and horrify the world. The Conference would appear to many to be more like a Rearmament Conference than a Disarmament Conference.

4. Passing from Article 8 to the draft Convention, one sees that Articles 57 to 60 really involve the same idea of specifying ultimate strengths. Article 57 provides that the Convention is to remain in force for  $x$  years and thereafter until amended, superseded or denounced under the following articles. The Convention can be amended or superseded only by agreement. Certainly it can be denounced under Article 60. But a State denouncing the Convention would find itself in the position, by its own action, of bringing the whole Convention to an end, because other parties could not be expected to hold themselves bound after a State of any importance had freed itself from all its obligations under the Convention.

Accordingly, in order to avoid being placed in such a position with the risk of odium which would naturally be incurred, there will be a strong and almost irresistible tendency for a Government to make itself safe by providing against all contingencies, and, therefore, specifying figures which would really represent ultimate strengths.

5. There is, therefore, ground for belief, or, at least, suspicion, that, in agreeing to disarmament at this Conference, a Government is binding itself to a limit of armaments which cannot be exceeded except by either the unanimous consent of the Council or by the Government facing the invidious and odious responsibility of denouncing the whole agreement made. So long as this belief or suspicion exists, it will be difficult and almost impossible to achieve any real result.

6. It is therefore urged that a definite decision should be taken by the Conference that any agreement reached should be binding only for a definite term of years, and that another Conference should be held before the expiry of the agreed period. Then it will be clear that Governments are not purporting to bind their people for ever. The figures submitted will bear some relation to reality, instead of representing a speculation upon the basis of all kinds of imaginable contingencies. The precedents of Washington and London will be followed, and at least one obstacle to the success of the Conference will be removed.

7. I desire particularly to add that the procedure which I suggest would, in proportion as there is a real faith in the necessity and efficacy of progressive disarmament, lead by degrees to a position when it would become possible to apply Article 8 of the Covenant in the fullest sense. Any proposal which may help towards the attainment of this objective should, I venture to say, receive careful consideration.

8. In view of the fact that my return to Australia at a very early date is imperative, I can hardly with propriety ask for an immediate meeting of the General Commission for the purpose of enabling me to take a personal part in the discussion of a proposal which, I recognise, has many aspects. I do, however, submit these observations for consideration and circulation to delegations with the hope that the Conference may see its way to accept a resolution which would give effect to the proposal made.

I suggest that a resolution in some such terms as the following would be appropriate:

"The General Commission records its decision that any agreement now to be made for the reduction and limitation of armaments should bind the parties only for a fixed term of years, and that a further Conference should be held at a convenient time before the expiry of that period for the purpose of making a new agreement for further reduction and limitation."

(Signed) J. G. LATHAM,  
*Minister for External Affairs.*

Geneva, February 27th, 1934.

17

LEAGUE OF NATIONS

**CONFERENCE FOR THE REDUCTION AND LIMITATION  
OF ARMAMENTS**

**Documents concerning the Date of the Resumption of the  
Work of the Conference and the Correspondence between  
the President of the Conference and the Governments  
of the United Kingdom, France and Italy**

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<sup>1</sup> See report of the debate in Volume 285, No. 30, of "Parliamentary Debates, House of Commons".

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<b>1934. IX. 1.</b>

## NOTE BY THE PRESIDENT OF THE CONFERENCE.

With reference to the programme of work of the Conference approved by the Bureau at its meeting on November 22nd last (see document Conf.D./Bureau/P.V.54), when the Bureau agreed on the advisability of the undertaking of "parallel and supplementary efforts" between various States, the President of the Conference has the honour to communicate to the members of the General Commission the correspondence, with annexes, exchanged between the Governments of the United Kingdom, France and Italy, and himself, and also of the letters sent by him on January 26th and February 19th, 1934, to the members of the General Commission.

These documents are arranged in the following order :

- (1) Letter, dated January 26th, 1934, sent by the President to the members of the General Commission (document Conf.D./C.L.11), with reference to the date of resumption of the work of the Conference ;
- (2) Letter, dated January 27th, 1934, sent by the President to the Governments of the United Kingdom, France and Italy ;
- (3) Replies to the President's letter—(2) above—from the Governments of :
  - (a) Italy, dated February 7th, 1934, with the Italian memorandum on disarmament annexed ;
  - (b) The United Kingdom, dated February 9th, 1934, with, annexed :
    - (i) The memorandum on disarmament presented to the United Kingdom Parliament on January 31st, 1934, and
    - (ii) The statement made in the House of Commons by Sir John Simon on February 6th, 1934, on the occasion of the debate on this memorandum ;
  - (c) France, dated February 10th, 1934, forwarding :
    - (i) Copy of the note communicated by the German Government to the French Ambassador in Berlin on December 18th, 1933 ;
    - (ii) Copy of the note, dated January 1st, 1934, stating the views of the French Government on the German note referred to in (i) above ;
    - (iii) Copy of the German Government's reply, dated January 19th, 1934, to the French Government's note referred to in (ii) above ;
- (4) Copy of the French Government's reply, dated February 14th, 1934, to the German Government's note referred to in paragraph 3 (c) (iii) above ;
- (5) Letter, dated February 19th, 1934, sent by the President of the Conference to the members of the General Commission (document Conf.D./C.L.12) with reference to the date of the meeting of the Bureau.
- (6) Letter addressed on March 3rd, 1934 by the delegation of the United States of America to the Secretary-General, transmitting copy of the *aide-mémoire* communicated on February 19th by the United States Secretary of State to the United Kingdom Ambassador at Washington.

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### I. LETTER, DATED JANUARY 26TH, 1934, SENT BY THE PRESIDENT TO THE MEMBERS OF THE GENERAL COMMISSION (DOCUMENT CONF.D./C.L.11) WITH REFERENCE TO THE DATE OF RESUMPTION OF THE WORK OF THE CONFERENCE.

You will remember that, at its last meeting, the Bureau recognised that the differences of opinion at that time on several important political questions were too great to allow of any hope of a satisfactory result from a premature discussion in the General Commission. The Bureau considered that, at that stage, the work of the Conference would best be promoted by parallel and supplementary efforts among the various countries and the full use of diplomatic machinery. It expressed the hope that those efforts would be at once undertaken with energy, in order to expedite the work of the General Commission.

The Bureau accordingly decided to defer the resumption of the General Commission's proceedings to a date to be fixed by the officers of the Bureau, who, as you are aware, are the Vice-President, the Rapporteur, the Secretary-General and myself.

When, however, we met at Geneva on January 19th and 20th, we felt that, in view of the progress reported from the parallel and supplementary efforts to which I have referred,

it was inexpedient to interrupt those efforts by an immediate resumption of the Conference's proceedings. We also felt that it was highly important that, when the Bureau met, it should be in a position to complete the necessary preparations for establishing an agenda and fixing a date that would enable the General Commission to continue without interruption its work with a view to the conclusion of a convention.

We accordingly decided that the Governments in charge of the negotiations now proceeding should be asked to inform me of the situation before February 10th, so that the officers of the Bureau who will meet on February 13th may fix the date for the meeting of the Bureau according to circumstances, either immediately to consider the question of an adjournment or at whatever might seem the most suitable time to enable an agenda to be prepared for the General Commission.

You have no doubt already received this information from the official communiqué issued by the officers of the Bureau after their discussions on Saturday, January 20th. I have, however, thought it proper to communicate direct with each of the delegations to the General Commission to announce officially the decision that my colleagues and myself have had the honour to reach in the discharge of the functions entrusted to us by the Bureau.

(Signed) Arthur HENDERSON.

2. LETTER, DATED JANUARY 27TH, 1934, SENT BY THE PRESIDENT TO THE GOVERNMENTS OF THE UNITED KINGDOM, FRANCE AND ITALY.

By a letter dated January 26th, 1934 (document Conf.D./C.L.II), of which I enclose a copy, I had the honour to inform you that the officers of the Bureau decided, on January 20th, to hold a new meeting on February 13th, in order to give effect to the resolution of the Bureau of November 22nd and to fix a date for the resumption of the work of the Conference. To that end the officers decided that those responsible for the parallel and supplementary efforts should be invited to inform me of the situation not later than February 10th.

In execution of this decision I have the honour to request you to be good enough to supply me with the desired information by the date indicated, in order that I may forward it to my co-officers prior to the meeting of February 13th.

(Signed) Arthur HENDERSON.

3.

(a) REPLY OF THE ITALIAN GOVERNMENT.

London, February 7th, 1934.

I beg to enclose the official text of the Italian Memorandum on Disarmament, which I have been instructed to communicate to you.

I am at your disposal if there is anything you should need in connection with the meeting of the Bureau on February 13th.

(Signed) GRANDI.

MEMORANDUM BY THE ITALIAN GOVERNMENT.

In the conversations which took place in Rome on January 3rd and 4th between the Head of the Government and the British Minister for Foreign Affairs, the Head of the Government communicated to Sir John Simon the Italian point of view regarding the disarmament situation and the prospects of disarmament, as set forth in the following document :

I. The Italian Government is convinced, after examination of the problem of "disarmament", and taking into account the point of view of Germany and the general situation, that it is impossible not to acknowledge that we have reached the extreme limit of time available for breaking the deadlock in which we have found ourselves since June last.

The Italian Government thinks it unnecessary to dwell on this premise. It is enough to mention the existence of clear and numerous indications which go to prove that, if the solution be further delayed, re-armament will cease to be a debated question, and will become to-day or to-morrow a question which may be solved practically in a unilateral manner. The gravity of this fact is only too evident, not only in itself, but still more by reason of the increasing difficulties which it would create for a peaceful and juridical international solution of the problem of equality of rights, for a European *détente*, and for the possibility of reaching a reasonable convention of effective disarmament in a not too distant future. It is also certain that, if the problem be not solved, the results will be a renewed spirit of mutual suspicion, the division of Europe into hostile groups and a race in armaments.

From this premise the Italian Government deduces that all Governments must now assume their responsibilities in deciding to adopt a clearly defined attitude and to state it publicly.

2. The experience of the discussions that have taken place during the past two years at the Disarmament Conference, the course of the diplomatic negotiations, the public declarations made by statesmen, authorise the Italian Government to harbour well-grounded doubts whether the armed Powers desire, or are able to agree on, such measures of disarmament as would permit a solution of the present situation while maintaining the demands of Germany within the modest dimensions envisaged originally.

It is further necessary to bear in mind that Germany, by excluding from her demands for equality heavy material, and confining her claim to the so-called defensive material—that is to say, material which even on the most optimistic hypothesis would be retained by the armed Powers at least for the duration of a first period, or for that of the first convention—has been able to maintain in a measure that the problem of equality of rights is distinct from that of effective disarmament, this latter being considered as the task of the armed Powers exclusively, Germany having long ago completely done her part.

It follows that it becomes, for this reason, much more difficult to bring pressure upon Germany to make her recede from or moderate her claims for defensive material, even if the armed Powers were willing to consent to an important and immediate reduction of their offensive armaments; for the German position consists in denying the correlation between the two kinds of armaments—the first representing equality of rights and the second disarmament, which does not bind her, as she is not armed.

The Italian Government desires, however, to state that its policy has been, is, and intends to remain, the policy of disarmament. Only recently, by its unconditional acceptance of the British plan of March 16th, 1933, it afforded the most convincing proof of this. It continues therefore to consider a solution in this sense as the most desirable. If, therefore, within a reasonable time, the negotiations which are being pursued should afford justifiable hopes of seeing the armed Powers unanimously resolved to undertake substantial measures of disarmament, Italy, in accordance with her own interests, would not only adhere to this decision, but would not fail to join, with the utmost goodwill, in the attempt to turn this to immediate advantage, in order to obtain from Germany greater limitation of her re-armament than, in the contrary event, it seems possible to secure by agreement.

The Italian Government desires, however, to declare in all frankness that only precise proposals put forward without delay, not subordinated to clauses or conditions that are known, *a priori*, to be unacceptable to other Powers, and of such a scope as to create a technically, juridically and morally favourable position for the negotiators, would offer some hope of success. In the contrary event, we shall only have a renewal of declarations and counter-declarations, of academical discussions and of recriminations which could not prevent the repetition of the regrettable events to which allusion has been made earlier.

3. Leaving such a possibility still open, therefore, but turning, as, indeed, the urgency of the moment requires, to the situation as it appears at present, the Italian Government appeals to three principal criteria—that is, a condition of fact, a juridical point and an estimate of probabilities—which, in their aggregate, seem to it to restrict the field of solutions and combinations within clear and well-defined limits, which, having regard to the circumstances, are satisfactory.

(a) *Condition of Fact.* — The danger that, if no agreement be reached, the question of equality may, in fact, be solved independently of agreements tending to sanction it, and which regulate the method of its achievement. This consideration naturally raises the question whether the Powers would be able and would wish to take the sanctions required to hinder or suppress movements which do not take the treaties into account, and also the scope of those sanctions. The mere consideration of this eventuality affords a measure of the gravity of the situation which would arise in the event of no agreement being arrived at, and emphasises, if, indeed, that were necessary, the necessity of arriving at such an agreement in a prompt and satisfactory manner.

(b) *Juridical Point.* — It is undeniable that equality of rights has been solemnly recognised to Germany and the other States disarmed by the treaties. The impossibility in which the armed Powers, signatories of the said treaties, find themselves of immediately reducing their armaments to a level reasonably approaching the level of German disarmament gives to the German claim for re-armament a juridical and moral force, of which it is not easy to deny the evidence. And if it were possible to demonstrate, as will be shown below, that the conditions of security have already been reasonably met, the argument in favour of Germany assumes a value not easy to refute.

(c) *Estimate of Probabilities.* — The Italian Government cannot but give the utmost weight to the pacific declarations of President Hindenburg and Chancellor Hitler. Apart from the fact that it is not possible to base agreements on suspicion, one must admit that the repeated and uniform declarations of the Head of the German Government afford confidence that well-defined agreements, freely accepted, would not only not be lightly broken, but would not, for the whole term of their duration, be compromised in the diplomatic field by demands for further concessions and modifications.

And inasmuch as scrutiny of what may be in the interests and within the power of a contracting party undoubtedly invests the sincerity of its pledges with a greater certainty, the Italian Government expresses its considered opinion that the Germany of Hitler is at present taken up with a work of far-reaching transformation and internal re-adjustment with which it would be difficult to reconcile designs for warlike enterprises beyond the frontiers. It is understood in this connection that the Italian Government is naturally aware of the other and more material aspects of the problem of security, which will be referred to later.

4. Admitting what has been said above, the Italian Government is of opinion that it is still possible to conclude a Convention such as to satisfy—perhaps partially, but none the less positively—public opinion, especially if the latter were suitably enlightened. In considering this point, it should be remarked that we have clear indications that, also in the neutral countries directly interested, public opinion is adapting itself to the idea that the principal and practical question is no longer how to prevent German re-armament but how to avoid that such re-armament should take place unregulated and uncontrolled.

5. Considering now more particularly the convention which the Italian Government thinks might be realised, and which might remain in force up to December 31st, 1940, the Italian Government considers that it should, in particular, provide for :

(a) The abolition of chemical warfare with every necessary measure of supervision to prevent its preparation and organisation ;

(b) Prohibition of the bombardment of civil populations, it being understood that, in the field of prohibition of bombardment from the air, more radical measures might be possible when the rule of the interdependence of land, sea and air armaments so permits ; it should be noted that such a measure ought greatly to facilitate the solution of the problem of the parity of German air armaments ;

(c) Limitation to the present level of the military expenditure of Powers not bound by the Treaties, with a proviso concerning expenditure on replacements and completion of defensive works ;

(d) Limitation to the present level of land war material of the Powers not bound by the said treaties, with provision for necessary replacements.

6. It should be borne in mind that the German claim for an average daily effective force of 300,000 men is governed by the hypothesis that other armed Powers do not reduce their effectives to the figures put forward in the MacDonal plan, but keep to their present figures. If it were found preferable to face the problem of reduction, Germany declares herself ready to re-discuss the figures given above.

This being so, the Italian Government, considering the present level of effectives of, for instance, France, Poland and Czechoslovakia, doubt whether it can plausibly be argued that the ratios shown in the MacDonal plan are altered in favour of Germany in the German proposals.

As to the particular problem of the reduction and standardisation of effectives, the Italian Government wishes to point out that this would entail so many delicate problems between the other contracting Powers that facing it might cause damaging delays in the conclusion of the agreement. Further, it cannot ignore that, at least in so far as it is concerned, the abandonment of the present organisation of land effectives in the sense of the MacDonal plan would certainly entail an increase of expenditure not compensated by corresponding economies with regard to war material.

It is, therefore, prepared to negotiate on the basis of the *status quo* and of limitation as envisaged by the German proposals. As to the stages in which the transformation of the German forces and their increase would take place, the Italian Government is of opinion that those are necessitated naturally by technical requirements, and that, therefore, an opportunity is offered to make them the subject of contractual obligations. It is further to be noted that the work of transformation could not take place without that conspicuous diminution of capacity for not only offensive but also defensive action which usually accompanies periods of radical change in military organisation.

Whilst it seems difficult to reject *in toto* the German claims for defensive armaments—guns up to 155 mm. or the equivalent, anti-aircraft guns, tanks up to six tons, scouting and fighting planes—if we hope to see them realised under a regime of convention and supervision, the limits and the measure of the ratio between the defensive war materials and the effectives to be granted might form the object of negotiations.

7. In regard to naval armaments, under reserve of the examination of precise explanations which Germany would give in this connection, eventual revision of the conditions applying to German naval armaments ought, in principle, to be postponed until the next Naval Conference.

8. To the concessions which an agreement on those lines would entail, France would find an immediate and effective counterpart in the maintenance intact of the whole of her armaments. There seems to be no doubt that, from the technical military point of view, this would suffice to guarantee her an undoubted security for the whole duration of the Convention, so that, from the material point of view, this problem might be said to be favourably solved. This argument acquires greater validity if the efficacy of modern systems of permanent defence of the frontiers is taken into consideration, as well as the assistance ensured by existing treaties.

9. As to security based on treaties, it is unnecessary for the Italian Government to refer to the Pact of Rome, the Treaty of Locarno and the significance and value of the undertakings contained therein. It is not so much the formal and treaty aspects of security which give weight to the Four-Power Pact, as the continual and methodical collaboration between the great Western Powers which its clauses contemplate, both in the field of disarmament and in other fields.

Italy considers herself loyally bound by the Locarno Treaty, which assigns a special position to the Italian and British Governments, and, precisely on account of her unwavering loyalty, thinks that she does not diverge from the view of the London Government in holding that further diplomatic guarantees against aggressions are not only not indispensable, but, if multiplied, would tend to lose their value.

The German Government has, further, recently offered to conclude ten-year non-aggression pacts with all her neighbouring States.

10. A final and fundamental counterpart to the acceptance of Germany's demands—representing in itself a new contribution to security—might be an undertaking on the part of Germany to return to Geneva, not only with a view to signing the general Disarmament Convention, but to resume her place in the League of Nations. The Italian Government is particularly anxious to call attention to the first-rate importance of such an event.

11. Finally, the Italian Government cannot lay too much stress upon the necessity that the exchanges of view which are at present taking place should lead to sufficient progress to enable the entire question to emerge from the present deadlock, and thus to justify a meeting of the Foreign Ministers or of the Heads of Governments of the four Western Powers, to which meeting the representatives of the other principal Powers concerned might be invited.

(b) REPLY OF THE UNITED KINGDOM GOVERNMENT.

London, February 9th, 1934.

I have the honour to transmit to you herewith a copy of a paper laid before Parliament on January 31st, containing the views of His Majesty's Government in the United Kingdom on disarmament and their proposals to meet the present situation, together with a copy of the explanatory statement which I made in the House of Commons on February 6th during the debate on the subject.

The memorandum has been communicated to all Governments participating in the Disarmament Conference with the request that it should be carefully studied. It is, moreover, the intention of His Majesty's Government that Mr. Eden, the Lord Privy Seal, should proceed to the capitals principally concerned as soon as possible, for the purpose of explaining their point of view and of learning by direct contact what is the attitude of other Governments to the British memorandum, in order that His Majesty's Government may, in the light of that knowledge, consider what should be the next step.

It is their view that, though it is essential that the work recently done through diplomatic channels should in due course be brought to Geneva and laid before the General Commission, some intermediate stage may, in point of fact, prove necessary.

(Signed) John SIMON.

(i) MEMORANDUM ON DISARMAMENT COMMUNICATED BY HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM TO THE GOVERNMENTS REPRESENTED AT THE DISARMAMENT CONFERENCE.

I.

1. On November 22nd, the Bureau of the Disarmament Conference unanimously decided that the work of the Conference should be suspended for a period, in order to permit of parallel and supplementary efforts being carried on between different States, mainly through the diplomatic channel. In the interval this method has been actively pursued, and bilateral

communications have taken place between various capitals. As a result, the points of view of certain Governments have been further defined, and some general propositions which they had previously advanced have taken a more concrete shape. Yet it must be admitted that, on comparing the attitudes thus disclosed, no firm basis of agreement at present emerges; and, while these diplomatic exchanges have undoubtedly cleared the ground and revealed the immensity and difficulty of the problem in their true proportions, the method recently followed cannot in itself produce a unanimous result and is in danger of exhausting its usefulness. On the other hand, a resumption of the discussions at Geneva without any new directive suggestions is only too likely to lead to further disappointment.

2. In these circumstances, His Majesty's Government in the United Kingdom consider that the time has arrived when they should make plain their own attitude in the present situation, the gravity of which must be apparent to every thoughtful mind, and should thus make a further positive contribution, so far as lies in their power, to promote a reconciliation of views in a matter upon which the future of the world may depend. If agreement is to be reached and a convention is to be signed, it is useless for any Power merely to insist on its own ideals and its own requirements or to refuse to depart in any degree from the solution which it deems best. His Majesty's Government are making the present communication, not for the purpose of formulating unattainable ideals, but in order to indicate the lines of a compromise which they believe, after reviewing the history of the discussions and closely studying the recent interchange of views, should be generally acceptable.

3. Before dealing with any specific proposition as to the measure or the regulation of armaments, His Majesty's Government must reassert the main objective to which all proposals on this subject are directed. That objective is, as Article 8 of the Covenant declares, the maintenance of peace. Even though increase of armed strength may be actuated by reasons of defence, it is an index of fear of attack from another quarter, and a measure of the alarm and disquiet existing between peoples. Conversely, a general agreement securing the limitation of armaments at the lowest practicable level would be the most effective and significant proof of international appeasement and an encouragement of the mutual confidence which springs from good and neighbourly relations. Consequently, His Majesty's Government regard agreement about armaments, not as an end in itself, but rather as a concomitant of world peace and as an outcome of political amelioration. For this reason, they have always acknowledged the relation between the conception of equality of rights on the one hand, and of security on the other. For this same reason, they welcome the indications that Herr Hitler's recent proposals, whatever may be said of their precise content, are concerned, not only with technical questions of armaments, but with political guarantees against aggression.

4. It follows from the above considerations that agreement is most likely to be reached on a broad basis which combines regulation of armaments with assurances in the political field. Protracted debates on disarmament in its limited and purely technical aspect can lead to no conclusion, unless wider considerations touching the equality and the security of nations are borne in mind and provided for. Hence the United Kingdom draft Convention, which was approved at Geneva as a basis of the ultimate agreement by a unanimous vote which included both France and Germany, began with a "Part I" on the subject of security, proposing methods of consultation for the purpose of determining on appropriate action in the event of a threatened breach of the Pact of Paris. The amplification of this proposal is dealt with below (paragraph 9). His Majesty's Government must emphasise that they have never departed from the principles and purposes of the draft Convention or have sought to substitute a second and contradictory draft for it. If there were any misapprehension in any quarter on this score, the declaration they are now making will finally remove it. The Prime Minister, when presenting the draft Convention to the Conference in March of last year, plainly intimated that it was not necessarily to be regarded as a final and unalterable text, and subsequent discussion has shown that it requires adjustment in certain respects if general agreement is to be reached. Any suggestions which have since been put forward for consideration have been tentatively advanced with a view to seeing whether they would promote such agreement, and for no other purpose. But the underlying conceptions of the draft Convention remain the standpoint of His Majesty's Government, and could only be abandoned if and when a more acceptable alternative were generally agreed.

5. But while His Majesty's Government are not prepared to depart from the lines of the draft Convention without being assured that there is an alternative which would more readily lead to universal agreement, they have been perfectly prepared to give unprejudiced consideration to new suggestions and to do their utmost to promote their general acceptance. The failure to reach agreement would inflict a fearful blow upon the hopes of all friends of peace throughout the world, whereas the attainment of agreement would create and build up that confidence which is the only secure basis for the limitation of armaments. The importance, therefore, of attaining international agreement by any possible means is so great



that no suggestions, from whatever quarter they come, should be rejected merely because of a preference for a better solution which is, in fact, unattainable. An illustration lies ready to hand. It is sometimes urged that the solution of the disarmament problem lies in the immediate abandonment by all the world of all the weapons which the Peace Treaties withheld from certain Powers. But it is manifest that such a solution is in practice unattainable at the present time. That is no reason for abandoning the effort to secure, in this first Convention, all that can be attained. The devotion of the whole British people to the cause of disarmament is deep and sincere, as is sufficiently proved by the present position of its armaments in comparison with those of other leading Powers. They realise that further progress can only be achieved by agreement, and therefore His Majesty's Government would still work for agreement, even though, having regard to the principle of equality of rights, agreement is found to involve alongside of disarmament in some quarters some measure of re-armament in others.

6. It should not be overlooked that the scheme of the draft Convention itself involves some degree of re-armament for those States whose armaments are at present restricted by treaty. Germany, for example, in view of the numerical increase proposed in her effectives, would need larger quantities of such weapons as she is already entitled to possess. And this is not all. His Majesty's Government have more than once publicly stated that an international agreement based on the admitted principle of equality of rights in a regime of security necessarily involves that, within the stages provided for by such an agreement, the situation must be reached in which arms of a kind permitted to one State cannot continue to be denied to another. His Majesty's Government see no escape from this conclusion, and they do not seek to escape from it, for they are convinced that the best prospect for the future peace of the world would be afforded by an agreement which recognises and provides for this parity of treatment, while it abolishes or reduces to the lowest possible level all arms of a specially offensive character, and provides by the most appropriate means available for a greater sense of security. So far as Europe is concerned, a reconciliation of the points of view of France and Germany is the essential condition of general agreement. If a way is not found to accommodate their respective points of view, this greater sense of security will not be promoted. And without it, substantial disarmament is impossible. On the other hand, if an agreement is reached, even if the agreement at present attainable falls short of the highest hopes, the gain of reaching and observing such an agreement would be immeasurable, and the fact that it had been reached and observed would form the firm foundation on which a further agreement of more comprehensive character might be based in the future.

7. We must therefore seek a solution where a solution can be found. No agreement is no solution at all, and the world will be thrown back upon unrestricted competition in the supply and manufacture of weapons of destruction, the end of which no man can see. Putting aside, therefore, as not immediately attainable the ideal of universal disarmament to Germany's permitted level, and refusing to acquiesce in the conclusion that agreement cannot be reached, the choice appears to His Majesty's Government to lie between two conceivable courses so far as the future armaments of the heavily armed Powers are concerned. These two choices are :

(1) To reach agreement in a Convention which will involve the abandonment of certain classes of weapons by the most heavily armed Powers ;

(2) To reach agreement on the basis that the most heavily armed Powers are unable or unwilling to disarm, but that they will undertake not to increase their present armaments.

The second course is the one which is indicated in certain quarters as the most that can be hoped for. But His Majesty's Government cannot contemplate as acceptable a conclusion which, though it would provide for a limitation of armaments, would do nothing whatever to secure their reduction. His Majesty's Government, therefore, would earnestly press upon other Governments that the first course, which they most strongly prefer and regard as more in accord with the main object to be attained, should not be abandoned, but should be actively pursued. The second part of this memorandum sets out the way in which His Majesty's Government believe this could be accomplished.

## II.

8. His Majesty's Government conceive that international agreement in the matter of armaments can only be reached by making adequate provision under the three heads of (a) security, (b) equality of rights, (c) disarmament. These three topics were all dealt with in the draft Convention, and the object of the present document is to explain how, in the light of actual circumstances and of the claims and proposals put forward from various quarters, the contents of that draft Convention might be modified or expanded in certain particulars with a view to securing general agreement. His Majesty's Government have studied with close attention the points of view advanced by the French, Italian, German and other

Governments in the course of recent interchanges. Nearly a year ago His Majesty's Government undertook the responsibility of placing before the General Commission a full draft Convention. The adjustments now proposed in the text of that draft are such as subsequent communication and consideration show to be best calculated to bring about concrete results.

9. *Security.* — Part I of the draft Convention dealt with the subject of security. As the result of a redraft which was unanimously approved on May 24th, 1933, it now consists of four articles, three of which provide in effect that, in the event of a breach or threat of breach of the Pact of Paris, immediate consultation may be called for and shall take place between signatories to the Convention for the purpose of preserving the peace, of using good offices for the restoration of peace, and, in the event that it proves impossible thus to restore the peace, to determine which party or parties to the dispute should be held responsible. It will be observed therefore that, as at present drafted, the event which brings these provisions into play is the breach or threatened breach of the Pact of Paris. His Majesty's Government regard such provisions as of very great importance. But so vital is the connection of a feeling of security with the peace of the world that they would add to them yet further articles. It is in their view important to extend the principle of consultation in the event of a breach or threat of breach of the Pact of Paris to the event of a breach or threat of breach of the Disarmament Convention itself. They would therefore suggest that three new articles—2 (a), 2 (b) and 2 (c)—should be inserted between the revised Articles 2 and 3. The first of these—2 (a)—would be Article 89 of the present draft Convention, which declares that the loyal execution of the Convention is a matter of common interest to the contracting parties. Article 2 (b) would declare: "The provisions for immediate consultation contained in Article 1 will also be applicable in the event of the Permanent Disarmament Commission, to be set up in accordance with Part V, Section 1, of the present Convention, reporting the existence of facts which show that any High Contracting Party has failed to execute loyally the present Convention." Article 2 (c) would state: "It shall be the object of such consultation to exchange views as to the steps to be taken for the purpose of restoring the situation and of maintaining in operation the provisions of the present Convention." The insertion of these articles would, in the opinion of His Majesty's Government, emphasise the inescapable duty of all signatories of the Convention to keep in the closest touch with one another, and to do whatever is right and possible to prevent or remedy any violation of so important an international treaty.

A further contribution to the cause of peace and security, by lessening any tension or anxiety which exists between Germany and surrounding States, is provided by the willingness of the German Chancellor to conclude pacts of non-aggression with all Germany's neighbours. Such pacts should in no way weaken, but, on the contrary, should expressly reaffirm existing obligations to maintain peace under such instruments as the Covenant of the League of Nations, the Pact of Paris and the Treaties of Locarno, and His Majesty's Government cannot doubt that, if such pacts were expressly entered into in connection with the Convention (which, like the pacts themselves, His Majesty's Government, for reasons stated below, consider might be made in the first instance for a period of ten years), their practical value for the purpose of creating a sense of security will not be disputed.

His Majesty's Government consider that the suggestions here collected under the head of security constitute a sum total worthy of general acceptance. They have a right to expect that, if these provisions and pledges were solemnly entered into, they would not be lightly violated, and that any violation of them would be met in the most practical and effective way by immediately assembling Governments and States in support of international peace and agreement against the disturber and the violator.

10. *Equality of Rights.* — The Five-Power Declaration of December 11th, 1932, put on record, in connection with the problem of disarmament, the principle "of equality of rights in a system which would provide security for all nations" and declared that this principle should find itself embodied in a Disarmament Convention effecting a substantial reduction and limitation of armaments. From this Declaration His Majesty's Government have never withdrawn and they now reaffirm their unqualified adherence to it. The previous paragraph of this memorandum attempts to define the essential elements of security without which the necessary conditions for an adequate Disarmament Convention would not be fulfilled. But His Majesty's Government do not hesitate to declare that the principle of equality of rights is no less essential in the matter of armaments than the principle of security—both must have their practical application if international agreement about armaments is to be reached. The proposals which follow, no less than the draft Convention itself, are conceived in that spirit, and constitute a practical fulfilment of that principle.

11. *Disarmament.* — His Majesty's Government are glad to understand that Chancellor Hitler has declared that Germany voluntarily renounces any claim to possess "offensive" weapons and limits herself to normal "defensive" armaments required for the army with

which she would be provided in the Convention. The German Chancellor, moreover, advances this proposition on the assumption that the heavily armed States are not prepared to abandon under the Convention any portion of their existing weapons. As already indicated in paragraph 7 of this memorandum, His Majesty's Government are entirely unwilling to accept this last assumption, and must insist that the only agreement worthy of the name of a Disarmament Convention will be one which contains reduction as well as limitation of armaments. There is, moreover, a further reason why His Majesty's Government emphasise the fact that the German Chancellor's declaration renouncing offensive armaments and claiming only what is necessary for normal defence is based upon the assumption that the heavily armed Powers are not prepared to reduce their own armaments in any degree. The measure of Germany's need will necessarily be reduced if this assumption proves incorrect. A positive contribution to disarmament by the heavily armed Powers will therefore help to bring the scale down all round, and should, as His Majesty's Government conceive, reduce the demands which Germany might otherwise be disposed to put forward.

12. The following proposals, in modification of the draft Convention, are put forward on the assumption that the agreement would last for ten years. They have been framed after giving the fullest and most anxious consideration to suggestions and criticisms from all other quarters, and represent, in the judgment of His Majesty's Government, what might well be agreed in existing circumstances.

13. (a) *Effectives.* — While His Majesty's Government are still in favour, so far as they are concerned, of the figures given in the table they submitted at the end of Article 13 of the draft Convention, they are aware of the recent discussion with the German Government in regard to the proper number of average daily effectives which should be allotted to Germany. To the figure of 200,000 on a basis of eight months' service proposed in the draft Convention, the German Government have suggested the alternative of 300,000 on a basis of twelve months' service. This is one of the outstanding points of difference emerging from the recent exchange of views through the diplomatic channel. Though the point is difficult and serious, His Majesty's Government do not think this divergence ought to raise any insuperable obstacle to an agreed compromise. In the draft Convention, they themselves proposed 200,000 as the figure for the average daily effectives stationed in the home country for France, Germany, Italy and Poland. It is not the figure of 200,000 which in their mind is the essential and unalterable element, but the principle of parity, fairly calculated and applied, in these effectives between the four countries. They are aware that difficult calculations are necessary to establish the right figures for the ten years which, as above suggested, would be the life of the Disarmament Convention, but His Majesty's Government are convinced that the fixing of the proper figure cannot be beyond the power of adjustment between the States principally concerned if the problem was made the subject of frank and conciliatory discussion between them. If the figure of 200,000 was found to be too low, an accommodation could surely be found between this figure (which His Majesty's Government believe to be preferred by the majority of the Powers concerned) and 300,000.

Agreement as to this figure will enable all European continental armies to be reduced to a standard type composed of short-term effectives as proposed in the draft Convention. His Majesty's Government suggest that this process should be completed in, at most, four years. In Article 16 of the draft Convention, eight months was suggested as the maximum total period of service for these effectives, though, at the same time, it was recognised that in special cases the period might have to be twelve months. His Majesty's Government appreciate that this must necessarily be a matter for the continental Governments to determine, and they are ready to concur in the longer period if such is the general desire.

In regard to land armed forces stationed overseas, His Majesty's Government have no further reductions to propose in addition to those already inserted in the draft Convention. These, it will be remembered, would entail a considerable reduction of French overseas forces.

A difficult problem has been raised in regard to the so-called "paramilitary training" —i.e., the military training outside the army of men of military age. His Majesty's Government suggested that such training outside the army should be prohibited, this prohibition being checked by a system of permanent and automatic supervision, in which the supervising organisation should be guided less by a strict definition of the term "military training" than by the military knowledge and experience of its experts. They are particularly glad to be informed that the German Government have freely promised to provide proof, through the medium of control, that the S.A. and the S.S. are not of a military character, and have added that similar proof will be furnished in respect of the Labour Corps. It is essential to a settlement that any doubts and suspicions in regard to these matters should be set and kept at rest.

14. (b) *Land War Material.* — Certain countries will require, for the increased numbers of their standardised armies, an increased number of such weapons as are at present possessed by their smaller long-service armies. His Majesty's Government accept this view. They would emphasise that, under the Convention, prohibition as to the possession of anti-aircraft

guns would disappear. They would suggest that the maximum calibre of guns in permanent frontier and fortress defensive systems should be fixed by international agreement.

Of the types of land war material at present denied by treaty to certain Powers, His Majesty's Government consider two weapons in particular must be dealt with. His Majesty's Government proposed in their draft Convention that the maximum limit for the weight of tanks should be sixteen tons. They recognised, however, that this problem "evidently requires further international examination". They are most anxious, in the interests alike of disarmament and of the realisation of the equality of all countries, that progress should at once be made with the elimination of tanks above the sixteen-ton limit. They suggest, therefore, that tanks over thirty tons should be destroyed by the end of the first year, over twenty tons by the end of the third year and over sixteen tons by the end of the fifth year. These practical steps should help towards the solution of the problem, but "further international examination", as contemplated by Article 21 of the draft Convention, is obviously necessary. His Majesty's Government propose that this examination should be held by the Permanent Disarmament Commission, and should be completed not later than by the end of the third year. His Majesty's Government understand that the German Government maintains that tanks up to six tons are, in their view, necessary for the defence of their country. This view of the German Government was based on the supposition that other countries would make no reduction in respect of tanks at all, whereas His Majesty's Government now propose the reductions set forth above. None the less, His Majesty's Government are, for their part, willing to agree that the new German short-term service army, contemplated by the draft Convention, should be equipped with tanks up to six tons. His Majesty's Government would be willing to agree to a similar arrangement in respect of Austria, Hungary and Bulgaria.

As regards mobile land guns, it will be recalled that in the draft Convention His Majesty's Government made the proposal to secure that the maximum limit of these guns for the future should be 115 mm. They would greatly regret any proposals which tend to increase the size of future construction beyond this calibre, but they are bound to face the fact that the German Government maintains the view that mobile land guns up to 155 mm. are necessary as part of the armament of the proposed new short-term service army. His Majesty's Government, though still preferring the more drastic proposals of their draft Convention, are willing to acquiesce in this proposal as part of the Convention, if by so doing they can secure prompt and general agreement on all points. His Majesty's Government would be willing to agree to similar proposals in respect of Austria, Hungary and Bulgaria.

But there remains the question whether it is not possible, by means of the proposed Convention, to secure the reduction in the maximum calibre of mobile land guns possessed by any Power. His Majesty's Government propose that such guns over 350 mm. should be destroyed by the end of the first year, those over 220 mm. by the end of the fourth year and those over 155 mm. by the end of the seventh year.

15. (c) *Air Armaments.* — His Majesty's Government have repeatedly emphasised the great importance of agreement in regard to the limitation and reduction of air armaments which may, in the future, prove the most potent military weapons in the possession of mankind. Full reflection has convinced them of the justice of the proposals contained in Articles 34-41 of their draft Convention. Article 35 requires that the Permanent Disarmament Commission shall, immediately, devote itself to the working out of the best possible schemes providing for the complete abolition of military and naval aircraft, which must be dependent on the effective supervision of civil aviation to prevent its misuse for military purposes. His Majesty's Government are aware that the German delegation at Geneva moved an amendment to this article, proposing the total abolition of military and naval aircraft without, however, making any specific provision for solving the problem of civil aviation. The appropriate occasion to discuss this proposal would be the immediate enquiry provided for in Article 35. In their view, it would be prejudicial to the prospects of the enquiry that any party not hitherto entitled to possess military aircraft should claim such possession pending the results of the enquiry. At the same time they frankly recognise that Germany and other States not at present entitled to military aircraft could not be asked to postpone for long their claim. They suggest, therefore, that the maintenance of the *status quo* laid down in Article 36 of their draft Convention should be modified as follows: If the Permanent Disarmament Commission has not decided on abolition at the end of two years, all countries shall be entitled to possess military aircraft. Countries would reduce or increase by stages, as the case might be, in the following eight years, so as to attain, by the end of the Convention, the figures in the table annexed to Article 41, or some other figures to be agreed on. Germany would require parity with the principal air Powers by these stages, and corresponding provisions would be made for other Powers not at present entitled to possess military or naval aircraft.

16. It is, of course, understood that all construction or fresh acquisition of weapons of the kinds which are to be destroyed during the life of the Convention would be prohibited.

17. (d) *Naval Armaments.* — His Majesty's Government, for their part, still stand by the naval chapter of the draft Convention. They appreciate, however, that the time which has passed since they put forward that draft Convention last March has brought much closer the assembling of the Naval Conference of 1935. Should it be thought, in view of this consideration, that the situation prior to the 1935 Conference could appropriately be dealt with by some simpler arrangement than that contained in the naval chapter, His Majesty's Government would be prepared to make proposals to that end in due course. They suggest, however, that prompt agreement on other matters, and embodiment of that agreement in a worldwide convention, would be of great assistance to the naval discussions proposed in Article 33 of the draft Convention.

18. *Supervision.* — His Majesty's Government are well aware of the great importance attached by various Governments to the institution of a system of permanent and automatic supervision to control the observance of the Disarmament Convention. There is obviously a close connection between mutual agreement about levels of armament and a system of adequate international supervision. There are, however, many technical difficulties which arise in this connection and which must be practically met. His Majesty's Government affirm their willingness, if general agreement is reached on all other issues, to agree to the application of a system of permanent and automatic supervision, to come into force with the obligations of the Convention.

19. It will be seen that the adjustments which His Majesty's Government propose are based on a duration of ten years for the Convention. The draft Convention suggested five years. Continued reflection, however, on the subject and constant discussion with other Governments have convinced His Majesty's Government that any stable system should be founded on a longer period. Only if a longer view is taken can substantial reductions of armaments, and the full realisation of all countries' equality of rights and durable security, be realised. The proposal of the German Chancellor, that undertakings not to resort to force between Germany and other European Powers should be of at least ten years' duration, fits in very closely with the proposal now made by His Majesty's Government that the Disarmament Convention itself should be of ten years' duration. They confidently hope that, if a Convention on the lines now proposed can be accepted, humanity will within the coming ten years acquire such a deep-rooted conviction of the contribution to peace which such a Convention can make that, when the Convention is due to expire, further progress can be achieved in the reduction of armaments. By the successful conclusion of a Convention on such lines, and in the atmosphere of firmer peace and increased mutual confidence which would accompany it, the way will be prepared for a closer and more hopeful approach to the political and economic problems which at present perplex and divide the nations of the world.

20. The object of His Majesty's Government in formulating these proposals and presenting them for consideration is not to describe the terms of an agreement which they themselves would most desire, without regard to the claims or needs of others, but to propound a basis of compromise on which it would appear, in present circumstances, that general agreement could and should now be reached. The proposals, therefore, must be considered as a whole and they are framed in the endeavour fairly to meet essential claims on all sides. The grave consequences which would follow the failure of the Disarmament Conference are realised by all and need no further emphasis. The policy of His Majesty's Government in the international sphere is directed, first and foremost, to contributing to the utmost of their power to the avoidance of these consequences by promoting general agreement. If agreement is secured and the return of Germany to Geneva and to the League of Nations brought about (and this ought to be an essential condition of agreement), the signature of the Convention would open a new prospect of international co-operation and lay a new foundation for international order.

January 29th, 1934.

(ii) STATEMENT MADE BY SIR JOHN SIMON IN THE HOUSE OF COMMONS  
ON FEBRUARY 6TH, 1934.<sup>1</sup>

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS (SIR JOHN SIMON). — The last date when disarmament was discussed in this House was December 21st, on the motion for the Christmas adjournment. Hon. members may recall that I then had to point out that, though it was natural enough that the question should be raised on the eve of the recess, the moment was not then opportune for a Government declaration. That was not due to any preference for being secretive or to any desire to treat the topic of international disarmament, which closely affects every man, woman and child, as though it were a mystery unfit for profane ears. It was simply due to the fact that in the third week of December last diplomatic exchanges were actually going on which were being treated by other Governments as confidential until they were concluded, and because the best hope of promoting agreement was to avoid any hardening of the attitude of different parties by premature disclosure when there was still a prospect that adverse points of view would approach one another and be further modified.

<sup>1</sup> See Report of the debate in Volume 285, No. 30 of "*Parliamentary Debates - House of Commons*".

Now the situation has changed, it has developed, and candid examination of the present position is not only possible, but may well be useful, and I have no doubt many hon. members of the House will contribute what they have to say this afternoon. Not all the earlier exchanges between Governments have been made public, though the substance of some communications in the month of December has appeared in the Press. But four very important documents of later date have now been textually published, and I have no doubt that, if it is the desire of the House, those from foreign Governments could be included in a White Paper. These four important documents may be treated as summing up the present points of view of the four Governments which have been principally concerned in these recent conversations.

I will tell the House what these four published documents are. There is, first, the last French Memorandum—there were earlier ones that have not been published—handed to the German Government by the French Ambassador in Berlin on January 1st, a Memorandum which was published by the French Government, with the consent of the German Government, exactly a month later, on February 1st. Secondly, there is the German reply to that document, a reply that was dated January 19th and was made public in Berlin on February 3rd. A full summary of it appeared in *The Times* newspaper yesterday. Thirdly, there is the Italian document, published on January 31st, which follows the general lines of a Memorandum which was shown to me confidentially by Signor Mussolini in Rome on January 3rd, though it was not exactly in the same terms. It had been somewhat modified. Lastly, there is our own document, dated January 29th, which was handed to the German Chancellor in Berlin before he spoke in the Reichstag the next day, and was at the same time confidentially supplied to the French and Italian Governments.

Those are the four documents which may be regarded as forming the basis of our discussion to-day, and the House may have noted that Chancellor Hitler, in his speech last Tuesday, after he had received the British document and had had time to study it, made a reference to it in these words :

“ We welcome gratefully the efforts made by the British Government to help in opening the way to more friendly relations. The Memorandum, which was handed to me yesterday by the British Ambassador, will be examined by us with the greatest good will, in the spirit that I have tried to define as the spirit which controls our foreign policy.”

Then, after Chancellor Hitler had made his speech, and after Signor Mussolini had taken the opportunity of publishing his own Memorandum the next day then, as the House knows, the British Memorandum was published as a White Paper, and it has been in the hands of hon. members and the public for the best part of a week.

Before coming to the British Memorandum, it will be convenient if I indicate briefly to the House some impressions which we were led to form on studying the series of documents and communications proceeding from other countries and certain answers which had been given to ourselves. We must get the setting right before we can judge the merits or demerits of the British Memorandum. Those impressions, I think I can satisfy the House, at once explain and justify the publication of the British Memorandum. I will mention two points. First of all, I can assure the House that the periods of confidential, bilateral interchange have been useful, but, useful as they have been, it did appear to us that after this method had been pursued for some six weeks or two months it was in danger of exhausting its utility. We never imagined that it was the substitute for a more general discussion. It was merely a method, a possible method, of approach. Secondly, we formed this clear conclusion, that although differences, even serious differences, still existed, still there was a greater approach to common ground and sufficient encouragement to justify a new effort at reconciliation on our own part.

Let me just explain those two points a little further. In the first place, as I have just said, we are satisfied that this method of diplomatic exchanges has at this stage of the Conference proved definitely useful. This is what it has done. It has brought out, not only points of difference, but points of agreement, and it has brought out clear explanations on points of doubt which certainly would not have been obtained otherwise. It would, therefore, be a complete misunderstanding to say that, because this method has not produced actual agreement, the method has been useless and a waste of time. Secondly, these recent exchanges have brought out in the clearest way how the key to a disarmament arrangement lies in the finding of an accommodation between France and Germany.

But it is a very great mistake to base oneself on that undoubted fact and draw a false inference from it. It is a great mistake to draw from that fact the conclusion that a Franco-German Agreement is most likely to be promoted and reached by leaving France and Germany to argue it out between themselves without any assistance. The interest of other nations in the regulation of armaments and the avoidance of a new armaments race is so great that any State which can do anything towards helping agreement along is bound to do its utmost both to compose the differences of others and to contribute what it can of itself. In our case our own country has a special interest and a special connection in this matter. It has a special interest, for it is certain that, if a satisfactory Disarmament Agreement cannot be promptly arrived at, we shall have to face the question of the state of our own armaments, which stand at a level which will have to be re-examined if we are to live in a world of unlimited re-armament.

We have a special connection with this matter too. We have a special connection with these efforts at reconciliation, because we are the authors of the draft Convention which was put before the Disarmament Conference nearly a year ago, and which still remains the basis upon which a Convention may be framed if the necessary adjustments can be promptly arrived at. Hon. members will have observed in the White Paper the statement that His Majesty's Government have never departed from the principles and purposes of the draft Convention, though they have always recognised that it might call for agreed modifications. It is worth noticing that, in the French Memorandum of January 1st, France twice refers to this British plan as the basis and describes her own suggestions as adjustments of the British plan—*aménagements* is the word she uses.

If we come more closely to these recent discussions, I would like to call the attention of the House to two or three points. First, there is no controversy at all that Germany would be prepared in a Convention to transform her long-term professional highly trained army into a short-service force. There is a difference of view as to what the size of the new army should be. Germany has claimed that, having regard, among other things, to the length of her frontiers and her geographical position, her new army should consist of 300,000 men recruited on the basis of twelve months' service. One of the reasons which Germany advances for so large a figure is the present size of the armies of her neighbours, and one expects, therefore, that the figure may be revised if those other armies are reduced. Signor Mussolini in the Italian document to which I have referred makes this very point. I will read a sentence. He says :

“ It should be borne in mind that the German claim for an average daily effective force of 300,000 men is governed by the hypothesis that other armed Powers do not reduce their effectives to the figures put forward in the MacDonald plan, but keep to their present figures.”

He goes on :

“ If it were found preferable to face the problem of reduction, Germany declares herself ready to rediscuss the figure given above.”

I think that is worth noting. This figure of 300,000, of course, contrasts with the figure of 200,000 on the basis of eight months' service which is contained in the draft Convention put forward by my right hon. friend the Prime Minister on behalf of the British Government in March last. These are some of the impressions which hon. members will gain if they study the documents to which I have referred.

Let me briefly indicate some of the points made in the documents from the French side. We have to look at both sides. It is no good pursuing the process of trying to persuade others unless all the time we have both sides of the problem before us. France insists on the absolute necessity of adequate supervision, by which she means the application of a system of international control which would be what is called periodic and automatic, so as to secure that the limitations laid down in the Convention are being observed. On that point it is satisfactory to know from these recent documents that Germany agrees, provided that control is international and is identical. I do not think we can expect her to accept some specialised control. On the other hand, she says openly, boldly and without qualification that she is prepared to submit, if others will do the same, to an adequate system of international control which will be periodic and automatic ; that is to say, which will come into operation, not because one side lays a charge against another, but because the Permanent Disarmament Commission itself organises a continuous system of supervision. I think that the House will see that this position is one that, having regard to our position and traditions, is not easy to accept. There are many technical difficulties to be surmounted. Hon. members will have noticed that in this White Paper we have in very plain terms stated in paragraph 18 :

“ His Majesty's Government are well aware of the great importance attached by various Governments to the institution of a system of permanent and automatic supervision to control the observance of the Disarmament Convention. There is obviously a close connection between mutual agreement about levels of armament and a system of adequate international supervision. There are, however, many technical difficulties which arise in this connection and which must be practically met. His Majesty's Government affirm their willingness, if general agreement is reached on all other issues, to agree to the application of a system of permanent and automatic supervision, to come into force with the obligations of the Convention.”

Then, again, France makes the point in her document—a perfectly fair point—that in reckoning effectives the existence of what are called para-military forces cannot be left out of account. That is a very serious point which will require adequate provision. Running through the French case is a preoccupation of great importance for us all, as to which I will say something in a few minutes—namely, the provision of security. I have tried to put to the House as plainly and as fairly as I can a sketch of the documents out of which the British Memorandum emerges.

Now I will take our own document. Hon. members have, I am sure, read it and studied it, and I shall not therefore be long about it. I would like to make three points of a general kind

about the British Memorandum. The first point is this : The British Memorandum is not a document putting forward some ideal plan without regard to the needs, or the claims, or the anxieties of others. Quite deliberately we make our choice, and we believe that we shall do more to help on this vital matter if we approach the actual situation in a spirit of realism. More than two years have passed since the Disarmament Conference first assembled. Time is running against the friends of disarmament. Brave words may be more exhilarating, but they are less useful; and this is not a unilateral declaration containing what may give great satisfaction in certain undoubtedly sincere quarters, but it is an attempt to provide a basis for prompt agreement. Idealism is the steam without which no great instrument of reform can proceed, but, though it may be the steam of the locomotive, we shall not make any progress by merely blowing off steam, and here we have deliberately faced the facts as we find them and the difficulties as we know them, and the Memorandum must be studied in that spirit.

In the second place, approaching the whole thing in a spirit of realism, we reach—I ask hon. members to give special attention to this—the inevitable deduction from two propositions, neither of which can be effectively challenged. The first proposition is that Germany's claim to equality of rights in the matter of armaments cannot be resisted, and ought not to be resisted.

Mr. MAXTON. — Why not ?

Sir John SIMON. — For the reason which, I think, will be the first to appeal to any Scotsman, that there is little likelihood of peace in the world if you try to put any country or race under an inferior jurisdiction. I am meaning, of course, that that is a situation to be met in a new Convention, and, if you are going to negotiate a new treaty, I think it must be on that basis. Secondly, no practical solution can be found on the basis that all nations throughout the world immediately abandon all weapons denied to Germany by the Treaty of Versailles. [An HON. MEMBER. — Why not ? ] I hear an hon. member say, Why not ? I reply to him by saying that if anyone pretends or professes that this is the immediate practical solution, well, then, he is preferring the luxury of his own illusions to the opportunity of supporting a practical plan. If those two propositions are correct, if you are going to negotiate a new Convention, you will have to recognise the equality of rights, and you must face the fact, whether you like it or not, that you cannot bring everybody down at once to the level permitted in the Peace Treaties. Then what is to be the conclusion ? There is only one possible conclusion, and the conclusion to those two propositions, it appears to me, is that in a new Convention you will have to face some re-armament by Germany. We should recognise that that conclusion does flow from both, and proceed without delay to negotiate a treaty on that basis.

There is a third general proposition. It is the question as to whether the heavily armed Powers are simply going to hold all the armaments they have, or whether it is possible to combine with other features in the Treaty provisions which will, according to a programme, as I stated, effect some reduction in the armaments of highly armed Powers. In other words, we have our choice—no reduction in armaments at all, or a Treaty which provides for some moderate, reasonable programme of the abandonment of the very biggest weapons by the most heavily armed Powers. Germany, in her document, assumes the first. Italy, in her document, regretfully contemplates that possibility. I have to say, on behalf of the British Government, that His Majesty's Government would view, not only with reluctance but with repugnance, a settlement which provided, it might be, for equality of rights, but provided for it without any reduction of armaments in any part of the world. We are bound to resist so melancholy a conclusion with all our might. The object of this Memorandum is to show how it is possible for highly armed Powers progressively to get rid of their heaviest weapons. . . .

If hon. members will look at the Memorandum, they will see, in paragraph 8, which contains a second and more detailed part of the document, reference to the three heads of security, equality of rights and disarmament, and, of course, it is very necessary to see how far the British Memorandum carries out those three principles in the proposals which follow. As regards effectives, His Majesty's Government insist on the principle of parity between the home forces of France, Germany, Italy and Poland. That was the principle of the British draft Convention, which both France and Germany in principle approved. In regard to land war materials, we would be prepared, for the sake of agreement, to accept Germany's own proposals as to how her short-service army should be equipped. Let me point out to the House that it is a mistake to suppose that we have conceded, or, indeed, that Germany suggests, the authorisation of further weapons to the existing German military organisation. It is as the new army proceeds to become embodied, and as the old army proceeds to be disbanded, step by step, that you will gradually get, according to this scheme, the provision of the weapons which Germany proposes. It should be equipped—so Germany claims—with certain additional mobile guns. To our regret, the figure which is approved by some other Powers, as well as demanded by Germany, is 155 millimetres. As regards tanks, Germany has declared in express terms that she asks for no tanks except some up to six tons, and as regards tanks our proposals re-assert that which was suggested in the British draft Convention—namely, that there should



be a tank enquiry, a further international examination to take place within three years, in which, of course, Germany would have a part.

In regard to air arms, it is true that His Majesty's Government urge that the States at present not entitled to possess military aircraft should not claim this right pending the result of the enquiry into the possibility of the complete abolition of military aircraft, which was proposed, and very largely supported, in the draft Convention. I wish to say that it does seem to His Majesty's Government that, if Germany were to be given permission to set up a military air force at the very moment when the possibility of complete abolition is being discussed, that manifestly would not be to the advantage of that most important investigation. Germany, with her vast, highly developed civil aviation, could play, of course, an important part, but we provide that, if at the end of the two years a decision has not been reached on the question of abolition, then, undoubtedly, it is necessary to face facts as they will be, and this is a change in regard to the Convention. While the draft Convention made no provision for military aircraft for Germany during the five years' life of the Convention, the Memorandum, having regard to what has passed since, lays down that, if absolute abolition of military aircraft is not reached at the end of two years, Germany will be entitled to begin building military aircraft herself, and during the next eight years the necessary reduction or increase will take place, and the principal air Powers will reach equality in military aircraft. I do not wish to spend more time on that point now, but it is one of very great difficulty and of immense importance.

Then I would draw special attention to the British proposals in regard to para-military formation—that is to say, military training outside the army of men of military age. Obviously if such training—military training—were widely indulged in abroad, the careful provision about the number of effectives would be waste paper. The Memorandum does not lay down a cast-iron definition as to what constitutes military training. We feel that this is a question which must be settled on practical lines in an atmosphere of good faith by the permanent Disarmament Commission and its advisers. Herr Hitler has promised to provide full proof to the Supervisory Committee of the non-military character of the bodies referred to, including the Labour Corps, and His Majesty's Government feel that it is essential to a settlement that any doubts in regard to these matters should be settled and kept at rest, and they entirely concur that the question of effectives and para-military training are closely interconnected.

I desire to say a word about security. If hon. members will look at paragraph 9 of the Memorandum they will see what the proposals of His Majesty's Government are. They will see that, in addition to what is already contained in the draft Convention, we propose further articles which are printed at the bottom of the page, and I hope everybody will study them. I may be asked, Is this a new commitment? If by a "new commitment" is meant a new undertaking given in advance to adopt a definite repressive action in ignorance of the circumstances hereafter arising which may be alleged to call for it, the answer is "No". This country will do its utmost faithfully to fulfil any obligations, and, indeed, its authority in the world would not be strengthened by casting any doubts on our intentions, or on the validity of those obligations. But it is not the Anglo-Saxon habit—that applies to America as well as to ourselves—to make defined engagements for undefined circumstances. We are entitled to say that our past history shows that when the occasion arises this country has not been found wanting. But if a Convention can be negotiated and signed, as we are prepared to sign it, which contains the provisions set out in our Memorandum under the head of "Security", then we are confident that a very material addition will have been made to the influences and forces which buttress the Convention and secure its loyal observance. I venture to repeat here, on behalf of the Government, the words in paragraph 9:

"The insertion of these articles would, in the opinion of His Majesty's Government, emphasise the inescapable duty of all signatories of the Convention to keep in the closest touch with one another, and to do whatever is right and possible to prevent or remedy any violation of so important an international treaty."

In addition to that, the paragraph calls attention to the non-aggression pacts which Herr Hitler is prepared to enter into, and since that declaration of the Chancellor was made we must take due notice of the fact that a very effective non-aggression pact has been negotiated between Germany and Poland. Obviously, again on the subject of security, it is very material to consider what I have said about supervision. I hope that a careful study of this Memorandum will convince our fellow-citizens and others throughout the world who are keen supporters of the reduction of armaments that our new proposals constitute a really serious advance. This advance consists largely, it is true, in formulating very definitely how disarmament can begin at once. In this connection it should be remembered that by the end of the first year the heaviest guns and heaviest tanks are intended to be abolished. No such heavy weapons could in future be constructed or acquired. The same thing applies to aircraft. The British draft Convention would secure that at least half the military aircraft of the world above the unladen weight of three tons must be destroyed, and no others of that type

constructed or acquired by the middle of 1936 ; but quite apart from the definite prohibitions and destructions provided for there is the provision for the tank enquiry and for the aeroplane enquiry to which I have already called attention ; and I maintain that His Majesty's Government have shown in this document the utmost limits of what is possible through strong but practical support of the cause of disarmament. They have endeavoured to go into the question and to sympathise with the points of view of many countries of the world. They have tried to set them down in a form which they consider fair, and they hope others may consider acceptable, and if such a Convention could be reached, ratified, brought into force and observed, then it would be beyond all question not only a provision for the next ten years in which we might place some strong, clear hope, but the beginning of, probably, greater things in the future.

I shall be asked, What is the next step, what are you going to do now ? It is all very well to have this document distributed, but what is to happen next ? The Government have caused this Memorandum to be communicated to all the countries represented at the Disarmament Conference, and we hope that it may be widely regarded as providing the best basis for agreement. More particularly, we are concerned to urge the conclusions at which we have arrived upon the other States with which we have recently been in especially close communication. It is difficult, except by personal contact, to make sure that the intention and purpose of a necessarily elaborate State document like this is completely understood abroad, or to make sure that we, in our turn, fully grasp the central points of difficulty which we are doing our utmost to meet. It is still more difficult to form what I may call the comparative view, the view which we get in contact with other nations, the comparative view which is gained by giving and receiving explanations in each of the principal capitals in turn. His Majesty's Government therefore intend to follow up the issue of this Memorandum by arranging for my hon. friend the Lord Privy Seal to visit Paris, Rome and Berlin as soon as possible for the purpose of explaining our point of view, and of learning by direct contact what is the attitude of other Governments to our Memorandum, in order that when we have my hon. friend's report the next step may be decided upon and undertaken with that knowledge. It had been intended that the Lord Privy Seal should start on his mission immediately, but the French Government are, for the moment, much occupied with the domestic situation, and we must consult them as to the earliest date on which this visit would be convenient. Directly the situation becomes favourable for it, we shall invite the French and other Governments to concur in the action which we propose.

I do not think that the step I have just indicated calls for any defence. I believe it to be supported by the whole House. In the matter of disarmament every increased delay makes the solution more difficult. Everything must be done, therefore, not only to improve the chances of decision but to accelerate them. The British Government have thrown all their efforts, all their energy, into the pursuit of this objective, and the White Paper indicates very clearly how completely we realise the gravity of the situation which will result if agreement is not promptly attained. I would ask the House to observe that if, indeed, the world is to be thrown into a competition of unrestricted armaments, well, we must face that eventuality and act accordingly ; but our first duty is to do all that lies in our power, as we are doing, to formulate and press upon others the best practicable basis for general agreement. In the troublous times through which we are passing Britain has the advantage of a free Parliament and a stable Government. There are many parts of the world which cannot make that double claim. Our responsibility and our moral authority in the councils of the nations are immeasurably enhanced by that fact. More than that, our right to speak, our duty to give a further lead, is reinforced by the fact that we have offered the most striking proof to the world of our good faith. We, at any rate, have, not under compulsion, but voluntarily, translated the desire for disarmament from words into deeds. I trust the course and outcome of this debate may be to show that the Government have truly interpreted the united resolve of Britain to do everything that can be done to bring about, in spite of all difficulties, international agreement about armaments, to strengthen in every possible practical way the peace structure of the world, and so to deliver ourselves and others from the dangers and the burden that would follow on final failure to agree.

(c) REPLY FROM THE FRENCH GOVERNMENT.

Paris, February 10th, 1934.

In two letters, dated January 26th and 27th, you expressed the desire to be informed, not later than February 10th, of the situation resulting from the negotiations which the French Government, in accordance with the recent deliberations of the Bureau of the Conference, has been conducting through diplomatic channels with other Governments on the question of the limitation and reduction of armaments.

I believe that I can best reply to your request by sending you herewith, with a delay due to the ministerial crisis :

(1) A copy of the memorandum communicated by the German Government to the French Ambassador at Berlin on December 18th, 1933 ;

(2) A copy of the memorandum, dated January 1st, 1934, in which the French Government expressed its views in reply to the memorandum just mentioned ;

(3) A copy of the reply made to this memorandum by the German Government on January 19th.

Consideration of these documents shows that the French Government has remained faithful to the views already frequently set forth by its representatives, who have discussed it directly with you. In accordance with the decisions already taken by the Conference, the French Government maintains its opinion that, on the one hand, a controlled reduction of armaments must take place by stages down to a level which will enable equality of rights to be realised in a system of security for all nations, and that, on the other hand, effective guarantees of execution are indispensable.

It would seem desirable to add the following considerations :

(1) The French Government cannot conceive, and it would be unable to accept, any calculation of the effectives attributed to each State that would not take account of the existence of formations which, in spite of certain denials, are incontestably of a military character. If no account were taken of these formations, no fair comparison could be made between the forces of the respective countries ; the parities contemplated would represent disparities to the detriment of the States in which no such formations exist.

(2) The French Government could not accept an immediate reduction of its armaments which would be accompanied by an immediate re-armament of a qualitative character of the Powers bound by the military clauses of the treaties.

(3) The question of the guarantees of execution in case the provisions of the Convention are violated is of especial importance ; you have been amply informed of the views of the French Government on this subject.

(4) Present circumstances, and more particularly the increasing pace at which certain countries are continuing to re-arm in contravention of the provisions of the treaties, necessitate a rapid solution of the problems with which the Conference is concerned.

(Signed) Louis BARTHOU.

(i) MEMORANDUM COMMUNICATED BY THE GERMAN GOVERNMENT TO THE  
FRENCH AMBASSADOR IN BERLIN ON DECEMBER 18TH, 1933.

I.

In view of the attitude adopted by the heavily armed States, and more especially France, at Geneva during the disarmament negotiations, the German Government cannot share the opinion that there is at present any real prospect of general disarmament. It is convinced that new efforts in this direction would be as vain as the negotiations of the last few years have been. If this fear should prove unfounded, no one would be more sincerely pleased than the German Government.

Without wishing to examine the numerous considerations on which the German Government's conviction is based, it is nevertheless impossible not to mention two essential facts :

1. The reduction of the armaments of other European countries can only be practically considered if such reduction be carried out by every country in the world ; but nobody believes any longer in the possibility of such general international disarmament.

2. The events of the last few months make it clear that, even if the Governments of certain countries were seriously contemplating the possibility of disarming, they doubtless would not be in a position to present, with any hope of success, proposals to this effect to their parliaments for ratification.

For these reasons, the German Government feels that it can no longer cling to an illusion which can only complicate the relations between the various peoples instead of improving them. Having regard to actual facts, therefore, it feels justified in making the following statements :

(a) Germany is the only country that has genuinely discharged the disarmament obligations embodied in the Treaty of Versailles ;

(b) The heavily armed States either have no intention of disarming or do not feel in a position to do so ;

(c) Germany is entitled to obtain, in one way or another, equality of treatment as regards her own security.

These were the facts in the mind of the German Government when it put forward its last proposal for the settlement of the problem. The statement that France has signified at Geneva her acceptance of a specific programme of disarmament in no way alters the force of these statements; for the programme which is doubtless alluded to involved conditions which Germany could not accept, and which compelled the German Government to leave the Geneva Disarmament Conference.

If the other nations should decide—as the German Government is at present convinced that they will not do—to disarm completely, the German Government announces in advance that it would be prepared to adhere to such a Convention, and to disarm also, if necessary, down to the last gun and the last machine-gun.

If France, in particular, were ready to disarm in accordance with a specific programme, the German Government would be obliged if the French Government would furnish it with figures relating to the steps it would propose to take (effectives, material, period for execution, date of starting and numerical supervision of execution).

The German Government cannot see how the adjustment of Germany's armaments to the requirements of her security, and their partial adjustment to the level of the armaments of neighbouring States, could lead to a general increase in armament and be the starting-point of an armaments race. The German proposals concern defensive armaments exclusively. They are so moderate as to leave French armaments still superior. Furthermore, they preclude any armaments race because, according to these proposals, those countries which are already heavily armed would undertake not to increase their armaments.

The German Government's plan can be summarised as follows :

1. Germany will receive complete equality of rights.
2. The heavily armed States will undertake among themselves not to exceed the present level of their armaments.
3. Germany will adhere to this Convention, undertaking of her own free will to show such moderation in availing herself of the equality of rights to be conceded to her, that this equality cannot be regarded by any European Power as an offensive menace.
4. All States will acknowledge certain obligations in regard to the humane conduct of war and the non-employment of certain weapons against the civil population.
5. All States will accept a general and uniform system of supervision to verify and ensure the observance of these undertakings.
6. The European nations will guarantee among themselves the unconditional maintenance of peace by signing pacts of non-aggression, to be renewed after a period of ten years.

## II.

Having laid down these essential principles, the German Government makes the following remarks in regard to the particular questions put to it by the French Ambassador :

1. The figure of 300,000 men represents the strength of the army that Germany needs on account of the length of her land frontiers and the effectives of her neighbours' armies.
2. It will, of course, take several years to convert the Reichswehr into a short-service army of 300,000 men. Financial considerations will likewise have a capital influence on the duration of this period of transformation.
3. The number of defensive arms claimed by Germany should correspond to the normal proportion of such arms in a modern defensive army.
4. The progressive realisation of this armament should necessarily proceed *pari passu* with the conversion of the Reichswehr referred to in paragraph 2.
5. The German Government is prepared to agree to a system of general and uniform international supervision, operating periodically and automatically.
6. When this supervision would begin to operate is a particular question that cannot be settled until agreement has been reached on the fundamental questions.
7. The conversion of the Reichswehr into a short-service army of 300,000 men will in no way affect the nature and character of the S.A. and S.S.

The S.A. and S.S. are not military organisations, and will not become such in the future. They are an inseparable factor in the political system of the National-Socialist revolution, and hence in the National-Socialist State. They comprise some 2½ million men, ranging from the age of 18 years to extreme old age. Their sole mission is to organise the political masses of our people so as to make the return of the communist peril impossible for evermore. Whether this system will be abolished depends upon whether the Bolshevik danger continues or disappears. The National-Socialist organisations opposed to the former Marxist "Reichsbanner" and the "Association of Communist Ex-Soldiers" have no military character whatsoever. The attempts that have been made to establish a military connection between the S.A. and S.S. and the Reichswehr, and to describe the former as auxiliary military formations,

emanate from political circles which see in the abolition of this protective organisation of the National-Socialist movement the possibility of a fresh disintegration of the German people and a resumption of communist activity.

In order to establish the peculiar character of the S.A. and S.S. as political organisations whose aim is to immunise the country, intellectually and physically, against the risk of communist disintegration, the German Government does not refuse, on the application of the supervision provided for the carrying-out of the Convention, to produce evidence of the literal truth of its assertions:

8. The German Government is prepared to consider the establishment of common rules for political associations and organisations for preparatory and advanced military training in the various countries.

9. The answer to the question regarding the supervision of such organisations in the various countries will be found in the particulars given at the end of paragraph 7 on the subject of the S.A. and S.S.

10. The content of the pacts of non-aggression which the German Government is prepared to sign with all its neighbours may be judged from the practice of the post-war period.

11. Whether, and to what extent, so far as Franco-German relations are concerned, the Rhineland Pact of Locarno concluded in 1925 gives rise to any particular considerations is a legal and technical problem which can be reserved for separate negotiation later.

12. The German Government is prepared at any time to settle amicably, by whatever procedures may seem most appropriate, any disputes that may arise between France and Germany.

### III.

The restoration of the Saar Territory to Germany without a plebiscite was suggested purely with the object of avoiding, if possible, the excitement of public opinion in France and Germany by which the plebiscite would be attended, and of sparing the Saar population the disturbance of an election campaign, the issue of which is not in doubt. If the French Government takes the view that it cannot consent to the restoration of the Saar Territory to Germany without a plebiscite, the German Government regards the question as settled.

### IV.

Having again quite clearly stated its views on the settlement of the disarmament problem, the German Government considers that further conversations have no chance of leading to any definite result, unless the other Governments, in their turn, unequivocally state their attitude to the German Government's view and indicate clearly and in detail how, for their parts, they think that the problem can be solved.

#### (ii) MEMORANDUM BY THE FRENCH GOVERNMENT OF JANUARY 1ST, 1934.

On a number of occasions, the German Government expressed the wish, on which its Head laid particular emphasis, that negotiations should be undertaken between France and Germany to settle such difficulties as might be outstanding between the two countries.

The French Government replied to these overtures in no less definite terms. It expressed its resolve to examine in the most helpful and conciliatory spirit any proposals which might be put forward in the general interests of peace and in a genuine spirit of international co-operation. The French Ambassador was instructed to express the desire that the intentions manifested by the Chancellor should be given sufficiently definite form to enable the French Government to judge of the prospects of success of such negotiations.

The German Government has been good enough to fall in with these wishes: Statements have been made to the French Ambassador, and information has been given to him either verbally or in writing. After proceeding with the fuller deliberations referred to by the Ambassador, the French Government is now able to express its views on the various points so far considered.

Confining itself to the German Government's actual proposals, and without discussing for the moment the general considerations adduced in support thereof, particularly as regards the state of Germany's armaments, the French Government is sincerely gratified to learn that the German Government is prepared to conclude pacts of non-aggression with all its neighbours; it goes without saying that the conclusion of such pacts would only be desirable to the extent that, without in any way diminishing the guarantees of security provided by the agreements already in force, and particularly the Locarno Agreements, it would be likely to add fresh guarantees protecting the signatories both from any threat to their external independence and from any attempt at interference in their internal affairs,

The French Government also notes with satisfaction the German Government's acceptance, at any rate in principle, of automatic and periodical supervision on the spot, in conditions of full and equal reciprocity, without which any international convention regarding armaments must remain inoperative. The exact details of this supervision remain, indeed, to be defined, and the French Government would be glad to know whether Germany agrees to the measures contemplated at the last meetings of the Geneva Committees, in which unfortunately Germany did not take part.

But apart from these details to be fixed later, regarding which an agreement appears possible, there is one vital point which has engaged our attention and regarding which we desire to state our point of view in all frankness.

While asserting her goodwill in circumstances which should facilitate the settlement of outstanding difficulties, Germany puts forward a programme of claims as regards armaments which runs directly counter to the principles hitherto sanctioned by the Geneva Conference, with the German delegation's own approval, and expressly endorsed by the declaration of the Powers of December 11th, 1932, to which the German Government frequently refers.

The aim of the Conference in whose work Germany and ourselves have been associated is to arrive by stages at a substantial reduction of armaments. But what the German Government now seems to contemplate is a no less substantial re-armament, which is represented as only being capable of being deferred on financial grounds.

The specific statements which the German Government has communicated show, not only that Germany asks to have her permanent effectives raised to 300,000 men, but that this figure would be far from representing the total military forces which would be at all times at her disposal without need of any mobilisation.

To that figure must be added, in fact, the large proportion of the police force whose character as a military organisation was recognised during the Conference's earlier proceedings and whose abolition does not seem to be contemplated, despite the considerable increase in permanent effectives which would result from the programme envisaged by the German Government.

There must, in particular, be added the para-military organisations which have been continually multiplying in the last few years and which, since the present regime came into force, have assumed such a development and such a consistency that, apart from the political considerations put forward by the German State, of which it is the sole judge, they raise a military problem which cannot be ignored.

The French Government feels it must point out that at any rate a large proportion of the men belonging to these formations receive a large degree of military instruction from cadres supplied by the Reichswehr or trained by it; that, if they are not all armed in a permanent manner, they are at any rate trained in the handling of implements of war; that they are at all times at the disposal of their leaders; that their equipment, apart from the carrying of rifles, is in every way comparable with military equipment; that, in addition to infantry units, these organisations now include transport formations, cavalry units and even engineers; and that their organisation and territorial distribution are closely modelled on those of the army (companies, battalions, regiments, brigades, divisions, military areas).

In these circumstances, whatever the political considerations invoked, the possibility of the military utilisation of these organisations appears undeniable, and the French Government can only maintain, in conformity with the Conference's earlier decisions, that any convention for the limitation of armaments which took no account of such formations in the calculation of effectives would not permit of any equitable comparison being made between the forces concerned.

The French Government also notes that the German Government asks for an important degree of quantitative and qualitative re-armament in the matter of land and air material, and asks for this immediately, on the basis of the equality of rights, the principle of which was recognised in the declaration of December 11th, 1932. But for this equality to be brought about practically and equitably, a previous equalisation and standardisation of the effectives assigned to each country for the defence of its territory is necessary. Germany herself considers that several years will be required to bring this about.

The French Government observes lastly that, while the German Government accepts the principle of supervision, it does not say when this supervision would begin to operate. But the establishment and testing of this supervision on a footing of complete reciprocity are an essential condition of the loyal application of the convention, and can alone permit of the proposed reductions being carried out in an atmosphere of mutual security.

The French Government does not think that a convention established on such a basis would answer to the intentions of the Powers as a whole, as expressed in the Conference's deliberations; and it was certainly not in this spirit that the declaration of December 11th was signed. It fears that such a convention would, on the contrary, prepare the way for an armaments race, which the common efforts of civilised nations must strive to prevent.

It was precisely to obviate this danger that, at the moment when Germany left the Conference, the French Government was ready to accept an emendation of the British plan which, bearing in mind the political unrest existing in Europe, and the practical possibilities

of realisation, was aimed at bringing about by stages an important reduction in armaments and equality of rights.

Its intentions have not changed, and it is eager to take this opportunity of furnishing Germany with the specific details requested by M. von Neurath in his last communication.

France is ready to accept an emendation of the British plan involving, during the first years of the application of the Convention, a reduction in the French effectives *pari passu* with the transformation of the existing German forces, so that the two armies should be standardised on the basis of a defensive army with short-term service and limited effectives. In this way, it should be possible to arrive by degrees at parity between the French and German effectives which are comparable—*i.e.*, which are intended for the defence of the home territory.

As regards land material, France is prepared, as soon as the Convention begins to be applied, to agree not to increase any of her armaments beyond their present level, and further to prohibit all manufactures of material of greater calibre or tonnage than those authorised for all States.

Simultaneously, the trial and adjustment of a system of supervision applicable to all States, both as regards effectives and the manufacture or import of material, would be put in operation.

The second stage of application of the Convention would involve, first of all, the progressive abolition of material exceeding the common qualitative limits which had been fixed, and, in the second place, the assignment of the authorised material to the States subject to the military clauses of the Treaties of Peace, according to a programme also to be fixed by the Convention.

The French Government is prepared to state in figures the effectives, the calibres and the tonnages to be entered in a Convention on these lines. But it is clear that these figures can only be usefully discussed between all the Powers concerned, and that an agreement between France and Germany alone cannot suffice to establish them.

Nevertheless, in order to convince the German Government of the importance of the reductions which would be effected in the second stage, it may be stated that France would be quite ready to consider the eventual reduction of the calibre of mobile artillery authorised for all States to 15 centimetres (5.9 inches).

As regards air armaments, France, from the outset of the application of the Convention, not only agrees to the abolition of bombardment from the air, in the conditions defined by the Conference in its resolution of July 23rd, 1932, but would even be prepared to consider, if such a general reduction was accepted by the principal air forces and was accompanied by an effective supervision of civil aviation and air manufactures, a proportional reduction of 50 per cent of the material at present in service.

She considers, moreover, that the eventual aim of these important reductions should be the abolition of all national military aviation and its replacement by an international air force.

The main outlines of this programme, the details of which France is ready to discuss with Germany and the Powers concerned, suffice to show how inaccurate is the basis on which the German Government takes its stand in initiating conversations tending towards re-armament. For our part, we believe that progressive disarmament always remains possible as well as desirable, and that the adoption of the programme defined above, the adjustment and elaboration of which were only interrupted by Germany's withdrawal from the Disarmament Conference, offers, if Germany will co-operate in studying it, the best prospects of bringing about what must be our common aim—a general, substantial and progressive reduction of armaments, which would relieve the world of a burden which the economic crisis renders heavier and more dangerous, and which threatens peace and the economic structure of every country.

Whatever the difference of views on an essential problem which has been revealed by the Chancellor's communications but which does not seem irreconcilable, if the German Government will accept the assurance that the road to reductions of armaments remains largely open, the French Government would regret any failure to pursue the diplomatic conversations which the German Government has several times expressed the desire to carry on.

The French Government has indeed been glad to note the assurance that the German Government was prepared at any time to settle on a friendly basis and by the most appropriate means the differences which might arise between France and Germany. It fully shares this desire, and has consistently pursued, sometimes at great sacrifice, this essential policy of good-neighbourliness and understanding between two great countries whose agreement in a common task of international co-operation would be the surest guarantee of peace.

Moreover, the examination of the problems which arise as between Germany and ourselves, assuming that, as the Chancellor says, no territorial differences any longer exist between the two countries, will soon convince the German Government that the majority are not Franco-German, but European problems, and that France, if she is to remain faithful to the policy of international co-operation, cannot consider them without consulting the different Governments concerned and the League of Nations.

But, in order that there may be no misunderstanding as to its point of view, the French Government wishes to assure the German Government that all problems can be examined between the two Governments in a spirit of mutual comprehension, on the understanding that there is no intention of arriving at a solution independently of the Governments

directly concerned and contrary to the provisions of a Covenant to which we, as well as they, remain attached.

It is, indeed, in the League of Nations that that equality of rights so strongly urged by Germany finds its practical application. It is there that international co-operation can best be exercised. The French Government has many times proved by its acts that it could not conceive of such co-operation without Germany's participation. It still hopes that the German Government will be convinced of these facts, that it will not maintain a decision as regards the League of Nations which has been unanimously regretted, and that it will not persist in an abstention the consequences of which would be no less injurious to Germany than to the international community as a whole.

(iii) REPLY OF THE GERMAN GOVERNMENT DATED JANUARY 19TH, 1934, TO THE FRENCH GOVERNMENT'S MEMORANDUM DATED JANUARY 1ST, 1934.

The German Government has examined with great interest the memorandum communicated to it by the French Ambassador at Berlin on January 1st, 1934. It observes with satisfaction that the French Government has accepted the suggestion that direct diplomatic negotiations should be opened between the two Governments on the problems outstanding between their countries, and that, with regard to the gravest and most delicate question, that of disarmament, it has given a detailed statement of its attitude to the German Government's previous declarations, and of the views it wishes to advance as to the further development of this question. The German Government has examined, entirely without prejudice, the considerations put forward in this connection in the French memorandum—primarily in the endeavour to ascertain whether and in what form those considerations offer, at the present juncture, any prospect of arriving at general disarmament. It wishes to inform the French Government quite frankly and plainly of the results of this examination, because it believes that such a method can alone dispel misunderstandings and promote the agreement which both parties desire.

I.

Before replying to the French memorandum's criticisms of the German proposals, the German Government would like to express its views on the plan that the French Government has thought fit to put forward as an alternative. If the German Government has rightly understood that plan, it would essentially take the following form :

The French Government wishes to divide the period of the Disarmament Convention to be concluded into two stages. During the first stage—the length of which is not specifically stated, but which would in any case cover several years—France would progressively reduce the strength of her army to an extent corresponding in time to the progress of the conversion of the Reichswehr, and in such a way that, ultimately, numerical equality would be reached between the strength of the German army and that of the French home forces. The memorandum does not specify whether and to what extent France contemplates, in this connection, any reduction of her oversea forces.

During the first stage, France would retain her existing land war material without reduction. On the other hand, the manufacture of new material exceeding in calibre and tonnage the maximum limits fixed by the Convention would be discontinued.

As regards military aircraft, France would already be prepared during the first stage to agree to a reduction of 50 per cent in her existing machines, provided that the air forces of the other great Powers were reduced in the same proportion, and that arrangements were made for effective supervision of civil aviation and aircraft manufacture.

In the second stage of the period of validity of the Convention—that is to say, after several years—the gradual destruction of land war material exceeding the fixed calibre and tonnage limits would be begun. Furthermore, the States disarmed under the Peace Treaties would be allowed gradually to acquire all the categories of arms authorised by the Convention. The details of the measures to be carried out during the second stage in regard to war material would have to be determined in advance in the Convention. In any case, however, regard would have to be paid to the experience gained in the supervisory procedure during the first stage.

The French Government is of opinion that such a programme offers the best prospects of gradually carrying out a substantial degree of general disarmament and relieving the world of a heavy burden in the interests of the maintenance of peace and of economic reconstruction.

To elucidate this point, it will be necessary to visualise, in a concrete form, the situation that would be created by a Convention concluded on the lines of the French plan. What would that situation be ?

In the important sphere of war material, disarmament would be put off for several years. During this time, the heavily armed States would retain the whole of their heavy material without reduction, even if this material is regarded as more particularly adapted to offensive purposes. It is questionable whether, from the standpoint of general security, any importance can be attached to the fact that the heavily armed States would undertake not to renew their heavy offensive material during that period. Germany, for her part, would have to content



herself with the wholly inadequate categories of arms provided for by the Treaty of Versailles, while during the same period she would have to undertake the conversion of the Reichswehr. How can the conversion of an army be carried out in practice if the material appropriate to its possible employment is not available at the outset? And how, in such a conversion of the Reichswehr, can Germany's security be in any way guaranteed?

With regard to the question of effectives, the standardisation of types of army would naturally presuppose that the approved type of army should also be adopted by other States. Moreover, the value of the reduction of effectives conceded by France during the first period cannot be properly judged unless it is stated what is to become of the French colonial troops. The French defence system has long been largely based on the employment of African troops in the home country. Consequently, a large proportion of France's African troops are permanently stationed in the home territory. Furthermore, if the German Government's information is correct, a complete organisation has been established to enable the troops stationed in Africa to be brought to France in the shortest possible time at any moment. This being so, is it not reasonable to think that the reduction of the home forces could always be balanced by calling in oversea troops, so long as the latter were not included in the reduction of effectives?

With reference to the air forces, it is open to question whether, in view of the method of reduction contemplated in the French memorandum, the important principle of equalising all the major air fleets at a common level would not be abandoned. Apart from this question, however, Germany is also bound to ask whether, during the first, and even during the second, stage of the Convention, she must continue to have no military air force. If the French plan replied in the affirmative to this question, the proposed reduction of the air forces of other countries would, in practice, make no change in the present situation of absolute inequality, or in Germany's complete lack of air defence. The German Government cannot foresee how far this unacceptable situation would be alleviated by the fixing of an objective to be reached in the indeterminate future—namely, the general abolition of military aircraft.

The arrangements contemplated in the memorandum for the second stage would also raise an important question. Are the explanations in the memorandum on the subject of supervision to be interpreted as meaning that the system applied in the second stage will depend entirely on the facts ascertained in the first stage? If that were the correct interpretation, the achievement of general disarmament would be influenced, in this second stage also, by a dangerous factor of uncertainty. It is true that supervision is to be applied effectively and in an identical manner to all States. But it is evident that the preliminary condition of equal supervision would not be fulfilled if, owing to the radical difference in the degrees of armament reduction, the supervision were, in practice, to be exercised quite differently in the countries already disarmed under the Peace Treaties from the way in which it was exercised in other countries. Since its scope would be much more extensive in the disarmed countries, would it not—even if the treaty were observed with the most entire loyalty—give more occasion in the disarmed countries than in the other countries for disputes which could be taken as a pretext for further postponing the second stage?

Even if it be possible to obviate this risk, the decisive question for Germany is still whether the discrimination she now suffers is to be further prolonged for a period of years. Can the other Powers produce any solid reason in support of such a project, incompatible as it is with Germany's honour and security?

The German Government is firmly convinced that this is absolutely impossible. The assertion in the memorandum that Germany's equality of rights in regard to material implies, according to the declaration of December 11th, that the conversion of the Reichswehr must first be completed, cannot be justified either by that declaration or by other conventions or by other facts.

Apart from the general considerations set forth above, there are numerous other particular points in the French proposal that require further elucidation. Some of these questions appear in the list appended to this document. The German Government would be grateful if they could be answered.

## II.

Taking the main points of the French plan and its consequences, as we have done in the foregoing survey, we cannot but entertain grave doubts of the possibility of finding on these lines a solution of the disarmament problem which would be really equitable and calculated to safeguard peace. All things considered, the German Government is of opinion that the problem stands to-day exactly where it stood a few months ago, when, in consequence of the total bankruptcy of Geneva methods, it was obliged to withdraw from the League of Nations and leave the Disarmament Conference, and decided to make a fresh proposal. The German Government most keenly regrets that the French Government, in its memorandum, has not appreciated the motives of that proposal at their true worth. In making that proposal, the German Government had no intention of abandoning the idea of disarmament and demanding the re-armament of Germany instead. It desires again to state explicitly that Germany, for her part, has no more earnest wish than that general disarmament to the widest possible extent should be achieved. The German Government still considers that the best solution would be for all countries to reduce their armaments to a level corresponding to the degree

of disarmament provided for in the Treaty of Versailles. That would afford the simplest solution of the question of Germany's equality of rights. In any case, there is no measure, however far-reaching, in the field of quantitative and qualitative disarmament that Germany is not prepared to accept forthwith if it is applied in the same way by all other countries. Having made, and several times repeated, this categorical declaration, the German Government is entitled to deny in the most formal fashion the assertion that the true aim of its policy is the re-armament of Germany.

If the German Government's proposal was designed to seek an initial prompt settlement on the basis of a limitation of the armaments of the heavily armed States to their present level, the reason is that, in the German Government's intimate conviction, the course taken by the discussions that have been proceeding for nearly eight years has clearly shown that the principal Powers concerned, having powerful armaments, are in no way disposed for a really effective measure of disarmament—whatever may be the reason for this attitude. Even the memorandum of January 1st does not contemplate such a measure of disarmament. Needless to say, it is not the intention of the German proposal to reject at this stage such definite measures of disarmament as it may seem possible to agree upon in the near future. On the contrary, the Government has no greater desire than that the most extensive measures of disarmament possible should be taken within the scope of the system suggested by it. In view, however, of the situation as the German Government sees it to-day, those measures will never be far-reaching enough to bring about in themselves Germany's equality of rights in accordance with the declaration of December 11th, 1932. Facing that fact, we can see no other way of reaching a treaty settlement in the near future than to determine the measures of disarmament on which agreement is now possible; but, apart from that, to limit the armaments of the heavily armed States to their present level for the duration of the first Convention, and to establish Germany's equality of rights by a certain adjustment of her armaments to the level of those of other countries. The sole object of this proposal is to draw the necessary consequences from a *de facto* situation for which Germany is not responsible. Germany cannot be expected to support alone the consequences of that situation, in such a way as to remain, for years to come, subject to unilateral armament limitations not applying to other States and bearing no relation to the level of the armaments of those States.

Nor do we see how the application of the German proposal could lead to an armaments race. So far as Germany is concerned, it would only involve the creation of a defensive army which could not constitute a threat, however remote, to any other country. Moreover, the German proposal aims at fixing by treaty, for all States, specific limits of armaments, which *a priori* precludes any possibility of an armaments race.

Nor, again, can the German Government admit the objection that three hundred thousand men would be too high a figure for the German defensive army. Indeed, owing to Germany's geographical situation, and especially the length and nature of her frontiers, that figure represents the minimum she needs for her security in the present circumstances. This will be particularly plain if that figure is compared with the armaments of Germany's heavily armed neighbours, chief among whom, apart from France, are the latter's allies—Poland, Czechoslovakia, and Belgium. It should further be observed that all those countries possess, not merely very large active armies, but also powerful quantities of trained reserves, because, since the end of the war, on the basis of universal military service, which is in force in their territories, they have passed through army training all the young men who are fit to bear arms. These reserves, who have received full military training with the forces, and who are also required to carry out training and are liable for service in time of war, whose rolls are kept and checked, and some of whom may be called to the colours without a proclamation of general mobilisation, number some five millions in France alone.

Germany has no comparable forces to set off against the trained reserves of other countries. In particular, the political organisations that exist in Germany cannot be placed on the same footing as the trained reserves of other countries.

It has already been pointed out several times to the French Ambassador that the S.A. and S.S. formations have no military character. Moreover, the German Government has already declared itself willing to submit the non-military character of those associations to the proposed international supervision, provided other countries assume a like obligation in respect of the organisations in their territories. This arrangement would effectively dispel any fear lest Germany might indirectly, by means of her political organisations, exceed the strength of her forces as fixed by the Convention.

On the police question, it will probably not be difficult to reach an agreement. In the German Government's view, regard should be paid to the number and density of the population, and to other factors peculiar to the different countries (number of large towns, social conditions, etc.).

Lastly, in considering the figure of three hundred thousand men, it must be borne in mind that these would be soldiers performing a short term of service, whereas the Reichswehr consists of professional soldiers serving for twelve years. The French Government itself, in the course of the Geneva discussions, has constantly upheld the view that the military value

of soldiers performing a short term of military service must be regarded as considerably less than that of professional soldiers. From this standpoint, likewise, it would be wrong to look upon the figure of three hundred thousand men as representing any considerable increase in Germany's present military forces.

As regards the objections in the memorandum to the equipment of Germany's future army with defensive weapons—which the German Government considers to be necessary—it has already been pointed out above that the conversion of the Reichswehr into a short-service army cannot be carried through in practice unless the arms that army requires are made available at the actual time of the conversion. To attempt to convert the Reichswehr first, and only to equip it during a subsequent period with the defensive arms allowed by the Convention, would not merely entail the greatest difficulties of organisation in carrying through the conversion, but also, and above all, would make the army, for the first few years, entirely inadequate for its duty—namely, the defence of the country.

Lastly, as regards the details of the system of supervision provided for by the Convention, these are technical matters, on which it will not be difficult to arrive at an agreement as soon as the main points in the disarmament problem are cleared up. In the German Government's view, provided that parity is fully assured, it would be in the very nature of the problem that supervision should begin to operate at the actual moment of the Convention's entry into force.

### III.

The foregoing remarks make it clear that the essential points on which the views of the two Governments on the disarmament problem still diverge are the evaluation of effectives and the moment at which the future German army may be equipped with defensive weapons. On these two questions, however, in the German Government's opinion, the proper solution is self-evident, if the views expressed are considered without prejudice, and taking into account the material, legal and moral factors.

The French Government cannot fail to observe that what the German Government thinks it necessary to demand in the present case is far less than what ought to be conceded to Germany if equality of rights were really and completely established. Even if Germany's future short-service army is three hundred thousand strong, and if it obtains the necessary defensive weapons at the actual time of the conversion of the Reichswehr into a new-type army, France and the other over-armed States will retain a considerable superiority in armaments. That being so, the rejection of Germany's demands could only mean that there was no real intention of recognising Germany's equality of rights. For that reason, the German Government trusts that the French Government, if it once more considers all the factors in the problem, will not exclude Germany's point of view, and will thus find the way to an understanding which Germany earnestly desires.

Needless to say, the German Government agrees that the disarmament problem cannot be settled simply by negotiations between Germany and France, but entails negotiations with all the States concerned. These general negotiations, however, would be much easier if France and Germany could come to an understanding on questions of principle, seeing that such an agreement is one of the most important preliminary conditions for the establishment of a Disarmament Convention.

The fact that Germany is prepared to co-operate with other countries in the international field, and the spirit in which she will do so, are clear from her proposal to conclude pacts of non-aggression. As to the form that such co-operation may take in the future, that seems to the German Government to be a question which must be answered later. The most urgent task at the present moment is to solve the problem of disarmament; its successful solution will open the way to the solution of the other political problems outstanding.

#### *Questionnaire.*

(1) What is the maximum figure to which the total French forces, home and colonial, are to be reduced?

(2) How are France's oversea effectives and trained reserves to be computed in the scheme provided for in the French memorandum?

(3) If the conversion of her army into a short-service defensive army were not to be extended to the oversea effectives stationed in the home country as well as to those in the oversea territories, would France be prepared to undertake that her oversea troops should not be stationed or employed in the home territory, either in time of peace or in time of war?

(4) What is to be done with mobile land guns exceeding 15 centimetres (5.9 inches)? Are they to be destroyed? Will training in the use of such guns still be authorised?

(5) What is the maximum tonnage to be fixed for tanks? What will be done with tanks exceeding this maximum?

(6) Does the French Government contemplate quantitative limitation of certain categories of arms, including material in stock, for all countries? To what categories of arms would such limitation apply?

(7) What will be the armament of the French troops not brought under the measures for the standardisation of types of army?

(8) Within what period would the abolition of 50 per cent of the aeroplanes at present in service be carried out? Are the aeroplanes abolished to be destroyed, or how else are they to be dealt with?

(9) What is to be the scope of the supervision of civil aviation and aircraft manufacture, which, according to the French proposal, is the prerequisite of any reduction in the number of military aeroplanes at present in service?

(10) Is the Convention to provide specifically for the abolition of military aviation by a stated date and, if so, what date is proposed?

(11) Is the prohibition of bombing from the air, which the French Government is prepared to accept, to be general and absolute or, if not, what definite limitations are to be attached to such prohibition?

(12) Are the statements in the French memorandum regarding the supervision of war material to be understood as meaning that, so far as she herself is concerned, France is merely prepared to accept supervision of manufacture and imports, or do they mean that such supervision is to be extended to material at present in service and in stock?

(13) What is the French Government's attitude in the matter of naval armaments?

#### 4. MEMORANDUM HANDED TO THE MINISTER FOR FOREIGN AFFAIRS OF THE REICH BY THE FRENCH AMBASSADOR IN BERLIN ON FEBRUARY 14TH, 1934.

The French Government has received from the Ambassador of the Republic in Berlin the memorandum handed to M. François-Poncet on January 19th in reply to its own memorandum of January 1st.

In a frank and sincere spirit, the French Government had put forward a programme in conformity with the resolutions previously voted by the Geneva Conference with the participation of the German delegation. This programme provided, by stages, and with corresponding guarantees of control and security, for substantial reductions of armaments, both in the matter of effectives and in that of land and air material.

On receiving this concrete and precise programme, the German Government, however, feels bound to assert once more that the "principal Powers concerned" (among which no doubt France must be reckoned) "having powerful armaments are not prepared for a really effective measure of disarmament". The Government of the Republic leaves to the Government of the Reich full responsibility for a conclusion to which it for its part cannot subscribe, more particularly because it is directly contradicted by its own proposals.

Arguing from mistaken premises, the German Government has not seen fit to modify the proposals which it put forward itself in its previous memorandum. Nor has it thought it desirable, in spite of the courteous request which was made to it, to explain the exact significance of several of its proposals. The French Government is legitimately surprised at this. It especially regrets not to find in the memorandum of January 19th adequate explanations of the German views in the matter of control; it regrets still more that the German Government has taken no notice either favourably or unfavourably of the observations presented in the memorandum of January 1st on the scope of pacts of non-aggression and on their relation to the Treaty of Locarno. Yet it would seem that this element in general security is too important to be passed over in silence when the conditions of a general and substantial reduction of armaments are being laid down.

The German Government must certainly be aware that the proposals formulated in the memorandum of January 1st were, from the point of view of the French Government, fundamental on two points.

The comparison of French and German effectives can be made only on the basis of comparable effectives—that is, those which are intended for the defence of home territory—and it is conceivable only if all forces which have any military character are included in whatever limitation is decreed.

Equality in material—that is, the attribution to Germany of material which the other Powers will keep and which is at present denied to her—can come only after the transformation of the German army and the absorption of the pre-military and para-military formations in the regular effectives which will be limited by the Convention.

By setting aside on these two essential points the proposals which were submitted to it, and of which it must have understood the scope and importance, the German Government has rejected the whole programme outlined in the memorandum of January 1st.

In these circumstances the French Government cannot see the use of the extensive *questionnaire* annexed to the last German memorandum, or what chance of progress it can offer. The French Government cannot but feel the difficulty of a discussion limited to two Governments when various and complex questions which affect all the Powers assembled in conference are at issue. These problems can be brought to a useful conclusion only with the participation of all the interested States, and a Franco-German examination of these questions undertaken as a preliminary process would have no useful purpose unless agreement had already been reached between the two countries on precise principles which would no longer be called in question.

Unfortunately, this is far from being so, as may be seen from facts which are only too clear. For instance, published documents show that the German army as regards organisation (high command, staffs, schools, reserve cadres, mobilisation), as regards effectives (peace establishment and trained reserves), and as regards material, already possesses resources incompatible with the provisions of the treaties, which must be taken as the basis of subsequent comparisons. Before considering the future, and in order to throw light upon it, we must consider the present.

\* \* \*

Nevertheless, and subject to this necessary precaution, the French Government accepts the opportunity offered to dispel among so many difficulties two fundamental misunderstandings.

First of all, the French Government considers it of particular importance that effective control shall come into operation immediately the Convention is in force because of the necessity for perfecting, with the least possible delay, a mechanism which is to be an essential element of this Convention. In such a preoccupation, there is nothing prejudicial to the dignity of the German Government, whose rights no country can fail to appreciate. There are forms of control which might prove more dangerous than useful. Only an international organisation furnished with substantial means of investigation and action could provide the guarantees necessary for the maintenance of peace.

Further, the German Government appears to cast doubt upon the intention of the French Government to consider a limitation of its oversea effectives. Nothing could be less true. Nor is there any question of excluding from limitation the oversea forces, whose mobile character necessarily means that they are at all times ready, in home territory, to be sent in a minimum of time to any point in the colonial Empire at which their presence is thought expedient. Contrary to what the German Government appears to suppose, the French Government does not entertain the idea of compensating at any time it chooses for the reduction of its home forces laid down in the Convention by calling upon its oversea troops, since the Convention would strictly limit the number of effectives capable of being kept at home in peace-time.

These particular questions, important though they may be, cannot obscure the essential problem. They leave untouched the basic reasons for the divergence of views which has been revealed in the matter of effectives and which can be summarised as follows :

In claiming the figure of 300,000 men for a German army, transformed into a short-service unit, the German Government means that this figure should be fixed without taking into account either the militarised police or the para-military S.A. and S.S. formations. At the most they admit that, once the Convention has come into force, the control organisations may verify that the S.A. and S.S. formations have in fact no military character.

The French Government, on the other hand, has always held that the figures of limitation should embrace in their entirety forces of a military character, and they have taken it as settled that the S.A. and S.S. formations are of this type. The memorandum of January 1st contained in this connection detailed statements supported by precise facts. Since its refutation [of these statements] consists in a general declaration, the French Government is impelled to maintain in their entirety its previous statements. It cannot give its signature to a convention which would merely leave to the future the task of deciding whether the S.A. and S.S. formations have or have not a military value to be included in the calculations for the fixing of the relation between forces. A convention established on this principle would in effect be vitiated at the very base, and the first application of control, whatever its form, would produce the most dangerous misunderstandings. It is not a result of this kind which should be expected from an agreement reached after such long discussions, of which the conclusions should be accompanied by a relaxation in the political atmosphere of Europe.

The French Government ardently desires to collaborate with a sound comprehension of European feeling in this necessary improvement. It believes that a complete and sincere understanding with Germany would be the condition and the guarantee of such improvement. On the other hand, nothing could be more dangerous than a misunderstanding. It is for the German Government to dissipate or prevent it by explanations which it may be sure will be examined justly and without prejudice.

It is therefore the duty of the French Government to maintain the point of view for which the reasons have been given. These reasons justify the programme laid down in the memorandum of January 1st. The French Government considers, without wishing to throw doubt upon the reciprocity and sincerity of the intentions of the German Government, that a process of negotiations loses nothing by a recognition, a comparison, and even by a contrasting of the differences which stand in the way of final agreement.

5. LETTER, DATED FEBRUARY 19TH, 1934, SENT BY THE PRESIDENT OF THE CONFERENCE TO MEMBERS OF THE GENERAL COMMISSION IN REGARD TO THE DATE OF MEETING OF THE BUREAU.

Conf. D./C.L.12.

Referring to my letter of January 26th, document Conf. D./C.L.11, I have the honour to inform you that the officers of the Bureau, composed of the Vice-Chairman, the Rapporteur, the Secretary-General, and myself, held a meeting in London on February 13th, in order to consider the date on which the Bureau should be summoned.

You will recall that by letters sent to the Governments of the United Kingdom, France and Italy on January 27th, I invited those Governments to inform me of the situation resulting from their negotiations.

The replies of the three Governments and the annexes attached thereto were closely considered. While welcoming the information that progress had been made, my colleagues and I thought that this progress was not sufficient to warrant an early meeting of the Bureau. We were unanimously of the opinion that a further effort should be made to secure a Disarmament Convention, and, after full consideration of all the circumstances, we felt that opportunities should be afforded for further efforts to narrow existing divergencies. We agreed that it would be unwise to take any decision which might be prejudicial to the new phase of the negotiations, which includes the visit of Mr. Eden to several of the European capitals.

We have therefore decided that, to allow time for the further efforts contemplated, and for any other steps which might arise out of them, the best course would be for the Bureau to meet on April 10th, with the understanding that, if the situation changes considerably, or if so requested by one or more of the Powers concerned in the negotiations, the President may summon the Bureau at an earlier date.

In either of these eventualities the officers have given me authority to convoke the Bureau.

(Signed) Arthur HENDERSON.

6. AIDE-MÉMOIRE COMMUNICATED ON FEBRUARY 19TH, 1934, BY THE UNITED STATES SECRETARY OF STATE TO THE UNITED KINGDOM AMBASSADOR AT WASHINGTON.

Geneva, March 3rd, 1934.

Sir,

By direction of the Secretary of State, I have the honour to transmit herewith a copy of a *aide-mémoire* which he handed to Sir Ronald Lindsay on February 19th, 1934, for your information and, if you should so desire, for inclusion in the compilation of documents regarding disarmament matters, which I understand you are about to publish.

I may add that my Government made this *aide-mémoire* public yesterday afternoon.

(Signed) Hugh R. WILSON.

TEXT OF AIDE-MÉMOIRE HANDED TO SIR RONALD LINDSAY BY SECRETARY OF STATE HULL AT WASHINGTON ON FEBRUARY 19TH, 1934.

The American Government has given careful study to the British memorandum on disarmament, dated January 29th. In many ways, the British suggestions are identical with the ideas expressed by the American delegation since the opening of the General Disarmament Conference in 1932. In other respects, they do not go so far in measures of actual disarmament as had been contemplated. The American Government has held the view that the most logical way in which to limit and reduce armaments was to limit and reduce the use to which such armaments could be put. This in turn implied a strengthening of the defensive power of a State and a corresponding reduction of its offensive power. To accomplish this, there were three main methods. The first, to abolish weapons of primary use in invasion, such as heavy mobile artillery, heavy tanks, bombardment aviation, etc. Second, continuous and automatic inspection. Third, and in connection with the General Disarmament Convention, a universal pact of non-aggression in which an undertaking would be given that the armed forces of no State should invade the territory of another country in violation of treaty rights.

In noting that the British proposals do not go so far, the American Government appreciates that they were probably drafted with a view to meeting the complexities of the present political situation in Europe and, at the same time, to achieve a large modicum of real disarmament. While the American Government is not in any way a participant in the European

political problems and therefore does not take part in diplomatic discussions relating thereto, it is nevertheless vitally interested in the maintenance of European peace and therefore welcomes the effort of the British Government to bring about agreement. This Government is in complete accord with the British Government in viewing a Convention involving an actual reduction in armaments, not only as essential in itself, but as facilitating a general political appeasement. While reserving its position on a few technical points and of course on the modifications to Part I, which, as Mr. Davis indicated on May 24th, 1933, it could not sign, the American Government is therefore in sympathy with the principles of the British suggestions and hopes that a successful resumption of the General Disarmament discussions may thereby be brought about.

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Corrigendum to  
Conf. D./166.  
English text only.

Geneva, March 9th, 1934.

LEAGUE OF NATIONS

CONFERENCE FOR THE REDUCTION AND LIMITATION  
OF ARMAMENTS.

Documents concerning the Date of the Resumption of the Work  
of the Conference and the Correspondence between the President  
of the Conference and the Governments of the United Kingdom,  
France and Italy.

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1. Page 2 - 1st para - 7th line - delete "of".
  2. " 11 - 4th para - 22nd line - for "require" read "acquire".
  3. " 29 - Item 6 - 2nd line of Mr. Hugh R. Wilson's letter to  
the Secretary-General, for "a aide-mémoire" as inad-  
vertently printed, read "an aide-mémoire".
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Geneva, March 24th, 1934.

LEAGUE OF NATIONS

186

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

**SUPPLEMENT TO  
DOCUMENTS CONCERNING THE DATE OF THE RESUMPTION OF THE WORK  
OF THE CONFERENCE AND THE CORRESPONDENCE BETWEEN THE PRESIDENT OF THE  
CONFERENCE AND THE GOVERNMENTS OF THE UNITED KINGDOM,  
FRANCE AND ITALY**

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NOTE BY THE PRESIDENT OF THE CONFERENCE.

The President of the Conference has the honour to communicate to the members of the General Commission the undermentioned documents, which complete document Conf.D.166, dated February 27th, 1934 :

1. Memorandum communicated by the German Government to the French Ambassador in Berlin on March 13th 1934 ;<sup>1</sup>
2. Reply of the French Government, dated March 17th, 1934, to the Memorandum on disarmament communicated on January 29th, 1934 by His Majesty's Government in the United Kingdom, transmitted to the President of the Conference by the French Ambassador in London.

MEMORANDUM COMMUNICATED BY THE GERMAN GOVERNMENT TO THE  
FRENCH AMBASSADOR IN BERLIN ON MARCH 13TH, 1934.

From the Memorandum handed to it, on February 14th, by the French Ambassador, the German Government had at the time concluded that the French Government's views on the disarmament problem still differed on essential points from those of Germany, but that the French Government still desired, as did the German Government, the early conclusion of a disarmament convention, and, notwithstanding the divergent views revealed, wished to

<sup>1</sup> This document was published in the international Press on March 19th, 1934.

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<b>1934. IX. 2.</b>

continue the exchange of views with the German Government. The latter nevertheless refrained from replying immediately to the Memorandum, in view of the series of informative conversations which, in a manner deserving of our gratitude, His Britannic Majesty's Government had undertaken in order to ascertain the exact standpoint of the several Governments, and because it seemed advisable to await the conclusion of those conversations.

Now, however, the German Government does not wish to delay its reply to the Memorandum of February 14th any longer. It has gained the impression that the observations of the French Government were, on various points, influenced by misunderstandings concerning declarations previously made by the German Government. The latter feels it to be important, therefore, to clear up these misunderstandings, so that they should not prejudice further discussion of the disarmament problem.

The following are the principal points to be considered :

1. The French Government regrets that, in its Memorandum of January 19th, the German Government did not make its position clear on the question of the scope of the non-aggression pacts offered by Germany, and of the relationship of these pacts to the Rhine Pact of Locarno. As had already been explained to the French Ambassador on an earlier occasion, the meaning and scope of these non-aggression pacts may be regarded as defined by the international practice of recent years. Furthermore, the German-Polish Declaration of January 26th, which has since been published and ratified, furnishes a clear example of Germany's willingness to go to the utmost possible limit in the undertaking not to resort to force in any circumstances. As for the Treaty of Locarno, the German Government has never thought of weakening it by other pacts of non-aggression, nor has it ever questioned the validity of this Treaty. It merely pointed out when this question was raised by the French Government that, in any future form of international co-operation, factors might arise which would ultimately make an adaptation of the Treaty to this form either necessary or desirable. In the German Government's view, it would only be a matter of legal technical modifications and not modifications of the political content of the provisions of the Locarno Treaty. In this connection, the German Government would draw attention to the fact that, when the disarmament problem has been settled, the time will have come to discuss with the other Powers the question of Germany's future relations with the League of Nations.

2. The French Memorandum of February 14th states that the German proposals are based on an "erroneous assumption"—*i.e.*, the assumption that really effective disarmament is at present unattainable. In reply, the German Government would again emphasise that nothing could of course be more desirable in its eyes than the embodiment in the convention of as far-reaching armament limitations as possible. In its Memorandum of January 19th, the German Government merely felt it necessary to point out that the heavily armed States, in their declarations up to date, had not accepted any measures of disarmament sufficiently effective to modify the premises from which the German proposals start. In particular, the French Government has not, either in its Memorandum of January 1st, or in that of February 14th, made any disarmament proposals which could be regarded as solving the problem of the future level of Germany's armaments on the basis of the Five-Power declaration of December 11th, 1932. Furthermore, the theoretical valuation of the various disarmament measures offered by the individual heavily armed States would appear to be less important at the moment than agreement in a convention on the practical conclusions to be drawn from the given situation.

3. On the question of supervision, the French Government's criticisms of the statements contained in the German Memorandum of January 19th also would seem to be based mainly on a misunderstanding. The only condition laid down by the German Government for the introduction of international supervision was the perfectly natural one that, in practice, such supervision should be applied absolutely equally to all countries. As soon as agreement has been reached on the material provisions of the convention—*i.e.*, on the future level of armaments of the individual countries laid down by treaty—the question of the application of supervision would settle itself. There would only remain the technical details of supervision to be settled, which should cause no difficulties, and the discussion of which would, therefore, be better postponed to a more favourable stage of the negotiations. For the time being, it should be sufficient to note that the German Government fully agrees that supervision should be made as effective as possible and should come into operation simultaneously with the entry into force of the convention.

4. In connection with supervision, there is another question to which the French Government, according to the statements in its Memorandum of February 14th, would seem to desire to give special prominence—namely, that of the view to be taken of the political organisations existing in Germany. The German Government holds that no military character can be attributed to these organisations; the French Government considers that it must take another view. This is a difference of opinion on a matter of fact. What better and more natural way could there be of settling this difference of opinion than to apply to such political organisations in all countries the contemplated supervisory procedure which has been explicitly accepted by the German Government? The French Government objects that this would mean postponing the decision on an important point until after the convention comes into

force, and that serious misunderstandings are bound to arise on the first application of the supervision procedure. This objection falls to the ground because (if for no other reason) the question as to what is to be understood by the military character of organisations outside the army must, in the German Government's opinion, be cleared up before the convention is signed. The German Government would unreservedly agree to the inclusion in a convention of concrete prohibitions applicable to all countries laying down that organisations outside the army must not be given any military weapons or military training and, furthermore, must not have any organised relationship to the military forces. In addition, the French Government may rest assured that Germany, for her part, will never expose herself to the risk of bringing upon herself the justified reproach of having broken the convention once it has come into force. It is understood—and the French Government will hardly dispute it—that the German Government would fully guarantee the execution of its undertakings under the convention, and would not sign any convention the loyal fulfilment of which it did not feel itself able to ensure.

Assuming the above-mentioned misunderstandings and the statements connected therewith in the Memorandum of February 14th to have been cleared away, there still remain differences of opinion between the German and French Governments on two essential points already referred to in the last part of the German Memorandum of January 19th—the question of certain details regarding the computation of effectives, and the question of the date on which the future German army is to be equipped with defensive armaments. On the question of effectives, the German Government believes it can infer from the last French Memorandum that the French Government is prepared to include the oversea troops stationed in France in the comparative computation of effectives of both countries, and also to accept a maximum figure to be determined in the convention for all oversea troops. Desirable though this further definition of the French standpoint may be, it nevertheless leaves out of account the fact that, in a fair comparison of effectives, those oversea troops must also be reckoned which, though not actually stationed in the home country, are so stationed that they can at any moment be transported without difficulty to the home country for military employment there. Moreover, in such computation, trained reserves cannot be left out of account. As regards the date on which the future German army is to be equipped with the necessary defensive weapons, the French Government, in its Memorandum of February 14th, gives no reason which would justify this date being postponed for several years more, thereby prolonging the discrimination against Germany and depriving the German army of its full military usefulness during the period required for the transformation of the Reichswehr into a short-service army. The German Government does not think it necessary once more to give its reasons for its point of view in this decisive question.

The German and French Governments, moreover, are now confronted with the fact that the Italian and United Kingdom Governments came forward, several weeks ago, with their important proposals for the framing of a Disarmament Convention. To a large extent the proposals of both these Governments tend in the same direction and should have helped considerably to clear up the situation. They have consequently been welcomed by the German Government. Certainly there remain important points still to be discussed. The German Government, however, thinks that it can already say that these proposals are susceptible of facilitating and hastening agreement between itself and the French Government. The discussions have now progressed far enough for two possible ways of reaching a solution to take shape. The choice lies between (1) a short-term convention, possibly for five years, confined to the limitation at their present level of the armaments of the heavily-armed Powers, and (2) the inclusion in the convention of certain measures for the reduction of the armaments of these Powers, this convention being given, in return, a longer period of validity. In either case, however, the armaments level laid down by treaty for Germany would have to be essentially the same, since, even under a settlement of the second kind, it is impossible—as has already been pointed out—to count on disarmament measures that would contribute materially towards the realisation of Germany's equality of rights. That a level of armaments for Germany such as that laid down by the Versailles Treaty can no longer in any circumstances be considered is a fact long recognised on all sides. This fact is the point of departure, not only of the recent proposals of the United Kingdom Government and the Italian Government, but also of all proposals laid before the Conference for the Reduction and Limitation of Armaments for discussion since the French Plan of November 14th, 1932. The German Government itself, in the most recent proposals it has made regarding the German armaments regime during the period of the first Disarmament Convention, has imposed upon itself such far-reaching limitations that they constitute the minimum of what is required to prepare the way for security and the possibility of defending the country during that period. It has from the outset renounced all offensive armaments, and has always declared that it would accept any limitation of armaments, however far-reaching, provided such limitation was also accepted by the other Powers. The German Government thinks, moreover, that all the conditions essential to an understanding are there, and is of opinion that all that is now needed is the resolution to reach that understanding.

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REPLY OF THE FRENCH GOVERNMENT, DATED MARCH 17TH, 1934, TO THE  
MEMORANDUM ON DISARMAMENT COMMUNICATED ON JANUARY 29th, 1934  
BY HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM TO THE  
GOVERNMENTS REPRESENTED AT THE CONFERENCE FOR THE  
REDUCTION AND LIMITATION OF ARMAMENTS.

After deliberating with the care and attention which the difficulties of the disarmament problem and the seriousness of the international situation render imperative, the Government of the Republic submits to the British Government the observations and decisions suggested to it by the Memorandum of January 29th, as supplemented by the results of Mr. Eden's valuable tour of enquiry.

It notes, in the first place, that both Governments and both countries, whose friendship and mutual confidence are the principal guarantee of general stability, are agreed upon the object to be achieved. Actuated by the same European spirit, they desire, with equal good faith, to guarantee the peace of the world against disturbance by force. Though the systems proposed may be found to differ, they have a common starting-point, and it is far from impossible that, with frankness, understanding and conciliation on both sides, the desired end may be achieved. France is willing to make the attempt. Of her own accord, and with methodical persistence, she has given her military organisation an essentially defensive character, in which reserves can play no immediate part; from 1920 to 1932, by unilateral action, she reduced the period of military service by 66 per cent, the number of her divisions by 50 per cent, and her effectives by 25 per cent, while, from June 1932 to June 1933, she decreased her national defence appropriations by two milliards and a half. Having thus contributed by acts to the work of disarmament, she will refuse no concession, provided that the security—that is to say, the right to peace—of all the signatories is assured, both by their own resources and by that effective assistance the principle of which was affirmed in the treaties.

The British Memorandum lays it down that "a reconciliation of the points of view of France and Germany is the essential condition of general agreement". Such, too, is the opinion of the French Government. It merely considers and wishes to repeat that the desired reconciliation would be the worst of all solutions if founded on ambiguity. For that reason, it took up the clearest possible position in its replies of January 1st and February 14th to the conversations initiated by the Reich. These two notes defined positions and laid down limits on which three Governments had reached agreement at Geneva on October 14th, 1933. The French Government's attitude has not changed. It would have difficulty in bringing itself to agree that Germany's withdrawal from the League of Nations, which has seriously disturbed the activities, of the Geneva assembly should invest Germany with new rights and impose on France further sacrifices from which the defence of her territory might easily suffer.

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The French Government recognises the sincere effort which, in the interests of conciliation, the British Government has made to ascertain the bases of an acceptable compromise. But the mutual accommodation which such a compromise entails calls for a preliminary remark to define its character.

The Government of the Republic has never ceased to view the question of disarmament in the light of the principles laid down in Article VIII of the Covenant and the Preamble to Part V of the Treaties of Peace. It has always contemplated a supervised reduction of armaments carried out progressively to a level permitting of the achievement of "equality of rights within a system of security".

Though this system had been accepted by Germany in principle, it has come into conflict with the continuous execution of the programme which she has for many years been carrying into effect in order to raise her armaments to a level very much higher than that authorised under the treaties.

In its anxiety to reconcile the principles respected by France with the attitude taken up by Germany, the United Kingdom Government has combined the immediate reductions in armaments imposed upon one category of Powers with immediate increase in the armaments allowed to another category.

To a plan of disarmament based upon such a principle, it is impossible to avoid taking the most serious objection. However keenly France may desire to sign an equitable convention, she can neither understand nor admit that exaggeration of the claims to rearmament put forward in one quarter should be regarded as an argument for calling upon other Powers to reduce their armaments in a manner prejudicial to their security. The United Kingdom Government, moreover, has itself perceived the injustice and disadvantages of such a method, since, in the matter of air armaments, the Memorandum of January 29th provisionally maintains those provisions of the treaties of peace which prohibit the disarmed Powers from possessing military air forces. This point of view has the French Government's unqualified support.

On the other hand, the French Government feels bound to enter the most explicit reservations with regard to the German Government's claim to raise its regular army without delay to a strength of 300,000 men (together with the necessary material) and without any preliminary enquiry into the present position of that army. Such claims completely alter the

terms of the armaments problem as laid down by those who framed the treaties of peace. Acceptance of these claims would, in effect, mean the disavowal and destruction of the principles of the Covenant of the League of Nations and of the Conference for the Reduction and Limitation of Armaments which is their outcome. It is only the General Commission, with the participation of all the States concerned, which would be competent to decide whether those principles, by which its activities have hitherto been guided, are now to be abandoned. It will escape no one that the effects of such a decision would inevitably extend to the naval sphere, even though, for reasons of expediency and in spite of the unquestionable interdependence of the various classes of armaments, it were to appear preferable to postpone the fixing of new naval limits until a conference is summoned.

In the meantime the French Government begs to draw the attention of the United Kingdom Government to a general observation which, in its opinion, is of genuine importance. If they were to be released from the legal obligations to which they have set their signature, the Powers would allow their action to be exclusively determined by their immediate interests. Having learned the lessons of the past, the Governments would be anxious, before committing themselves, to acquire the certainty that the new convention would not at some future date suffer the same fate as the military clauses of the treaties of peace. In a word, they would refuse to fall victims to their own good faith.

More especially the experience of recent years has taught the French Government, whose sacrifices have extended to all spheres, that each new concession has led to a new claim or a new violation of the treaties. No one could be better aware that the conditions in which certain countries are at present developing their armaments raise problems of unusual difficulty; it has the keenest appreciation of the efforts made by the British Government with regard to the paramilitary formations, to which objection was taken in the French Memoranda of January 1st and February 14th. The German Government now acknowledges the necessity for defining the activities which these formations shall be prohibited from pursuing in order that they may be detached from the military organisation, to whose structure and regulations they at present conform, and confine themselves to the political sphere.

Even so, it will still remain necessary to determine certain important points relating to pre-military formations, methods of supervision, transitional measures, the limitation of expenditure and, more especially, to the manufacture of war material in respect of which the French delegation submitted amendments to the British plan several months ago.

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Great as is the practical importance of these questions, they are all dominated—and that in the highest degree—by the essential problem of guarantees of execution. As the United Kingdom Government specifically observes, agreement is not likely to be reached except “on a broad basis which combines regulation of armaments with assurances in the political field”.

This statement lays down the very principle on which the French Government had based one of the conditions of application of the Treaty of Versailles and which, since then, it has constantly reaffirmed at international conferences. Such a principle is of value only in so far as means exist to give effective force to it. The Powers which may agree to limitations of armaments have the right to know, and it is their duty to compute, the consequences of their concessions. When the vital interests of States are involved, general affirmations cannot suffice, however sincere may be the persons by whom they are made. It is not sufficient even that the convention should permit of strict supervision in the matter of execution, for supervision constitutes not so much a guarantee as a means of putting guarantees into operation. What would supervision signify in practice if, in the presence of infractions that it had brought to light, the State menaced by those breaches of faith had no other resource than to free itself in turn from its own obligations? When an undertaking has been entered into towards the international community, its violation must be regarded as a threat to the community itself.

Such is the spirit in which, anxious alike for European solidarity and for its own defence, the French Government has examined the proposals in regard to consultation set forth in the United Kingdom Memorandum. Those proposals constitute a step forward which it would be wrong to neglect. But is an undertaking to consult in the event of violation of the Convention calculated to ensure the correction of the breach thus established? In the French Government's view, it is not so calculated. Clearly, something more is necessary. The French delegation, which has never been content with mere negotiations, has informed the President of the Conference that agreement between the signatories must exist, from the very beginning, on certain essential points.

Thus, the signatories must recognise, in particular, the imperative duty which devolves upon them, while adapting the extent of the sanctions to the gravity of the breach revealed by supervision, of correcting that breach without delay by every means of pressure that may be held to be indispensable.

Similarly, it must be admitted that, should the violations established endanger the security of another State, the joint action of the Powers must be employed in order to re-establish, for the benefit of the menaced State, the equilibrium that has thus been disturbed.

That solidarity should come into play *a fortiori* in the event of the breach degenerating into an aggression.

The French Government can neither forget nor ignore the promise of assistance which the United Kingdom Government entered into under the Rhineland Pact, and it appreciates the

value of that promise. France still has confidence in the guarantees embodied in the Locarno Agreement ; but the proposed Convention is on so wide an international basis that the French Government cannot disregard the anxiety of other Powers which also have legitimate preoccupations in regard to security. No mere intention, however clearly affirmed it may be in principle, is sufficient to guarantee them against all risk of aggression. In the first place, aggression must be explicitly prohibited. Then, if it does occur, it must be effectively dealt with by the means which the Covenant of the League of Nations has itself laid down.

\* \* \*

In the last resort, one must always come back to the League of Nations and to the Covenant on which the League is based. Whatever may have been said against the League, whatever attacks may have been made on it, the League is still the only organisation capable of furnishing a collective guarantee of peace. The Government of the Republic is still faithfully attached to that organisation. Accordingly, it was gratified to find that the United Kingdom Government made the return of Germany to the League of Nations an " essential condition " for the signature of an armaments convention. Germany can offer no better guarantee to world equilibrium than her return, free from all constraint, to the community of States to which she was admitted. Such a return would relax tension and thus permit of preparing and promoting agreements, of which France, whole-heartedly devoted to the cause of peace, once more affirms the utility. In order that a convention may be concluded, she will object to no control, however strict, that might be established on reciprocal bases. She has nothing to conceal.

The French Government has felt that only a frank reply, rejecting impossible solutions, would be worthy of the initiative taken by the United Kingdom Government. It cannot agree to any plan that would accentuate the disarmament of France by granting to Germany, on the other hand, legal authorisation, immediate and difficult of limitation, for rearmament which has already been effected in violation of the treaties. Such a solution would be at variance with the more rational and more prudent principles by which, for the past two years, the Disarmament Conference has been guided. Those principles offer the means whereby all the States, acting jointly, may find a solution which shall reconcile recognised equality with the no less inalienable rights of security.

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Geneva, July 23rd 1934.

**LEAGUE OF NATIONS**

**CONFERENCE FOR THE REDUCTION AND LIMITATION  
OF ARMAMENTS**

**COMMITTEE FOR THE REGULATION OF THE TRADE IN,  
AND PRIVATE AND STATE MANUFACTURE OF,  
ARMS AND IMPLEMENTS OF WAR**

19

NOTE BY THE PRESIDENT OF THE CONFERENCE.

With reference to Part II, paragraph 3—“*Manufacture of and Trade in Arms*”—of the resolution adopted by the General Commission on June 8th, 1934 (document Conf.D./C.G. 168), the President of the Conference for the Reduction and Limitation of Armaments has the honour to forward herewith to the Members of the General Commission the following documents :

(a) Document Conf.D./C.C.F.47(1)—Report to the General Commission adopted by the Committee on July 2nd, 1934 ;

(b) Document Conf.D./C.C.F.48(1)—Draft Articles adopted by the Committee on July 2nd, 1934 ;

(c) Document Conf.D./C.C.F./P.V.17—Minutes of the meeting of the Committee held on July 2nd, 1934, when the above-mentioned report and draft articles were adopted.

The President of the Conference wishes particularly to call attention to paragraph 2 of the report to the General Commission (document Conf.D./C.C.F.47) (1) (a) above.

(a) REPORT TO THE GENERAL COMMISSION

*adopted on July 2nd, 1934, by the Committee for the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War.*<sup>1</sup>

(*Rapporteur* : M. KOMARNICKI (Poland).)

I. On June 8th, 1934, the General Commission adopted the following resolution :

“ The General Commission requests its special Committee on questions relating to the manufacture of and trade in arms to resume its work forthwith and, in the light of the statements made by the United States delegate at the meeting of May 29th, 1934, to report to it as early as possible on the solutions it recommends. ”

This resolution is the starting-point for the work undertaken by the rapporteur to the Conference on questions of manufacture of and trade in arms, who, with the authorisation of the President of the Conference, has had a series of consultations with several interested delegations who represent, in particular, the principal arms and implements of war producing countries, with a view to preparing the way for the resumption of the work of the Committee.

The rapporteur's work has been greatly facilitated by the generous initiative of the delegation of the United States of America, which, in developing the views expressed by Mr. Norman Davis at the meeting of the General Commission on May 29th last, has given details

<sup>1</sup> Document Conf. D./C.C.F.47(1) — July 2nd, 1934.

of these views in a memorandum—annexed—put before several delegations on June 15th, 1934.

After a close discussion of this memorandum between several interested delegations—to whom were added all the other delegations who expressed the wish to be so added—the rapporteur prepared a draft text, which, after several alterations had been made in it, was put before the Sub-Committee on Manufacture on June 27th as basis of discussion.

At this meeting the Sub-Committee approved the draft text in its present form.

2. The text approved by the Sub-Committee contains a number of new ideas which have not been discussed by the General Commission. It should therefore be examined closely by all the Governments represented at the Conference. It would be highly desirable that, on the resumption of the Conference's work, all delegates be furnished with the necessary instructions so that the proposals may be usefully discussed either in the General Commission ; the Bureau, or the Committee for the Regulation of the Trade in and the Private and State Manufacture of Arms and Implements of War. The final form will depend, of course, on the decisions which will have been taken in regard to the other chapters of the Convention.

3. The full Committee consisted of the following delegations :

Afghanistan	Persia
Belgium	Poland
United Kingdom	Spain
Canada	Sweden
China	Switzerland
Czechoslovakia	Turkey
Denmark	Union of South Africa
France	United States of America
Japan	U.S.S.R.
Mexico	Venezuela

4. The Japanese delegation has requested that the following declaration be inserted in the report :

“ The Japanese delegation has not up to the present changed the position it has taken up on the question of the manufacture of and trade in arms during the Conference on the Reduction and Limitation of Armaments. As regards the work of the Committee, the Japanese delegate will limit himself to forwarding its results to his Government, who will not fail to study them and to make known its point of view if it considers this necessary.”

5. The Polish delegation has requested that the following declaration be inserted in the report :

“ In regard to Articles A and following of the draft, the Polish delegation has called the Committee's attention to the special situation of the Free City of Danzig. The manufacture of arms is forbidden in the territory of the Free City in virtue of Article 5 of the Danzig Constitution, which cannot be modified without the consent of the Council of the League of Nations. There might, however, be doubts as to certain aspects of the trade in arms. The territory of the Free City being included in the Polish Customs territory, the Polish delegation declares that it is in favour of the draft, and in particular of the principle set out in Articles A and following, while reserving the right to regulate the legal consequences of this adhesion in relation to the Free City by a direct agreement between Poland and the Free City.”

6. The system proposed in the text formulates a series of principles applicable both to manufacture and to international trade in arms and implements of war. However, it is the field of manufacture which has been the subject of more especial study, seeing that, as regards trade in arms, the adaptation of the Convention of 1925 to the needs of the Disarmament Convention has already been studied in the Sub-Committee on Trade (see its report—Conf. D./C.C.F.40 and 40(a)—dated May 27th and 30th, 1933—Annex 6 to document Conf.D.160).

7. The draft rests on the complete equality of treatment applied to private manufacture and to State manufacture. In all cases where this is not explicitly stated, the measures proposed will apply to these two kinds of manufacture, unless they be questions of procedure, which, by their very nature, can apply only to private manufacture.

8. There are certain provisions in the draft text which will, perhaps, when the definitive text of the Disarmament Convention is drafted, be covered by the more general provisions applicable to other chapters of the Convention (for example, Article B).

However, the Committee has considered it opportune to draw the attention of members of the Conference to several inevitable legal consequences arising from the acceptance of certain principles in regard to the manufacture of and trade in arms.

9. The Committee, not having to pronounce on a definitive text, has left in suspense the question of whether it should insert a special preamble before the articles.

It recalls here, however, paragraph 5 of the report of the Sub-Committee on Manufacture (document Conf.D./C.C.F.24, dated February 17th, 1933—Annex 4 to document Conf.D.160).

10. The Committee's text advocates the adoption of certain principles. All questions of procedure, either as regards publicity or supervision, will be the subject of subsequent study, which will have a definitely technical character. These questions of procedure will include,



in the first place, the application of the general principles of the chapters in the Convention on supervision and exchange of information to the special fields of manufacture of and trade in arms.

The Committee has not had to occupy itself with the question of the possible repercussions of certain provisions in the commercial field. The importance of this aspect of the problem has, however, been pointed out to it, more especially in regard to paragraph (c) of Article F (publicity of orders).

11. Several definite solutions will depend, of course, on the solutions which will be given to the problems regarding material.

This remark applies particularly to Article C, which deals with qualitative and quantitative limitations and the prohibitions which are the subject of other chapters of the Convention.

12. In regard to the exchange of information which is dealt with in Article F, it has been remarked that the list of information given in this article cannot be considered limitative. This is further implied by the expression "among other information" at the beginning of the article. It is only from the study of the questions of procedure that it will be possible to determine in the clearest manner what information will be necessary to ensure in this connection as wide a publicity as possible.

13. The new directives for the Technical Committee on Categories are the result of the acceptance of new principles of a kind to render supervision of the manufacture of and trade in arms more effective.

The French delegation recalls that it has already put forward proposals to the Technical Committee on Categories of Arms. These proposals tend to modify the categories laid down in 1929 by the Special Committee and are inspired by directing ideas which, in the opinion of this delegation, seem quite easily assimilable to the ideas behind the American memorandum (annexed).

The main idea was to set out the categories in the order of interest they present: first, from the point of view of their importance for the armament of modern armed forces and, secondly, from the point of view of the possibilities of supervision of the execution of a convention for limitation of armaments to which they lend themselves.

The French delegation therefore expresses the wish that the Technical Committee on Categories of Arms should resume, concurrently with the study of the American proposals, the study of the French proposals.

14. The French delegation has called the Committee's attention to the interest inherent in associating the supervision of expenditure with the direct supervision of manufacture. It considers that it would be interesting to obtain the publication, by categories of arms subject to limitation or to publicity:

(a) Of the amounts provided, either for the purchase of implements of war from private enterprises and from autonomous State establishments, or for manufacture in non-autonomous State establishments;

(b) Of the amounts paid for these purchases or manufactures.

In the same way, it would be very useful to be able to verify in what measure industrial establishments manufacturing arms and implements of war benefit from State subsidies.

The whole question might be sent to the Technical Committee on Expenditure for reconsideration by it in the light of the principles adopted in the field of manufacture of and trade in arms, at the same time as the technical studies referred to in the preceding paragraphs will be undertaken.

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#### Annex.

#### TRADE IN AND MANUFACTURE OF ARMS.

*Memorandum by the Delegation of the United States of America in regard to the Statement made by the United States Representative during the Informal Conversation between the French, United Kingdom and United States of America Delegations on Thursday, June 14th, 1934, at 5 p.m. in the Secretariat.*

June 15th, 1934.

It was suggested that, within the scope of the Convention for the Reduction and Limitation of Armaments, the Committee on the Manufacture of and Trade in Arms might usefully base its programme of work upon a consideration of the following points:

1. That national responsibility for the manufacture of and traffic in arms be specified in the Convention.

2. That qualitative and quantitative limitation in the Convention be the primary bases for measures for the restriction and control of the manufacture and export of arms.

3. That the manufacture of and the traffic in arms be subjected to national control by means of :

- A. General licences for manufacture ;
- B. Special visas for export ;
- C. Publicity :
  - (1) For *orders* for manufacture ;
  - (2) For all production, both State and private ;
  - (3) For exports and imports ;
  - (4) Prompt transmission to the Permanent Disarmament Commission by signatories of information on :
    - (a) All licences as soon as issued ;
    - (b) All orders as soon as received by licensee ;
    - (c) Shipment for export as soon as made ;
    - (d) Annual reports of all production and imports.

4. That some international body, such as the Permanent Disarmament Commission, be empowered to co-ordinate the execution of the various provisions of the Convention by :

- A. Consideration of publicity ;
- B. Checking against quantitative and qualitative limitations of the Convention ;
- C. Causing continuous and automatic inspections to be made—except for processes, trade secrets, and administration of manufacturing concerns.

5. That increases in armaments for countries entitled thereto under the Convention be made by stages which are to be specified in the Convention.

6. That replacement programmes are to be executed by stages over a period of years and notified in advance to the international body charged with the supervision and execution of the provisions of the Convention.

7. That categories appearing in provisions for the control and supervision of the manufacture of and trade in arms be reconsidered and brought into harmony with the provisions of the Convention relating to material.

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(b) DRAFT ARTICLES

*adopted on July 2nd, 1934, by the Committee for the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War.<sup>1</sup>*

*Article A.*

The manufacture of and the trade in arms and implements of war being matters of interest to public international order, the High Contracting Parties assume entire responsibility in these matters in the territories under their jurisdiction.

*Article B.*

The High Contracting Parties undertake to enact the necessary legal provisions to ensure in the strictest manner the inspection and supervision of the manufacture of and the trade in arms and implements of war.

*Article C.*

The High Contracting Parties undertake to prohibit, in the territories under their jurisdiction, the manufacture of and the trade in arms and implements of war forbidden either for use or for manufacture, or exceeding the qualitative limits laid down in the present Convention (Annex ...).

They further undertake neither to manufacture, nor to permit to be manufactured, nor to import for their own use, arms and implements of war in excess of the quantitative limitations laid down in the present Convention (Annex ...).

As regards trade in arms and implements of war, they undertake to co-operate with the Permanent Disarmament Commission in maintaining the observance of the limitations laid down in the present Convention.

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<sup>1</sup> Document Conf. D./C.C.F.48(1) — July 2nd, 1934.

*Article D.*

The High Contracting Parties undertake not to permit in the territories subject to their jurisdiction the manufacture of arms and implements of war unless the manufacturers have obtained a licence to manufacture issued by the Government.

The High Contracting Parties undertake in the same way not to permit in the territories under their jurisdiction the export or import of arms and implements of war without an export or import licence issued by the Government.

*Article E.*

The licence to manufacture will be valid for a period not exceeding . . . years and will be renewable, by decision of the Government, for a further period.

It will give, in particular :

(1) The name and address of the manufacturer, or the name and head office and principal works of the firm ;

(2) A description of the implements of war (categories of arms, arms, component parts) the manufacture of which is authorised.

The licence will state, further, that all orders received by the manufacturer are to be communicated immediately to the Government which has granted the licence.

*Article F.*

The High Contracting Parties will forward, among other information, to the Permanent Disarmament Commission :

(a) Within . . . months from the entry into force of the Convention, a list of State establishments with a description of the implements of war (categories of arms, arms, component parts) manufactured by each and, as they occur, any changes made in the list or description ;

(b) Copies of all licences to manufacture granted or renewed within . . . days following the grant or renewal of the licence ;

(c) A list of orders, from whatever source received, within . . . days following the receipt of these orders by the establishments holding licences and by the State establishments ;

(d) Copies of all import or export licences . . . days at least before the anticipated date of entry into or despatch from the territory of the arms and implements of war referred to in the said licences ;

(e) A statement of all manufactures, imports and exports effected (during the year . . .) within the . . . months following the close (of this year).

The Permanent Disarmament Commission will publish (with the minimum delay or at as short intervals as possible) all the information furnished in accordance with the preceding paragraphs.

*Article G.*

The High Contracting Parties undertake to execute any important replacement programme by stages, which will be notified in advance, at least as regards their yearly instalments, to the Permanent Disarmament Commission.

In the event of the Convention's recognising the right of certain countries to increase their armaments, the manufacture or the import of arms and implements of war resulting therefrom may only be carried out by stages and in accordance with a certain rate (to be determined).

*Article H.*

The High Contracting Parties undertake to conform to the measures of permanent and automatic supervision (of which the special methods will be laid down<sup>1</sup>) the object of which is to verify that manufactures, imports and exports of arms and implements of war accord with the provisions of the preceding articles.

*Article I.*

It will be the duty of the Permanent Disarmament Commission to watch the execution of the above provisions.

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<sup>1</sup> For example, processes and trade secrets and the actual financial administration of manufacturing concerns will be exempt from these measures of supervision.

To this end in particular :

- (1) It will carry out an examination of the information furnished by the publicity prescribed (in conditions to be laid down).
- (2) It will cause permanent and automatic inspections to be made.

*Mandate for the Committee on the Categories of Arms.*

The categories of arms drawn up in 1929 by the Special Committee (document A.30.1929. IX) and revised by the Technical Committee on Categories of Arms (document Conf.D./C.C.F. 38—May 5th, 1933—Annex 5, document Conf.DI60) should be reviewed and brought into harmony with the provisions of the Convention relating to material, taking into consideration the following points :

- (1) Simplification of the system so as to make supervision easier and more efficient.
- (2) The need for distinguishing between arms limited qualitatively, arms limited not qualitatively but quantitatively, and those which are not limited in any way, so as to permit of differentiation in the various measures of supervision.
- (3) Air material will be included in a special category.
- (4) Obsolete material and material for civil use, etc., will be dealt with in the same way.

(c) MINUTES OF THE SEVENTEENTH MEETING OF THE COMMITTEE FOR THE REGULATION OF THE TRADE IN AND PRIVATE AND STATE MANUFACTURE OF ARMS AND IMPLEMENTS OF WAR.

*Held on Monday, July 2nd, 1934, at 3.30 p.m.*

M. KOMARNICKI (Poland), Vice-Chairman and Rapporteur, in the Chair.

CONSIDERATION OF THE DRAFT REPORT AND DRAFT ARTICLES SUBMITTED BY THE SUB-COMMITTEE ON THE MANUFACTURE OF ARMS (documents Conf.D./C.C.F.47 and 48, Corrigendum).

The CHAIRMAN said that M. de Scavenius was unable to attend the meeting and had asked him to apologise to the Committee. He then went on briefly to explain the scope and meaning of the texts submitted by the Sub-Committee on Manufacture for the approval of the Committee. He was far from feeling any undue optimism. He was aware of the many difficulties which still remained to be overcome, nor did he forget those who were absent or those who, for reasons of their own, had abstained from taking part in the present work. He nevertheless hoped and believed that the text before the Committee, which had been drawn up in close co-operation with a number of countries, some of whom were the most important producers of arms and implements of war in the world, would represent a sound and valuable basis for the subsequent work.

In the course of its previous deliberations, the Committee had been greatly handicapped by the fact that the most vital questions of principle were still undecided and that it had thus found itself at a loss as to its ultimate objective. He need only remind the Committee of the report which he had submitted on its behalf to the General Commission on June 3rd, 1933 (document Conf.D.160) and in which the Committee had been obliged to recognise that it was powerless to draw up texts in default of agreement on certain of the most important principles connected with the manufacture of and trade in arms. He also recalled that, in the draft Convention submitted by the Prime Minister of the United Kingdom,<sup>1</sup> which had been accepted by the General Commission not merely as a basis for discussion, but also as the basis of the future convention, the chapter concerning the manufacture of and trade in arms consisted solely of the proposals of the French and Spanish delegations, and even so they were classified as amendments to a text which was not yet in existence and which the Committee had hitherto failed to draw up.

Circumstances, however, had changed. The Committee was now in possession of a text which might be submitted to all the Governments represented at the Conference for their approval. True, it was not a final text. It was open to amendment and improvement. No State could bind itself definitively, first, because the various provisions of the future Convention formed the links of a single chain, and secondly, because the Committee had thrown out certain new ideas which, as the report explained, would have to be carefully examined by all the Governments represented at the Conference.

<sup>1</sup> See document Conf.D.157.

In describing the progress made in the past few weeks, he could not pass over in silence the magnificent contribution of the United States delegation, whose leader had made the following announcement at the General Commission's eighty-second meeting (May 29th, 1934) :

“ The United States Government was willing to go further and work out, by international agreement, an effective system for the regulation of the manufacture of and traffic in arms and munitions of war.”

This initiative on the part of the United States had been given concrete form in the memorandum drawn up by the United States delegation on June 15th<sup>1</sup> and communicated to certain delegations as a basis for discussion. It was entirely thanks to this action, all the more remarkable when it was realised that it came from one of the most important producing countries in the world, that it had been possible to make such noteworthy progress, and it was thanks to the atmosphere of understanding and mutual confidence that the co-operation of the countries which had consented to take an active part in the work had had such satisfactory results.

The texts submitted for the Committee's approval were based upon the following principles :

(a) The particularly controversial question of the abolition of private manufacture, which had divided the Committee into two opposing camps, had, for reasons of expediency, been reserved to a later date. But, for the purposes of the present stage of disarmament, the Committee had settled this question, at least by implication, by agreeing to the strictest possible regulation of private manufacture.

(b) The Committee recognised the principle of equality of treatment as between State and private manufacture. It was of course impossible to put an end to certain existing situations, but the main object had been to make it clear that the legal obligations were exactly the same in the case both of private and of State manufacture.

(c) The text recommended the system of complete internal supervision, together with certain forms of international supervision, the practical details of which still remained to be worked out.

(d) Though opinions had formerly differed as to whether licences should be national or international, the system now proposed was one of national licences in which were to be inserted a number of compulsory clauses. This system was sufficiently elastic and pointed the way to the unification of the licence system in all the countries parties to the Convention. It might even be possible at some future date to secure the adoption of an international standard licence.

(e) The texts proposed the adoption of a complete system of publicity ranging over not only licences, but also imports, exports and manufactures. The details of that system and the particulars to be supplied had, in large measure, been reserved for a later stage. At the same time, he drew the Committee's special attention to the new ideas embodied in draft Article F.

He considered that, read in the light of his report and of the explanations which he had just given verbally, the draft text was sufficiently clear and did not call for more detailed comment. He was, however, prepared to give any other explanations if desired. The next step was for the members of the Committee to explain the attitude of their respective delegations to the texts before the Committee.

M. AUBERT (France) said that, for the period of nearly two years during which the Committee had worked under the active chairmanship of M. Komarnicki, the questions raised by the President had remained for so long without a reply that it was desirable to-day to reply without delay to his invitation, as a new draft was now under discussion. Though of American inspiration, the draft before the Committee embodied a great many ideas familiar to the French delegation, which regarded it as marking a very important stage in the current work, having regard both to the past and to the future. To take the past first, the discussions on the subject of trade in and manufacture of arms had now been in progress at Geneva for ten years. The 1925 Convention and 1929 Draft had always met with insurmountable difficulties, all of which really grew out of one essential weakness : the texts in question did nothing to reduce either the inequalities existing between producing and non-producing countries, or those existing within producing countries between private factories and Government establishments. The French delegation considered that the present draft might make it possible to get over the difficulty.

But how ? Colonel Strong had very rightly remarked that two of the most important ideas on which the draft was based were the responsibility of each nation for manufacture and trade in the territories under its jurisdiction, and publicity through a system of licences. That was true, but, in M. Aubert's view, the essential principle which would make it possible to solve the difficulties that had been encountered for the last ten years was that of international supervision. Such supervision would project a light of equal intensity upon producing and non-producing countries, upon private factories and Government establishments. In other words, it did everything possible to reduce the inequalities of the present situation.

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See page 3.

The principle of international supervision, however, was also a principle of the future, one that was really consonant with a general convention yet to be concluded, which would deal primarily with future armaments. Aggressive intentions or a threat of aggression would, in the majority of cases, take the form of increased orders and greater activity in the armaments industry, and it was highly probable that a system of international supervision directed by a permanent commission at Geneva—a system of permanent automatic supervision based upon both documentary evidence and local investigations—would detect such intentions or threats from their inception. The potentialities of this principle of international supervision as an element of security were therefore at once apparent.

In short, the draft afforded two advantages: it solved a difficulty which had been holding up progress for the last ten years, and it opened the way to a further advance.

Did that, however, mean that everything had been done? M. Aubert did not think so. There was still a number of highly important tasks to be done. The report indicated them in general terms. There was the need for a careful enquiry regarding the application of the general idea of international supervision to the special methods necessitated by trade in and manufacture of arms. The draft articles themselves no doubt contained certain indications on this point. Article F spoke of certain particulars which were required "among other information"; that implied that the enumeration was not restrictive.

The exact nature of the information and the methods of supervision would vary according to the material. Beginning with the most "obvious" armaments, those that were clearly of warlike character—for example, naval material—details regarding laying-down and completion, together with certain general characteristics as tonnage and calibre might be sufficient, combined with intermittent supervision. But, passing on to terrestrial armaments and from there to the armaments on the borderline between civilian and military life (aviation, explosives, chemical products, etc.), it would be clearly necessary to devise a supervisory system of increasing severity in which permanent supervision on the spot would play a more and more important part and which would establish closer supervision of programmes of manufacture and of the factories with which orders were placed either directly or indirectly. There was therefore still a wide field to be explored.

Another example: the report also said that supervision was to be confined within certain limits and, more especially, that the secrecy of manufacturing processes and of the accounts was to be duly safeguarded. It was no doubt necessary to protect both national defence secrets and the legitimate interests of private firms. But, unless the efficacy of the supervisory system was to be seriously compromised, it must not fail to include what might be called "stores accounts". Every manufacturing concern possessed one or more warehouses for this storing of raw materials and half-finished products for subsequent manufacture and also of finished articles from the time they left the works to the date of their despatch to consignees. Such warehouses kept records (or accounts) of incomings and outgoings and it would sometimes be necessary for the supervisory authority to have access to them. A further example was the supervision of expenditure which would have to be associated as far as possible with the direct supervision of manufacture. It would also be necessary later on to work out a system for the co-ordination of the various forms of supervision.

In the last place, the various categories would have to be revised in the light of two very simple considerations: first, the main thing was to include those classes of armament which were of the greatest importance for the convention and, secondly, supervision must be easy. The French delegation had submitted proposals on this point to the Technical Committee on categories of arms and there should apparently be no difficulty in reconciling them with the American proposals. The French delegation hoped that the Committee would give due consideration to both sets of proposals.

Such was the work which still remained to be done. For the present, the Committee should congratulate itself upon a success which was almost without precedent at the Disarmament Conference. The draft under consideration formulated new ideas in a logical form. The period of floundering was over. The draft marked out a route which led straight to a general convention.

M. ZUMETA (Venezuela) said, in the first place, that the Venezuelan delegation was gratified at the progress made, which would mark a memorable date in the history of the League of Nations.

In regard to paragraph 2 of the report, the Venezuelan delegation wished to be assured that the export licence mentioned in the second paragraph of Article D of the draft would only be delivered on production of the import licence granted by the Government of the country of destination.

Thus, it understood that the question was that of the maintenance and the strengthening of established principles, according to which a neutral State was obliged to do all in its power, in its own ports and waters, to prevent the export of arms and implements of war by persons not representing a sovereign entity.

That form of trade being contrary to international order and even capable of being considered, in certain cases, as a masked act of war, the Venezuelan delegation understood that the methods of procedure for the determination of damages and injuries caused by the violation of these principles should be clearly laid down as one of the legal consequences resulting from the juridical responsibility of each State.

Mr. STEVENSON (United Kingdom) said that the United Kingdom delegation greatly appreciated the indefatigable efforts which the Chairman of the Sub-Committee had made in preparing the present text. It cordially welcomed the initiative taken by the United States

delegation, which had enabled these definite proposals to be put forward. They were based (1) on the principle of national responsibility for the manufacture of and trade in arms and (2) on that of equality of treatment for private and State manufacture. With regard to the former, the United Kingdom delegate pointed out that for some years Government control over the export of arms and implements of war had existed in the United Kingdom. He was sure, therefore, that the United Kingdom would examine the present proposals with the greatest sympathy. As some of them were new, however, the United Kingdom delegation's approval of the report and draft articles should not be regarded as prejudging the attitude of the United Kingdom Government with regard to the proposals contained therein.

Mr. WILSON (United States of America) said that the United States delegation was very grateful for the Chairman's remarks. His observations had been reflected in the statements of other delegations, and Mr. Wilson thanked them cordially. The Chairman of the Sub-Committee was to be congratulated, as well as the members, who had shown a real community of ideas. That was one of the most satisfactory events in the history of the Conference. As the Chairman had said, one of the difficulties encountered in the past had been the great complexity of the problem and the multiplicity of suggestions for its solution. Much time had had to be devoted to finding a sound basis, not because the Governments had shown any reluctance to establish control or to admit that it was necessary, but because they had not been unanimous as to the means of achieving the desired results.

The Committee had before it a draft which was somewhat austere, surprisingly simple, and the United States representative greatly appreciated that feature. Thanks to it, the question would really be understood by the man in the street and it would be possible to create a public opinion able to press for the acceptance and operation of the draft articles in a practical spirit.

Apart from its other advantages, the draft would greatly contribute towards establishing that feeling of security which was so important to many States. The fact that what was happening in a neighbouring country with regard to the manufacture of arms was known and that any preparation for a surprise attack would certainly be disclosed would increase that feeling of security. In addition, the adoption of the draft articles would facilitate the work of the delegations in a more general sphere. There was no need for him to enter into details, but a number of technical difficulties would be solved once the draft articles were adopted.

Like M. Aubert, the representative of the United States felt that control should be stricter and that the various factors in control should be co-ordinated. He merely expressed the hope that the character of control and the complementary features it was desired to add to that idea would not modify and attenuate the strictness and striking simplicity of the draft articles. Lastly, he hoped that the States that had been unable to send representatives to the present discussions would regard the draft as acceptable and would feel able to support it.

For those reasons, Mr. Wilson had no hesitation in approving the Chairman's draft on behalf of the United States delegation.

General BURHARDT-BUKACKI (Poland) thought it necessary at so important a stage in the proceedings to confirm the Polish delegation's attitude as explained on many occasions in the General Commission, the Bureau and the present Committee. Its attitude had never altered : it was based mainly on two fundamental considerations.

In the first place, the Polish delegation had always felt that it would be impossible to find a reasonable solution for the problem of material without at the same time solving that of the manufacture of and trade in arms—that was to say, the question of the construction and renewal of material.

Secondly, the Polish delegation had never under-estimated the dangers arising out of the private manufacture of and trade in implements of war. It had even advocated the nationalisation of private arms factories. As some delegations had thought that solution went too far, it now desired, with the other members of the Committee, to devise an adequate instrument to deal with the control of private manufacture and trade.

It was obvious, in the light of these two considerations, that the Polish delegation had always been and still was prepared to go as far as the other delegations represented on the Committee. In any event, it felt that the regulation of the manufacture of and trade in arms—which was one of the Conference's principal tasks—must necessarily cover two factors : the recognition of State responsibility for everything that happened on its territory in that connection, and the acceptance of international control both over private manufacture and trade, and over manufacture, export and import on behalf of the State.

The text approved by the Sub-Committee on Manufacture was based on these two factors. The Polish delegation repeated what it had said in the Sub-Committee—namely, that the text met with its complete approval.

He desired to emphasise the importance of the fact that, except for a few general reservations of which everyone was aware, the Sub-Committee had unanimously accepted the text. It was the first time that had occurred in the history of the present Committee, which up to that time had always been torn between two opposing views that had sometimes seemed

irreconcilable. For the first time, it had been able to arrive at a common idea which he hoped would serve as a basis for the final text.

The satisfactory turn in the Committee's proceedings was due mainly to the courageous and important lead given by the United States Government, to which the Polish delegation addressed the most sincere and cordial thanks.

M. WESTMAN (Sweden) thanked M. Aubert for having, in the Sub-Committee debate, suggested that Sweden should be represented on the Committee and the Chairman for having invited him to co-operate in the present proceedings. The problems before the Committee were, in fact, of considerable interest to the Swedish Government. On several occasions, in the General Commission, the Swedish delegation had expressed the desire to go to very great lengths in the international regulation of the manufacture of, and trade in, arms. As it was the first time he had taken part in the Committee's work, he could not say definitely what attitude his Government would adopt towards the texts drafted, but from his knowledge of Swedish legislation and of the efforts that had sometimes been made to improve it, and from his familiarity with the general views of his Government, he thought he might say that the present text would be warmly welcomed. The subsequent study of that text in Sweden would tend only to facilitate and not to hamper the further pursuit, among the various Powers, of the work already started, with a view to arriving at practical solutions likely to secure the necessary acceptance. That would be the most effective tribute that could be paid to the happy initiative of the United States delegation.

Colonel FARSKY (Czechoslovakia) said that his delegation had no objection to make against the draft articles adopted by the Sub-Committee. It acknowledged, and this was moreover clear from the text, that the solution of the problem of the manufacture of, and trade in, arms had been brought very much nearer, and that such a solution, once embodied in a convention, would redound to the advantage of all countries when they accepted it. That was why the Czechoslovak delegation supported this text in the belief that it would constitute one of the soundest component parts of the future convention.

M. GORGÉ (Switzerland) had already stated in the Sub-Committee, where he had submitted his observations and criticisms on the various articles, his high appreciation of the draft as a whole. In the course of those discussions, he had submitted his observations and criticisms on the various articles. He had two special reasons for welcoming the result achieved. He was gratified in the first place because the Swiss delegation had been one of the first, at the beginning of the Conference, to urge the necessity for the importance of supervising, not only the trade in, but more especially the manufacture of, arms; and, in the second place, because the draft was simple, clear, precise and, he might add, practical, for it took the facts into account and eschewed all ideas that had not yet emerged from the Utopian stage, such, for instance, as the abolition pure and simple of private manufacture. The Swiss Government had not yet been able to examine the new text, but would study it with the greatest interest. M. Gorgé could only associate himself with the congratulations offered to the United States delegation. Their proposals had proved highly judicious, since they had made it possible to overcome the difficulties with which the Conference had been vainly contending for two years.

The Swiss delegate would reserve his right to submit later observations on or amendments to some technical points in the draft. He had already drawn attention to the difficulty of the question of orders, and to the dangers to commercial secrecy that might ensue therefrom. It would be advisable to look for a solution which, while meeting the needs for a strict and wide supervision, would not encourage in any way commercial espionage. He thanked the Chairman for having inserted in the report an observation on this question. Knowing as he did his Government's keen desire that results should be promptly achieved on an international basis, he could assure the Committee that it would certainly derive satisfaction from the subsequent co-operation of his country.

M. PALACIOS (Spain) concurred in the congratulations addressed to the Chairman, whose conscientious and persevering efforts had made it possible to foresee a definite success for the Conference in the matter of the manufacture of and trade in arms and implements of war. He congratulated the United States delegation also, which, in its memorandum of June 15th, had found a really satisfactory formula for the studies to be undertaken and had made agreement between the Governments possible. The Spanish Government appreciated this formula the more because it was not contrary to several of the principles which, in this connection, had been upheld by the Spanish delegates, and because it represented definite progress. M. Palacios desired to emphasise the great importance of M. Aubert's observations with regard to international control and the stages to be passed with a view to further successes.

With regard to the draft report, M. Palacios desired that the principle of the responsibility of States for the manufacture of and trade in arms and implements of war in the territories under their jurisdiction should be clearly enunciated in the text. In various paragraphs, in particular paragraphs 7 and 10, it was stated and repeated that all the measures proposed resulted from the acceptance of certain principles, complete equality of treatment applied to private manufacture and State manufacture being specially mentioned, as well as publicity and supervision. It would seem logical and fair also to mention, and even to mention first, the principle of responsibility, as to which most of the delegations had expressed their views, and which was formally mentioned in Article A of the draft.



With regard to this article, and in connection with paragraph 9 of the report, M. Palacios drew attention to what he had said in the Sub-Committee ; it was desirable, in the articles in laws, conventions and contracts to omit the considerations, which should rightfully be placed in the preamble that usually accompanied them, or left to commentators. The actual text of the articles should contain only the operative part of an instrument. That was why M. Palacios had proposed to make no specific reference to " public international order ", in Article A.

The CHAIRMAN thanked the delegates for their friendly remarks. As delegate of Poland, he was glad to have had an opportunity of presiding over such fruitful debates. In view of the importance of the statements that had been made, it would be advisable to append the Minutes of the meeting to the text to be transmitted to the President of the Conference for distribution to all the States taking part in the Conference.

Colonel Ali Khan RIAZI (Persia) paid a tribute to the breadth of outlook displayed by the United States delegation, whose bold suggestion had given a new impulse to the Conference. As representative of a country that imported arms, he was glad that the question of equality of treatment between producing and non-producing countries had been settled.

He asked, however, that the second sentence of paragraph 6 of the report might be amended as follows :

" It is the field of manufacture which has been the subject of more especial study, seeing that, as regards trade in arms, the text of the 1925 Convention, which it was decided during previous discussions to revise and adapt to the needs of the Disarmament Convention, has to some extent been amended in the Sub-Committee on Trade (see its report—documents Conf.D./C.C.F.40 and 40(a), May 27th and 30th, 1933) and that, as regards the definition of categories of arms, publicity and other restrictions on the trade in arms, the said Sub-Committee should await the result of the work of the Sub-Committee on Manufacture before establishing a final text for the Convention on the Trade in Arms."

The CHAIRMAN regretted that the Persian delegation had not handed in its amendment before the meeting. It would be very difficult to discuss it now. Perhaps it would suffice if the statement just made were recorded in the Minutes. Moreover, the present text did not in any way prejudice, either in a positive or negative sense, the question of the revision of the 1925 Convention. On the contrary, it stressed the fact that the re-drafting of that Convention had already been undertaken by the Sub-Committee on the Trade in Arms. All the questions reserved in its last report were still reserved.

Colonel Ali Khan RIAZI (Persia) said that he had been unable to hand in his amendment earlier, as he had only received the report at midday. The passage in paragraph 6 to which he objected read : "... seeing that ..... there exists already the Convention of 1925, ratified by several States....."

This revision, which the League Assembly had referred to the Disarmament Conference, had been decided on the basis of the report of the Committee for the Regulation of the Trade in, and Private and State Manufacture of, Arms and Implements of War (document Conf.D. 145) which contained in its conclusions the following statement : " ..... it is already agreed that the 1925 Convention concerning trade in arms will have to be revised ". In view of this decision, the part relating to land and sea zones had been examined in detail in this report, but the study of the categories of arms and publicity had been held over until the question of manufacture had been settled.

Since paragraph 6 did not mention this important decision, the Persian delegate could not approve it, especially as the Convention in question did not exist for Persia.

Necmeddin SADIK Bey (Turkey) supported the Persian delegate.

M. GORGÉ (Switzerland) thought that the Persian delegate might be given satisfaction by making a slight change in paragraph 6 of the report. It was perhaps a mistake to lay too much emphasis on the still-born Convention of 1925, which many of the signatory States—Switzerland, for example—would not ratify so long as there was no convention on manufacture. The Swiss delegate suggested the deletion of the words " there exists already the Convention of 1925—ratified by several States—and " ; the second sentence of paragraph 6 would then read as follows :

" However, it is the field of manufacture which has been the subject of more especial study, seeing that, as regards trade in arms, the adaptation of the Convention of 1925 to the needs of the Disarmament Conference has already been studied in the Sub-Committee on Trade (see its report—documents Conf.D./C.C.F.40 and 40(a), dated May 27th and 30th, 1933—Annex 6 to document Conf.D.160)."

In view of the Chairman's assurance that the questions left in suspense in the report of the Sub-Committee on Trade (documents Conf.D./C.C.F.40 and 40(a)), already approved by the plenary Committee and the General Commission, still remained in suspense in particular the

first paragraph of Section I of Article 29 of the aforesaid report, Colonel Ali Khan RIAZI (Persia) and Necmeddin SADIK Bey (Turkey) accepted the amendment proposed by the Swiss delegate.

*The amendment was adopted.*

M. AUBERT (France) suggested that the draft articles should be headed "Draft articles to be inserted in the General Convention".

The CHAIRMAN explained that he had intended to submit the text to the President of the Conference in the form of draft articles adopted by the Committee on Trade and Manufacture. To the draft articles would be appended the report, the United States delegation's memorandum and the Minutes of the present meeting. It was not for the Committee to decide what should be done with the text. The President of the Conference would decide, if need be, that the whole should be circulated to the delegations with a view to the proposed consultations.

M. AUBERT (France) said that, in that case, he would ask that it be recorded in the Minutes that his observations had been put forward with the idea that the draft articles were intended to be inserted in a general convention.

The CHAIRMAN took note of this statement.

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[Conf.D./C.C.F. 100(2).]

LEAGUE OF NATIONS

20

Geneva, April 13th, 1935.

Conference for the Reduction and Limitation of Armaments

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COMMITTEE FOR THE REGULATION OF THE TRADE IN AND  
PRIVATE AND STATE MANUFACTURE OF ARMS  
AND IMPLEMENTS OF WAR

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REPORT ON THE PROGRESS OF THE WORK  
OF THE COMMITTEE

with a View to the Establishment of the Draft Text  
(First Reading)

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Rapporteur : M. T. KOMARNICKI (Poland)

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## I. INTRODUCTION.

1. The Committee for the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War met on February 14th, 1935, under the chairmanship of M. DE SCAVENIUS (Denmark). It unanimously decided to take as a basis for discussion the draft submitted by the United States delegation to the Bureau of the Conference on November 20th, 1934 (document Conf.D.167). This draft, which was based on the Committee's report of July 23rd, 1934 (document Conf.D./C.G.171), was conceived as an independent text, which, although it could be incorporated in a general convention on the reduction and limitation of armaments, could also be considered, in the opinion of the majority of the Committee, as a separate document.

2. A general discussion on all the problems connected with the manufacture of and trade in arms, followed by more detailed discussions on the several chapters of the United States draft, engaged the Committee until March 1st, when it decided to discontinue its plenary meetings and entrust the discussion of Chapter I ("Categories") to the Technical Committee on Categories, that of Chapter II to the Sub-Committee on Manufacture, and that of Chapter III to the Sub-Committee on Trade.

3. The Technical Committee on Categories was presided over by General BENÍTEZ (Spain), and the two Sub-Committees by the Vice-Chairman and Rapporteur, M. KOMARNICKI (Poland).

4. Chapter IV of the United States draft was discussed in the Committee in plenary session, under the chairmanship of M. KOMARNICKI, from March 25th to April 1st. Those members of the Committee on General Provisions who were not members of the Trade and Manufacture Committee were invited to attend these meetings, in accordance with a decision taken on March 1st, 1935. M. BOURQUIN (Belgium), Chairman of the Committee on General Provisions, kindly lent his assistance in preparing the draft text and part of the report dealing with this chapter. His assistance was of particular value to the Committee, because the latter did not confine itself to examining Chapter IV from the sole standpoint of the regulation of the manufacture of and trade in arms, but felt that, since it had the co-operation of the members of the Committee on General Provisions, its preliminary study should embrace other aspects of the complicated problem of the operation of international control as contemplated in the United States draft. By making this more comprehensive study, the Committee thought that it might assist Governments in arriving at any decisions they might find it necessary to take before the draft text came up for second reading.

5. In the course of the general discussion, the delegations had occasion to define their respective attitudes to a limited convention on the lines of the United States proposal. It is on record that the majority of the Committee considered that the study of the limited problem could be prosecuted independently of the more general negotiations and other work which form the main subject of the Conference for the Reduction and Limitation of Armaments.

6. At the same time, the Committee never lost sight of the connection between the questions that had been referred to it and other problems related to the reduction and limitation of armaments, more especially the work of the National Defence Expenditure Commission, which is concerned with budgetary publicity.

7. Close collaboration between the Committee and the Expenditure Committee was established through contact with M. DE MODZELEWSKI, Acting Chairman of the Technical Committee on National Defence Expenditure, and by exchanges of notes and questionnaires. Some questions have still to be investigated, but the Committee has received, on several points, highly interesting explanations which may be of service to Governments in arriving at decisions with a view to the establishment of the final text of the Convention (see Annex III).

8. Certain differences of opinion, which will be particularised at a later stage, are largely due to different conceptions of supervision as related to the extent of the commitments that will finally be assumed by the contracting parties in regard to the reduction and limitation of armaments. While some delegations laid stress upon unity of supervision, others made their ultimate attitude conditional upon the nature and extent of the commitments that Governments would assume under the agreements which form the main subject of the Conference for the Reduction and Limitation of Armaments and upon the connection established between the limited agreement and the Convention on the Reduction and Limitation of Armaments.

9. A question which engaged the special attention of the members of the Committee was that of ensuring complete equality between producing and non-producing countries. The Committee was unanimous in accepting this principle, but opinions differed as to the manner in which such equality of treatment could be achieved, hence certain divergences in the texts.

10. As regards categories, the Committee adopted the proposals of its Technical Committee on Categories, which, although they did not secure unanimity, nevertheless constitute a very appreciable advance over the texts previously prepared.

11. This Technical Committee's task was greatly facilitated by the United States delegation's draft text, which, while taking as the starting-point the text of the 1925 Convention and the work done subsequently by the Technical Committee on Categories of Arms (document Conf.D.160, Annex 5), endeavoured to take into account to some extent the concern of certain delegations, particularly in the matter of civil aviation.

12. The wish was also expressed in the Committee that the categories of arms should be simplified as much as possible, and that they should be so arranged as to facilitate the graduating of the obligations stipulated in the Convention.

13. The Technical Committee on Categories sat from March 11th to 19th and adopted the draft which is at present embodied in Article 4. The reservations regarding this article are indicated in Part III of the present report and in the Report of the Technical Committee on Categories (document Conf.D./C.C.F./C.T.24(1)).

14. Certain essentially legal questions, and particularly the Preamble and Articles 2 and 16, as well as the provisions relating to the suspension of the application of the Convention in time of war, neutrality, derogations, embargoes, derogations from commercial treaties, the relations between the Convention and international obligations in force, the provisions relating to Poland and the Free City of Danzig and the Polish-German transit agreement, State financial assistance to encourage exports, and general provisions, were submitted for study to a Committee of Jurists set up under the chairmanship of M. C. GORGÉ (Switzerland). That Committee's report (document Conf.D./C.C.F.99,) is attached to the present report as Annex I.

15. As regards the transit questions arising out of the Soviet and French proposals, and in view of the consent of the majority of the Committee to embody the special provisions on transit in the text of the Convention, a Transit Committee was set up under the chairmanship of M. WESTMAN (Sweden). This Committee proceeded to a study of these new problems, and explored the ground with a view to facilitating the Committee's future work.

16. All questions relating to transit are consequently reserved for a second reading, and it is understood that the reservations of the delegations whose final attitude to certain articles depends on the solution of transit questions are fully maintained. The Transit Committee's report (document Conf.D./C.C.F.101) is attached to the present report as Annex II.

17. The work of exploration and the preparation of texts having been concluded, the Committee met on April 13th, 1935, with M. DE SCAVENIUS (Denmark) in the chair, to adopt the draft text and the present report.

18. It should be remarked that the texts prepared represent the results of the discussions and free exchanges of views which have marked the present stage of our work. Hence, in the Committee's opinion, they in no way bind the Governments represented on the Committee as to their final attitude, and thus do not preclude a compromise where certain differences of opinion still exist.

19. Nevertheless, in view of the extent of the work done by the Committee, the material progress made in the direction of compromise and the narrowing-down of the differences of opinion on vital points permits the Committee to hope that the future work, the final success of which depends exclusively on the solution of a few questions of principle, may be completed in the near future, especially if the general political situation becomes clearer.

## II. DRAFT TEXTS \*

[The texts in the middle column are those proposed by the Committee  
— those in italics having been adopted by it unanimously.]

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### PREAMBLE. <sup>1</sup> 2

Text proposed by the  
United Kingdom, Italian,  
Japanese and Polish dele-  
gations.

The High Contracting  
Parties,

Recognising their entire  
responsibility for ensuring  
that the manufacture of  
and trade in arms and  
implements of war are  
only conducted in their  
territories in conditions  
which will safeguard pub-  
lic international order  
and will facilitate, in  
particular cases, the  
prompt enforcement of any  
international action which  
may be agreed upon with  
a view to preventing or  
restricting the supply of  
arms and implements of  
war :

Have decided to con-  
clude a convention with  
the following objects :

(i) The national  
control of the manufac-  
ture, export and import  
of arms, in various  
countries ;

(ii) International  
publicity at Geneva for  
manufacture, export and  
import of arms ;

(iii) Providing the  
machinery for the  
immediate imposition  
of an effective embargo  
on the export of arms,  
if and when such action  
should be inter-  
nationally decided upon.

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\* Part II (Draft Texts) and Part III (Observations and Reservations) are an inseparable whole, and  
must consequently be examined simultaneously.

<sup>1</sup> See report by the Committee of Jurists, Annex I, page 41.

<sup>2</sup> See general observation, paragraph 20 of report.

## Chapter I.

### ARTICLE I.<sup>1</sup>

*Each High Contracting Party assumes, in the territories under its jurisdiction, full responsibility for the supervision which is to be exercised over the manufacture of and trade in articles coming under Categories I to V of Article 4, with a view to ensuring the regular communication and the accuracy of the documents for publicity provided for in the present Convention.*

### ARTICLE 2.<sup>2</sup>

*The High Contracting Parties will take the necessary legal steps to ensure in the strictest manner the execution of the provisions of the present Convention.*

*They will forward to the Permanent Disarmament Commission the text of all laws, regulations or other legal provisions which have been, or may be, enacted for this purpose, and of any amendments or additions thereto that they may make.*

### ARTICLE 3.<sup>3</sup>

Text proposed by the delegations of the United Kingdom, Italy and Japan.

The High Contracting Parties undertake to conform to the measures set forth in Chapter IV for ensuring the execution of the present Convention.

The High Contracting Parties undertake to conform to the measures of permanent and automatic supervision as set out in Chapter IV, the object of which is to verify that manufactures, exports and imports of the articles coming under the categories in Article 4 accord with the provisions of the present Convention.

### ARTICLE 4.<sup>4 5 6</sup>

For the purposes of the present Convention, five categories of arms and implements of war are established as follows:

#### *Category I. — Military Armaments.*

Arms, ammunition and implements of war, designed or intended for land, sea or air warfare, until such time as they may form part of the material coming under Categories II or III:

1. Rifles and carbines, and their barrels and bolts.

<sup>1</sup> See general observation, paragraph 21 of report.

<sup>2</sup> See report by the Committee of Jurists, Annex I, page 41.

<sup>3</sup> See reservation by the delegations of Denmark, Poland, Sweden and Switzerland, paragraph 22 of report.

<sup>4</sup> See general observations of the Technical Committee and the reservations by several delegations, paragraph 23 of report.

<sup>5</sup> See reservations by the Japanese delegation, paragraph 24 of report.

<sup>6</sup> See reservation by the French delegation, paragraph 25 of report.



CHAPTER I (continued).

2. Machine-guns, automatic rifles and machine-pistols of all calibres, and their barrels and bolts.

3. Guns, howitzers and mortars of all calibres and their mountings, barrels, recoil mechanisms and recuperators.

4. Ammunition for the arms enumerated under 1 and 2 above; filled and unfilled projectiles for the arms enumerated under 3 above, and prepared propellant charges for these arms.

5. Grenades, bombs, torpedoes and mines—filled or unfilled—and apparatus for their use or discharge.

Periscopes for submarines.

6. Tanks, armoured vehicles and armoured trains and armour and bullet-proof plates shaped for these vehicles.

The delegations of the U.S.S.R., Poland and Czechoslovakia propose to add another heading as follows:

Appliances and substances intended exclusively for chemical and incendiary warfare.<sup>1</sup>

*Category II. — Naval Armaments.*

Vessels of war of all kinds, including aircraft-carriers and submarines and their arms, ammunition and implements of war mounted on board and forming part of their normal armament.

*Category III. — Air Armaments.<sup>2</sup>*

1. Aircraft, assembled or dismantled, both heavier than and lighter than air, which by reason of their design or construction are adapted or intended either for military or naval reconnaissance, or for aerial combat by the use of machine-guns or artillery, or for the carrying and dropping of bombs, or which are equipped with or prepared for any of the arms or appliances referred to in paragraph 2 below.

2. Special guns and machine-guns for aircraft, and their gun mounts and frames.

Bomb-racks and torpedo-carriers, and bomb or torpedo release mechanisms.

<sup>1</sup> See reservation by the delegations of Sweden and Switzerland, paragraph 26 of report.

<sup>2</sup> See reservation by the delegation of Czechoslovakia, paragraph 27 of report.

CHAPTER I (continued).

Category IV.

Arms and ammunition capable of being used for both military and non-military purposes :

1. Revolvers and automatic pistols, provided the weight of the weapon is over 630 grammes (1 lb. 6 oz.), and ammunition therefor.

The delegation of the U.S.S.R. proposes the addition of another heading as follows :

Powder and explosives other than those mentioned in paragraph 4 of Category I, and the raw materials used in their manufacture.

2. Fire-arms designed, intended or adapted for non-military purposes, such as sport or personal defence, that will fire ammunition that can be fired from fire-arms in Category I.

Category V.

1. Aircraft, assembled or dismantled, both heavier than and lighter than air, other than those included in Category III.

2. Airscrews, fuselages, hulls, tail units and undercarriage units.

3. Aircraft engines.

4. The following essential component parts of aircraft engines covered by paragraph 3 above : crankshafts, cylinders, superchargers.

Chapter II.

PROVISIONS FOR THE MANUFACTURE OF ARMS AND IMPLEMENTS OF WAR.

ARTICLE 5.<sup>1 2</sup>

*The High Contracting Parties undertake to forbid, in the territories under their respective jurisdictions, the manufacture of arms and implements of war as set forth in Categories I, II and III of Article 4, unless the manufacturers have, in the case of private establishments, obtained a licence (and in the case of State establishments, an authorisation) to manufacture, issued by the Government.*<sup>3</sup>

The manufacture of articles appearing in Categories . . . shall not take place in private

<sup>1</sup> See observations by the French delegation, paragraph 28 of report.

<sup>2</sup> See observations by the Polish delegation, paragraph 29 of report.

<sup>3</sup> See observations by the Italian and Japanese delegations, paragraph 30 of report.

CHAPTER II (continued).

establishments unless the producer is in possession of *bona-fide* orders in each case duly notified in advance to the Government. <sup>1 2</sup>

ARTICLE 6. <sup>3 4</sup>

*The licence to manufacture will be valid for a period not exceeding (five years); it will be revocable at any time, and will be renewable for further periods of (five years) or less than (five years) by decision of the Government. <sup>5</sup>*

*It will give:*

(1) *The name and address of the manufacturer or the name, head office and principal works of the firm;*

(2) *A designation of the articles, by the headings of Categories I, II and III in Article 4, the manufacture of which is authorised by the licence.*

The licence will state further that all orders received by the manufacturer are to be communicated immediately to the Government which has granted the licence. <sup>6</sup>

Additional text proposed by the delegation of the U.S.S.R. <sup>7</sup>

The High Contracting Parties undertake not to issue licences to manufacture implements of war exceeding the qualitative or quantitative limits which may be fixed in virtue of agreements which are binding on the party responsible for issuing such licences.

ARTICLE 6 (a).

Text proposed by the Italian delegation.

No preparation shall be made in merchant-ships in time of peace for the installation of warlike armaments for the purpose of converting such ships into vessels of war, other than the necessary stiffening of decks for the mounting of guns not exceeding 6.1 inches (155 mm.) in calibre.

<sup>1</sup> See observations by the United Kingdom, Italian and Japanese delegations, paragraph 31 of report.

<sup>2</sup> See observations by the Committee, paragraph 32 of report.

<sup>3</sup> See observations by the French delegation, paragraph 28 of report.

<sup>4</sup> See observations by the Polish delegation, paragraph 29 of report.

<sup>5</sup> See reservation by the U.S.S.R. delegation, paragraph 33 of report.

<sup>6</sup> See reservation by the United Kingdom, Italian and Japanese delegations, paragraph 34 of report.

<sup>7</sup> See observations by the delegations of Spain and France, paragraph 35 of report.

CHAPTER II (continued).

ARTICLE 7.<sup>1 2 3 4 5</sup>

*The High Contracting Parties, in so far as it pertains to their respective jurisdictions, will send to the Permanent Disarmament Commission:*

A. Within three months after the entry into force of the Convention, a list of the State establishments, manufacturers of articles appearing in Categories I, II and III of Article 4, specifying for each :<sup>6</sup>

(1) The name and location of the establishment ;

(2) The designation by headings of the articles the manufacture of which is authorised, and thereafter, within thirty days after their occurrence, any changes in the information required under (1) and (2).

B. *Within three months from the entry into force of the Convention, a copy of the licences to manufacture already issued to private establishments, within the thirty days following the end of each quarter, a return, even if blank, showing copies of all licences to manufacture granted, amended, renewed or revoked during the previous quarter.*

C.<sup>7</sup> (1) At the beginning of the financial year (on a date to be determined) :

(a) A return showing the quantities of the articles (to be determined) in Categories I, II and III of Article 4 the putting into manufacture or the purchase of which is proposed in the course of the said year by the Government. <sup>8</sup>

(b) A return showing, by headings for headings . . . (to be determined), and by a total figure for the remaining headings, the national defence expenditure proposed in respect of the manufacture and purchase of articles in Categories I, II and III of Article 4.

Text proposed by the delegations of Turkey, Afghanistan, Iran, Spain, Czechoslovakia and the U.S.S.R. and approved, in principle, by the delegation of France. <sup>9</sup>

(c) A list of orders or orders to manufacture,

<sup>1</sup> See observations by the French delegation, paragraph 28 of report.

<sup>2</sup> See reservation by the Czechoslovak delegation, paragraph 36 of report.

<sup>3</sup> See observations by the Japanese delegation, paragraph 37 of report.

<sup>4</sup> See observations by the U.S.S.R. delegation, paragraph 38 of report.

<sup>5</sup> See reservation by the Polish delegation, paragraph 29 of report.

<sup>6</sup> See observations by the Polish delegation, paragraph 39 of report.

<sup>7</sup> See reservation by the United Kingdom and Italian delegations, paragraph 40 of report.

<sup>8</sup> See reservation by the Swiss, Polish and Swedish delegations, paragraph 41 of report.

<sup>9</sup> See reservation by the French delegation, paragraph 42 of report.

CHAPTER II (continued).

from whatever source, received by the establishments holding licences or State establishments and also a list of all manufactures of the same kind which the aforesaid establishments propose to execute for stock or any other purpose, such lists to be forwarded before the articles are put into manufacture by the said establishments.

Additional text proposed by the delegations of France, Spain, Iran and the U.S.S.R.<sup>1 2 3 4</sup>

(2) Under conditions and within time-limits to be determined, the preliminary notice of putting in hand of manufacture or construction of all articles coming under Category II and the following articles . . . (to be determined) of Categories I and III.

The delegation of the United States proposes the omission of Category V.

D.<sup>5 6</sup> Within fifteen days from the receipt by the State establishments and by the private establishments holding licences of an order for articles in Categories I, III and V, the following information in regard to the said order :

The United States delegation proposes the suppression of the reference to Category V.

Text proposed by the delegations of the United Kingdom, Italy, Japan and Switzerland.

Replace the words "essential characteristics for aircraft, etc." by the words "unladen weight and engine-power for aircraft, etc."

(a) The description of the articles to be manufactured and their number and type (calibre for guns, tonnage for tanks, essential characteristics for aircraft, etc.);

(b) The name of the Government on whose account the order is given ;<sup>7</sup>

(c) The name and address of the private manufacturer (if necessary the name, head office and principal works of the firm), or the description of the State establishment.

Text proposed by the delegations of France, China, Spain, Czechoslovakia and the U.S.S.R.<sup>8</sup>

(2) For certain material (to be determined) of particular importance, this information will be completed by the following, which might be

<sup>1</sup> See observations by the French delegation, paragraph 43 of report.

<sup>2</sup> See reservation by the Czechoslovak delegation, paragraph 36 of report.

<sup>3</sup> See reservation by the United Kingdom delegation, paragraph 44 of report.

<sup>4</sup> See observation by the Belgian, United States, Danish and Swedish delegations, paragraph 45 of report.

<sup>5</sup> See reservation by the United Kingdom and Italian delegations, paragraph 46 of report.

<sup>6</sup> See reservation by the Belgian, Swedish, Swiss and Czechoslovak delegations, paragraph 47 of report.

<sup>7</sup> See reservation by the French delegation, paragraph 48 of report.

<sup>8</sup> See reservation by the Czechoslovak delegation, paragraph 36 of report.

CHAPTER II (continued).

forwarded later, but must be despatched to the Permanent Commission, in every case before the putting into manufacture :

The place of manufacture ;

The proposed date of putting into manufacture ; and

The expected duration of manufacture.

This information to be furnished also for each of the constituent parts of manufactured material shown under the headings of Article 4.

E. <sup>1</sup> Within the month following the end of the civil year, a return of manufactures completed during this year of articles in Categories I, II, III, IV and V.

F. (I) *Within thirty days of the laying-down of each war vessel laid down in State or private shipyards in the territories under their jurisdiction, whether on behalf of the Government in whose territory the vessel is being constructed or of any other Government, a return giving the information detailed below :*

*The date of laying down the keel and the following particulars :*

*Classification of the vessel and for whom built ;*

*Standard displacement in tons and metric tons ;*

*Principal dimensions—namely, length at water-line, extreme beam at or below water-line ;*

*Mean draught at standard displacement ;*

*Calibre of the largest gun.*

(II) *Within thirty days of the date of completion of each war vessel, a return giving :*

*The date of completion together with the foregoing particulars relating to the vessel at that date. <sup>2</sup>*

Text proposed by the United Kingdom, Italian and Japanese delegations.

G. Within sixty days of the end of the quarter, a quarterly return of the total value, under each

Text proposed by the delegations of France, United States, Belgium, Spain, Czechoslovakia and the U.S.S.R. <sup>3</sup>

G. Within a period to be determined, counting

<sup>1</sup> See reservation by the United Kingdom and Italian delegations, paragraph 49 of report.

<sup>2</sup> See observations of the Czechoslovak delegation, paragraph 50 of report.

<sup>3</sup> See observations of the Czechoslovak delegation, paragraph 36 of report.

CHAPTER II (continued).

heading of the categories in Article 4, of the articles the manufacture of which has been completed during the previous quarter, distinguishing in the case of articles under Category V, headings 2, 3 and 4, between those manufactured for the State and those manufactured for other purposes.

from the end of the financial year, a return, by headings, of the total amounts of national defence expenditure expended on the manufacture and purchase of articles in Categories I, II and III completed in the course of this financial year.

Chapter III.<sup>1</sup>

PROVISIONS CONCERNING THE TRADE IN ARMS AND IMPLEMENTS OF WAR.\*

ARTICLE 8.<sup>2 3 4 5 6 7</sup>

The High Contracting Parties undertake to prohibit, in the territories under their jurisdiction, the export of articles in Categories I to V inclusive of Article 4, and the import of articles in Categories I to III inclusive, of Article 4, without an export or import permit (declaration) issued by the Government.

The export permit (declaration) shall contain :

(a) A description of the articles in Categories I to V inclusive, the shipment of which is authorised, their number, aggregate weight and type (calibre for guns, tonnage for tanks, essential characteristics for aircraft, etc.).

Text proposed by the delegations of the United Kingdom, Italy, Japan and Switzerland.

Replace the words "essential characteristics for aircraft, etc." by the words "unladen weight and engine power for aircraft, etc."

Text proposed by the delegations of the United Kingdom, Italy, Japan and Switzerland.

(b) The name and address of the exporter, with a reference to the authority to manufacture, if any.

Text proposed by the United States and French delegations, supported by the Chinese, Danish, Spanish, Latvian, Swedish, Czechoslovak and U.S.S.R. delegations.

(b) The name and address of the exporter with a reference to the original order where this latter has been notified to Geneva and is for implements which have been manufactured in the country whence they are being exported.

\* See report by the Transit Committee, Annex II, page 50.

<sup>1</sup> See reservations by the Polish delegation, paragraph 51 of report.

<sup>2</sup> See reservations by the French delegation, paragraphs 28 and 52 of report.

<sup>3</sup> See reservations by the French and U.S.S.R. delegations, paragraph 53 of report.

<sup>4</sup> See reservations by the United Kingdom and Italian delegations, paragraph 54 of report.

<sup>5</sup> See reservations by the Polish and Afghan delegations, paragraph 55 of report.

<sup>6</sup> See reservations by the Turkish and Iranian delegations, paragraph 56 of report.

<sup>7</sup> See reservations of the Turkish delegation, paragraph 57 of report.

CHAPTER III (continued).

(c) The name and address of the importing consignee, with a reference to the import permit for articles in Categories I, II and III.

Text proposed by the delegations of the United Kingdom, Italy, Japan and Switzerland.

Replace the words "essential characteristics for aircraft, etc." by the words "unladen weight and engine power for aircraft, etc."

The import permit (declaration) shall contain :

(a) A description of the articles in Categories I to III inclusive, the import of which is authorised, their number, aggregate weight and type (calibre for artillery, tonnage for tanks, essential characteristics for aircraft, etc.).

(b) The name and address of the importer, with a reference to the order.<sup>1</sup>

(c) The name and address of the exporter.

Additional text proposed by the delegation of the U.S.S.R.<sup>2</sup>

The High Contracting Parties undertake not to issue import, export or transit permits for implements of war in excess of the qualitative or quantitative limits which may be fixed under agreements binding on the parties responsible for these permits.

ARTICLE 8 bis.

Text proposed by the delegations of Sweden, Spain, Denmark and Switzerland.

The High Contracting Parties undertake to enact legal provisions making all occupation in the capacity of agents for the sale of the articles included in Categories . . . mentioned in Article 4 conditional upon the granting of a special Government authorisation (licence).

The said licence shall indicate the name of the undertakings on behalf of which such activities are exercised.

Copies of the licences issued to the above-mentioned agents shall be addressed each year to the Permanent Disarmament Commission, which shall also be notified of any licences withdrawn.

<sup>1</sup> See reservation by the United Kingdom, Italian, Japanese and Swiss delegations, paragraph 58 of report.

<sup>2</sup> See observations by the delegations of France, China and Spain, paragraph 59 of report.



CHAPTER III (continued).

Text proposed by the United Kingdom, Italian and Japanese delegations (for the whole of Article 9):

The High Contracting Parties, in so far as it pertains to their respective jurisdictions, will forward to the Permanent Disarmament Commission within sixty days of the end of each quarter a quarterly return giving the total values of the articles, under each heading of the Categories in Article 4, imported and exported during the previous quarter, showing countries of origin and destination and distinguishing in the case of articles in Category V, headings 2, 3, 4, between those exported to or imported by a Government for its own use, and those exported or imported for use by private persons.

The High Contracting Parties, in so far as it pertains to their respective jurisdictions, will forward to the Permanent Disarmament Commission copies of all import or export permits (declarations) (fifteen days) before the date of entry into or despatch from the territory of the articles in Categories I, II and III referred to in the said permits (declarations) and copies of all export permits (declarations) (fifteen days) before the date of despatch from the territory of the articles in Categories IV and V referred to in the said permits (declarations).

Text proposed by the delegations of the United States, France, Spain, Denmark, Latvia, Sweden, Czechoslovakia and the U.S.S.R.

When it has not been possible to give this preliminary notice of fifteen days, it will be for the interested Governments to inform the Permanent Commission of the reasons why the period laid down in the present article could not be observed.

The High Contracting Parties will also forward a statement of all imports and exports effected during the calendar year.

This statement will be sent in within a period of (one month) from the end of the year.

ARTICLE 10.

*The High Contracting Parties undertake that the export of articles in Categories I, II and III shall be for direct supply to the Government of the importing State, or with the consent of such Government, to a public authority subordinate to it.*

ARTICLE 11.

*Nevertheless, export for supply to private persons may be permitted in the following cases:*

(I) *Articles covered by Categories I, II and III exported direct to a manufacturer of war*

<sup>1</sup> See reservations by the delegations of Poland and Afghanistan, paragraph 55 of report.

<sup>2</sup> See reservations by the delegations of Turkey and Iran, paragraph 56 of report.

<sup>3</sup> See reservations by the delegation of Czechoslovakia, paragraph 60 of report.

CHAPTER III (continued).

*material for use by him for the requirements of his industry, provided their import has been duly authorised by the Government of the importing country:*

(2) *Rifles and carbines and their ammunition exported for supply to rifle associations formed for the encouragement of individual sport and duly authorised by their own Government to use them, provided their import is not contrary to any other provisions of the present Convention; such arms and ammunition shall be sent direct to the Government of the importing country for transmission by such Government to the associations for which they are supplied;<sup>1 2</sup>*

(3) *Samples of articles covered by Categories I, II and III, exported for demonstration purposes direct to a trade representative of the exporting manufacturer, provided such representative is duly authorised by the Government of the importing country to receive them.*

ARTICLE 12.

The High Contracting Parties undertake not to export or permit the export, in the territories under their jurisdiction, of the articles covered by Category IV of Article 4 without the export permit referred to in Article 8, Chapter III.<sup>3</sup>

*If, in respect of the import of these articles, the legislation of the importing country requires the endorsement of a duly authorised representative of its Government, and if this fact has been notified by the said Government to the Government of the exporting country, then such an endorsement must have been obtained and submitted to the competent authorities of the exporting country before the export may take place.*

ARTICLE 13.<sup>3</sup>

The High Contracting Parties undertake not to export or permit the export in the territories under their jurisdiction of the articles covered by Category V of Article 1, unless the export permit referred

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<sup>1</sup> See observations by the Spanish delegation, paragraph 61 of report.  
<sup>2</sup> See observations by the U.S.S.R. delegation, paragraph 62 of report.  
<sup>3</sup> See reservation by the Turkish delegation, paragraph 63 of report.

CHAPTER III (continued).

to in Article 8, Chapter III, has been issued by the Government of the exporting country.

ARTICLE 14.<sup>1</sup>

Within thirty days of the end of each quarter, the High Contracting Parties shall furnish a return in respect of each vessel of war acquired during that quarter, other than vessels of war constructed for such High Contracting Parties within their respective jurisdictions.

This return shall contain the following information :

- (I) Date of acquisition ;
- (II) Classification of the vessel and from whom acquired ;
- (III) Standard displacement, in tons and metric tons ;
- (IV) Principal dimensions, namely :
  - Length at water-line ;
  - Extreme beam at or below water-line ;
- (V) Mean draught at standard displacement ;
- (VI) Calibre of the largest gun.

ARTICLE 15.

*The High Contracting Parties undertake not to apply a more favourable regime to imports of articles referred to in Article 4, coming from territories of non-contracting States, than that which they will apply to such imports coming from territories of contracting States, and to subject these imports, of whatever origin, and exports to non-contracting States to the same conditions of authorisation and of publicity.*

ARTICLE 16.<sup>2</sup>

*The following operations shall not be regarded as exportation or importation within the meaning of the present Convention :*

- (a) The shipment of articles coming under Categories I to V of Article 4 from a territory placed under the sovereignty, jurisdiction, protection or tutelage of a High Contracting Party, or from a territory in which a High Contracting Party enjoys special political or military

<sup>1</sup> See observations by the French and Swedish delegations, paragraph 64 of report.

<sup>2</sup> See report by the Committee of Jurists, Annex I, page 41, and paragraph 65 of report.

CHAPTER III (continued).

rights under international instruments, and intended for the use of the armed forces of such High Contracting Party, wherever situated ; <sup>1 2 3 4 5 6 7</sup>

(b) The transfer by the High Contracting Party concerned of articles coming under Categories I to V of Article 4 from a country to which such articles may have been shipped as provided for in paragraph (a) ; <sup>2 3 4 5 6 7</sup>

(c) The carrying of arms or ammunition by persons belonging to the forces referred to in paragraph (a) or by other persons in the service of a High Contracting Party, when such articles are required by those persons by reason of their duties or for their personal defence ; <sup>4 5 6 7</sup>

(d) *The carrying of rifles, carbines, and the necessary ammunition therefor, intended exclusively for their own use, by members of rifle-clubs, proceeding to marksmanship competitions authorised by the respective Governments ;*

(e) *Movements of civil aircraft duly registered as commercial aircraft when effecting (1) commercial transport ; (2) industrial or commercial flights ; (3) tourist flights ;*

(f) *The carrying of arms or ammunition by the personnel of civil aircraft and intended for the defence of the passengers or personnel of the aircraft on international routes.*

ARTICLE 16 (a).

Text proposed by the Italian delegation.

Each of the High Contracting Parties undertakes not to dispose, by gift, sale, or any mode of transfer, of any vessel of war in such a manner that such vessel may become a vessel of war in the navy of any foreign Power.

<sup>1</sup> See observations by the Spanish delegation, paragraph 66 of report.

<sup>2</sup> See reservation by the U.S.S.R. delegation, paragraph 67 of report.

<sup>3</sup> See reservation by the Polish delegation, paragraph 68 of report.

<sup>4</sup> See reservation by the Iranian delegation, paragraph 69 of report.

<sup>5</sup> See reservation by the Chinese delegation, paragraph 70 of report.

<sup>6</sup> See reservation by the Turkish delegation, paragraph 71 of report.

<sup>7</sup> See reservation by the Afghan delegation, paragraph 72 of report.

CHAPTER III (continued).

Final Article of Chapter III (Trade) proposed by the French delegation.<sup>1</sup>

Any exportation, importation or transit of articles coming under Categories I to V in Article 4 which is not carried out in accordance with the provisions of the present Convention shall be deemed to be contraband within the meaning of the present Convention.

The High Contracting Parties recognise that it is their duty to repress such contraband. They shall report to the Permanent Commission any case of contraband detected by their competent authorities, and shall instruct these authorities to verify, if necessary, any consignments to which the Permanent Commission or its organs of control may direct their attention.

Chapter IV.<sup>2 3 4 5</sup>

COMPOSITION, FUNCTIONS AND OPERATION OF THE PERMANENT DISARMAMENT COMMISSION.

The articles of Chapter IV have been co-ordinated by M. BOURQUIN (Belgium), Chairman of the Committee on Miscellaneous Provisions.

ARTICLE 17.

*There shall be set up at the seat of the League of Nations a Permanent Disarmament Commission composed of representatives of the Governments of the High Contracting Parties. Each such Government shall appoint one member of the Commission. Each member may be accompanied by substitutes and experts.*

*The Governments of the High Contracting Parties shall inform the Secretary-General of the League of Nations of the names of their representatives, substitutes and experts on their nomination and on any changes being made.*

ARTICLE 18.

*It shall be the duty of the Commission to watch over the execution of the present Convention.*

ARTICLE 19.

The Commission may be assisted by experts chosen by itself, not being experts appointed by the

<sup>1</sup> See reservations by the U.S.S.R. and Turkish delegations, paragraph 73 of report.

<sup>2</sup> See observations of the Chairman of the Miscellaneous Provisions Committee, paragraph 74 of report.

<sup>3</sup> See reservations of the U.S.S.R. delegation, paragraph 75 of report.

<sup>4</sup> See reservations of the Turkish delegation, paragraph 76 of report.

<sup>5</sup> See reservations of the Yugoslav delegation, paragraph 77 of report.

CHAPTER IV (continued).

High Contracting Parties, to accompany their representatives. <sup>1</sup>

The experts appointed by the Commission may not serve on the inspection and investigation Committees referred to in Articles 29, 30 and 31 of the present Convention. <sup>2</sup>

ARTICLE 20.

*The members of the Commission, their substitutes and experts and the experts and agents of the Commission, when engaged on the business of the Commission, shall enjoy diplomatic privileges and immunities.*

ARTICLE 21.

*The Secretary-General of the League of Nations shall provide the Secretariat of the Commission.*

ARTICLE 22. <sup>3</sup>

*The Commission shall set up committees of its own members, and shall determine their number, composition and functions.*

In particular, it shall appoint regional committees which shall be entrusted with the duty of permanently following, under its authority, the execution of the present Convention by the different States included in each of the regional groups within the jurisdiction of the said committees.

The composition of these regional groups may be modified by the Commission at any time. It shall be determined in such a way as not to include in the same group Powers not maintaining diplomatic relations with each other.

Each of the States included in the regional group shall be represented in the committee on a basis of absolute equality. The committee shall also include at least an equal number of representatives of other Powers.

ARTICLE 23.

*The Commission shall receive, co-ordinate, and carry out an examination of the information furnished by the High Contracting Parties in pursuance of their obligations under the present Convention.*

ARTICLE 24.

*Within the limits of the obligations assumed in the present Convention, the Commission may request the*

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<sup>1</sup> See observations of the Polish and Turkish delegations, paragraph 78 of report.

<sup>2</sup> See the United Kingdom, Italian, Japanese and Polish observations, paragraph 79 of report.

<sup>3</sup> See observations of the United Kingdom, Italian, Japanese and Polish delegations, paragraph 80 of report.

CHAPTER IV (continued).

*High Contracting Parties to supply in writing or verbally any supplementary particulars or explanations in regard to the information furnished under the present Convention.*

*Such request shall normally be made through the representatives of the High Contracting Parties on the Commission. The High Contracting Parties agree to meet such requests, and to furnish the information desired through their representatives on the Commission or otherwise, unless the said information is within the scope of the exemptions provided for in Article 33, paragraph 2.<sup>1</sup>*

ARTICLE 25.

The Commission may take into account any other information which may reach it from a responsible source and which it may consider pertinent to the execution of its functions.<sup>2</sup>

*In all cases it will examine all information furnished by any member of the Commission.*

It shall have the right to hear such witnesses as voluntarily appear before it. A full record of the evidence of such witnesses shall be kept.<sup>3</sup>

ARTICLE 26.<sup>4 5</sup>

The Commission shall be entitled to hear or consult any person who is in a position to throw any light on the question which is being examined by the Commission.

ARTICLE 27.<sup>6 7</sup>

No national of any High Contracting Party may be heard either in virtue of Article 25 or in virtue of Article 26, unless its representative on the Permanent Disarmament Commission shall have been duly notified in advance of such hearing and given an opportunity to be present thereat.<sup>8</sup>

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<sup>1</sup> See observation of the United Kingdom, Italian, Japanese and Polish delegations, paragraph 81 of report.

<sup>2</sup> See observation of the Polish delegation, paragraph 82 of report.

<sup>3</sup> See observation of the United Kingdom, Italian, Japanese, Polish, Turkish and Yugoslav delegations, paragraph 83 of report.

<sup>4</sup> See observation of the Turkish and Yugoslav delegations, paragraph 84 of report.

<sup>5</sup> See reservations of the Polish delegation, paragraph 85 of report.

<sup>6</sup> See reservation of the Polish delegation, paragraph 85 of report.

<sup>7</sup> See reservation of the Turkish and Yugoslav delegations, paragraph 86 of report.

<sup>8</sup> See observations of the United Kingdom, Italian and Japanese delegations, paragraph 87 of report.

CHAPTER IV (continued).

The French and Czechoslovak delegations propose to add to this article a paragraph reading :

Nevertheless, if a witness refuses to appear before the representative of the State of which he is a national, his evidence may be taken by the Secretariat of the League of Nations, acting as an international registry, and communicated by the Secretariat to the Permanent Commission, which may only discuss it in the presence of the representative of the State of which the witness is a national.

ARTICLE 28.

*The Commission shall publish quarterly a return of the statistical data furnished under the provisions of Articles 7 and 9 and the results of its examination of these data duly co-ordinated and showing the situation as regards the manufacture, export and import of the articles in Categories I to V.*

ARTICLE 29.

Text proposed by the United Kingdom, Italian, Japanese and Polish delegations.

The United Kingdom delegation, supported by those of Italy, Poland and Japan, proposes that Articles 29 to 33 inclusive be deleted and the following text be substituted for them :

Should the Permanent Disarmament Commission have reason to believe that an infringement of the present Convention has occurred, or that information supplied to it under the Convention by a High Contracting Party is incomplete or inaccurate, the Commission will call upon the High Contracting Party concerned to supply it with such explanations as are necessary to establish the facts.

The High Contracting Parties undertake to furnish these explanations either verbally by responsible officials or in writing as desired by the Permanent Disarmament Commission.

The Commission will draw up, as soon as possible, a report giving its reasons for the steps



CHAPTER IV (continued):

taken and the result of its examination of the matter.

Within the limits of the obligations assumed under the present Convention, the Commission shall proceed annually, or more often if it so determines, to examine on the spot the conditions in which the national control exercised by each of the High Contracting Parties over the manufacture of and trade in the articles in Categories I to V inclusive is organised and operates, and the accuracy of the information furnished by the said High Contracting Parties.

Text proposed by the Czechoslovak, United States, Danish, Spanish, French, Latvian and Swedish delegations.

These delegations propose to add the following words to the first paragraph of this article :

And, by reason of and in accord with the experience gained in these matters, to include in its reports such general information and suggestions as may aid the High Contracting Parties in the execution of the provisions of the Convention.

It may, however, decide, according to circumstances, to suspend provisionally the application of this rule, provided that the majority required to take such a decision shall include all the members representing the States adjacent to that to which the decision applies.

These inspections on the spot shall be carried out through the regional committees provided for in Article 22.

The French delegation proposes the addition of a text reading as follows :

Each regional committee shall appoint agents who shall reside permanently in the territory of each of the States for which the said committee is competent.

These agents shall be accredited to the local authorities under conditions giving them the necessary means of action to proceed at any moment, on behalf of the committee and in co-operation with the said authorities, to effect the liaison operations

CHAPTER IV (continued).

and local inspections required for the discharge of the duties of supervision imposed on the regional committee.

The committees will draw up the programme of each investigation in conformity with the general instructions given them by the Commission or its permanent Bureau.

If they are notified, in the course of their inspections, of certain facts which, though alien to this programme, seem to deserve the Commission's attention, they shall proceed to establish such facts, and shall report immediately to the Commission or its permanent Bureau.

While the committee is conducting the local inspection in the territory of a State, the representatives of such State shall cease temporarily, until the inspection is finished, to sit on the committee.

On the other hand, the State undergoing inspection shall name one or more assessors who shall accompany the committee during such inspection. These assessors shall be constantly at the disposal of the committee in order to facilitate the accomplishment of its task. The committee shall not refuse them the right to be present at its investigations.

Text proposed by the French delegation.

On the other hand, the State undergoing inspection shall name one or more assessors who shall accompany the committee or its local agents during such inspection. These assessors shall be constantly at the disposal of the committee or its local agents in order to facilitate the accomplishment of their task. The committee or its local agents shall not refuse them the right to be present at their investigations.

The committees' sole task shall be the establishment of facts.

In particular, they shall not give orders or make observations to the local civil or military authorities. When help is required from these authorities, it shall be requested through the intermediary of the assessors. These assessors must be provided with written instructions giving them all necessary powers for this purpose.

ARTICLE 30.

(See opposite Article 29 text proposed by the United Kingdom, Italian, Japanese and Polish delegations covering Articles 29 to 33.)

Any High Contracting Party shall be entitled to request the Commission to conduct in its territory such investigation as may be necessary in order to verify the execution of its obligations under the present Convention.

CHAPTER IV (continued).

On receipt of such a request, the Commission shall meet at once in order to give effect to it and to determine the scope of any such investigation and to lay down the conditions in which the investigation is to take place.

It is understood that the Commission may decide, with the consent of the High Contracting Party concerned, not to hold such investigation if, in the interval, the results of its deliberations appear to it satisfactory.

ARTICLE 31.

If one of the High Contracting Parties is of opinion that the provisions of the present Convention have been infringed, such party may address a complaint to the Commission.

The Commission shall meet at once to consider the matter and shall invite the High Contracting Party whose attitude towards the fulfilment of its obligations has produced the complaint to supply it with all the explanations which may be useful.

Should the Commission determine that the complaint is of such a nature as to warrant a special investigation, its decision to conduct the investigation on the territory of the High Contracting Party in question must be taken by a two-thirds majority of all members of the Commission present at the meeting.

The special investigations provided for in the present article shall be carried out by a special committee created for this purpose. These special investigating bodies shall include a majority of members from States of regional groups other than those including the States concerned.

The State making the complaint and the State undergoing special investigation shall not be represented on the special committee by members, but shall name one or more assessors who shall accompany the committee during such inspections.

(See opposite Article 29 text proposed by the United Kingdom, Italian, Japanese and Polish delegations covering Articles 29 to 33.)

Text proposed by the Polish and Latvian delegations.

The Polish and Latvian delegations propose to add after the article (opposite Article 29) proposed by the United Kingdom delegation in place of Articles 29 to 33 a new article reading as follows :

If one of the High Contracting Parties considers that, at any time, the manufacture of arms, ammunition or implements

CHAPTER IV (continued).

of war in the territory of another High Contracting Party, or the import of arms, ammunition or implements of war into this same territory, has shown an unexpected increase which is both large and abnormal, and if the former High Contracting Party sees therein an indication of a threat to peace, it may address itself on this subject to the Permanent Disarmament Commission.

The Commission will proceed to consider the matter and will invite the High Contracting Party involved to furnish it with all useful explanations. It will prepare a reasoned report on the result of its consideration and will forward this to all the High Contracting Parties.

ARTICLE 32.

(See opposite Article 29 text proposed by the United Kingdom, Japanese, Italian and Polish delegations covering Articles 29 to 33.)

The results of any investigation decided upon in accordance with Articles 29, 30 and 31 shall be embodied in each case in a special report by the Commission, which may contain recommendations addressed to the High Contracting Parties.

ARTICLE 33.

(See opposite Article 29 text proposed by the United Kingdom, Italian, Japanese and Polish delegations covering Articles 29 to 33.)

I. In the carrying-out of the investigations conducted by the Commission or any committees thereof at any place other than its permanent seat, the investigation shall be limited to the following procedures :

(a) The examination under oath of responsible officials or employees of the High Contracting Party designated by it and charged with the details of the execution of this Convention ;

(b) The examination of all pertinent documents, and particularly of those prepared under the authority and control of the officials indicated in (a) above ;

(c) The examination under oath of all persons other than officials referred to under (a) who are within the territory of the High Contracting Parties at the time of the inspection. The High Contracting Parties agree to make any such persons available by all means at their disposal ;

(d) The examination provided for in (a), (b) and (c) above shall be conducted in the presence of the assessors ;

CHAPTER IV (continued).

Text proposed by the French and Czechoslovak delegations.

(e) Inspection on the spot of articles of Categories I to V, in course of manufacture or finished, shall compulsorily be made in the presence of the assessors designated by the High Contracting Party under investigation.

(e) Inspection on the spot of articles of Categories I to V inclusive produced in State or private establishments, in order to verify the execution of the obligations of the High Contracting Party under the present Convention, shall be made in the presence of designated assessors of the High Contracting Party under investigation.

(f) Full records shall be made of the results of examinations and inspections, and shall be communicated to the competent authorities of the States concerned, which shall be invited to submit their observations. The said records shall be attached as evidence to the reports, together with the statements of the witnesses.

2. In the carrying-out of any investigation provided for in this Convention, information covering any or all of the following matters shall be exempted from presentation to, or investigation by the Permanent Commission or any committee thereof :

(a) Technical details of design, physical and chemical composition of materials, manufacturing processes, and any matters related to these things which constitute a trade or national defence secret.

(b) Records, public and/or private, in so far as they contain information covering production cost, profit accounting, credit facilities, internal finance of the establishment, correspondence with prospective customers apart from orders actually entered or agreed to, studies and plans for possible future alterations or expansion of manufacturing facilities, or any other correspondence, records or accounts pertaining to any production or phase of production or accounting, except the accounting of the articles contained in Categories I to V inclusive.

CHAPTER IV (continued).

(c) Materials, installations, operations, production processes, and all industrial construction other than that devoted to the housing, storage, or shipment of articles contained in Categories I to V inclusive.

(d) Articles of Categories I to V after they are delivered to the armed forces, or have been embodied in the war reserves, of the High Contracting Party under investigation.

ARTICLE 34.

*Each member of the Commission shall be entitled to require that, in any report by the Commission, account shall be taken of the opinions or suggestions put forward by him, if necessary in the form of a separate report.*

ARTICLE 35.

*All reports by the Commission shall be immediately communicated to the High Contracting Parties and to the Council of the League of Nations.*

ARTICLE 36.

Text proposed by the French and Czechoslovak delegations.

(c) All buildings, with the exception of those devoted to the processing, storage, or shipment of articles included in Categories I to V.

Text proposed by the United Kingdom, Italian and Polish delegations.

These delegations propose to insert an article reading as follows :

In addition to the duties assigned to it under this Convention, the Permanent Disarmament Commission will undertake such other duties as may be assigned to it thereafter by international agreement.

ARTICLE 37.

*Within the limits of its competence, the Commission shall supply the Council of the League of Nations with any information and advice which the Council may request of it.*

ARTICLE 38.

*The Commission shall meet for the first time, on being summoned by the Secretary-General of the League of Nations, within three months from the entry into force of the present Convention, to elect a provisional President and Vice-President and to draw up its Rules of Procedure.*

*Thereafter it shall meet at least once a year in ordinary session on the date fixed in its Rules of Procedure.*

CHAPTER IV (continued).

*It shall also meet in extraordinary session:*

(1) *When such a meeting is prescribed by the present Convention;*

(2) *If its Bureau so decides, either of its own motion or at the request of one of the High Contracting Parties;*

(3) *At the request of the Council of the League of Nations.*

*In the intervals between the ordinary and extraordinary sessions of the Commission, its Bureau shall permanently direct, by delegation of the Commission's powers, and within the limits of the powers thus delegated, the general activity of the regional committees.<sup>1</sup>*

ARTICLE 39.

*Except in cases where larger majorities are provided for under the present Convention or in the Rules of Procedure of the Commission, the decisions of the Commission will be taken by a majority of the members present and voting.*

*A vote may only be taken on the adoption or amendment of the Rules of Procedure of the Commission if at least half of the High Contracting Parties are represented at the meeting.*

*A majority of two-thirds of the members present and voting will be necessary for the adoption of the Rules of Procedure or amendments thereof.*

*The Commission may only validly discuss amendments of the Rules of Procedure provided that the subject of such amendments has been stated specially in the notice of meeting.*

ARTICLE 40.

*The general expenditure of the Commission shall form the subject of a special chapter in the budget of the League of Nations.*

*The High Contracting Parties who are not members of the League shall bear a reasonable share of the said expenditure. An agreement to this effect will be reached between these parties and the Secretary-General of the Commission.*

*The travelling expenses and subsistence allowances of the members of the Commission and their substitutes and experts shall be paid by their respective Governments.*

*The Commission shall draw up regulations relating to the expenditure necessitated by its work.*

<sup>1</sup> See observations of the United Kingdom, Italian, Japanese, Polish and Yugoslav delegations, paragraph 88 of report.

Chapter V.<sup>1</sup>

MISCELLANEOUS PROVISIONS.

The following articles, which have been adopted by the Committee of Jurists, are submitted to Governments for examination in view of the second reading.

ARTICLE (a) (SUSPENSION OF THE CONVENTION).<sup>2</sup>

In time of war and without prejudice to the rules of neutrality, the provisions of Articles . . . \* of the present Convention shall be suspended from operation until the restoration of peace so far as concerns the manufacture or consignment of articles that appear in Categories I to V inclusive, on behalf of or to the belligerents.

Article <sup>3</sup> proposed by the Italian delegation.

In the event of a High Contracting Party being engaged in war, such Power shall not use as a vessel of war any vessel of war which may be under construction within its jurisdiction for any other Power, or which may have been constructed within its jurisdiction for another Power and not delivered.

ARTICLE (b) (NEUTRALITY).<sup>24</sup>

It is hereby declared that in such measure as a High Contracting Party can remain neutral in conformity with its international undertakings the said High Contracting Party shall not be bound to prevent the export or transit for the use of either belligerent of the articles appearing in Categories I to V inclusive.

Article (b) bis <sup>5</sup> proposed by the Spanish, French and U.S.S.R. delegations.

1. The High Contracting Parties agree, should occasion arise, to take the necessary steps to prohibit exports and consignments in transit of the articles included in Categories I to V intended for a State recognised as an aggressor.

2. They will further endeavour to make effective, within their respective spheres of jurisdiction, any measures of embargo that the unjustified development of the manufacture or import of such articles in any country may lead the Permanent Commission to recommend for the purpose of maintaining the application of the present Convention.

\* The articles referred to are those providing for publicity and, in certain circumstances, control.

<sup>1</sup> See report by the Committee of Jurists, Annex I, page 41.

<sup>2</sup> See observation by the French delegation, paragraph 94 of report.

<sup>3</sup> See observation in paragraph 84 of report.

<sup>4</sup> See reservation by the U.S.S.R. delegation, paragraph 91 of report.

<sup>5</sup> See observations in paragraph 90 of report.



CHAPTER V (*continued*).

ARTICLE (c) (DEROGATIONS).<sup>1 2 3 4</sup>

If, during the term of the present Convention, a change of circumstances constitutes, in the opinion of any High Contracting Party, a menace to its national security, such party may suspend temporarily the application of the provisions of Articles . . . .

Such suspension shall compulsorily extend, if the High Contracting Party so requests, to manufactures effected on its behalf in the territory of other States and to exports consigned to it.

Every suspension shall be subject to the following conditions:

(a) That the contracting party shall immediately notify the other contracting parties, and at the same time the Permanent Disarmament Commission, through the Secretary-General of the League of Nations, of such temporary suspension ;

(b) That, simultaneously with the said notification, the contracting party shall communicate to the other contracting parties, and at the same time to the Permanent Disarmament Commission, through the Secretary-General, a full explanation of the change of circumstances referred to above.

The Permanent Disarmament Commission shall meet without delay, and its members shall advise as to the situation thus presented.

When the reasons for this temporary suspension have ceased to exist, the said High Contracting Party will resume the observance of the provisions of the present Convention and will make immediate notification to the other High Contracting Parties, and, through the Secretary-General of the League of Nations, to the Permanent Disarmament Commission.

ARTICLE (d) (TREATIES OF COMMERCE).

The High Contracting Parties agree that the refusal of any High Contracting Party to issue an export licence for, or permit the transit<sup>5</sup> of, articles coming under Categories I to V shall not be considered as constituting a contravention of any treaty stipulation subsisting between themselves prohibiting the placing of restrictions on the exportation or transit of articles of commerce.

<sup>1</sup> See observation of the United States delegation, paragraph 92 of report.

<sup>2</sup> See observation of the United Kingdom delegation, paragraph 93 of report.

<sup>3</sup> See observations by the French delegation, paragraph 94 of report.

<sup>4</sup> See reservation by the U.S.S.R. delegation, paragraph 95 of report.

<sup>5</sup> As the proceedings of the Transit Committee have not yet been terminated, the question of transit is reserved.

### III. OBSERVATIONS AND RESERVATIONS REGARDING THE DRAFT TEXTS.

#### PREAMBLE.

*(See Report by the Committee of Jurists (Annex I).)*

20. All the delegations accept the idea of a preamble, but the majority of the Committee consider that its text should not be definitively drawn up until later. In the opinion of the United Kingdom delegation, this preamble should take the place of Article 2 of the original draft (document Conf.D.167), in so far as the mention of public international order is concerned. This proposal is supported by the delegations of Italy, Japan and Poland. Other delegations, while accepting the idea of a preamble, urge the necessity of inserting in the text of the Convention some articles in which certain obligations to be assumed by the contracting parties under the Convention would be explicitly stated.

#### CHAPTER I.

##### *Article 1.*

21. Text proposed by the Committee of Jurists; see the report of this Committee, Annex I.

##### *Article 3.*

22. The Rapporteur's proposal to omit this article was supported by the delegations of Denmark, Poland, Sweden and Switzerland.

##### *Article 4.*

23. *Text adopted by the Technical Committee on Manufacture and Categories.*

The reservations and observations submitted in this Committee (document Conf.D./C.C.F./C.T.24(1)) were as follows :

In adopting document Conf.D./C.C.F./C.T.22(1), the Technical Committee considered that this document was only an attempt at solutions of a purely technical character, and was only accepted by the members of the Technical Committee with reservations as to the assent of their respective Governments.

Reservation by the delegation of the U.S.S.R. supported by the delegations of Czechoslovakia and Poland. Appliances and substances exclusively intended for chemical and incendiary warfare do not figure in the categories of arms and implements of war to be subjected to regulation under the draft.

In this connection the U.S.S.R. delegation has proposed the text shown on page 9 of the draft, supported by the delegations of Poland and Czechoslovakia.

The Soviet delegation consequently feels that it must draw attention once more to the fact that the Geneva Protocol of June 17th, 1925, regarding the prohibition of chemical weapons, is still, unfortunately, awaiting ratification by several States, while the development of chemical means of warfare in recent years represents a considerable danger.

Hence the U.S.S.R. delegation reserves its attitude on this problem and considers it necessary to raise the point once more at a plenary meeting of the Committee or of the General Commission.

As a result of discussions in the Committee on Categories, gunpowder and explosives are mentioned only in connection with the articles enumerated in Item 4 of Category I.

Nevertheless, the manufacture of and trade in gunpowder, explosives and their raw materials are, in certain cases, directly connected with military requirements. For this reason the U.S.S.R. delegation insists on the inclusion in Category IV (appliances and substances) of its amendment appearing in the Draft Texts.

The majority of the Committee was unable to accept the amendment proposed by the Soviet delegation in regard to appliances and substances destined exclusively for chemical and incendiary warfare. It was pointed out that the Special Committee on Chemical Warfare set up by the Conference for the Reduction and Limitation of Armaments had, after a full examination of the question, found it impossible, from a technical point of view, to draw up a list of these appliances and substances, for the reasons given in its report (document Conf.D.152, of December 13th, 1932).

24. The Japanese delegation entirely reserves its attitude on the question of categories, it having no military expert available at the moment.

25. The French representative stated that the arrangement proposed could not be regarded as definitely established until the treatment applicable to each category had been fixed and the suggestions of the Technical Committee on Expenditure discussed; he reserved the French delegation's full freedom of action in the event that certain relevant provisions are modified in the course of subsequent discussion.

26. The Swedish and Swiss delegations reserve their attitude in regard to chemical materials until a sufficiently clear definition of the expression "Appliances and substances exclusively intended for chemical and incendiary warfare" has been found. They consider, further, that it would be regrettable in the present Convention to authorise the manufacture of and trade in arms of which the use is already prohibited by international law.

27. The Czechoslovak delegation drew the attention of the Technical Committee to the necessity of mentioning in Category III the principal component parts manufactured for air armaments. This is why it could not accept the actual text of Category III, and it has made a reservation on this point.

## CHAPTER II.

### *Article 5.*

28. As a consequence of its reservation embodied in the report of the Technical Committee on Manufacture and Categories (see paragraph 25), the French delegation states that, until Categories III and V have been recast and as long as Category V includes essential spare parts of military aircraft, the French delegation can only accept the above text on condition that there be added to the articles of the categories enumerated the articles of headings 2, 3 and 4 of Category V as regards aircraft in Category III.

29. In regard to the provisions of Articles 5, 6 and 7 as a whole, the Polish delegation considers that the manufacture of material, included in Category V, should be subjected to the same publicity as the material in Categories I and III, with the exception of publicity of orders.

30. The Japanese and Italian delegations accept the text proposed by the Committee for the first paragraph, with the exception of the words "and in the case of such establishment, an authorisation".

31. The delegations of the United Kingdom, Japan and Italy cannot accept the second paragraph of this article.

32. The Committee is in agreement in considering that the provisions of this paragraph do not apply to the manufacture of prototypes, models or experimental materials.

### *Article 6.*

33. The Union of Soviet Socialist Republics proposes to replace the words "five years" by "two years".

34. The United Kingdom, Italian and Japanese delegations state that they cannot agree to the principle of publicity of orders and therefore cannot accept the last paragraph of Article 6.

35. In regard to the additional text, the Spanish delegation is in favour of it, but considers that it would be difficult to introduce it in a convention of limited scope.

The French delegation is also in agreement with the principles stated in the additional text.

### *Article 7.*

36. The Czechoslovak delegation agrees on the principle of Article 7 and of the texts proposed. It reserves its attitude, however, in regard to completing these texts in certain particular aspects.

37. The Japanese delegation entirely reserves its attitude in regard to paragraphs A, C, D, E, and the proposed additional texts.

38. The Soviet delegation states that it can accept paragraph A of Article 7 adopted by the Committee only on condition that Article 5 and all the rest of Article 7 are adopted in the Franco-American text with the additional French texts.

The Soviet delegation reserves the right to revert, at second reading, to the question of supervision of the capacity of production of State and private establishments manufacturing arms and implements of war.

39. The Polish delegation states that it is understood that the first list to be sent in referred to in paragraph A should contain copies of all the licences in force at the time of entry into force of the Convention.

40. In view of the system of publicity proposed by them, the United Kingdom and Italian delegations cannot accept paragraph C (1) (a).

The United Kingdom delegation accepts paragraph C (1) (b), in regard to an annual return showing the national defence expenditure proposed for the manufacture and purchase of articles in the categories in Article 4, and the Italian delegation reserves its attitude on this point for the second reading.

41. The Swiss, Polish and Swedish delegations have no objection to offer to a system of preliminary quantitative publicity but, in view of the opposition to this system by the delegations of certain important States and in view of the importance they attach to the effective conclusion of a draft Convention, modest perhaps but *capable of realisation*, they prefer, in a spirit of conciliation and for practical reasons, to reserve their attitude.

42. The French delegation approves the general principle stated in paragraph C (1) (c), but considers that it would be better to combine this proposal with that in paragraph 2 of Article 5.

43. As regards the additional text, paragraph C (2), proposed by the French delegation, this delegation states that it does not intend to subject to preliminary notice of putting into manufacture more than a very limited number of particularly important articles.

44. The United Kingdom delegation recognised that the additional text proposed by the French delegation contained a valuable idea, but pointed out that it had never been discussed, at any rate in that form. This text therefore called for a reservation by the United Kingdom delegation.

45. The Belgian delegation was not opposed to the principle stated in the additional text proposed by the French delegation, but found it interesting and thought that it should be examined later. That principle, however, formed the subject of a text which was still indefinite, and the Belgian delegation's adherence to the principle would depend on the arms and implements of war to which the preliminary notice would ultimately apply.

The United States, Danish and Swedish delegations associated themselves with these observations.

46. For the reasons given in regard to Article 6, the United Kingdom and Italian delegations cannot accept paragraph D.

47. The Belgian, Swedish, Czechoslovak and Swiss delegations state that they are prepared to furnish the information referred to in Article 7 D, under reserve of an agreement on the steps to be taken to prevent the danger of unfair competition.

48. As the publicity of orders applies to articles in Category V, the French delegation requests that the information referred to in paragraph (b) should include, if necessary, in regard to these articles, the name and address of the private individual or the firm for whose account the order is given.

49. For the reasons given in their reserve in regard to paragraph C (1) (a), the United Kingdom and Italian delegations are unable to accept paragraph E.

50. The Czechoslovak delegation wishes to add at the end of Article 7 the following paragraph :

“ All the documents enumerated in this article and forwarded to the Permanent Disarmament Commission in regard to orders will be considered strictly confidential and will only be published with the permission of the interested High Contracting Party.”

### CHAPTER III.

51. The Polish delegation declares that it will make its acceptance of the whole of the chapter on trade in arms, ammunition and other implements of war conditional upon the insertion in this chapter of an article expressly providing that the provisions of this chapter shall not apply to transport under the conditions specified in the Polish-German Agreements of April 21st, 1921, and February 14th, 1933, or to transport by Poland within the limits of the Polish Customs territory. In this connection, the Polish delegation refers to Point 10 of the report of the Committee of Jurists (Annex I page 48).

#### Article 8.

52. The French delegation recalls that, to the text regarding import and export permits (declarations), it has proposed the addition of a paragraph in the following terms :

“ The proposed itinerary and the names of the countries through which the implements will pass in transit.”

As the question of transit has been reserved, it has provisionally withdrawn this paragraph, but it wishes to take this opportunity of stating that, in its opinion, it is essential that the Permanent Commission should be notified in good time, if not of the itinerary, at least of the points at which articles falling within the categories in Article 4 are to leave and enter the territory of the contracting parties.

53. The U.S.S.R. and French delegations accept the text proposed by the Committee, subject to the insertion of the provisions regarding transit.

54. The United Kingdom, Italian and Japanese delegations are only prepared to accept the texts of both sub-paragraphs (a) of Article 8—as regards both export and import licences—in connection with their proposals for Article 9.

55. The Polish delegation considers that the particulars required and the time-limits allowed for publicity in regard to trade in arms will have to be identical with the particulars and time-limits provided for in regard to publicity of manufacture. This attitude is prompted by the necessity for maintaining equality between producing and non-producing States.

In view of the foregoing, the Polish delegation cannot accept either the present text or any other texts of Articles 8 and 9, unless their terms are strictly analogous to those of Article 7.

In any case, the Polish delegation considers that publicity in regard to value will not in itself be sufficient.

The Afghan delegation associates itself with this reservation.

56. The Turkish and Iranian delegations reserve their attitude regarding Articles 8 and 9 until such time as Article 7 has been given its final form.

57. The Turkish delegation asks that, in Article 8, paragraph 1, the words "and the import of articles in Categories I to III, inclusive, of Article 4" and "export or" be deleted.

58. The United Kingdom, Italian, Japanese and Swiss delegations reserve their attitude as regards the words "with a reference to the original order" in paragraph (b) of Article 8.

59. The French, Spanish and Chinese delegations accept the principle laid down in the additional text to Article 8 proposed by the U.S.S.R. delegation.

#### Article 9.

60. The final attitude of the Czechoslovak delegation as regards the text of Article 9 proposed by the Committee will depend upon the decision taken in respect of the Czechoslovak amendments to Articles 7 and 9, which are in the following terms :

Article 7, draft paragraph (c), as follows :

"A list of orders *actually passed or accepted*, from whatever source received, within thirty days following the *acceptance* of such orders by the establishments holding licences and by the State establishments. The list of orders shall comprise the following headings : . . .

"All these lists of orders shall be regarded by the Permanent Disarmament Commission as strictly confidential and shall only be published with the consent of the High Contracting Party concerned."

Add to Article 9 the following paragraph :

"The export and import permits presented by the High Contracting Parties shall be regarded as strictly confidential and shall only be published with the consent of the High Contracting Party concerned."

#### Article 11.

61. The Spanish delegation is of opinion that, as Article 11 deals with the exceptions to the principle laid down in Article 10, Article 11, paragraph 2, should be deleted, since the arms and ammunition with which it deals are supplied to rifle associations through the Government of the importing country. This special case is not therefore a derogation from the principle laid down in Article 10.

62. *Text proposed by the delegation of the U.S.S.R., supported by the delegations of France, Spain, Denmark and Czechoslovakia.*

Insert the following sentence after Article 11, paragraph 2 :

"In authorising rifle associations to import the articles above referred to, Governments must take into account the membership of the said associations and their normal requirements in shooting articles."

#### Articles 12 and 13.

63. The Turkish delegation reserves its attitude as regards the first paragraph of Article 12 and Article 13.

#### Article 14.

64. The French and Swedish delegations point out that the text proposed for Article 14 duplicates the Committee's proposed text for Article 8, paragraph 5 (import permits), which applies, not only to Categories I and III, but also to Category II. These delegations therefore consider that Article 14 should be omitted and that, if necessary, Article 8 should be expanded so as to incorporate the proposals of the United Kingdom and Italian delegations.

Article 16.

65. (See the report of the Committee of Jurists (Annex I), which was not discussed by the Committee in plenary session. The Committee of Jurists examined the texts reproduced in this report from a legal point of view only, as the majority of the delegations had not received instructions enabling them to make statements on their political aspect. The texts are therefore submitted to Governments with a view to a second reading.)

66. The Spanish delegation points out that paragraph (a) cannot in any way affect the mandates system as set up under Article 22 of the Covenant of the League of Nations.

67. The U.S.S.R. delegation, believing that the provisions of paragraphs (a) and (b) might give rise to abuses, has entered a reservation regarding these paragraphs.

68. The Polish delegation cannot finally commit itself on the subject of paragraphs (a) and (b), as these paragraphs deal with certain special situations which the Polish delegation does not contest, but to whose exclusion from the sphere of application of the Convention it cannot consent as long as other special situations are not expressly exempted from the provisions of the Convention.

69. The Iranian delegation reserved its attitude towards paragraph (a), which contained the following phrase: ". . . or from a territory in which a High Contracting Party enjoys special political or military rights under international instruments . . .". These words justified certain apprehensions which the delegate of Iran had felt from the very beginning of the jurists' discussion.

The Iranian delegation also reserved its attitude regarding paragraphs (b) and (c).

70. The Chinese delegation repeated the formal reservations it had submitted regarding paragraphs (a), (b) and (c), which opened the door for smuggling and were not in their right place in the chapter dealing with trade. It pointed out that the provisions contained in those paragraphs had been taken from the 1925 Convention, which had not been ratified by China. Lastly, the report of the Committee of Jurists had not been drawn up, in regard to this point, on the lines proposed by the Chinese delegation, which had suggested a mere statement on the matter.

71. The Turkish delegation observed that the object of the draft Convention was to inform States as to the armaments of their neighbours. In its opinion it would be necessary, in order completely to attain that object, to take account of certain special regimes. A similar question arose with regard to the effectives maintained by certain oversea countries. While it did not wish to go into the substance of the article, it was anxious to make every reservation regarding paragraphs (a), (b) and (c).

72. The Afghan delegation reserved its attitude towards paragraphs (a), (b) and (c).

73. The U.S.S.R. delegation accepted the text of the final article proposed by the French delegation, subject to drafting amendments.

The Turkish delegation also approved of the article in principle, but pointed out that its effect would be to render national legislation regarding contraband in general applicable to contraband within the meaning of the Convention, and for that reason it would be advisable for manufacture to be included as well as transit.

CHAPTER IV.

74. The Chairman of the Committee on Miscellaneous Provisions pointed out to the Committee that the texts appearing in the middle column were based directly on the original United States draft, in which merely formal amendments had been made.

75. The delegation of the U.S.S.R. submitted, in connection with Chapter IV, a general reservation in the following terms:

"The delegation of the U.S.S.R. considers that supervision over the manufacture of and trade in arms should be international in character and that all the information provided for in the future Convention should be communicated to an international organ of control at Geneva. As the present progress of the Committee's work does not yet permit of giving a name to that organ or of defining its functions exactly, the delegation of the U.S.S.R. can accept the articles of the Convention relating to publicity and supervision only subject to a reservation concerning the name and functions of the future international organ.

"Regarding the verification and checking of the information and documents by an international body at Geneva as inadequate, the delegation of the U.S.S.R. agrees that all the necessary verification shall be carried out at the actual place of manufacture. Such control must be real and rapid and must apply both to the manufacture of and to traffic in arms.

"Further, noting the divergence of views existing in the Committee on the essential points of the future Convention and being unable to foresee what will finally remain of the

chapters relating to the manufacture of and trade in arms, the delegation of the U.S.S.R. cannot yet express a detailed opinion on the various articles of Chapter IV.

"Accordingly, while accepting as a basis for discussion the original text of the United States draft, it reserves the right to submit its amendments at the second reading."

76. The Turkish delegation pointed out repeatedly the close connection that exists between Chapter IV, concerning control, and the chapters concerning the manufacture of and trade in arms. The purpose of control not having yet been defined in concrete form, the Turkish delegation thinks it natural that it should be unable to express an opinion on the chapter relating to control.

The Turkish delegation stated also that it insisted on a regime of perfect equality for the countries manufacturing arms and for those which do not manufacture them.

The Turkish delegation was gratified to find that the efforts of all the delegates were directed towards the same object and to note in particular that the arguments advanced by the United States and French delegations in one sense and those of the United Kingdom and Italian delegations in another were in agreement on that point.

Nevertheless, before the other chapters assume a definite concrete form, the Turkish delegation is obliged, for the reasons already set forth, completely to reserve its attitude in regard to the articles of Chapter IV concerning control until the second reading.

77. The Yugoslav delegation associated itself with the Turkish delegation's reservation.

*Article 19.*

78. The Turkish delegation, supported by the Polish delegation, submitted a reservation concerning the first paragraph of this article, to the effect that the experts referred to in the said paragraph must be selected by a two-thirds majority.

79. The United Kingdom, Italian, Japanese and Polish delegations proposed the deletion of paragraph 2.

*Article 22.*

80. The United Kingdom, Italian, Japanese and Polish delegations proposed the deletion of paragraphs 2, 3 and 4 of this article.

*Article 24.*

81. The United Kingdom, Italian, Japanese and Polish delegations asked for the deletion of the words "unless the said information is within the scope of the exemptions provided for in Article 33, paragraph 2", and referred, in this connection, to their amendment relating to Articles 29 to 33, which appears opposite Article 29.

*Article 25.*

82. The Polish delegation proposed the deletion of paragraph 1 of this article.

83. The United Kingdom, Italian, Japanese, Polish, Yugoslav and Turkish delegations proposed the deletion of paragraph 3.

*Article 26.*

84. The Turkish and Yugoslav delegations proposed the deletion of this article.

85. As regards Article 26 and the other provisions relating to the evidence of private persons, unofficial information, etc., the Polish delegation submitted a reservation.

It asks for the deletion of these provisions, because it considers that supervision over the execution of the Convention should be strictly based on the responsibility of the contracting States, and that it is necessary, accordingly, to avoid introducing into the machinery of supervision non-official elements whose activities would not be covered by the responsibility of any State.

*Article 27.*

86. The Yugoslav and Turkish delegations submitted a reservation on the whole of the text of this article.

87. The United Kingdom, Japanese and Italian delegations asked for the deletion of the words "whether in virtue of Article 25 or", in view of the amendment which they had proposed to Article 25.

*Article 38.*

88. The United Kingdom, Italian, Polish, Japanese and Yugoslav delegations asked for the deletion of the last paragraph of this article, in view of their attitude towards Article 22.

CHAPTER V. — MISCELLANEOUS PROVISIONS.

(See report by the Committee of Jurists (Annex I).)

This report has not been examined by the Committee.

89. The article proposed by the Italian delegation has not been examined by the Committee nor by the Committee of Jurists. It is inserted in Chapter V with a view to its examination by Governments for the second reading.

90. Article (b) *bis*, proposed by the French, Spanish and Soviet delegations, has not been examined by the Committee nor by the Committee of Jurists. It is inserted in Chapter V with a view to its examination by Governments for the second reading.

91. The U.S.S.R. delegation reserves its attitude concerning Article (b).

*Article (c). Derogations.*

92. The delegation of the United States says that it cannot accept this article.

93. The United Kingdom delegation refers to the reserve it has made in the Committee of Jurists (page 10 of report, document Conf.D./C.C.F.99) (Annex I to this report).

94. The French delegation desires to refer to the reservations which it made in the Committee of Jurists, both as regards the introduction of a neutrality clause into the Convention, and as regards the general system of Articles (a), (b), and (c) of Chapter V, as proposed by that Committee.

Leaving the "neutral" States completely free to supply armaments to the belligerent countries, suspending all publicity or inspection of manufactures or consignments intended—or alleged to be intended—for those countries, and thereby rendering inevitable successive suspensions by those contracting parties whose security is threatened by such a state of affairs, the operation of the provisions of these three articles is liable, as soon as an armed conflict should break out anywhere, to impair very seriously the system of controlled publicity which it is sought to establish, and may even gradually render the whole application of the Convention nugatory.

At the same time, the French delegation is the first to maintain that a State cannot alienate its freedom of action in the event of a threat to its security, except in favour of a system of international guarantees which is sufficiently effectual to prevent conflicts or any unjustifiable increase in the armament manufactures or imports of any country.

It therefore suggests that, in the first place, the Permanent Commission, acting in concert with the Council of the League, should be given the necessary powers to safeguard the application of the Convention in the event of an international crisis. Among other measures which, in this connection, the Commission should be able to recommend with the certainty that its recommendations will be carried out, the French delegation would emphasise the essential importance of the measures of embargo contemplated in the additional article (b) *bis* proposed by the Spanish, French and U.S.S.R. delegations.

95. The U.S.S.R. delegation reminded the Committee of the definitely negative attitude it had adopted from the outset of the work of the Preparatory Commission for the Disarmament Conference concerning the right of the contracting parties to depart from the provisions of the future Convention.

It accordingly reserved its attitude towards derogations and would revert to the matter during the second reading.



ANNEX I.

Conf.D./C.C.F.99.

Conf.D./C.C.F./C.J.13(1).

Geneva, April 6th, 1935.

REPORT BY THE COMMITTEE OF JURISTS.

*Rapporteur*: M. C. GORGÉ (Switzerland).

The Committee of Jurists, to which a number of questions had been referred, accomplished its task in the course of ten meetings held between March 27th and April 6th, 1935, under the chairmanship of M. C. Gorgé (Switzerland).

The Committee of Jurists thought it desirable to begin by deciding what method it should follow—whether it should frame texts or merely indicate the legal aspects of the questions. It came to the conclusion that it should do all in its power to facilitate the work of the plenary Committee, and that it might consequently find it expedient both to give opinions and to propose formulæ calculated to eliminate or diminish the difficulties, and so to bring about or pave the way for agreement in the plenary Committee. The questions referred to it were exhaustively discussed, and it was able to realise how interesting, how important, and also, in many cases, how complicated they were. The debates, which were very lengthy, especially in regard to the application of the Convention in time of war and its influence upon the conception of neutrality, need not be gone into here. It will suffice to summarise the results obtained, indicating certain of the difficulties that had to be confronted.

I. ARTICLE 2 OF THE DRAFT ARTICLES SUBMITTED BY THE UNITED STATES DELEGATION.

Article 2 of the American draft reads as follows :

“ The manufacture of and the trade in arms and implements of war being matters of interest to public international order, the High Contracting Parties assume entire responsibility for the control of these matters in the territories under their respective jurisdictions.”

In the course of an early discussion in the full Committee, the French and American delegations submitted a new text designed to define more clearly the scope of the original article in the American draft. This text was as follows :

“ The High Contracting Parties agree that the manufacture of and trade in arms and implements of war are matters of interest to public international order. They will accordingly assume, in conformity with the provisions of the present Convention, responsibility for the national control of these matters, with a view to ensuring the communication and guaranteeing the correctness of the publicity documents referred to below.”

The Committee of Jurists found that this text gave rise to certain objections on the part of the United Kingdom and Italian delegations, which felt that the statement that “ the manufacture of and trade in arms and implements of war are matters of interest to public international order ” laid down, in a very general form, a principle of international law of which it was difficult to determine accurately the consequences.

After an exhaustive examination of the question, the Committee of Jurists succeeded in reconciling the different views in the following formula :

“ Each High Contracting Party assumes, in the territories under its jurisdiction, full responsibility for the supervision which is to be exercised over the manufacture of and trade in the articles referred to in Article . . . with a view to ensuring the regular communication and the accuracy of the documents for publicity provided for in the present Convention.”

This text thus lays down the national responsibility of a State as regards the control of the manufacture of and trade in arms in its territory. Expressed positively, this principle represents the minimum on which all the delegations were able to agree. Moreover, it in no way prejudices the control procedure instituted by the Convention.

From this responsibility of the State it follows, as has been pointed out, that in all cases, and more particularly in the case of proved or presumed irregularities, the State with the responsibility defined above will be bound to produce all explanations and proofs which may be judged necessary.

Certain delegations pointed out, however, that they would not accept the principle as stated above unless it was supplemented, at any rate in the preamble to the draft Convention, by a clause relating to international public order.

## 2. PREAMBLE.

The Committee of Jurists, after examining the question of the mention of public international order in the preamble to the Convention, thought that it would be preferable not to make any proposals in this connection at present. On the one hand, it would appear to be better not to draft the preamble until the Committee's work on the actual articles of the Convention is concluded.

On the other hand, while the members of the Committee of Jurists agreed to the preamble containing a mention of international public order, considerable differences of opinion were found to exist as to the precise meaning to be given to this expression. Some of the delegations expressed a preference for the text submitted by the United Kingdom delegation, which simply aims at laying down the principle that the contracting parties are obliged to take the necessary steps to see that the manufacture of arms in their territory is not of a nature to disturb public international order.<sup>1</sup>

Other delegations, on the contrary, would like the preamble to reproduce a formula similar to that contained in Article 2 of the American draft, laying down the principle that the manufacture of and trade in arms, wherever they took place, were henceforth matters of interest to the whole international community.<sup>2</sup>

## 3. ARTICLE 16.

The Committee adopted the following text :

### “ Article 16.

“ The following shall not be regarded as exportation or importation within the meaning of the present Convention :

“ (a) The shipment of articles coming under Categories I to V of Article . . . from a territory placed under the sovereignty, jurisdiction, protection or tutelage of a High Contracting Party, or from a territory in which a High Contracting Party enjoys special political or military rights under international instruments, and intended for the use of the armed forces of such High Contracting Party, wherever situated ;

“ (b) The transfer by the High Contracting Party concerned of articles coming under Categories I to V of Article . . . from a country to which such articles may have been shipped as provided in paragraph (a) ;

“ (c) The carrying of arms or ammunition by persons belonging to the forces referred to in paragraph (a) or by other persons in the service of a High Contracting Party, when such articles are required by those persons by reason of their duties or for their personal defence ;

“ (d) The carrying of rifles, carbines, and the necessary ammunition therefor, intended exclusively for their own individual use, by members of rifle clubs proceeding to international marksmanship competitions ;

“ (e) The movement of civil aircraft duly registered as such when engaged in (1) commercial transport, (2) industrial or commercial flights, (3) touring flights ;

“ (f) The carrying of arms or ammunition carried by the personnel of civil aircraft on international routes, to be used for the defence of individuals, passengers or personnel of the aircraft.”

This text relates to certain clearly defined cases in which the Convention would not be applicable. The general scheme has been taken from the Convention of June 17th, 1925 (Article 32).

The Committee considered whether it was desirable to lay down a general principle to the effect that the Convention would not be applicable between territories coming under the same

<sup>1</sup> See document Conf.D./C.C.F.58.

“ Preamble.

“ The High Contracting Parties,

“ Recognising their entire responsibility for ensuring that the manufacture of and trade in arms and implements of war are only conducted in their territories in conditions which will safeguard public international order and will facilitate, in particular cases, the prompt enforcement of any international action which may be agreed upon with a view to preventing or restricting the supply of arms and implements of war :

“ Have decided to conclude a Convention with the following objects.”

<sup>2</sup> See document Conf.D./C.C.F.58.

“ Article 2.

“ The manufacture of and the trade in arms and implements of war being matters of interest to public international order, the High Contracting Parties assume entire responsibility for the control of these matters in the territories under their respective jurisdictions.”

sovereignty or the same Customs regime.<sup>1</sup> After careful examination and for reasons similar to those which had prevailed at the 1925 Conference, the majority of the Committee expressed the opinion that a provision of this kind was not necessary.

The Chinese delegation made a proposal on different lines in regard to this question. It was anxious that the shipments of arms in question, which members of the Committee as a whole regarded simply as transports not of an international character and not as real exports and imports, should be made subject to the ordinary publicity formalities. In support of its proposal, the Chinese delegation urged the danger of the diversion and misappropriation of war material in the case of long-distance transports.

The wording of this article calls for the following observations :

*Preamble.* — The wording of the American draft<sup>2</sup> has been slightly modified. The text submitted by the Committee is shorter and appears to be more definite.

*Paragraph (a).* — This paragraph reproduces the text of the American draft, with the addition to the list of the following words : “ Or from a territory in which a High Contracting Party enjoys special political or military rights under international instruments ”.

This addition covers the case of territories other than the home territories, colonies, territories under protectorate or mandate, in which the High Contracting Party has the right to maintain armed forces.

*Paragraph (b).* — This is a new paragraph. However, the case already appears to be covered by paragraph (a). This new paragraph was inserted at the request of the United Kingdom delegation to cover the special case of the reforwarding of the articles from the territories enumerated in the previous paragraph.

*Paragraph (c).* — This paragraph corresponds to paragraph (b) of the American draft, the text of which it reproduces ; the words “ or for their personal defence ” were added at the request of the Chinese delegation.

*Paragraph (d).* — This paragraph corresponds to paragraph (c) of the American draft. Slight changes of a purely formal nature have been made in the original text.

*Paragraphs (e) and (f)* were drawn up by the Sub-Committee on Trade. The Committee of Jurists has simply made a few slight formal amendments.

The Committee had before it a proposal by the Polish delegation to the effect that, in the absence of a general provision which would cover the case, a paragraph should be inserted in Article 16 dealing with the special case of relations between Danzig and Poland, and German transit through Polish territory or Polish transit through German territory. The Committee considered that it would be better to insert this provision, which referred to certain special agreements, in a special article. Further reference will be made to it later.

The Committee of Jurists also had to deal with a certain number of questions which the plenary Committee had referred to it without having previously discussed them.

Among the most important of those questions were those of the suspension of the Convention in time of war, neutrality and derogations to the Convention.

#### 4. SUSPENSION OF THE APPLICATION OF THE CONVENTION IN TIME OF WAR.

The Committee had before it a proposal by the Italian delegation (document Conf.D./C.C.F.63), taken from the Convention of June 17th, 1925 (Article 33), and reading as follows :

“ In time of war, and without prejudice to the rules of neutrality, the provisions of the present Convention shall be suspended from operation until the restoration of peace so far as concerns the manufacture or consignment of arms or ammunition or of implements of war on behalf of or to a belligerent.”

Although certain delegations pointed out the disadvantages inevitably attaching to restrictions of this kind, the Committee was unanimous in thinking that it was impossible to enforce the rules for which the Convention provides with regard to publicity and control in the case of manufactures carried out by the belligerents in their own territory. It recognised the very great difficulty of enforcing the rules in regard to publicity and control in the case of manufactures carried out in the territory of other countries for account of the belligerents and

<sup>1</sup> A paragraph drafted as follows was considered at one time :

“ The following shall not be regarded as exports or imports within the meaning of the present Convention :

“ (a) Shipments or transshipments of articles coming under Categories I to V of Article . . . between territories placed under the sovereignty, jurisdiction, protection or tutelage of the same High Contracting Party or between territories forming part of the Customs territory of the same High Contracting Party at the moment of the entry into force of the Convention.”

<sup>2</sup> This text read as follows :

“ The High Contracting Parties agree that the provisions of the present Convention in respect to export licences and import licences do not apply.”

exports to the belligerents. It considered, therefore, that it was necessary to provide for suspension of the application of the Convention in the case of all manufactures or exports concerning the belligerents.

It is possible that this suspension of the Convention, in so far as concerns the belligerents, may create a delicate situation for non-belligerents, and that in certain cases the latter may feel that they would be greatly at a disadvantage in continuing to make known their manufactures and imports in the absence of publicity with regard to the manufactures of belligerents or the manufactures of neutrals for account of belligerents. The answer to these objections was that in such a case the non-belligerents would still have the possibility of invoking a grave circumstance entitling them to have recourse to derogations and release themselves in part from their obligations under the Convention. Reference to this point will be made below.

Certain delegations urged that the suspension of the Convention should be limited as much as possible, both in respect of the provisions of the Convention to be suspended and in respect of the States benefiting from such suspension.

To meet these apprehensions, provision was made (in agreement with the Italian delegation) that the suspension of the Convention should not be complete, but should be limited to certain specified stipulations of the Convention. Accordingly, only the international measures with regard to publicity and control would be suspended. For the rest the States would thus continue to enforce the national control of production and trade for which the Convention provides, and the Permanent Disarmament Commission would continue to discharge the duties entrusted to it under the Convention.

It will rest with the Committee on Trade and Manufacture to determine the precise stipulations to be suspended.

Certain delegations would have preferred, in connection with the suspension of the Convention in the case of manufactures and exports for account of belligerents by non-belligerents, that provision should have been made for the possibility of the Permanent Disarmament Commission restricting the consequences. It was especially in connection with the derogations that these delegations insisted on the part which they considered the Permanent Disarmament Commission ought to play with a view to preventing any kind of abuse.

The Committee adopted the following text in accordance with proposals put forward by the Italian delegation :

“ In time of war and without prejudice to the rules of neutrality, the provisions of Articles . . . <sup>1</sup> of the present Convention shall be suspended from operation until the restoration of peace, so far as concerns the manufacture or consignment of articles that appear in Categories I to V, inclusive, on behalf of or to the belligerents.”

## 5. NEUTRALITY.

The Italian delegation's proposal (document Conf.D./C.C.F.68) contained a provision in the following terms :

“ It is hereby declared that, without prejudice to the obligations under the Covenant of the League of Nations, a neutral Power is not bound to prevent the export or transit, for the use for either belligerent, of arms, ammunition, or, in general, of anything which could be of use to an army or fleet.”

This proposal, which gave rise to lengthy discussions, raised all the points relating to the maintenance or abandonment of the rules concerning the rights and duties of neutral countries in time of war. Its effect was to re-embodiment in the draft Convention the fundamental principle laid down in Article 7 of the fifth and thirteenth Hague Conventions of 1907.

Several delegations were at one with the Italian delegation in thinking that the object of the present Convention was certainly not to modify the rights and duties of neutral countries in time of war. They considered in particular that the principle laid down in 1907 (in Article 7 of the fifth and thirteenth Hague Conventions) should be maintained. To prevent any misunderstanding on a matter of such importance, it was not (they thought) without value to reassert the principle in a Convention on the Trade in and Manufacture of Arms and Implements of War. The need for such a reaffirmation was enhanced in their eyes by the fact that, since the Convention imposed certain formalities on States in connection with the manufacture and import of arms when destined for belligerents, any belligerent would be in a position to claim that the supply by individuals of arms to belligerents under State control constitutes a violation of neutrality.

Other delegations expressed doubts as to the value of any provision with regard to neutrality. The French and U.S.S.R. delegations further stated that this reference to the right of neutrality was regrettable in view of the undertakings assumed by many States under the new international law which (they contended) imply the elimination of the traditional conception of neutrality.

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<sup>1</sup> These articles will be the articles providing for publicity and, where applicable, control.

The following text was ultimately adopted by the Committee as a compromise between the differing views put forward :

“ It is hereby declared that, *in such measure as a High Contracting Party can remain neutral in conformity with its international undertakings*, the said High Contracting Party shall not be bound to prevent the export or transit for the use of either belligerent of the articles appearing in Categories I to V inclusive.”

With this text there is no decision as to *when* a State is legitimately entitled to declare itself neutral. It is merely said that, where such neutrality exists, the principle laid down in Article 7 of the fifth and thirteenth Hague Conventions continues applicable in its entirety, notwithstanding the provisions of the Convention at present under consideration.

The French delegation reserved its attitude in regard to this article until the powers of the Permanent Disarmament Commission are definitely established.

## 6. DEROGATIONS.

This question was raised by the Italian delegation, which considered that, even in a convention limited to the publicity and control of the manufacture of and trade in arms and implements of war, a system of derogations similar to that provided for in Article 50 of the draft Convention framed by the Preparatory Commission<sup>1</sup> was necessary.

The principle laid down in this article was approved by the majority of the delegations. On the other hand, the delegations of the United States of America, the United Kingdom and Sweden expressed doubts as to the need for an article dealing with derogations in a convention concerned only with publicity.

By the Spanish, French and U.S.S.R. delegations it was only accepted with regret and after a number of fruitless attempts to secure that, for preference, the Permanent Commission should be empowered to see that such measures were taken as would constitute a reliable guarantee for each of the contracting parties against the danger to which its security might be exposed by the excessive or unjustified manufacture or importation of armaments in a neighbouring country.

The Polish delegation recognises the necessity of inserting a clause on derogations in the Convention, but, in connection with the observations submitted by the above-mentioned delegations, again calls attention to the following proposal which it made in the plenary Committee :

“ If one of the High Contracting Parties considers that, at any time, the manufacture of arms, ammunition or implements of war in the territory of another High Contracting Party, or the imports of arms, ammunition or implements of war into this same territory, has shown an unexpected increase, which is both large and abnormal, and if the former High Contracting Party sees therein an indication of a threat to peace, it may address itself on this subject to the Permanent Disarmament Commission.

“ The Commission will proceed to consider the matter and will invite the High Contracting Party involved to furnish it with all useful explanations. It will prepare a reasoned report on the result of its consideration and will forward this to all the High Contracting Parties.”

After discussion, the Committee of Jurists adopted the following text (the paragraphs in italics are those which differ from the Preparatory Commission's text) :

“ If, during the term of the present Convention, a change of circumstances constitutes, in the opinion of any High Contracting Party, a menace to its national security, such party may suspend temporarily the application of *the provisions* of Articles . . .

“ *Such suspension shall extend compulsorily, if the High Contracting Party so requests, to manufactures effected on its behalf in the territory of other States and to exports consigned to it.*

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<sup>1</sup> Article 50 of the Preparatory Commission's draft Convention was as follows :

“ If, during the term of the present Convention, a change of circumstances constitutes, in the opinion of any High Contracting Party, a menace to its national security, such High Contracting Party may suspend temporarily, in so far as concerns itself, any provision or provisions of the present Convention, other than those expressly designed to apply in the event of war, provided :

“ (a) That such contracting party shall immediately notify the other contracting parties and at the same time the Permanent Disarmament Commission, through the Secretary-General of the League of Nations, of such temporary suspension, and of the extent thereof ;

“ (b) That simultaneously with the said notification, the contracting party shall communicate to the other contracting parties, and, at the same time, to the Permanent Disarmament Commission, through the Secretary-General, a full explanation of the change of circumstances referred to above.

“ Thereupon the other High Contracting Parties shall promptly advise as to the situation thus presented.

“ When the reasons for such temporary suspension have ceased to exist, the said High Contracting Party shall reduce its armaments to the level agreed upon in the Convention, and shall make immediate notification to the other contracting parties.”

“ Every suspension shall be subject to the following conditions :

“ (a) That the contracting party shall immediately notify the other contracting parties, and at the same time the Permanent Disarmament Commission, through the Secretary-General of the League of Nations, of such temporary suspension ;

“ (b) That, simultaneously with the said notification, the contracting party shall communicate to the other contracting parties, and at the same time to the Permanent Disarmament Commission, through the Secretary-General, a full explanation of the change of circumstances referred to above.

“ *The Permanent Disarmament Commission shall meet without delay, and its members shall advise as to the situation thus presented.*

“ When the reasons for this temporary suspension have ceased to exist, the said High Contracting Party will resume the observance of the provisions of the present Convention and will make immediate notification to the other High Contracting Parties and, through the Secretary-General of the League of Nations, to the Permanent Disarmament Commission.”

The principle of this article is that a State which considers itself justified in derogating from the Convention does so on its own initiative and on its own sole responsibility. There is thus no need for it to be authorised by the Permanent Disarmament Commission, or even to wait until the latter has met either to take note of the derogation or to order a line of conduct with the object of maintaining the application of the Convention as far as may be possible. The decision thus taken by the State on its own initiative is a serious one and might, if it so happened, lead to certain abuses, but as has been pointed out it would be difficult for the State to have recourse lightly to a measure which releases it automatically from all its undertakings. It is bound, moreover, to justify its attitude to the full, and if the reasons given should prove to be not entirely plausible, it would incur a grave moral responsibility *vis-à-vis* the other contracting parties. It is provided, further, that the Permanent Disarmament Commission shall meet without delay on the notification of the derogation. This is accordingly an additional guarantee ensuring that the derogation shall not occur without imperative reasons.

“ The grave circumstances ” that would justify derogation are various. Two important cases may be mentioned : that in which a contracting party has been guilty of a breach of the Convention, and that in which—the application of the Convention having been suspended as regards the belligerents and hence as regards the States which manufacture armaments for the said belligerents—some of the contracting parties might see serious objections to the Convention continuing to be applied so far as they themselves are concerned.

Certain changes have been made in the text adopted by the Committee of Jurists as compared with Article 50 of the Preparatory Commission’s draft, which served as a basis for its work.

The first paragraph provides for a derogation which, like the suspension referred to in a previous section, would only be partial. It would simply affect the measures of publicity and control mentioned above in the case of suspension in time of war. The stipulations to which the derogations would apply will be indicated later.

The second paragraph is new. Its aim is to secure equality between producing and non-producing States. The latter would be at a disadvantage as compared with the former if it were not possible for them to suspend all publicity of manufacture effected abroad on their behalf and exports consigned to them.

In sub-paragraph (a) of the third paragraph, the final words “ and of the extent thereof ” have been omitted, as this will now be clearly defined by the mention of the stipulations suspended.

The third paragraph has been slightly changed. Instead of “ thereupon the High Contracting Parties shall promptly advise as to the situation thus presented ”, it is stated that “ the Permanent Disarmament Commission shall meet without delay and its members shall advise as to the situation thus presented ”. This provision gave satisfaction to several delegations which considered that, in such a case, the Commission must necessarily have something to say.

## 7. EMBARGO.

The United Kingdom delegation inserted in the draft preamble which it had submitted a provision assigning to the Convention the following purpose, among others :

“ Providing the machinery for the immediate imposition of an effective embargo on the export of arms, if and when such action should be internationally decided upon.”

The United Kingdom delegation’s idea was therefore to facilitate the application of an embargo and not to provide concrete measures of embargo.

A proposal by the U.S.S.R. delegation, on the contrary, was intended to expressly provide more or less automatic measures of embargo to be applied to belligerent States.

This proposal, which gave rise to an interesting discussion, was supported by the Spanish and French delegations. The three delegations are of opinion that the present Convention should contain provisions concerning an embargo on arms, ammunition and implements of war, and proposed the following text :

“ The High Contracting Parties agree, should occasion arise, to take the necessary steps to prohibit exports and consignments in transit of the articles included in Categories I to V intended for a State recognised as an aggressor.”

The Polish delegation, while expressing doubts as to the advisability of inserting any provisions regarding the embargo in a Convention of such limited scope, stated that if the Convention was to contain such provisions it would agree with the three above-mentioned delegations that the stipulation reproduced above should constitute the basis of the embargo system.

The Spanish, French and Soviet delegations also consider that an endeavour should be made to establish a system providing sufficiently serious guarantees of execution to deter the contracting parties from abusing the right of suspension or derogation in circumstances which might progressively nullify the application of the Convention. Among the other measures which should be provided in this connection, they are in favour of extending the obligation of applying an embargo to cases in which the Permanent Commission considered it necessary to apply such a measure to exports intended for a country whose armaments, whether in conformity with the Convention or not, unjustifiably threaten the security of other contracting parties.

During the general discussion to which the joint proposal of the above-mentioned delegations gave rise, the majority of the Committee expressed the opinion that the organisation of an embargo was outside the scope of the proposed Convention, and that in any case the question was essentially a political one outside the competence of the Committee of Jurists. They pointed out, moreover, that the problem of the embargo was on the agenda of the Assembly of the League of Nations and that a special Committee appointed by the Council was shortly going to deal with the question.

As regards the first point, the French delegation pointed out that the question of an embargo was closely related with the provisions of publicity, since the statements regarding estimates of manufacture or import would involve a self-restriction on the contracting parties. In this case the embargo would appear in the light of a guarantee of execution of the Convention.

Should the embargo be applied indifferently to all belligerents, it was pointed out that serious objections might be raised as regards the legitimacy of such an embargo applied outside the procedure laid down by the Covenant of the League of Nations and before the State, or States, responsible for the conflict had been determined. Moreover, the idea of an automatic embargo applied indifferently to all belligerents had met with the objection, in principle, that the embargo would be contrary to the Covenant of the League of Nations, which, according to certain delegations, only allowed an embargo to be legitimately applied to a belligerent recognised as an aggressor.

#### 8. EXCEPTIONS TO THE COMMERCIAL TREATIES.

The Committee, giving effect to a proposal submitted by the U.S.A. delegation, adopted the following text :

“ The High Contracting Parties agree that the refusal of any High Contracting Party to issue an export licence for, or permit the transit of, the articles coming under Categories I to V shall not be considered as constituting a contravention of the stipulations of treaties subsisting between themselves prohibiting the placing of restrictions on the exportation or transit of articles of commerce.”

This provision, the principle of which is to be found in numerous commercial treaties, is designed to safeguard completely the liberty of decision of States in matters relating to the trade in or transit of arms in their territory.

The Polish delegation could not give a final opinion on this text since it had not appeared in the original American draft, and the delegation had not had time to ask for instructions from its Government on the point. On a first reading, however, it was obliged to make an explicit reservation, for the following reasons :

1. It was not proper that an interpretation of bilateral agreements—commercial treaties in this particular case—should be given in a general convention.

2. The suggested text would be inconsistent with the principle of equality between producing and importing countries. If it were adopted, the producing State might at any time, without being called upon to justify its attitude, cancel orders made by importing States, by refusing to issue an export permit.

It must be understood that, in the view of the Polish delegation, these remarks applied solely to the proposed text and were not intended as a criticism of any similar clauses in existing commercial treaties.

Furthermore, the Polish delegation would admit the justification for a refusal to issue an export permit if such refusal were based upon an explicit stipulation in the present Convention.

The Turkish and Yugoslav delegations also opposed the insertions of this text in the Convention.

The Italian delegation stated that it could not accept the text in question unless it were construed as meaning that the refusal to grant an export or transit permit was based upon a stipulation in the Convention under consideration. Should other grounds be advanced for such refusal, the Italian delegation considered that the question whether the refusal was legitimate under the treaties in force between the contracting parties should be reserved.

#### 9. RELATION BETWEEN THE CONVENTION AND INTERNATIONAL UNDERTAKINGS NOW IN FORCE.

The Polish delegation, considering it advisable to make it quite clear that the object of the provisions of the future Convention is not in any way to modify previous international obligations, proposed the insertion in the Convention of an article reading as follows :

“ In time of peace, as in time of war, and in the absence of contrary provisions in the present Convention, the rights and obligations of the High Contracting Parties in virtue of other international undertakings shall in no way be modified by the present Convention.”

This proposal referred in particular to international undertakings which are to become operative in the event of war (Article 16 of the League Covenant, London Agreements of 1933 concerning the definition of the aggressor, Hague Conventions regarding neutrality, etc.). The Polish delegation considered that various questions which might arise in connection with these agreements could not be settled in the future Convention ; the latter had other aims in view, and could therefore not deal with such problems. If necessary, the Polish delegation would have been satisfied with the following provision which, in its opinion, would obviate any misunderstanding :

“ It is not the object of the present Convention to determine or modify the rights and duties of belligerents and neutrals.”

Some delegations, and in particular the United Kingdom, Swedish and Swiss delegations, agreed with the Polish delegation and considered that, in a limited convention such as that with which they were now dealing, it would be difficult to modify the fundamental principles of existing international law.

While it did not express any final opinion as to the scope of the Polish proposal, the majority of the Committee considered it preferable not to lay down such a general principle in the Convention. In the opinion of some delegates, it was difficult to know what all the agreements were, the application of which would be reserved by the proposal in question and whether their provisions were compatible with the Convention under preparation. Moreover, in so far as the principle of neutrality had to be maintained, the proposal was, in the view of these delegations, open to the same objections as those mentioned in paragraph 5 (neutrality).

#### 10. PROVISIONS CONCERNING POLAND AND THE FREE CITY OF DANZIG AND THE TRANSIT AGREEMENTS BETWEEN POLAND AND GERMANY.

As stated above, the Polish delegate was anxious that, in the absence of a general stipulation in Article 16, covering cases to which the Convention does not apply, the following article should be inserted in the chapter relating to the trade in arms and implements of war :

“ The High Contracting Parties note that the provisions of the present Convention do not apply to the transport of articles coming under Categories I to V effected under the conditions provided for in the Agreements concluded on April 21st, 1921, and February 14th, 1933, between Poland and the Free City of Danzig of the one part and Germany of the other part, or to the transport of the said articles by Poland within the limits of Polish Customs territory.”

This article is in the nature, not of a reservation, but of an explanation. The Committee of Jurists therefore unanimously agreed that the solution afforded by this provision resulted from the normal application of the principles of the future convention.

#### 11. STATE FINANCIAL ASSISTANCE TO PROMOTE EXPORTS.

A United Kingdom proposal in the following terms (document Conf.D./C.C.F.78) had been referred to the Committee :

“ The High Contracting Parties undertake that they will not provide any form of State financial assistance for encouraging the export of any of the articles enumerated in the categories in Article . . .”



Without again going over all the objections which had been raised in the Plenary Committee against the principle on which this stipulation is based, the Committee of Jurists nevertheless deemed it desirable to emphasise certain serious difficulties to which the application of a new rule stated in such general terms might give rise. As regards the principle of the proposal, and leaving on one side the question of whether it would be proper for the Plenary Committee to deal with a subject not necessarily in direct relation with the actual purpose of the Convention, the Committee of Jurists did not rule out the possibility of a subsequent examination of this problem. At the same time, it was of opinion that a prohibition of this kind could not with advantage be inserted in a Convention unless every precaution were taken to ensure that it did not remain a mere pious aspiration. In view of the many forms, both direct and indirect, which financial assistance within the meaning of the United Kingdom proposal may nowadays take, it seemed indeed obvious that it would be easy to elude the obligation in question unless more accurately defined. In this connection account had to be taken of various observations which had been made, the more important of which may be briefly summarised as follows :

1. As the draft Convention is, in general, limited to a system of publicity and control, it may be doubted whether it would be wise to adopt a principle which would go beyond publicity regarding the manufacture of and trade in arms. This principle would, it appears, be open to the same objections as the *qualitative* or *quantitative* limitations which it has been generally agreed not to introduce into a draft of such restricted scope.

2. As the proposal refers to State assistance to the armament industry, the prohibition would not apply to States manufacturing war material in their own factories, as such States could financially encourage manufacture in these establishments without laying themselves open to the criticism of having granted assistance in the strict sense of the term. There would thus be flagrant inequality of treatment as between States manufacturing their own arms and ammunition and those whose armament industries were all in private hands, as the latter States would not enjoy the same opportunities of encouraging their manufacturers.

3. In practice, it would be illusory to prohibit State assistance if such a prohibition did not effectively cover all the indirect forms which such assistance might take (loans, export bounties, subsidies to war industries, guarantees of the payment of debts, reduction in transport rates, fiscal exemptions, etc.).

4. On the other hand, it should be borne in mind that State assistance may be extended to industries—as is frequently the case—which manufacture both war material and other articles of an entirely different character. The application of the principle proposed would be tantamount to preventing States from affording assistance to undertakings which manufacture the class of articles dealt with in the draft Convention only incidentally.

Various delegations spoke in favour of the principle on which the United Kingdom proposal is based, while at the same time recognising the real difficulties in the way of a satisfactory solution. One of them, the French delegation, declared, however, that it would be difficult for many States to accept the applications of this principle until financial assistance to States victims of an aggression had become a reality. The Soviet delegation was of opinion that the difficulties pointed out by the Legal Committee were not such as could prevent the adoption of the proposal.

The United Kingdom delegation took note of the reasoned objections to which its proposal had given rise and declared its intention of giving it further consideration and perhaps of submitting it for examination by the Committee in a revised form at some later stage.

## 12. GENERAL PROVISIONS.

The Committee thought that the Convention should include a last chapter devoted to "General Provisions". This chapter would reproduce certain of the provisions to be found in the Convention on Trade in Arms of June 17th, 1925, and would, in the first place, contain certain clauses which are usually known as final clauses and relate to the following questions or to some of them : entry into force of the Convention, duration, revision, settlement of disputes regarding the interpretation or application of the Convention, etc.

The study of this latter point appeared to the Committee to be of particular importance. The Spanish, Swedish and Swiss delegations expressed the opinion that an arbitration clause which might be based on the Conventions concluded under the auspices of the League of Nations, or on Article 91 of the United Kingdom draft of March 16th, 1933,<sup>1</sup> should be inserted in the Convention. They added, in order to take into account the wishes expressed by certain delegations, that they would willingly consider the possibility of conferring certain powers on the Permanent Disarmament Commission in regard to conciliation. The French, Italian, and Polish delegations reserved their opinion on the solution to be adopted for these problems.

This chapter would also contain, in the order indicated below, the articles framed by the Committee of Jurists with regard to : (a) the suspension of the Convention ; (b) neutrality ; (c) derogations ; (d) derogations from commercial treaties.

In order to facilitate the Plenary Committee's task, a table of the various articles proposed has been attached to the present report with an indication of the chapter in which they would be inserted.

<sup>1</sup> See document Conf.D.157.

Appendix.

ARTICLES PROPOSED BY THE COMMITTEE OF JURISTS.

Chapter II.

Article I (former Article 2).

The text proposed by the Committee of Jurists has been inserted in Part II of the present report (Draft Texts, page 8).

Chapter III.

Article 16.

The text proposed by the Committee of Jurists has been inserted in Part II of the present report (Draft Texts, page 19).

Article 16a (Poland, Free City of Danzig, Polish-German Transit).

"The High Contracting Parties note that the provisions of the present Convention do not apply to the transport of articles coming under Categories I to V which are effected under the conditions provided in the Agreements concluded on April 21st, 1921, and February 14th, 1933, between Poland and the Free City of Danzig of the one part and Germany of the other part, or to the transport of the said articles by Poland within the limits of Polish Customs territory."

Chapter V.

General Provisions.

The texts proposed by the Committee of Jurists have been inserted in Part II of the present report (Draft Texts, page 32).

Conf.D./C.C.F.101.

Conf.D./C.C.F./C.D.T.6(1).

ANNEX II.

Geneva, April 8th, 1935.

REPORT BY THE TRANSIT COMMITTEE.

*Rapporteur*: M. WESTMAN (Sweden).

The Transit Committee was set up by a decision of April 1st, 1935, of the Committee for the Regulation of the Trade in and Manufacture of Arms and Implements of War. It held three meetings with M. Westman, Sweden, in the chair. The delegations of the United Kingdom, the United States of America, France, Italy, Latvia, Poland, Sweden, Switzerland, the Union of Soviet Socialist Republics and Yugoslavia were represented on the Committee.

\* \* \*

The Netherlands Government (document Conf.D./C.C.F.51) had drawn attention to the fact that Chapter III of the draft submitted by the United States delegation (document Conf. D.167) regulated exports and imports of arms, ammunition and implements of war without, however, speaking of transit, which seemed to the Netherlands Government an omission.

In addition, the U.S.S.R. delegation submitted the following proposals (document Conf.D./C.C.F.77) containing provisions introducing a system of transit permits.

"Insert in Article 8, after sub-paragraph (d), an additional sub-paragraph (e) reading as follows :

"(e) For consignments embraced in Categories I, II and III and passing in transit through the territories of third countries, *the names of the Governments which have authorised the transit* and a reference to the transit permits issued by such Governments."

"Add the following passage at the end of Article 8 :

"The transit permit for implements of war embraced in Categories I, II and III shall contain :

"(a) A description of the implements of war (categories of arms, arms, component parts) the transit of which is authorised ;

"(b) Particulars of their quantity or weight ;

"(c) The names and addresses of the exporter and the importing consignees . . ."

“ Insert, after Article 8, a new article reading as follows :

“ “ The High Contracting Parties undertake to enact the necessary legal provisions to compel transport undertakings in the territories under their jurisdiction to transport the arms, ammunition and implements of war specified in Categories I to V inclusive only on the production of an export, import or transit permit, or duly certified duplicate thereof, in all cases where such permit is provided for by the present Convention.

“ “ The High Contracting Parties shall require their Customs authorities to allow the passage of such consignments only on production of the said permits.

“ “ The documents covering such consignments shall be preserved by the transport undertakings and Customs authorities for a period of three years.’ ”

“ Add the following paragraph at the end of Article 9 :

“ “ The High Contracting Parties shall also forward to the Permanent Disarmament Commission :

“ “ (a) Copies of all transit permits, before the arrival in their territory of the consignments passing in transit ;

“ “ (b) The certificates of the Customs authorities proving that the consignment referred to in the transit permit has left their territory, such certificate to be forwarded to the Permanent Disarmament Commission not later than one month after the said consignment has left for abroad.

“ “ Special mention of the transit shall be made in the copies of all the import and export permits referred to in the first paragraph of the present article.’ ”

The French delegation proposed (document Conf.D./C.C.F.79) to insert, both in the export and import permits, the proposed itinerary and the names of the transit countries.

During the discussion in the Plenary Committee, the Swiss delegation observed that the system recommended by the French delegation appeared to be the same as that which had been adopted in the Opium Convention of February 19th, 1925, and which had given good results. In applying this system, they would find themselves on ground which had already been explored and where all difficulties of application seemed to have been overcome in practice.

The Plenary Committee, after a first exchange of views, asked the Legal Section, in consultation with the Communications and Transit Section, to give an opinion on the legal aspects of the question of transit, considered in the broadest manner (documents Conf. D./C.C.F.86 and 86 (a)).

The Plenary Committee, after receiving this opinion, took up the question afresh. The majority of the members of the Committee showed themselves, in principle, to be in favour of the drawing-up of rules applicable to transit, but the Committee thought that, in addition to somewhat complex legal aspects, the question presented political and practical aspects. It therefore asked the Transit Committee, which it was setting up, to study the question as a whole.

\* \* \*

The following proposal (document Conf.D./C.C.F./C.D.T.3) was laid before the Transit Committee by the United Kingdom delegation :

“ Article . . .

“ (a) The High Contracting Parties undertake to prohibit in the territories subject to their respective jurisdictions the reloading, in the course of transit or transshipment, of arms, ammunition and implements of war as set forth in Categories I, II and III of Article . . . , unless there has been produced to the Customs authorities in the country of reloading a certificate, issued by the Government of the exporting country, stating that valid export and import permits have been issued for the consignment of the articles specified therein to a named destination. No such articles shall be allowed to be reloaded for a destination other than that stated in the certificate without the issue of a new export permit.

“ (b) The High Contracting Parties undertake to prohibit the overland carriage through the territories subject to their respective jurisdictions of arms, ammunition and implements of war as set forth in Categories I, II and III of Article . . . , unless there has been produced to their Customs authorities a certificate issued by the Government of the exporting country similar to that mentioned in paragraph (a) above. No such articles shall be allowed to be conveyed out of their territories for a destination other than that stated in the certificate without the issue of a new export permit.

“ (c) The certificate mentioned in paragraphs (a) and (b) of this article shall contain the following details :

“ (1) A reference to the export and import permits in virtue of which the shipment is made ;

“(2) A designation of the arms, ammunition and implements of war by the headings of the categories in Article . . . ;

“(3) The destination of the articles and the name and address of the consignee.

“The certificate will accompany the consignment to which it refers and will be retained by the Government of the importing country.

“(d) The High Contracting Parties undertake to apply the provisions of this article in such free ports and free zones as may be situated within the territories subject to their respective jurisdictions.

“(e) The High Contracting Parties will take the earliest opportunity of freeing themselves from any contractual obligations under which they may be towards non-contracting countries inconsistent with the stipulations of this article and, in the meantime, but not for more than two years from the date of ratification of this Convention, only those requirements of this article which do not conflict with those of such contractual obligations need be enforced.”

*Note.*—The following addition is proposed to the Preamble of Article 8 :

“The High Contracting Parties undertake to issue transit certificates in accordance with the stipulations of Article . . . in respect of exports of articles in Categories I, II and III of Article . . . passing through the territories of third countries on their way to their authorised destinations.”

The United Kingdom delegation observed that all that was involved by the system it proposed, which represented the standpoint of a naval Power, was to ascertain whether the consignments were accompanied by the necessary papers—namely, transit certificates—and to ensure that the goods despatched could not leave the country of transit for any destination other than that indicated in those documents unless the country of transit took the responsibility of issuing a new export permit. The United Kingdom delegation, however, not having agreed to the principle of copies of the export or import permits or of orders being forwarded to the Permanent Disarmament Commission, felt that it would be unfair to ask non-producing countries to communicate copies of those documents to other countries—in other words, to the transit countries. It had devised the system of transit certificates which would certify that the essential documents—export and import permits—had been issued and would indicate the destination of the consignment. The certificates would show the heads of the categories, and that would suffice to identify the consignment, so that it would be unnecessary to unpack the cases in order to check their contents. The United Kingdom delegation thought that such certificates would be sufficient to ensure supervision of transit.

The Committee decided that the United Kingdom proposal could be taken as a basis for discussion.

The Italian delegation said that it could accept the United Kingdom system, subject to later examination by the Italian authorities, particularly as regards sub-paragraphs (d) and (e). It further drew attention to the complicated nature of the transit problem, and expressed the fear that any measure going further than the United Kingdom proposal for a simple transit certificate would constitute for countries which had no access to the sea a servitude that might deter them from ratifying the Convention. The Italian delegation laid special emphasis on the risk entailed for States which did not produce arms, in the event of a crisis in which hostilities might break out at any moment, through the fact of the route taken by consignments of arms and implements of war being known, as desired by certain delegations.

The French delegation expressed the opinion that the goods should be accompanied by, at the very least, copies of the import and export permits. It further pointed out that all the proposals so far put forward were confined to the verification of the documents accompanying a *regular* consignment of armaments. No provision was made for dealing with *contraband*—that was to say, the consignment of arms under a false declaration. It ought to be possible for samples of suspicious cargoes to be taken from time to time, either by the Customs authorities on their own initiative, or on the initiative of the Permanent Disarmament Commission or its supervisory organs.

The U.S.S.R. delegation expressed the emphatic opinion that, in the case of armaments conveyed from the exporting country to the importing country through one or more other countries, no effective supervision could be exercised and there would be no guarantee against the diversion of the goods, which would always be possible unless they were accompanied by a transit permit issued by the transit countries. Nothing but a transit permit, subject to the same rules of publicity as were contemplated for export and import permits, would oblige the transit countries to exercise effective supervision.

The U.S.S.R. delegation further observed that the existence of certain Conventions guaranteeing freedom of transit, or specified conditions for transit, on internationalised routes or in towns, ports or zones under a special regime need not prevent the establishment of effective supervision over the transit of arms and implements of war.

The United States delegation expressed the following view on the transit question : Arms and implements of war consigned from one country to another through a third country should be accompanied by export and import permits attached to the bill of lading or way-bill. It would also be desirable to consider introducing a third document, to accompany the other

two, certifying that the country of transit authorised the despatch of the war material by a specified route. Each transit country would give a similar authorisation, and in each case the authorisation would be attached, together with the export and import permits, to the bill of lading or way-bill.

The Yugoslav delegation, while reserving its attitude on the question of principle, referred to the case of countries which did not produce arms but had, under treaty, the use of free ports or free zones, and called the Committee's attention to the fact that such countries would be handicapped because consignments in transit would be subject to supervision by the transit country. It expressed the view that free ports and free zones established by bilateral agreements should be assimilated, for Customs purposes, to the actual national territory.

The Polish delegation expressed some doubt as to the utility of the provisions organising publicity for transit, but declared itself willing to accept the United Kingdom proposal on account of its flexibility, and having regard to the fact that the position of Danzig and transit between Poland and Germany would be covered by a special article drafted by the Committee of Jurists. It would also wish, however, for an exception to be made in the case of transit in sealed trucks, which in its opinion should be assimilated to the entry of a vessel in a foreign port without unloading or reloading of cargo.

In the course of the discussion, a text modifying paragraphs (a) and (b) of the United Kingdom proposal was submitted. This reads as follows :

" 1. Within the jurisdiction of each of the High Contracting Parties, the transit of articles set forth in Categories I to III of Article . . . shall be prohibited, unless the consignment is accompanied by a document issued by the Government of the exporting country certifying that an export and import permit in proper form has been issued in respect of the various articles included in the consignment and of its destination, as specified.

" 2. Unless the certificate mentioned in the preceding paragraph is produced, the Customs authorities of each of the High Contracting Parties shall prohibit the reloading of any consignment in transit of the articles set forth in Categories I to III of Article . . . They shall also prevent the reloading or despatch from the territory of the High Contracting Party of any consignment in transit of the said articles to a destination other than that stated in the certificate which accompanies it, until a new export permit has been issued for the said consignment."

The United Kingdom delegation observed that the new wording of the first paragraph was too general, and that the only aspect of transit in regard to which the United Kingdom Government could agree to take responsibility was that of reloading after breaking bulk, and that in particular it reserved its position regarding the case of vessels calling at a port without unloading their cargoes.

The Italian delegation stated that it shared the opinion expressed above by the United Kingdom delegation, adding that it reserved its attitude with regard to ships calling at a port without unloading their cargoes and to international transport in sealed trucks.

During the discussion of the last text quoted above, it became apparent that no agreement could at present be reached upon it in the Committee, owing to the fact that several delegations had no instructions permitting them to determine their attitude, and that they did not possess the assistance of Customs experts.

\* \* \*

In view of the circumstances which have just been related and of the short time at its disposal, the Committee considered that it would be an advantage for the question to be studied at leisure by the Governments. When the latter have been able to make a careful examination of the problem, it will no doubt be easier to find a practical way of reducing the differences which manifested themselves during this first discussion. It will then be possible to begin a second reading of the question. This adjournment will also allow the Communications and Transit Organisation of the League to go into certain technical aspects of the question, according to the wish it has expressed.

### ANNEX III.

PROVISIONAL REPLIES OF THE TECHNICAL COMMITTEE OF THE NATIONAL DEFENCE EXPENDITURE COMMISSION TO THE QUESTIONNAIRE<sup>1</sup> SUBMITTED TO IT BY THE COMMITTEE FOR THE REGULATION OF THE TRADE IN AND PRIVATE AND STATE MANUFACTURE OF ARMS AND IMPLEMENTS OF WAR.

- A. Reply to Question 1 (document Conf.D./C.C.F./C.T.17).
- B. Supplementary Reply to Question 1 (document Conf.D./C.C.F.107).
- C. Reply to Question 2 (document Conf.D./C.C.F.91).
- D. Replies to Questions 3 and 4 (document Conf.D./C.C.F.93).
- E. Replies to Questions 5, 6, 7 and 8 (document Conf.D./C.C.F.98).

<sup>1</sup> Document Conf.D./C.C.F.75.

A. REPLY TO QUESTION I.

Conf.D./C.C.F./C.T.17.

Geneva, March 14th, 1935.

The National Defence Expenditure Technical Committee feels it should immediately give the Categories Committee a provisional reply to the first question put to it, which reads as follows :

*“Rearrangement of the categories and items in Article I with a view to bringing the categories of implements covered by the regulations for the manufacture of and trade in arms into line with the implements included in the conventional list of items of national defence expenditure in the draft Convention on budgetary publicity.”*

The purpose of this provisional reply is to explain to the Categories Committee : (1) the essential characteristics of the method of publicity for expenditure on material provided for in the draft Convention on Budgetary Publicity ; (2) to bring out the basic differences between budgetary publicity, as provided for in the Technical Committee's draft Convention and publicity for the implements referred to in the U.S.A. draft (document Conf.D.167).

I. *Essential Characteristics of the System of Publicity for Expenditure on Material.*

With a view to defining the purpose to be attained by publicity of expenditure on war material (Heads IV of the Model Statement of Items of National Defence Expenditure), the Technical Committee drew up a conventional list of such material which is included in the draft Convention on Budgetary Publicity (document Conf.D./C.G.160(1), pages 11 to 12).

This conventional list presents the following essential characteristics : (1) it includes all material used by the armed forces ; (2) like the Model Statement itself, it shows separately the material of the land, naval and air forces ; (3) it takes the form of as full a specification as possible of the various war materials, this term being used in its widest sense and including material such as engineering equipment and electrical material, etc., which, for the purposes of the U.S.A. draft, are not regarded as arms.

The following are the reasons which led the Technical Committee to draw up the conventional list in accordance with the above-mentioned characteristics : (1) the manufacture and upkeep of all armaments used by the armed forces are paid for out of the credits granted by the public authorities to the national defence services ; (2) during the Technical Committee's examination of budgets and accounts, it found that the expenditure on material for the three forces was in most cases shown separately.

Furthermore, the Committee, on the basis of the actual facts themselves, has pursued the essential aims towards which the work on disarmament has hitherto been directed—namely, to obtain as detailed information as possible on the various forms of military activities.

The Committee drew up a list of all war material—which, however, it does not regard as exhaustive—in order to make it easier for the various Governments to establish their Model Statements, mentioning the precise material on which expenditure in respect either of construction, manufacture or purchase, or repair or upkeep, should be included under the various sub-heads of Heads IV of the Model Statement.

II. *Comparison of the Categories in the U.S.A. Draft Convention (Document Conf.D.167) with the Conventional List of Items of National Defence Expenditure drawn up for Purposes of Budgetary Publicity.*

A comparison of the categories in the U.S.A. draft with the conventional list of items of national defence expenditure for budgetary publicity purposes reveals the following discrepancies :

(1) Whereas the conventional list drawn up for purposes of budgetary publicity includes only armaments utilisable for national defence purposes, the U.S.A. draft comprises, in addition to such material, arms and ammunition capable of being used for both military and non-military purposes (Category IV), as well as arms and ammunition designed and intended for non-military use and which only incidentally and exceptionally can be used for military purposes (Category V) ;

(2) Whereas a distinction is made in the conventional list drawn up for purposes of budgetary publicity and in the Model Statement itself between material intended for land forces, naval forces and air forces, no such clear distinction between them has been made in the U.S.A. draft. Category I of the U.S.A. draft covers arms intended for the land, naval and air forces (rifles, machine-guns, etc.) ;

(3) Whereas the conventional list drawn up for purposes of budgetary publicity is very detailed, in the U.S.A. draft, material is grouped together according to the system which it is proposed to apply to it as regards publicity and control.

\* \* \*

Although the following considerations merely constitute a provisional reply to the question referred to it, the Technical Committee would draw the special attention of the Committee on Categories, for any necessary action, to the discrepancies mentioned under (1) and (2)—the discrepancy mentioned under (3) is not of special importance from the point of view of the proposed co-ordination.

Conf.D./C.C.F.107.

Conf.D./C.D./C.T.305.

Geneva, April 10th, 1935.

#### B. SUPPLEMENTARY REPLY TO QUESTION I.

##### *Rearrangement of the Categories.*

*Note by the Technical Committee on National Defence Expenditure.*

I. The principal differences of form between the categories proposed in the U.S.A. draft Convention and the conventional list of national defence expenditure established by the Technical Committee on Expenditure, together with the reasons by which the latter was guided, have already been explained by the Technical Committee in a provisional note<sup>1</sup>. The text of the article adopted by the Technical Committee on Categories<sup>2</sup> having been communicated, it is now possible to make a more detailed reply to the above-mentioned question by applying in practice to that article the principles of which a summary account has already been given. The Technical Committee on Expenditure desires, however, to point out that the conclusions it has formulated do not imply any expression of opinion as to the technical considerations on which the final decision of the Committee on Categories will be based and must not be construed as attempting to prejudge those decisions.

II. With regard to the question of correspondence, the Technical Committee, being unable to deal with it in every aspect, thought it best to consider the point solely from the angle of budgetary technique. Under those conditions, the formula appended hereto would, in the opinion of the Technical Committee, make it possible to establish a fairly close correspondence between the categories and the conventional list of national defence expenditure. For reasons inherent in the nature of the system contemplated by the Committee on Manufacture, however, it may be considered inexpedient to adopt a solution which would involve the redistribution of certain heads in Category I between Categories II and III. In that case, the Technical Committee on Expenditure is of opinion that a certain degree of correspondence could be established, if this were thought advisable, either by so arranging the heads in Category I as to show separately, inside that category, the expenditure of each of the three forces on the common arms, or by requesting States to show, for each head under which material common to more than one of the forces appears, the expenditure of each of the forces concerned on such material.

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#### Appendix.

#### OBSERVATIONS CONCERNING THE REDISTRIBUTION OF THE HEADS OF CATEGORIES I TO III, FOR THE PURPOSE OF ESTABLISHING A CORRESPONDENCE WITH THE CONVENTIONAL LIST OF NATIONAL DEFENCE EXPENDITURE.

I. In order to obtain exact correspondence between the composition of the categories and that of the conventional list of national defence expenditure, it would be necessary to rearrange the categories so as to include all the arms, ammunition and other war material purchased or manufactured for national defence forces, referred to in Part IV of the budgetary publicity statement, the armaments of each of the forces—land, naval, or air—including the usual arms employed by those several forces, appearing in a separate category.

II. As regards the comparison of the contents of the categories with the contents of the conventional list, it may be noted that, as the Committee on Manufacture was anxious to limit the publicity laid down for certain implements or arms, there is no need to propose any

<sup>1</sup> See A above.

<sup>2</sup> See Article 4, page 8.

addition to the arms, etc., appearing in Categories I to III, even in the case of arms mentioned in one of the other categories, such as "revolvers and automatic pistols" (Category IV), which are, however, used by practically all national defence forces, and which, for that reason, are included in Part IV of the budgetary publicity statement. Similarly, it is not proposed to rearrange the contents of Category V, which includes certain aircraft intended for the air forces not covered by the definition provided for in Category III, and appearing in Part IV of the budgetary publicity statement.

III. The question that arises is thus how to effect, by distributing the heads of Categories I to III among those categories, a separation between the armaments of the three forces, so that each force shall be represented by a single category.

VI. As is clear from the character of the majority of the arms included under its various heads, Category I would require only a minimum of rearrangement in order to be used for the land forces. It would be sufficient to amend the present text in the following particulars :

- (a) Heading : For "Military Armaments" read "Armaments : Land Forces" ;
- (b) Delete the sub-heading ;
- (c) Head 5 : Delete "bombs" (to be inserted in Category III), "torpedoes and mines, filled, etc." (to be inserted in Categories II and III) and "periscopes for submarines" (to be inserted in Category II).

V. In its present form, Category II does not cover the whole of the armaments of the naval forces, as the common weapons intended for the use of such forces, together with certain specifically naval types of ammunition, when such weapons and ammunition do not form part of the normal armament of a warship, are included in Category I. Category II might therefore be arranged as follows :

*" Category II. Armaments. Naval Forces.*

- " 1. Rifles and carbines and their barrels and bolts.
  - " 2. Machine-guns, automatic rifles, and machine-pistols of all calibres, and their barrels and bolts.
  - " 3. Guns, howitzers, and mortars of all calibres, and their mountings, barrels, recoil-mechanisms, and recuperators.
  - " 4. Ammunition for the arms enumerated under 1 and 2 above ; filled and unfilled projectiles for the arms enumerated under 3 above, and prepared propellant charges for those arms.
  - " 5. Grenades, torpedoes, and mines, filled or unfilled, and apparatus for their use or discharge. Periscopes for submarines.
  - " 6. Vessels of war of all kinds, including aircraft-carriers and submarines, and their arms, ammunition, and implements of war, mounted on board, and forming part of their normal armaments."
- } Not forming part of the normal armament of a warship (see under 6).

VI. Similarly, for Category III, the following text might be considered :

*" Category III. Armaments. Air Forces.*

- " 1. Rifles and carbines and their barrels and bolts.
- " 2. Machine-guns, automatic rifles, and machine-pistols of all calibres, and their barrels and bolts.
- " 3. Guns, howitzers, and mortars of all calibres, and their mountings, barrels, recoil-mechanisms, and recuperators.
- " 4. Ammunition for the arms enumerated under 1 and 2 above ; filled and unfilled projectiles for the arms enumerated under 3 above, and prepared propellant charges for those arms.
- " 5. Grenades, bombs, and torpedoes, filled or unfilled, and apparatus for their discharge.
- " 6. Aircraft, assembled or dismantled, both heavier and lighter than air, which, by reason of their design or construction, are adapted or intended either for naval or military reconnaissance or for aerial combat by the use of machine-guns, or artillery, or for the carrying or dropping of bombs, or which are equipped with or prepared for any of the arms or appliances referred to under 2.
- " 7. Special guns and machine-guns for aircraft, and their gun-mounts and frames. Bomb-racks and torpedo-carriers, and bomb or torpedo release mechanisms."



VII. It is not for the Technical Committee on Expenditure to express an opinion regarding the diversity of the armaments used by the three national defence forces in the various countries. Possibly, for example, it may be necessary to include Head 6, "tanks, armoured vehicles and armoured trains, etc.", in all categories, or to repeat the reference to "mines" in the categories relating to the land and air forces also.

Such modifications, which could only be decided upon by the Committee on Categories, which is alone in possession of the necessary information, would in no wise affect the general purport of the foregoing observations.

C. REPLY TO QUESTION 2.

Conf.D./C.C.F.91.

Geneva, March 25th, 1935.

The questions referred for study by the Sub-Committee on Manufacture to the Technical Committee on Expenditure include the following :

*How should the particulars regarding State subsidies to, and shares in, private undertakings be shown in the copies of the licences?*

The Technical Committee has the honour to recall that, during its previous sessions, it examined on several occasions the problems raised in connection with the granting by Governments, in very diverse forms, of subsidies to private enterprises manufacturing armaments material and in connection with the participation of States in these enterprises. In the draft Convention it has prepared, the Committee has thought it desirable to insert stipulations providing, on the one hand, that expenditure on such subsidies and shares should be included in the statements of national defence expenditure and, on the other, that certain special information should be given in connection with these subsidies or shares (see in particular Volume I of the Report of the Technical Committee (document Conf.D.158, pages 11, 18, 71 and 81) and the draft Convention on Publicity of National Defence Expenditure (document Conf.D./C.G.160(1), pages 29, 36, 40 and 81)).

On coming to consider the question raised by the Sub-Committee on Manufacture, the Technical Committee found that it did not possess the necessary documents to enable it to form a more definite idea as to the aim of the proposal that particulars regarding subsidies and financial shares should be shown in the copies of the licences. In these circumstances, and before entering upon the technical studies for which it possesses the necessary data, the Technical Committee considers it necessary to ask the Sub-Committee on Manufacture to be good enough to supply it with more definite information on the subject.

Conf.D./C.C.F.93.

Conf.D./C.D./C.T.301.

Geneva, March 28th, 1935.

D. REPLIES TO QUESTIONS 3 AND 4 AND ANNEXED NOTE IN REGARD TO THE CONNECTION BETWEEN PARTICULARS OF EXPENDITURE ON ANNUAL INSTALMENTS AND THE HEAD IV IN THE RETURN OF ESTIMATED EXPENDITURE.

PROVISIONAL REPLY TO QUESTION 3.

*What particulars should be shown in the return of estimates of annual instalments (document Conf.D./C.C.F.61)? To what arms and implements of war might those estimates apply?*

In document Conf.D./C.C.F.61 (Article 7(c)—amendment presented by the French delegation), it is proposed that at the beginning of the financial year, on a date to be determined, the contracting parties will send a return showing :

- (1) The quantities of certain of the most important materials and
- (2) The amounts, specified by headings, of the credits granted for the manufacture of certain materials.

(a) Although the problems raised by this proposal have been referred as a whole to the Technical Committee for study, the latter does not appear to be qualified to express an opinion on the particulars of quantities to be included in the annual instalments of manufacturing programmes, but can only pronounce on the particulars of expenditure to be so included. Neither does it appear to rest with the Committee to decide on the choice of materials in regard to which these particulars should be given.

(b) Should the principle of indicating annual instalments of manufacture be adopted, it appears that the three following possibilities might be contemplated :

- (1) Proposed expenditure to be shown separately for *each of the arms* listed in the categories ;
- (2) Expenditure to be shown by *headings* in the categories ;
- (3) Expenditure to be shown *separately for certain important arms* included under certain headings of the categories.

The Committee thinks it necessary to make the following observations in regard to these three possibilities :

*Ad (1).* From the technical standpoint, there would be very serious practical difficulties in giving particulars of expenditure separately for each of the arms enumerated in the categories.

*Ad (2).* If each of the headings in those categories includes an enumeration of materials of the same kind, the manufacture of which requires the use of similar plant, the Committee is of opinion that it will be possible to give, for each of the headings, estimates of the expenditure proposed for the manufacture of the materials enumerated.

The preliminary examination of the categories provisionally established in document Conf.D./C.C.F./C.T.22(1) (see Article 4, page 8) shows that the headings of those categories cover materials which for the most part have common technical features and are manufactured in the same factories, managed and administered by the same administrative offices, and that it should therefore be easy to combine the corresponding estimates of expenditure.

*Ad (3).* As to the third possibility, the Committee cannot offer any definite opinion until it has some information regarding the materials in respect of which particulars would be specially required.

(c) The particulars of expenditure on the annual instalments (*i.e.*, estimated expenditure) will be extracted with the help of administrative documents from the expenditure estimates in the budget or other national defence expenditure authorisations, or will be computed on the basis of those estimates with the help of internal accounts. This being so, it is obvious (1) that, if the annual instalment of manufacture is to be computed by this method, the figures cannot be regarded as verifiable by means of public documents ; (2) that the particulars of expenditure included in the annual instalments can relate solely to the manufacture of the materials enumerated in the categories and which are intended for the land, naval and air armed forces.

On the one hand, when a heading only comprises material intended for the armed forces, the annual instalment figure given will cover the expenditure proposed for the manufacture of all the material under that heading. On the other hand, if a heading includes both material intended for the armed forces and material intended for another use, the annual instalment figures will cover only the manufacture of material under that heading intended for the armed forces.

#### PROVISIONAL REPLY TO QUESTION 4.

##### *Question 4, Paragraph I.*

*What is to be understood by expenditure on purchase and manufacture for the purposes of Article 7, paragraph (c), second sub-paragraph (document Conf.D./C.C.F. 74) ? How, in particular, is such expenditure to be calculated in the case of non-autonomous establishments ?*

I. By expenditure on purchase and manufacture for the purposes of Article 7, paragraph (c), second sub-paragraph, is to be understood the sums provided each year in the initial expenditure authorisations and granted by the public authorities to the national defence services :

(a) For the purchase in the course of the year of the arms, ammunition, implements and component parts enumerated in Categories I to V and intended for the land, naval and air forces, and

(b) For financing in the course of the year the manufacture or construction of the arms, ammunition, implements and component parts mentioned under (a).

II. The foregoing stipulations apply to the purchase, manufacture or construction of new and complete appliances, and also of component parts intended for the subsequent manufacture of complete appliances, or the modernisation or repair of existing appliances, sums provided for the incorporation of component parts in existing appliances being excluded.

III. (a) In the event of the arms, ammunition, implements and component parts included under Point I being purchased from private factories or foreign Governments, the sums earmarked for the purchase of such arms, ammunition, implements and component parts shall be specified.

(b) If the arms, ammunition, implements and component parts referred to in Point I are delivered, against payment, by autonomous State establishments to the national defence services, the estimated amount of such payment shall be shown.

(c) If the arms, ammunition, implements and component parts referred to in Point I are manufactured or constructed in non-autonomous State establishments, the amount to be shown shall include the estimated cost of the materials to be incorporated in the article (raw materials, semi-finished or finished products), labour and overhead charges. When the Convention is first put into effect, each State shall explain by what method it estimates the above-mentioned amount on the basis of its system of accounting. If States find it necessary to change their bases of calculation owing to changes in their methods of accounting, they should explain such changes.

*Note.*—Should these stipulations subsequently be inserted in the draft Convention, they should be supplemented by instructions regarding their application.

*Question 4, Paragraph 2.*

*What degree of detail can be attained in the statement of expenditure?*

See reply to Question 3.

*Question 4, Paragraph 3.*

*Is it possible to synchronise the statement of estimated expenditure on manufacture provided for in Article 7, paragraph (c), second sub-paragraph, and the statement of estimated expenditure provided for in Article (d) of the draft Convention on Budgetary Publicity?*

As has already been stated in the reply to Question 3, the expenditure indicated in the annual instalments of the manufacturing programmes represents part of the total expenditure to be entered under Head IV.

Like the figures in Head IV, the expenditure figures for the annual instalments are taken from the budgets or other initial expenditure authorisations (see (c), page 58).

The particulars in respect of the annual instalments represent additional detailed and specific information regarding the expenditure on the manufacture of the types enumerated in the categories, which is incorporated *in toto* in Head IV, together with the expenditure on the manufacture of material not mentioned in the categories and expenditure on upkeep.

The statements of estimated expenditure can only be drawn up at the moment when the budgets and initial expenditure authorisations are fixed. It will be at the same juncture that the authorities will have in their possession the necessary material to indicate, in respect of the annual instalments, the required particulars of expenditure on the manufacture of the material enumerated in the categories.

The relationship between the information regarding that part of the expenditure comprised in the annual instalments and the total expenditure on material shown in Head IV being thus demonstrated, the Committee considers that, from the technical point of view, it would be possible for particulars of the expenditure involved by the annual instalments of the manufacturing programmes to be communicated to Geneva within the same time-limit (three months after the beginning of the financial year) as is fixed for the statement of estimated expenditure.

**Annexed Note.**

**CORRELATION BETWEEN THE PARTICULARS OF EXPENDITURE IN RESPECT OF ANNUAL INSTALMENTS AND HEAD IV OF THE STATEMENT OF ESTIMATES OF EXPENDITURE.**

It will be recalled that, in December last, when submitting his supplementary report (Conf.D.158, Volume III), the Chairman of the Technical Committee on Expenditure mentioned the following text adopted by the Committee :

“ The Committee desires to point out, firstly, that, in submitting its final draft for a Convention, it has only taken into consideration the technical requirements of a system of publicity of national defence expenditure. Accordingly, should it be thought advisable ultimately to *co-ordinate* budgetary publicity with other forms of publicity, this *co-ordination* should, from the technical point of view, be achieved by means of supplementary instruments independent of the system of budgetary publicity proper.”

The above text shows that the Technical Committee was considering the possibility of correlation between publicity concerning expenditure and other forms of publicity. It would now appear that, as regards estimates of expenditure, the supplementary instruments, the

possibility of which was considered by the Technical Committee, are taking the form, at any rate in the minds of certain delegations, of a statement of the expenditure proposed for the manufacture or construction of material.

Whereas budgetary publicity comprises under Head IV (Statement of Estimated Expenditure) the whole of the expenditure proposed for the manufacture, construction and upkeep of the material used for the armed forces, the particulars of the annual instalment will cover only the expenditure proposed for the manufacture and construction of the material included in the categories and intended for the armed forces.

The expenditure shown in the annual instalment will therefore represent only a part of the expenditure included under Head IV.

Is it possible to establish correlation between "the whole" (expenditure under Head IV) and part of the expenditure included in the annual instalments, and what will be the value of a comparison between these two indications of expenditure?

The reply to this question is different according to whether we consider expenditure on land material, naval material or air material.

### 1. *Expenditure on Land Material.*

Expenditure on the arms, ammunition and fighting material intended for the land forces is to be found under sub-head M. The list of the materials the expenditure on which is included in this sub-head is given on page 30 of the draft Convention Conf.D./C.G.160(1). The whole of the material of the land forces enumerated in Category I (see Article 4, page 8) is included in the list of materials in sub-head M. However, that list also includes certain items such as vehicles for the transport of certain appliances, electrical apparatus, ammunition wagons, carts, side-arms, etc. It will therefore be seen that particulars of expenditure on the annual instalment of the manufacture programme will not cover the whole of the expenditure on the manufacture of the materials enumerated in sub-head M. Nor will those particulars show the expenditure on upkeep included in sub-head M. Nevertheless, as Category I includes the most important land materials, the manufacture of which is the most costly, and as expenditure on manufacture is much greater than expenditure on upkeep, there can be no doubt that the particulars of the expenditure included in the annual instalments will comprise the greater part of expenditure on manufacture and even of the total expenditure in sub-head M. If therefore a comparison is made from year to year of the respective variations of the expenditure appearing in the annual instalments and of the expenditure appearing in sub-head M of the statement of estimates, some very useful counterchecks will be obtainable.

### 2. *Expenditure on Naval Material.*

(a) The list of naval material, the expenditure on which is included under Head IV of the Statement of the Naval Forces (see page 31 of the draft Convention), is more complete than the enumeration of naval material contained in Category II and Category I (see Article 4, page 8), but the two categories mentioned above comprise much the most important naval material. Moreover, the difference in the content of the particulars of expenditure in respect of annual instalments and those appearing in Head IV is merely due to the fact that the categories do not include certain ships such as tugs, barges, lighters, floating docks, etc.

Consequently, the expenditure on manufacture indicated in the annual instalments would cover a great part of the expenditure on manufacture appearing under Head IV.

(b) Furthermore, sub-head L of the statement of estimates for the naval forces being exclusively concerned with expenditure on new construction to the exclusion of expenditure on upkeep which is contained in sub-head M, there is complete correlation between the annual instalments of the naval construction programmes and sub-head L of Head IV of the naval forces. It is self-evident that this correlation will provide a more definite basis of comparison between the particulars in respect of annual instalment and the expenditure of Head IV, than in the case of the land forces.

### 3. *Expenditure on Air Material.*

With reference to document Conf.D./C.C.F./C.T.22(1) (see Article 4, page 8), it will be noted that aircraft (Category III(1) and Category V(1)) are grouped, not on the basis of their use for military or civil purposes, but on the basis of the fact that they possess or are arranged for a definite equipment. Each of the two items indicated above can therefore include aircraft used for military or civil purposes. There is thus a difference of conception between Category III, Item 1, and Category V, Item 1, on the one hand, and Head IV of the Statement for Air Forces on the other, which only comprises national defence expenditure on air material. A similar observation must be made as regards the material referred to in Items 2, 3 and 4 of Category V. Thus, in establishing the relationship between Head IV of the Statement on Air Forces and the particulars of expenditure in respect of the annual instalments of manufacture of air material assigned to the armed forces, there arise difficulties which are

essentially due to the fact that the categories relating to air armaments contain both material used for the air forces and material used for civil purposes, while, on the other hand, this material is included in two different categories.

To sum up, the correlation between the particulars to be given in the annual instalments concerning the materials included in the headings of the categories and Heads IV of the statements will encounter the most favourable conditions in the case of naval material. In the case of land material, it will also provide counterchecks of great value.

As regards air material, on the other hand, a great difficulty will arise from the fact that air material forms part of two categories, and that the different items of each of these categories contain materials for both military and civil use. This was inevitable in view of the principles by which the Committee on Manufacture has been guided in its work.

Conf.D./C.C.F./98.  
Conf.D./C.D./C.T.302.

Geneva, April 8th, 1935.

#### E. PROVISIONAL REPLIES TO QUESTIONS 5, 6, 7 and 8.

##### *Question 5.*

*When, and in what form, would it be possible to communicate any modifications introduced during the financial year with regard to the initial facts indicated as regards the annual instalments of the manufacturing and purchasing programmes? (Document Conf.D./C.C.F.61.)*

*Would it be possible to synchronise the communications regarding such modifications and the summary returns provided for in Article E of the draft Convention on budgetary publicity?*

The labours of the Technical Committee on National Defence Expenditure have shown that the initial expenditure authorisations nearly always undergo modifications in the course of the year as a consequence of the voting of supplementary credits or the cancellation of credits.

The general practice of many Parliaments and other legislative bodies is to group together in aggregate amounts at specified periods the modifications they make in their initial expenditure authorisations.

The Technical Committee on Expenditure, in proposing<sup>1</sup> the communication of summary statements indicating the aggregate modifications made in the initial expenditure authorisations, and in providing for the submission of such statements at the expiration of two successive periods of nine and fifteen months from the beginning of the financial year, may be said to have adapted the principle of the international publicity of such modifications to the practice commonly in use in several countries. The indications of expenditure shown in respect of the annual instalments representing, with reference to Heads IV of the statements of expenditure, an additional specification of the most important items of expenditure on the manufacture of material may (like the expenditure authorisations as a whole) be modified in the course of the year.

It might no doubt be desirable, particularly where these modifications in the annual instalments involve large figures, to have these modifications communicated as and when they occur. But if the principle of the successive communication of all such indications of modifications to Geneva were to be adopted, the despatch and registration of these particulars would mean a considerable and continuous amount of clerical work. The essential, it would seem, is that it should be possible to estimate the variations in the financial expenditure approved by the different countries for the manufacture and construction of implements of war at relatively short intervals.

Now that the Technical Committee has proposed the production of summary statements at the expiration of two periods of nine and fifteen months from the beginning of the financial year for the purposes of budgetary publicity in regard to military activities as a whole, there appears to be no imperative reason against the adoption of the same periods in the case of modifications made in the initial indications of expenditure on manufacture, forming part of the annual instalments of the programme of manufacture.

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The question raised relates, not only to the date of the communication of the modifications, but also to the form of such statements of modifications.

That form (which the Technical Committee will not be in a position to determine until later) depends essentially on the form to be adopted for the statements of expenditure on the annual instalments. The statements of modifications should be related to the statements of expenditure on the annual instalments, and should show the modifications representing increases or decreases on the indications of the annual instalments, calculated on the same basis as the latter.

\* \* \*

<sup>1</sup> See draft Convention, Article E (document Conf.D./C.G.160(1), page 7).

It should be observed that, while a knowledge of these successive modifications is of very great interest from the standpoint of the publicity of expenditure on manufacture, and consequently of manufacture itself as the source of such expenditure, there is no prospect of being able to establish a connection between the indications of these modifications in the annual instalments and the summary of statements of the draft Convention on the Publicity of National Defence Expenditure. It is only possible to establish a synchronisation between the summary statements of budgetary publicity and the statements of modifications of the annual instalments of manufacture. The comparison of the two may, however, make it possible in certain cases to determine to some extent the nature of the expenditure to which the variations in the initial national defence expenditure authorisations relate.

\* \* \*

#### Question 6.

*Would it be possible to establish a relationship and synchronisation between the statement of expenditure on such manufacture and the statement of the expenditure incurred, provided for in Article F of the draft Convention on budgetary publicity?*

The Committee has been supplied with no explanations relating to the statement of expenditure on manufacture mentioned in Question 6.

The establishment of a system of publicity regarding completed manufactures was contemplated in an amendment proposed by the French delegation (document Conf.D./C.C.F.61, last paragraph), though the proposal was not put in the form of a definite text.

In view of the terms of the French proposal and the comments of the French expert, it would appear that such publicity would have the same scope as the publicity in regard to annual instalments of armaments programmes—that is to say, it would show expenditure on the purchase and manufacture of material for national defence purposes, it being understood that the figures for each head would represent total expenditure of manufacture actually completed during the period dealt with in the statement.

The Committee's reply to Question 6 is tentative and in general terms.

As the categories have not yet been finally drafted, the Technical Committee cannot yet indicate the final form which might be taken by the statement of the expenditure incurred by each Government in respect of the manufacture and purchase of war material for its own use.

The Technical Committee nevertheless wishes to point out that it is possible for States to ascertain for each implement manufactured or constructed for its account the total amount spent on such manufacture or construction.

In point of fact :

(1) When a State purchases its material, it is easy for it to enter the price it pays (purchase price) in the statement of aggregate expenditure on manufacture ;

(2) When the material is manufactured in autonomous State establishments, the supply price is always known ;

(3) When the material is constructed in non-autonomous State establishments, the cost price can be discovered, either on the basis of costing accounts (industrial accounts), or on the basis of statistics kept in the establishments or by administrative authorities.

Technically, therefore, it is possible to group head by head the aggregate expenditure on the manufacture of each of the articles listed in the categories.

#### *Connection between the Statement of Expenditure on Manufacture and Heads IV in the Model Statements.*

Generally speaking, the manufacture of the more important classes of material, even when mass production methods are employed, *takes more than one year.*

Heads IV in the statements of actual expenditure (Article F of the draft Convention on Budgetary Publicity) comprise expenditure during a single year on manufactures begun in the course of previous years or still uncompleted by the end of the year to which the statement refers. The statements of aggregate expenditure on manufacture, on the other hand, comprise the aggregate amounts in respect of manufactures actually completed during the year with which the statement deals, even though the cash payments of which such amounts are made up may be spread out over a number of years.

It should furthermore be pointed out that, unlike the Heads IV of the various statements of actual expenditure, the statements of aggregate expenditure on manufacture only include sums expended on the manufacture of the type of material enumerated in the categories and take no account of expenditure on the manufacture of material which, though intended for the armed forces, is not included in these categories, or of expenditure on upkeep.

The contents of the two statements are therefore different, and no direct link can be established between the particulars that they supply. At the same time, it should be borne in mind that the expenditure on the manufacture of the material enumerated in the categories generally represents much the greater part of the expenditure on the manufacture of the types

of material included in the conventional list of expenditure for the purposes of budgetary publicity. Such being the case, whenever manufacture takes more than one year, the expenditure shown in the manufacture statements is progressively entered in the annual accounts as such manufactures are financed; if, therefore, the whole of the aggregate expenditure on manufacture and the whole of the expenditure entered in the Heads IV of the statements of actual expenditure are considered *over a period of years*, it may be supposed that there should be a possibility of establishing a certain connection between the particulars shown in the two statements. It is inconceivable that the expenditure shown in the two statements should not, in the long run, exhibit at least the same tendencies.

#### *Synchronisation.*

The structure of the closed accounts is such that the statements of aggregate expenditure on manufacture cannot generally be made out on the basis of figures extracted from such accounts. Even if in the case of certain expenditure it proved possible to use such a method, the production of the statements would be too much delayed on account of the long period required for the compilation and production of the closed accounts. Such being the case, and in order to ensure that publicity is given to the statements of aggregate expenditure on manufacture before they lose their current interest, these statements should be based upon purchase prices, the value of supplies delivered by autonomous establishments, or the statistical information kept by non-autonomous State establishments, as the case may be. As this information can be supplied long before the publication of the closed accounts, there is no question of synchronisation between the two statements.

\* \* \*

#### *Question 7.*

- (a) *What time should be allowed for the despatch by the different States of the statements indicating the national defence expenditure earmarked for the manufacture and purchase of arms and implements of war? (Document Conf.D./C.C.F.74(I).)*
- (b) *What time should be allowed for sending in particulars of any modifications of the figures given in the initial statement?*

As regards (a), the Committee refers to the reply to Question 4, paragraph 3.<sup>1</sup>  
As regards (b), see the reply to Question 5 above.<sup>1</sup>

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#### *Question 8.*

*What should be the time-limit, and what other conditions should be laid down as regards the sending-in of the quarterly returns of the total value, under each heading of the categories, of the arms and implements of war the manufacture of which was completed in the previous quarter? (See document Conf.D./C.C.F.58.)*

Like Question 6, Question 8 was referred to the Technical Committee on Expenditure for investigation, without any special explanations.

The wording of Question 8, however, contains a reference to document Conf.D./C.C.F.58 (amendment submitted by the United Kingdom delegation). This document shows that Question 8 was raised in connection with the amendment to Article 7(d) of the U.S.A. draft. This amendment aims at substituting for the statement of total quantities manufactured in the territory of a State a quarterly statement, under each heading of the categories, of the total value of such manufactures. Each Government should therefore assume the obligation of stating in respect of the territory under its jurisdiction the value of manufactures, not only for its own account, but also for account of other Governments, and for the use of other parties. The wording of the amendment submitted by the United Kingdom delegation also shows that a distinction is contemplated in respect of articles included in Category III between those manufactured for the State and those manufactured for other purposes.

The Committee must point out that it cannot, without exceeding its powers, pronounce on the non-budgetary aspects of the problem of manufactures. The Committee is therefore unable to examine the conditions under which the Governments could procure and furnish statements regarding the total value of material manufactured in their territory.

<sup>1</sup> See page 59 above.

The Technical Committee considers, however, that the statements of total value, under each heading of the categories of arms and implements of war the manufacture of which is completed, would include both :

- (1) The expenditure for the purchase and manufacture of implements of war of the Government in whose territory the manufacture is carried out ;
- (2) The values of manufactures carried out in its territory for other parties.

As regards Point (1), the Committee can only refer to the considerations expressed in reply to Question 6.

As regards Point (2), the statement of total expenditure on manufacture carried out in the territory of a State, including other items of expenditure than the expenditure incurred by the Government, there can be no correlation between Heads IV, which only include national defence expenditure, and the said statement.

#### *Time-Limits.*

The determination of the time-limits for the sending-in of the statement of expenditure incurred on manufacture should, in the Technical Committee's opinion, be postponed until later, since, in general, the time-limits for sending in the publicity documents provided for in the draft Convention on the Regulation of the Trade in and Manufacture of Arms must form the subject of a comprehensive review, based on knowledge of the dates at which each country's financial year opens, and also on a knowledge of the period over which budgets are executed.

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#### ANNEX IV.

Conf.D./C.C.F./P.V.37.

#### MINUTES OF THE THIRTY-SEVENTH MEETING (PUBLIC) OF THE COMMITTEE FOR THE REGULATION OF THE TRADE IN AND PRIVATE AND STATE MANUFACTURE OF ARMS AND IMPLEMENTS OF WAR.

*Held on Saturday, April 13th, 1935, at 10 a.m.*

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*Chairman:* M. DE SCAVENIUS (Denmark).

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#### ADOPTION OF THE DRAFT REPORT ON THE PROGRESS OF THE WORK OF THE COMMITTEE (FIRST READING) (document Conf.D./C.C.F.100 (1)).

The CHAIRMAN said that it gave him great satisfaction to welcome to the present meeting Mr. Henderson, President of the Conference for the Reduction and Limitation of Armaments. After having listened to the discussion which was about to take place, Mr. Henderson would be able to carry away with him a first-hand impression of the attitude of the various Governments on the important problem which the Committee had been charged to examine.

The Chairman proceeded to outline the work which had been done since the previous plenary meeting on March 1st. Acting upon the mandate received from the Bureau of the Conference on November 20th, 1934, the Committee had met on February 14th last and unanimously decided to take the draft submitted to the Bureau of the Conference by the United States delegation as the basis of its discussions. The discussion of the draft had occupied nine meetings, in the course of which various proposals and amendments had been tabled.

By March 1st the general discussion had been terminated, and the Committee had decided to suspend its plenary meetings and entrust the examination of Chapter I (Categories) to the Technical Committee on Categories, that of Chapter II to the Sub-Committee on Manufacture and that of Chapter III to the Sub-Committee on Trade. The first of these three Sub-Committees was presided over by General Benítez and the two others by the Vice-Chairman and Rapporteur, M. Komarnicki.

During the six weeks which had since elapsed, these Sub-Committees had worked without intermission. For the consideration of certain special questions they had been obliged to set up other bodies, such as the Transit Committee, presided over by M. Westman, and the Committee of Jurists, presided over by M. Gorgé.

The achievements of the past eight weeks could be gauged from the documents which had been distributed. They justified the inference that the mandate which the Committee had received from the Bureau had been discharged, at least in part.

As the present session had to be concluded before the opening of that of the League Council, it had been necessary to hold the final meeting that day. That in its turn had necessitated a certain haste in the preparations, which explained why the Secretariat had not



yet had time to provide the Committee with copies in both languages of all the texts which were to be discussed that morning. The Chairman regretted this and hoped that the English-speaking delegations would, as an exception, consent to work partly on the basis of French texts, though this would not create a precedent.

The Chairman then requested the Rapporteur to be good enough to explain the general outline of the texts and reports before the Committee, after first assuring him of the gratitude and admiration which his indefatigable zeal had called forth among all members of the Committee. He also thanked General Benitez, M. Westman and M. Gorgé for their valuable co-operation, and, in the last place, the Secretariat for their unfailing assistance.

M. BORBERG (Denmark) said that, when the problems with which the Committee had to deal were last discussed before the General Committee, he had finished his observations by expressing the hope that the President of the Conference, Mr. Henderson, might receive the Wateler Prize, which he had just been awarded, as a regular annual income. The Conference had assigned him a very troublesome task, and they knew that he was going to take it seriously. Since then, Mr. Arthur Henderson had received the Nobel Prize, and M. Borberg thought that the members of that Committee, who were more fully aware than most outsiders of how diligent, how energetic, how ever ready to sacrifice any minute of his time to the labours of this Conference Mr. Henderson had been, and who, moreover, were dealing with those very private manufacturers, of whom Nobel was one, had greater cause than any other Committee of the Conference for congratulating Mr. Arthur Henderson on having received the Nobel Prize, and telling him—M. Borberg felt sure that he was expressing the thoughts of all—that they knew that he had well deserved it.

The CHAIRMAN said that the whole Committee would join with M. Borberg in his tribute to Mr. Henderson.

Mr. STEVENSON (United Kingdom) said that he had just a few remarks to make on the question of procedure. The United Kingdom delegation was quite ready to agree to consider certain of the documents which were before the Committee in French only. He was, however, glad to hear that this was not to be regarded as a precedent. In this connection, he thought he should, as a matter of principle, remark that this was not the first occasion on which, instead of there being a simultaneous issue of texts in the two languages, the English-speaking delegations had had to work on French texts. Not once, but many times, during their nine weeks of work in this Committee, the same situation had arisen. Mr. Stevenson knew that the Committee's Secretariat were in no way to blame; they had worked as hard as any human beings could; but he would like to suggest to the Bureau of the Committee that the Secretary-General of the League be asked to look into the matter and consider whether some improvement of the system was not possible.

Mr. WILSON (United States of America) said that he was happy to acquiesce in the Chairman's suggestion that the Committee should work on the French text, but was equally happy to hear that that fact did not constitute a precedent for future work. He was sure that there would still be an opportunity for his Office to put forward any suggestions concerning the English text, not as a matter of principle, but merely as a matter of the drafting of texts.

M. KOMARNICKI (Poland), Vice-Chairman and Rapporteur, wished, in the first place, to thank the Chairman for the kind way in which he had referred to himself. It had been with the greatest pleasure that he had made his modest contribution to the Committee's work, which occupied such an important place in the activities of the Conference for the Reduction and Limitation of Armaments.

By the adoption that day of the voluminous report which he had the honour to submit, the new stage in the Committee's activities which had opened on February 14th of that year was to be brought to a close. The report was the result of the combined efforts of certain bodies which the Committee had set up and of enquiries which had lasted two full months in the unusually difficult and disquieting circumstances of the contemporary political situation. If his report or speech betrayed a certain optimism, that should not be interpreted as mere surface politeness, but as the entirely sincere expression of a conviction derived from his own observations and from an entirely objective examination of the results which had been achieved, especially if those results were judged in the light of the distance travelled since the modest beginnings of the first year of the Disarmament Conference. M. Komarnicki had had the honour and the pleasure of being initiated into the activities of that Committee as its Rapporteur and Vice-Chairman, in which capacities he had continued ever since its inception. If members of the Committee would cast back their minds to the first report which he had submitted to the Bureau of the Conference on November 12th, 1932, they would see the extent of the headway made since then. Several principles which were to-day unanimously accepted were then contested, a fact which was a very serious obstacle in the way of progress. In certain quarters, doubts were even entertained as to whether it was worth the Conference's while dealing with this apparently insoluble problem when its programme of work was in any case so complicated and so heavily loaded. Since that time, the logic of events and the progress of the Committee's enquiries had overcome all objections, and a chapter on the manufacture of and trade in arms was now regarded as an indispensable feature of any system for the international regulation of armaments. The impetus given to the Committee's activities by

the United States Government's initiative the previous year had led to the framing of the first texts, which M. Komarnicki had had the honour to submit with his report to the General Commission on July 23rd, 1934. A new United States initiative and a draft Convention laid before the Bureau on November 20th, 1934, had greatly facilitated the Committee's recent activities. Those activities were, of course, not yet complete and could not be completed until the Governments had taken important decisions. As was generally appreciated, moreover, such decisions, especially in the case of great industrial States, had to make allowance for various factors of a political, economic and social character. It was for the Governments to assume their responsibilities. All that could now be done was to await their decisions on which the next and—as M. Komarnicki himself hoped—final stage of the Committee's work would depend.

The Committee had, even so, performed its principal task. It was placing the fullest possible material in the hands of the Governments. It was enabling each Government to examine the individual and national aspects of the problems of manufacture of and trade in arms within the general framework which had emerged from the Committee's investigations.

Members of the Committee would see, on reference to the texts before them, that the passages in italics—that was to say, the passages unanimously adopted by the Committee—were not very numerous, especially in the chapter on manufacture. Nevertheless, there were two important new facts deserving of mention: (1) it was now possible to consider one or more texts instead of mere declarations of principle, and (2) the attitude of the majority of delegations towards all the problems involved was gradually beginning to take definite shape. The stage of groping uncertainty had been left behind, through the crystallisation of programmes. Visibility had improved. It was gradually becoming possible to distinguish what was practicable in present circumstances and to gain a glimpse of the bases of future compromise. If, as M. Komarnicki had pointed out in his report, the problem of supervision constituted the main point of difference between delegations, there were many other problems still to be solved, and to pass this stage a considerable effort would have to be made.

The speaker did not think he need give detailed explanations of the report. The latter consisted of the following sections: (1) General observations and summary of the Committee's proceedings; (2) draft texts; (3) observations and reservations concerning the draft texts. The documentary material essential for future discussions was annexed to the report and would certainly have a considerable effect on the decisions of Governments, more especially in the case of some articles the scope and real meaning of which it had proved impossible to define fully during the discussions which had just closed. He referred to the report of the Committee of Jurists, the report of the Committee on Transit, and the replies given by the Technical Committee of the National Defence Expenditure Commission to the questionnaire drafted by the present Committee. The three annexes had not been examined in the Committee, but had been incorporated as they stood in its documentation.

The report which M. Komarnicki had the honour to submit for the Committee's approval, and which he was prepared, if necessary, to defend, was, like any other human production, certainly not perfect. He was willing to insert any corrections necessary, particularly if the opinions of certain Governments were not conveyed with absolute accuracy. However imperfect the document might be, he nevertheless felt sure that it would form a sound basis for future work. It was to be hoped—and he felt he was not too rash in expressing the hope—that the general political situation would become clearer and, if he might say so, more favourable to the future effort in the sphere of the international regulation of the manufacture of and trade in arms.

In expressing these hopes for the final success of the Committee's work, he was taking leave of his colleagues, whose kindness, courtesy and friendship had greatly helped him to carry out his difficult task as Rapporteur to the Committee.

Mr. RIDDELL (Canada) said that the Canadian delegation, in studying the draft report now before the Committee, had been glad to see the very considerable measure of agreement achieved during the first reading. Even if they were finally compelled to accept an agreement at the minimum level, the work done would still have been worth while. It was to be hoped, however, that during the second reading it would be possible to agree on a more comprehensive scheme of publicity for the manufacture of and trade in arms.

It was a great satisfaction to the Canadian delegation that recent instructions from its Government enabled it to inform the Committee that the Canadian Government supported the maintenance in the text of the provision for the publicity of orders, on the assumption that no greater detail was contemplated than in the case of publicity for actual exports.

As regards aircraft, the Canadian delegation had stated in general debate that, in its Government's opinion, civil and military aircraft should both be brought under the Convention. As the technical experts seemed to be agreed on the feasibility of differentiating between civil and military aircraft, the Canadian delegation was authorised to accept the proposed formula involving the regulation of the trade in military aircraft under Category III and in civil aircraft under Category V of Article 4.

The Canadian delegation also agreed to the insertion in the Convention of a provision requiring transit permits.

Further, because of the desirability of securing general assent to the organisation of a Permanent Disarmament Commission with wide powers for eventual armament control, the Canadian delegation was ready to accept the establishment of a Permanent Disarmament Commission with the right to make inspections on the spot.

The delegation wished to associate itself with the welcome extended by the Chairman and M. Borberg to the distinguished President of the Conference, Mr. Arthur Henderson, whose presence was a good omen for the successful conclusion of the Committee's work.

Mr. WILSON (United States of America) cordially associated himself with the words of welcome and tribute paid to Mr. Henderson and also with the thanks tendered by the Chairman to the Rapporteur and the Secretariat.

He thought that the termination of the first reading of the draft Convention for the regulation of the manufacture of and trade in arms should give an opportunity for reviewing what had been done and what remained to be done, and also for outlining the future course of the Committee's work.

Last November the United States delegation had laid its draft text before the Bureau, and two months ago the various Committees had begun their detailed study of that draft. The United States draft had been conceived and drawn up to form a compromise solution between the various views advanced on the problems before the Committee. The United States Government, on the basis of the results of previous discussions at Geneva, had embodied in that text certain principles which it thought were indispensable if an agreement was to be secured.

The result of the discussions just terminated showed the extent of the task which the Committee had accomplished. The document now submitted showed that the manufacture of and trade in arms could be regulated, and that the only hindrance to nations drawing up a Convention was a difference of views as to the form to be taken by that regulation.

The debates had revealed unanimous recognition of the principle of full national responsibility for national control. There was agreement on the principle of equality of treatment as between State and private manufacture and as between importing and exporting countries. Further, there was agreement also on the establishment of a licensing system and of a publicity internationally supervised. That marked a substantial progress toward future success.

There were, however, certain points on which unanimous agreement had not been found. They were questions which, in the view of many delegations, formed an inseparable part of any future Convention. The United States delegation had hoped that the draft it had originally proposed offered a middle road which might have met with general acceptance. The discussions held had shown that, while some felt that the draft went too far, others believed that it did not go far enough. His delegation still thought that its proposals, or rather the present middle column, which contained the essential features of the draft submitted by the delegation, held out hopes of future agreement, and in that connection the declaration they had just heard from the Canadian representative was most important. How could agreement be reached? That was a question for the study and consideration of Governments, but the United States delegation hoped that work could be resumed at the earliest possible moment. Mr. Wilson was sure that that opinion was shared by all his colleagues. The date, however, depended on how quickly the various Governments concerned could settle the differences recorded in the report. That was their responsibility.

Mr. Wilson wished to repeat that the present text represented a valuable basis for future work, and thought he could say that there were no differences not clearly specified therein, just as there were no agreements which were not also recorded. In other words, the Committee had before it all the elements involved in a solution of the problem. It now remained for Governments to see in what way the divergent views could be reconciled. He was firmly convinced that they would be constrained to seek such harmony. The peoples they represented would not tolerate the unchecked continuance of the evils of unregulated production of and traffic in arms. Still less would they tolerate it when they realised that all Governments were now unanimous in wishing for a regulation of that industry and for the elimination of its evil effects. At their final session of the present phase of their work, he desired to say how deeply the United States representatives appreciated the courtesy and interest shown by the other delegations in their efforts to find a text which might meet with support. They had encountered nothing but an intelligent and sympathetic comprehension of the difficulties connected with finding that middle path, and they wished to express their most sincere thanks.

In conclusion, Mr. Wilson proposed the adoption of the report.

Mr. HENDERSON, President of the Conference, said that his first words must be to thank M. de Scavenius for the very kind welcome extended to him as President of the Conference on the Committee's and his own behalf. He appreciated that very much indeed and could not proceed without also noticing the friendly expressions of M. Borberg. As might be expected, the events referred to by the latter had made a very deep impression on his—Mr. Henderson's—mind, as he felt it to be a recognition of the various efforts he had made, not only during the period of the Conference, but for many years previously, in the interest of world peace. The tribute paid to him was, he believed, one which not only the Conference but also the

entire peace movement of the world highly appreciated and which must perforce fill him with a profound feeling of gratitude, not only to those who had bestowed the honour, but also to those who had so clearly marked their appreciation of such a distinction being conferred on the President of the Disarmament Conference. He thanked M. Borberg very sincerely for the extremely kind words he had spoken on that point.

He was delighted to be able to be present on such an occasion. The Committee was just concluding eight weeks of very strenuous work, and he wished to join with the Chairman and other speakers in congratulating M. Komarnicki and all the other persons mentioned, and also the present Committee and the Sub-Committees working on its behalf, for the indefatigable way in which they had done their work during the last eight weeks. Might he add that there was more in that task than met the eye at first sight, more than the fact that the delegations had been working? He did not think it would be wrong to say that there had been a great deal of criticism of the way in which the Conference did its work. He was not sure that, in some sections of the Press in one country or another, an obituary notice had not more than once been written on the Conference. Yet the fact that the Committee had been able to put in those eight weeks of strenuous labour went to show that the Conference was still alive, and, with the assistance of M. de Scavenius and others who he knew were no less anxious than himself to secure a world agreement on armaments and peace, he was determined not to let the Conference die.

He realised, of course, that the subject before the Committee was fraught with difficulties; but the delegates present had been so devoted and so earnest in tackling the work which had been given, not only to the present Committee, but also to its Sub-Committees, that they had in great measure overcome many of the difficulties with which they were faced. So far as he could gather from a cursory perusal of the report and the texts and from the statements made by the Committee's highly conscientious Rapporteur, their efforts had resulted in reducing some of the main divergences of opinion between the various delegations. No doubt the texts were only the result of a first reading, but Mr. Henderson ventured to hope that, at a not too distant date, and in the better international atmosphere that they were all praying and longing for, the Committee might again assemble to begin the second reading, when more unanimous texts would emerge from those discussions. Even at the present stage, however, it was no exaggeration to say that those texts contained valuable elements for a general Convention for the control of the manufacture of and trade in arms such as would facilitate realisation of the fundamental purpose of the Conference for the Reduction and Limitation of Armaments.

As there was general agreement on the need for effective regulation, it should not be impossible to agree on the question of method. He hoped, therefore, that, when the texts had been circulated to the members of the Bureau, to the General Commission and to the Governments, the latter would be willing to make a further and deliberate effort of conciliation and give their delegates the necessary instructions, so as to enable them to improve on the present position as set out in the articles before the Committee. That might enable the Committee to secure the more unanimous results to which he had just referred.

Mr. Henderson thanked the Committee very sincerely and trusted that when it met again it would be able, as he had just said, to mark progress.

M. AUBERT (France) thought that, after eight weeks of discussion, the time had come to make a general survey of the draft to be submitted to Governments for their examination with a view to a second reading.

He would like to deal with its past, its present and its future.

As regards its past, the majority of the ideas contained in the draft had been mooted some considerable time since. As long ago as 1926, the question of control and of a permanent commission had been discussed by the Preparatory Commission for the Disarmament Conference. The exchange of information regarding effectives and expenditure had also been contemplated; but nothing had been said about material. Nevertheless, in 1925, a Convention regarding trade had been drawn up and, in 1929, the outlines of a draft concerning the manufacture of arms had been prepared, but neither the Convention nor the draft in question came within the framework of a general Convention; those problems were only dealt with from the very narrow angle of trade in certain zones or as a remedy for the evil effects of private manufacture.

Then there had come the Disarmament Conference. It had taken up the question of material, but for months had confined itself to its qualitative limitation. Notwithstanding the suggestions made by the French delegation in the autumn of 1932 and its detailed proposal submitted in the spring of 1933, the majority of the members of the Committee on Manufacture and Trade were much more anxious to improve the 1925 and 1929 drafts than to endeavour to write a chapter of the general Convention regarding the manufacture of and trade in arms.

The United States draft was submitted in November 1934 and represented an important advance. The question of material was—and, he thought, rightly—regarded as the very crux of the armaments problem; while he did not underestimate the importance of the number and value of combatants, it was becoming more and more correct to say that material was the essential factor. After all, less time was required to convert a civilian into a soldier than to manufacture up-to-date implements of war in sufficient quantities, to collect them together with a view to mobilisation, to put them into service and to accustom the troops to use them.

In his view, therefore, the great merit of the United States draft was that it regarded publicity and control of manufacture and movements of material as the very core of the armaments problem, whereas until then attempts had been made to evade that essential question.

The United States draft contained many new ideas, and first and foremost the idea of combining publicity of expenditure, publicity of manufacture and publicity of trade.

The Committee had already seen what counterchecks would be possible as a result of that combination. He did not think it had had time to perceive, or at any rate to form an accurate idea of, them all. He would mention as an example the beneficial effect of budgetary publicity, with its concomitant, notification in advance, upon publicity of manufacture. Moreover, was it not true that the picture of armaments furnished by expenditure was too vague to show the exact outlines? Was it not necessary, therefore, for budgetary publicity and control to be supplemented by publicity and direct control of the armaments themselves, which led to the expenditure that was brought out by means of budgetary publicity?

The draft accordingly contained an excellent combination of ideas which would supplement each other, and also a number of new ideas, such as the national control of manufacture and movements of material, which would enable every State to assume international responsibility; the idea of international control superimposed upon national control, observing its operation, and, through it, following variations in armaments; the idea of the publicity of orders, which was a new idea, since the proposed publicity had hitherto been confined to general licences to manufacture.

Thanks to that idea of the publicity of orders, supplemented by import and export permits, equal treatment would be ensured for the first time to producing and non-producing countries.

It was also proposed that local control should be added to documentary control, and the draft likewise contained the very simple, but sound, idea that control involved the establishment of facts.

Those, then, were the new and, he thought, very valuable proposals embodied in the United States draft, which had been submitted to the Committee when it met eight weeks ago.

That was the origin of the question.

What was the present position?

At the outset of the discussion, the United States draft had been taken as an axis and the various delegations had ranged themselves fairly symmetrically on either side of it. He thought that one of the best proofs of the progress made by the Committee's discussions was that the United States draft, which was at first regarded by the majority of delegations as the maximum obtainable, was now looked upon as the mean.

Reference had been made to "minimalist" and "maximalist" tendencies. He would come back to those terms later, but, as his delegation represented a "maximalist" tendency, he would like to make one last attempt to define its meaning.

In the French delegation's view, the weak point of the United States draft was that publicity and the exercise of control would be too long delayed. As his delegation held that the essential thing was that the nations should be forewarned, so as to be able to take action in time, it had put forward the idea of notification in advance.

It had proposed that that notification should be given in three forms:

Previous notification of the quantities of material that States proposed to put in hand, to be furnished at the beginning of the financial year.

Previous notification at the same time of the annual instalment of manufacturing programmes.

Previous notification of the putting in hand of the manufacture of certain material.

M. Aubert repeated that those proposals were not the fruit of an abstract idea, but were based on national realities. Just as in each country the national defence services asked the public authorities each year for the sums required for the putting in hand of the material provided for in the annual instalment of their manufacturing programme, so each State might inform the international community of the sums allocated to that annual instalment.

The idea of previous notification of expenditure had been accepted almost unanimously by the Committee. He thought it was a sound idea from both a technical and a political standpoint, because the more or less simultaneous publication of all programmes would permit of the elimination of surprise, the adjustment of claims and, lastly, of progress in the direction of limitation.

Fewer delegations had accepted the other forms of previous notification, but, nevertheless, previous notification of quantities now had the honour of occupying the middle column of the draft. He would remind the Committee that, in the French delegation's view, that notification should be restricted to a few important implements to be determined. He realised that the national practice from which that idea had been borrowed applied solely to naval material. Particulars of quantities were given in naval budgets alone, but in the international sphere the French delegation would like to extend that publicity of quantities to other material.

The idea of previous notification of the putting in hand of manufacture was based on a similar conception. It was, of course, chiefly in the case of naval material that a long period elapsed between the placing of the order and the putting in hand of the vessel—*i.e.*, the laying-down of the keel. There was also an interval between the placing of the order and the

putting in hand of all the most important implements, and the French delegation would like to make use of those intervals for the organisation of reassuring publicity.

That was why it was endeavouring to define, with the help of those three forms of previous notification, the publicity afforded by the United States draft. It was anxious to throw light, not only on armaments already acquired, but also on plans for their acquisition.

It was making a similar effort in regard to control. The draft contemplated the control of finished material. At first he had thought that that very limited conception was based on a sort of fear of control, whose action, though necessary, should be restricted and held in check as far as possible, since it was considered dangerous. However, it seemed to him very difficult to seize upon the material just at the moment when it was completed and before it had been delivered, as that moment was often fleeting. Moreover, even if that material could be included in time, the investigators would still know nothing about the rate of manufacture. Between the time particulars of the order were published and the moment when the investigators were asked to verify the existence of the finished material submitted to them as being in accordance with the order, they would be unable to ascertain whether the actual output was not greater than the figures given in the order. The French delegation therefore considered that control should be exercised, not over the very last stage, but over the actual process of manufacture. M. Aubert would repeat that it was not proposed to extend the scope of control indefinitely, but, on the contrary, to confine it to certain important material and to certain essential and characteristic stages of manufacture.

What was the object of all those measures? It was to prevent any nervousness in regard to control, to make certain that it would be carried out in time and that the investigation would not have to seize a fleeting moment, and to make sure that, once the material put in hand was known by means of the order and the investigators were in a position to decide what were the essential stages of that manufacture, they would be able to intervene at the opportune moment. They would be able to organise their work in advance and to carry it out calmly and normally without the risk of creating incidents. It was also with a view to simplifying and standardising the task of control that the French delegation had proposed the appointment of permanent agents acting on behalf of the regional supervisory commissions at Geneva. Those agents would ensure the maintenance of regular contact between the national authorities and the Permanent Commission, would thus enable the journeys to be undertaken by the regional commissions to be reduced to a minimum, and would make control as inconspicuous as possible.

Those were the chief points of the so-called "maximalist" theory. The French delegation did not much care for that term. Though convenient, it was inaccurate, because the French delegation did not propose to extend control to all materials. It would be better to call it a realist theory, as it was based on a very close study of the actual objects of control.

Opposed to that theory which he had just summarised there was another—the so-called "minimalist"—theory, which departed considerably from the United States plan. It simply consisted of publicity of expenditure and documentary control. However, in the course of the discussion, he had been very interested to hear the chief exponents of that theory declare—and the French delegation had taken careful note of their declaration—that, if the Committee had been discussing a limitation convention, they would then have favoured the idea of local control, in spite of the difficulties which they feared it would involve. That was a very important declaration, because it proved that the existing difference of opinion was not so much a difference of principle as a difference of circumstances. The issue which divided the advocates of those two theories would be decided by circumstances.

That observation led M. Aubert to his third point.

What was to become of the draft in future?

There were several possible solutions which it put clearly and honestly before the Governments.

Governments might be tempted to accept the "minimalist" solution, owing to its modest aims. The French delegation wished to state forthwith that, in its view, that solution did not go far enough; it would not suffice to clear up mysteries and to prevent surprises.

His delegation was in favour of the other solution, the solution in the middle column of the draft, with the additions it had proposed. That solution might form the subject of a limited convention or the axis of a general convention.

In any case, one point was already clear: for the first time, the automatic and permanent control which had been discussed for so long had been accurately defined. He thought that, when the text was read, it would be seen that that form of control had nothing to do with the control exercised after the Armistice. Multilateral and reciprocal control over manufacture so as to establish the facts could not really be compared with unilateral control with a view to the destruction of material. There was no connection between them as regards either principles or consequences.

Before concluding, he wished to mention the general scope of the technical system of control, should it be applied. If a register were compiled of the armaments of each State, would not that also constitute a register, which would be kept up-to-date, of its intentions? Would not variations in armaments—whether they related to manufacture or to movements of armaments—show the variations in intentions? Before any of the definitions of aggression proposed during the Disarmament Conference were applied, the dossier of the aggression, showing that aggression had been prepared for by a speeding-up of manufacture or the purchase of war material, would have been established by the control.

The Permanent Commission, which would be responsible for this control of armaments, might therefore play a very important part in conjunction with the Council. It would be charged with the supervision of peace through armaments.

In conclusion, he would like to state that it was thanks to the zeal of the various Chairmen and of the Secretariat, and also to the attitude displayed by the various delegations during the discussions, that it had been possible, in a comparatively unexplored field, to discuss and formulate a number of new ideas. On behalf of the French delegation, he wished to thank, not only the delegations that had supported its views, but also, and very cordially, those delegations which, from the outset, had clearly stated their opposition in principle, but, by participating in the discussions, had helped to make the latter more purposeful, more comprehensive and more animated.

Mr. STEVENSON (United Kingdom) first expressed to the Committee Lord Stanhope's regret that, in the absence of Sir John Simon and Mr. Eden from the Foreign Office, he was unable to attend the meeting.

He would like, on completion of the first reading, to extend an expression of the gratitude of the United Kingdom delegation, firstly, to the indefatigable Vice-Chairman and Rapporteur, M. Komarnicki, and, secondly, to the United States delegation for their initiative in producing the valuable draft on which the Committee had been working for the last nine weeks. It had been used as the basis of discussion and had enormously facilitated the Committee's work. Lastly, he would like personally to thank all his colleagues for the spirit of conciliation which they had shown during these last nine weeks and for the patience with which they had listened to his remarks.

His Majesty's Government in the United Kingdom were in entire sympathy with the principles lying behind the United States proposals. His Majesty's Government differed only from the United States Government and from some other Governments represented on the Committee in the method of giving effect to these principles.

The first reading had shown that there were divergencies of view on two important points in connection with these proposals. One was the degree of publicity that should be given to the manufacture of and trade in arms, and the other was the method of supervision of the national control that was to be instituted by the Convention.

On numerous occasions during the past weeks, the Committee had listened with commendable patience to the views of His Majesty's Government on these two questions. In order, however, that there should be no misapprehension in the minds of the Committee, he would again summarise those views.

As Lord Stanhope stated in a speech which he delivered at the beginning of the session, the objectives of the Convention under discussion were the following :

- (1) To introduce adequate and practicable measures of regulation and publicity, internationally agreed upon, in regard to the operation of arms manufacture ;
- (2) To devise a similar system of regulation and publicity in regard to the trade in arms whereby that trade would be confined to legitimate channels and would only pass through responsible hands ;
- (3) To ensure that the world should have timely information of any material increase in the armaments of any country, whether by import or manufacture ;
- (4) To provide the machinery for the immediate imposition of an effective embargo on the export and import of arms if and when such action should be decided upon internationally.

With these objectives steadfastly in view, the United Kingdom delegation had put forward amendments to the original United States proposals. These amendments had been criticised. It had even been said that they destroyed the original conception of the United States Government. Could such a criticism be upheld ? He would examine for a moment what would be the effect of a convention on the simpler lines advocated by the United Kingdom delegation. It would mean that every Government undertook to assume complete control of arms manufacture and trade. It would mean that the system of this control would be uniform throughout the world. This would provide effective machinery for rapid international action in the direction of prohibition of the supply of arms, should that ever be decided upon. It would mean that the trade in arms would be confined to the responsible hands of Governments or their accredited agents. It would provide for the establishment of a Permanent Disarmament Commission. It would mean that, for the first time in history, the whole world would accept the principle of publicity for arms produced, bought or sold. And, finally, it would mean the acceptance of the principle that nations were answerable to a central international body for the accuracy of the returns which they made.

The attainment of such results was surely worth an effort.

In order to obtain international agreement on a convention which would fulfil the objectives which he had set forth, His Majesty's Government held the view that a simpler system of publicity was required than that described in the original United States proposals. The system which His Majesty's Government preferred was one involving, firstly, annual statements by each Government of the expenditure which they intended to incur on armaments, and, secondly, quarterly returns by value of actual production, export and import. This

system would give timely information of the intentions of Governments in regard to their equipment with war material, followed up by information in regard to their production and purchases. It would give the world a clear idea of the trend of arms manufacture and of the movements of war material. It provided for absolute equality of treatment between producing and non-producing countries. The frequent returns of production were, in Mr. Stevenson's view, likely to give a truer picture of the actual state of affairs than would returns of orders for war material which often might not be executed. The system could be adapted to the valuable proposals which the Committee on Budgetary Publicity had set forth. It was simple, both in conception and in execution. Finally, and most important of all, the United Kingdom delegation believed it was the maximum on which international agreement was obtainable at the present time, and without international agreement there could be no convention.

As regards the method of supervision which His Majesty's Government deemed suitable for this Convention, Mr. Stevenson desired to remind the Committee that His Majesty's Government had accepted the principle of permanent and automatic supervision with local inspections in connection with a convention for the limitation of armaments. As he had already informed the Committee, his Government had made a profound study of this question. It realised the great difficulty of setting up an appropriate system and, once that had been done, the even greater difficulty of applying it effectively and without friction. Nevertheless, His Majesty's Government believed that it would be justified in accepting such a system if it could thereby bring about international agreement on a convention for the limitation of armaments. He repeated that this decision was not lightly taken. It was published to the world more than a year ago, and His Majesty's Government stood by it.

But when the Government came to consider this question in connection with the present Convention, which did not involve any limitation of armaments, it asked itself what there would be to supervise. The only answer was: documentary returns. Furthermore, on considering the bases of the Convention, the Government recalled that the control contemplated was purely national. In these circumstances, it seemed to the Government that the application of a system of permanent and automatic supervision with local inspections would not only be unsuitable, but would be the very negation of the main principle on which the Convention was based.

In working out the system which it has proposed, His Majesty's Government had two aims in view: the first was to make it appropriate, and the second to render it generally acceptable. What was this system? It could be divided into two parts:

- (1) The normal procedure;
- (2) The procedure in the event of any suspicion of inaccuracy or incompleteness in the returns rendered by any nation.

In accordance with the normal procedure, the Permanent Disarmament Commission would carefully examine the information received from any contracting party, and if, as a result of that examination, it desired further particulars or explanations, it would request the Government concerned to supply them in writing or verbally. For this purpose, it could ask that accredited representatives of the Government should appear before it. Furthermore, the Commission would be entitled to hear or consult any person capable of throwing light on any question which it might be examining. That was the normal procedure.

Should, however, the Commission have reason to believe that the information supplied to it was incomplete or inaccurate, it could ask the contracting party concerned to supply it with such explanations as might be necessary to establish the facts, either orally through responsible officials or in writing. The Commission would then draw up a reasoned report setting forth the results of its enquiry. Thus, a nation suspected of having rendered inaccurate or incomplete returns could be called upon by the Commission to vindicate itself. If it succeeded in doing so, all would be well. If, on the other hand, it were unable to remove the suspicion caused by its attitude or actions, the fact would be published to the entire world and it would rest with any nations which might consider themselves threatened by such a state of affairs to take further action if they should consider that necessary.

Such a system seemed to His Majesty's Government entirely appropriate for the Convention in view. Moreover, it would be acceptable to all nations. Important as the other considerations were, this last was perhaps the most vital from the point of view of results. This Convention would not, if His Majesty's Government could help it, share the fate of other over-ambitious schemes in the past.

The delegations supporting, respectively, the two main currents of opinion in the Committee had been called "maximalist" and "minimalist". Mr. Stevenson thought the Committee had to thank the representative of Spain for coining this happy phrase. In his opinion, those delegations who advocated a more complicated and detailed form of convention were the maximalist delegations, and those who, like the United Kingdom, preferred a simpler form were the minimalist delegations. Mr. Stevenson thought these labels should be reversed. The United Kingdom delegation and those delegations which agreed with it should be called maximalist, as they aimed at the maximum which was likely to secure universal acceptance;



while those who preferred a more complicated system should be called minimalist, for they would, he feared, achieve less than a minimum.

The main criticism of the United Kingdom proposals had been that, though they might produce a convention, it would be scarcely worth signing. Mr. Stevenson would ask those delegations who were not in agreement with him to examine once more the really solid achievements of a convention such as the United Kingdom delegation proposed. He would enumerate them again :

1. The Governments would undertake strictly to control arms manufacture and trade.
2. There would be a uniform system of control throughout the world, thus providing effective machinery for any international action that might be decided upon.
3. The control would be so exercised as to keep the trade in arms in the responsible hands of Governments.
4. A Permanent Disarmament Commission would be established.
5. The principle of publicity for all arms produced, bought and sold would, for the first time, be accepted by the world.
6. Nations would accept the principle that they were answerable to a central international body for the accuracy of their returns.

The course of the Disarmament Conference had taught some bitter lessons. Surely the one which most delegates had learnt best was that a modest and practical result, capable of immediate achievement, was worth more than any number of ambitious schemes upon which opinion was always hopelessly divided. This was the situation to-day. Mr. Stevenson appealed to the delegations represented in the Committee and, through them and the President, to the Governments represented in the Disarmament Conference to reflect earnestly before taking the heavy responsibility of rejecting a workable scheme, such as would result from the amendments proposed by the United Kingdom delegation to the United States draft. He was convinced that such a scheme would prove internationally acceptable, and he thought the course of the discussions in the Committee substantiated this view. There was an old English proverb which said that "half a loaf is better than no bread". He commended it to the notice of his colleagues. He most earnestly trusted that the Committee would not persist in pressing an ambitious scheme which a number of delegations could not possibly accept. Above all things, the United Kingdom delegation wished to avoid registering yet another failure for the cause which all had at heart, because some had put their desires too high.

General BURHARDT-BUKACKI (Poland) expressed the great satisfaction of the Polish delegation that, after very laborious studies and discussions, the work of the Committee had resulted in a draft Convention which would form a useful basis for the second reading. It was true that this draft was only partly a sole text, since two texts had been presented on other—and not the least important—provisions. It was also true that some provisions had only been accepted with reservations by certain delegations. Nevertheless, the problems had been thoroughly examined, various points of view had been frankly and clearly expressed, and differences of opinion had been to some extent diminished. More could not be expected at a first reading, as delegations were generally not in a hurry to abandon part of their views to secure closer agreement.

The Polish delegate hoped that when the delegations met for the second reading they would all be supplied with instructions enabling them to make the necessary concessions to each other and to arrive at a sole text which would be acceptable under present conditions for all countries.

His delegation had already considered this first reading in the spirit of the second reading—that was to say, it had not clung stubbornly to the ideas which it considered the most desirable, but had endeavoured to consider what provisions could be achieved in present circumstances and had supported them at the cost of certain sacrifices of its theoretical views. It had subordinated its original demands to the main object—namely, the conclusion of the Convention.

Some ideas which had been put forward by the delegations of the United States and France were regarded with very great sympathy by the Polish delegation. It had supported the more restricted proposals of the United Kingdom delegation, which had been endorsed by Italy and Japan, since it considered it better to have a limited convention than none at all. It had always kept in mind the French proverb : "Le mieux est l'ennemi du bien", and had not found it possible to disregard the objections of the great producing countries.

Moreover, the Polish delegation considered that the texts proposed by the United Kingdom could be easily adapted to the interests of the non-producing countries in order to ensure their complete equality with the producing countries.

The Polish delegation realised that the texts supported by the United Kingdom, Italy, Japan and itself constituted a minimum, but it did not forget that it was also a maximum when it was considered what could be achieved under present conditions to ensure a beginning of the international regulation of the manufacture of and trade in arms.

General VENTZOFF (Union of Soviet Socialist Republics) said that, at this closing meeting, in which the first reading of the United States draft was being concluded, the U.S.S.R. delegation would like again to emphasise certain principles which had guided it during the work.

1. The U.S.S.R. delegation wished, in the first place, to point out that it remained faithful to the idea that the Regulation Convention could only be of interest as an integral part of a general convention on the limitation and reduction of armaments. It repeated that the measures relating to the publicity of the production of and trade in arms and implements of war could in no way increase the feeling of security of the nations so long as the contracting parties had not assumed definite undertakings regarding the level of their armaments. The U.S.S.R. delegation was of opinion that there was an indissoluble connection between any regulation of the production of and trade in arms and the reduction and limitation of armaments.

2. While maintaining this view on the question of principle, the U.S.S.R. delegation had endeavoured, during the discussion on the articles of the United States draft, either by making proposals itself or by supporting those of other delegations (whose attitude had been described as maximalist), to make the future Convention more effective and operative. In many cases, however, these proposals had met with opposition from the majority of the Committee.

Without entering into details, the following facts should be noted :

(a) All the means of chemical and incendiary warfare, together with the greater part of the production of gunpowder and explosives, had remained outside any publicity control ;

(b) The draft left on one side the production, stocks and trade in raw materials and semi-manufactured goods used for the manufacture of arms and implements of war ;

(c) The draft did not submit to regulation the State and private undertakings which did not manufacture implements of war at a particular moment but which were nevertheless equipped to produce them as soon as hostilities began or at a time when war was threatened ; the draft, moreover, did not take account of the capacity of production of works which were executing orders for war materials.

The U.S.S.R. delegation had caused all these questions and a considerable number of others of no less importance to be placed on the agenda of the discussions on the United States draft. It proposed to revert to them during the second reading of the draft.

3. The U.S.S.R. delegation had always expressed itself in favour of the system of international control. It considered that it was impossible to enclose the control of the manufacture of and trade in arms in a national framework. Recent experience had clearly shown the international connections which united the private war industries of a large number of countries. The internationalisation of this branch of industry had for a long time past been brought about by various methods more than in any other sphere of world production. The U.S.S.R. delegation therefore considered that it was impossible to be satisfied with the control of the States alone. It was of opinion that such control must be rapid, real and effective. It felt it was impossible in an era of currency instability and price fluctuations to base this control on financial indices and disregard the quantities and characteristics of the arms manufactured or sold. It was clearly understood that this supervision should be universal — *i.e.*, it should be applied equally to all manufacturing and non-manufacturing countries.

4. The U.S.S.R. delegation was sorry to have to say at the end of this first reading that the actual objects of this control had still been only rather vaguely defined. There were still too much reticence, too many reservations and too many parallel texts, clear indications of the difficulties and objections that it had not been possible to overcome. The differences of opinion continued, despite the obvious fact that the profits of private manufacturers were still increasing, notwithstanding the depression the world was experiencing.

In conclusion, the U.S.S.R. delegation agreed with the Rapporteur that the future success of these discussions would depend on the general political situation and pointed out that, at the close of the first reading, the Committee's efforts had had to be confined to a preliminary discussion and an elucidation of the respective views taken by the different delegations on the United States draft.

M. ZUMETA (Venezuela) asked whether Article 2 of the draft involved an obligation on the contracting parties to enact really effective legal penalties for persons responsible for losses caused to a friendly State by illicit transactions in arms and instruments of war.

He explained that, in asking this question, the Venezuelan delegation was not moved by national but by international considerations. The question of the maintenance of order in any country was, by definition, the business of the country in question, and the Venezuelan

Government had shown that it fully realised this. States Members of the League of Nations should, however, make it quite clear to what degree they wished to maintain the principles for which the League stood and to carry out the tasks for the execution of which it was founded.

M. KOMARNICKI (Poland), Vice-Chairman and Rapporteur, wished to reassure immediately the Venezuelan delegation. The wording of Article 2, paragraph 1, was perfectly clear :

“ The High Contracting Parties will take the necessary legal steps to ensure in the strictest manner the execution of the provisions of this Convention.”

This text should be read in the light of the explanations given in the report of the Committee of Jurists :

“ From this responsibility of the State it follows, as has been pointed out, that, in all cases, and more particularly in the case of proved or presumed irregularities, the State with the responsibility defined above will be bound to produce all explanations and proofs which may be judged necessary.”

That report had not been adopted by the Committee, but it represented the general legal opinion of all the delegations there present, and he therefore thought that the Venezuelan delegation should be satisfied.

Admiral RUSPOLI (Italy) said that, at the opening meeting of the present session held on February 14th last, he had had the privilege of voicing the conviction of the Italian delegation that the failure of all efforts made so far for the regulation of the trade in and manufacture of arms and implements of war, from the time of the St. Germain Convention in 1919 onwards, was due to the fact that the projects put forward were too ambitious having regard to the circumstances prevailing at the time and did not place the producing and the non-producing States on an equal footing.

For this reason the Italian delegation had always striven for and favoured simple, efficacious and equitable treaty provisions, which should commend themselves to all States desirous of taking a first and important step towards the common goal.

On these lines the Italian delegation had found itself in general agreement with the United Kingdom delegation, and the texts put forward by the two delegations had obtained the support of the delegation of Japan, and also that of other delegations in so far as the provisions dealing with the composition, functions and operation of the Permanent Disarmament Commission were concerned.

In particular, the Italian delegation had been favourable to strict measures of national supervision, internationally agreed upon, for the control of arms manufacture, and for the acceptance of the principle that trade in arms should be confined to legitimate channels and only pass through responsible hands—viz., should take place only under cover of the corresponding export and import permits issued by the exporting and importing Governments respectively.

The Italian delegation was of opinion that the objects of the present Convention with regard to international publicity for the manufacture of and trade in armaments could be fully attained by means of quarterly returns of the total value, under each heading in the categories, of the arms and implements of war manufactured, imported or exported during the previous quarter.

It considered that publicity of orders, or of export and import permits, and particularly advanced publicity respecting manufacture not yet completed, was open to serious objections. Such publicity would in fact give rise to unnecessary administrative complications, to the possibility of military and commercial espionage, and of disloyal competition between manufacturing firms, and, above all, it would place non-producing States in a condition of inferiority, especially in the eventuality of an international crisis.

Thus, a provision for publicity of orders, or for advance publicity of any description, might well result in encouraging non-producing States, mindful of their national security, to lay up stocks of war material, or to become producers of their own arms and implements of war, even if such production were anti-economic, with a consequent increase of financial burdens and armaments throughout the world, and the frustration of the objects of the present Convention.

In furtherance of this conception and to eliminate the objections put forward in the past to the acceptance or ratification of a convention for the regulation of the manufacture of and trade in arms and implements of war, the Italian delegation had submitted various proposals dealing with the suspension of or derogation from certain provisions of the Convention in time of crisis, and others intended to reassure the non-producing States more especially that, without prejudice to the obligations under the Covenant of the League of Nations, the principle laid down in Article 7 of the fifth and thirteenth Hague Conventions of 1907 remained applicable in its entirety.

The Italian delegation was happy to express its conviction that the work done during the present session had been fruitful, and that the results achieved were such as to permit the rapid drafting of a convention when the various Governments agreed to take a first and important step towards the regulation of the manufacture of and the trade in arms.

In conclusion, Admiral Ruspoli said that it was unnecessary to add that the Italian delegation associated itself with the expressions of admiration and gratitude for the way in which the Vice-Chairman had conducted the meetings and for the efficient results obtained both in the general meetings over which he had presided and in the Committees presided over by M. Gorgé and M. Westman ; thanks should also be extended to the Secretariat for its very efficient work.

M. NISHIMURA (Japan) desired, now that the first stage of the Committee's work was approaching conclusion, to explain the attitude he had taken up during the previous weeks and to summarise the point of view of the Japanese delegation.

From the very outset, he had always been careful to remain faithful to the idea that the draft in process of being framed should be based upon a realistic approach, allowing for the various circumstances by which the attitude of each nation was governed, with a view to drawing up regulations such as might ultimately be applied by all the contracting parties.

During the discussions, however, he had noticed that opinion was sharply divided on many essential points, thus clearly revealing how difficult it was to reach solutions satisfactory to all. He had, therefore, refrained from intervening in the discussions, with a view to avoiding other complications.

Since then, however, two schools of opinion, if he might so describe them, had grown up, one represented by the majority and the other by the minority, which unfortunately were only seldom in agreement.

Were the Japanese delegate obliged to join one or other of these schools, he would be compelled to support the minority view, which more faithfully reflected the idea by which he had been guided from the very beginning.

He had indeed ventured to do so in the course of the last few meetings, entering reservations of principle in regard, for example, to equality of treatment of the two different categories of manufacture, State and private, publicity of orders and advance notification, and the general introduction of inspection on the spot as a method of control.

These reservations were the outcome of careful consideration and had been entered with a view to eliminating dangerous misapprehensions, which might in future produce unfortunate consequences. M. Nishimura hoped that the Committee would realise that this attitude was prompted solely by the sincere desire to see the successful elaboration, through the willing efforts of all, of a convention genuinely acceptable to all and universally applicable—an achievement which for the moment still appeared somewhat difficult, but to which the Japanese delegation was always ready to make the necessary contribution.

M. WESTMAN (Sweden) said that it was stated in the report before the Committee—and the Rapporteur had just emphasised the point—that the texts proposed were not in any way finally binding on the Governments. That, he thought, was—in the present situation—a statement of the highest political wisdom.

He did not wish to neglect this opportunity of expressing the hope that the various Governments would take advantage of the consequent freedom of movement during the coming weeks to narrow down differences of opinion. There was no doubt that that would mean that every Government, whether maximalist or minimalist—according to M. Palacios' or Mr. Stevenson's interpretation of those words—would have to sacrifice some of its cherished ideas.

He pointed out that during the discussions the ground had been reconnoitred and that attempts at compromise had even been made by bold and enterprising spirits. Those attempts had been called premature. For his part, he regarded the use of that epithet as a good omen. What to-day was regarded as premature might to-morrow or the day after reach the required maturity. In any event, he desired to state that the Swedish delegation would continue to follow the course it had hitherto endeavoured to pursue, its object being to promote that equitable middle solution to which reference had been made and which alone would bring about the necessary agreement and understanding for the conclusion and entry into force of an international treaty on the regulation of the trade in and manufacture of arms and implements of war. The Swedish Government had already shown how much importance it attached to such a treaty by preparing and enacting suitable national legislation to ensure its entry into force.

M. GORGÉ (Switzerland) accepted the report but expressed regret, in doing so, that it had not been possible to reach a more or less general agreement as to the solution of a problem the importance and urgency of which everyone recognised.

The delegations members of the Committee had perhaps been too ready to yield—to repeat what he had already said—to the very natural desire to express preferences rather than to devote themselves to finding intermediate solutions which would have been accepted, if not unanimously, at any rate by the very large majority of the Committee. They had often erred, he thought, from an excess of idealism and had possibly not allowed sufficiently for political contingencies. No doubt the divergent opinions would one day be reconciled—he hoped so, at any rate—but it would have been desirable that that should have been done in the Committee.

In this respect the Committee's work, though it had been a little long—too long perhaps—would not have been unprofitable. In his opinion it would constitute a strong link in the

chain of the efforts that had been and would continue to be made at Geneva to provide the international community with an organisation for strengthening the, as yet, very fragile foundations of peace.

In conclusion, he also was anxious to say how much the Committee owed to its Rapporteur and Vice-Chairman, M. Komarnicki. His task had often been thankless and difficult, but he had performed it with unequalled authority, impartiality, devotion and courtesy. The least that could be said was that he had deserved well of the Committee.

Finally, he once more thanked the officers of the Committee and the representatives who had taken part in the work of the Committee of Jurists of the Conference for the confidence and friendship which they had shown him in his fulfilment of a task which had often proved more interesting than easy.

M. PALACIOS (Spain) endorsed the congratulations which had already been expressed. He sincerely thanked the Chairman of the Committee, the Rapporteur and all his colleagues who had collaborated in the common work of the past few weeks.

The presence at that day's meeting of Mr. Henderson was, he thought, symbolical. Not only did it give the members of the Committee great pleasure, it was also a guarantee for the future, for Mr. Henderson personified, not only the remembrance of work done, but also hope for the future. That was why the Committee had listened with deep feeling to the remarks M. Borberg had addressed to him.

The Spanish delegation had not forgotten, in its remarks in the Committee, that the delegation had been convened over three years previously for disarmament and the organisation of peace. That was the spirit in which it had described the attitude adopted by the various delegations as "maximalist" or "minimalist". The distinction was quite theoretical, however, and he interpreted it in the sense indicated by the Swedish delegate. He was not so sure that he could logically accept the interpretation suggested by the United Kingdom delegate at the present meeting. However, on the practical plane, he would be prepared to do so, but on one condition only—that success was achieved, for that was absolutely necessary.

He could assure the Committee that the Spanish Government would study the report most carefully. During one of his previous statements, he had said that the United States proposal was a splendid basis for discussion. He hoped that it might now be regarded, not only as a basis for discussion, but as a basis for agreement. It was to be hoped that the Conference would shortly resume its work and would at last arrive at a convention for the reduction and limitation of armaments.

The CHAIRMAN asked the delegations who had any amendments to move to the report to be good enough to communicate them to the Secretariat as soon as possible.

*The report was adopted.*

(The meeting rose.)

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Geneva, September 13th, 1937.

**LEAGUE OF NATIONS**

21

**CONFERENCE FOR THE REDUCTION AND LIMITATION  
OF ARMAMENTS**

**PUBLICITY FOR NATIONAL DEFENCE EXPENDITURE  
ACTION TAKEN ON THE BUREAU'S RESOLUTION OF MAY 31st, 1937.**

*Note by the Secretary-General:*

With reference to the resolution adopted by the Bureau on May 31st, 1937, the Secretary-General has the honour to communicate to members of the Bureau and to all Governments represented at the Conference for the Reduction and Limitation of Armaments the replies to Circular Letter Conf.D./C.L.16, dated June 19th, 1937, received from the following Governments :

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United States of America . . . . .	3
Belgium. . . . .	3
United Kingdom of Great Britain and Northern Ireland . . . . .	3
Czechoslovakia. . . . .	7
Denmark . . . . .	4
Finland . . . . .	4
France . . . . .	5
Hungary . . . . .	5
India . . . . .	5
Japan . . . . .	5
Mexico . . . . .	6
New Zealand. . . . .	6
Norway . . . . .	6
Portugal . . . . .	6
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The Governments of *Egypt, Spain* and *Venezuela* have acknowledged receipt of the Circular Letter.

The text of Circular Letter Conf.D./C.L.16 is reproduced for reference.

<p>Series of League of Nations Publications</p> <p>IX. DISARMAMENT ✓</p> <p>1937. IX. 2.</p>
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I. CIRCULAR LETTER CONF.D./C.L.16. SENT OUT BY THE SECRETARY-GENERAL  
ON JUNE 19TH, 1937.<sup>1</sup>

1. I have the honour to forward herewith a copy of the resolution adopted by the Bureau of the Conference for the Reduction and Limitation of Armaments on May 31st, 1937.

2. In pursuance of the above-mentioned resolution, I am sending you under separate cover document Conf.D./C.G.160(1) :

“ Publicity of National Defence Expenditure : Draft Convention prepared by the Technical Committee of the National Defence Expenditure Commission.”

I should be glad if you would be good enough to inform me whether your Government is prepared, in principle, to accept a system of publicity based on that Convention. I venture, at the same time, to point out that explanations of and the reasons for the proposals contained in the draft Convention will be found in the report of the Technical Committee, document Conf.D.158, Volumes I to III. These volumes were addressed to your Government at the time of their publication in 1933 and 1935.

3. I should be glad if you would send your reply to the Secretariat before September 1st, 1937, in order that the Bureau may consider all the communications received from Governments in the near future.

4. The Minutes of the two meetings of the Bureau held on May 31st, 1937, will be sent to you shortly.

(Signed) J. AVENÖL,  
Secretary-General.

Annex.

Conf.D./Bureau 76(1).

Geneva, May 31st, 1937.

LEAGUE OF NATIONS.

Conference for the Reduction and Limitation of Armaments.

*Bureau of the Conference.*

RESOLUTION ADOPTED BY THE BUREAU ON MAY 31ST, 1937.

The Bureau of the Conference for the Reduction and Limitation of Armaments, convened by the Council of the League of Nations on the proposal of the French delegation and in accordance with the recommendation made by the Assembly on October 10th, 1936 ;

Having informed itself of the work accomplished by the Committees of the Conference since the Bureau's last meeting on November 20th, 1934 ;

Having heard the statements and proposals made by certain of its members and recorded in to-day's Minutes ;

Noting that the general political and economic situation is not at present such as to ensure the success of a resumption of the work on all the questions forming part of the Conference's programme ;

But considering, none the less, that, among the drafts framed by the Conference, that concerning publicity for national defence expenditure and the working of an organ of supervision and co-ordination would, under certain conditions, be a suitable subject for an agreement which would represent a first step ;

Considering, moreover, that, in certain countries, legislative measures have been taken setting up a national system of supervision for the manufacture of and trade in arms :

Decides :

(1) To communicate that text of the draft Convention on Publicity for National Defence Expenditure and the Working of an Organ of Supervision and Co-ordination to all the Governments which are or have been represented at the Conference, with the request that they inform the Secretariat of the Conference whether they are prepared, in principle, to accept a system of publicity based on that Convention ;

(2) To meet again on a date to be fixed by the Council of the League of Nations, for the purpose of considering the replies from the Governments, discussing the draft Convention on Publicity for National Defence Expenditure, and deciding upon appropriate measures ;

(3) To instruct the Secretariat to collect and communicate to the members of the Bureau any useful information obtainable as to the present position in regard to the national control of the manufacture of and trade in arms in the principal countries.

<sup>1</sup> In accordance with the Bureau's resolution, this circular letter was sent to all the Governments which are or have been represented at the Conference.

## II. REPLIES FROM GOVERNMENTS.

### United States of America.

Berne, August 31st, 1937.

Acting under instructions from my Government, I have the honour to transmit herewith the following communication :

The receipt is acknowledged of your note, dated June 19th, 1937, forwarding a copy of the resolution adopted by the Bureau of the Conference for the Reduction and Limitation of Armaments on May 31st, 1937, and requesting to be informed before September 1st, 1937, whether the Government of the United States of America is prepared, in principle, to accept a system of publicity of national defence expenditure based on the draft Convention prepared by the Technical Committee of the National Defence Expenditure Commission of the Conference for the Reduction and Limitation of Armaments.

In reply, the Government of the United States of America, while reserving its position in full with regard to the Draft Convention referred to above, is prepared to renew its acceptance of the actual principle of budgetary publicity and to accept as a basis of discussion a system of publicity of national defence expenditure in accord with the principles enumerated in the afore-mentioned draft Convention.

In accepting the principle of publicity for national defence expenditure, the American Government wishes to make two observations :

(1) It has been the consistent practice of the American Government to publish the particulars of all expenditures made for national defence and, in addition, it has furnished each year complete statistics for publication in the *Armaments Year-Book* of the League of Nations. Expenditures made by the American Government for armaments are open to public scrutiny ; the principle of budgetary publicity is in practice applied by the United States.

(2) The United States reiterates its firm understanding that any agreement which may result with regard to one phase of the comprehensive problem of disarmament must be regarded as a complementary measure, a corollary, to a direct general reduction of armaments. The increasing burden of armaments, due to a failure on the part of nations directly concerned to find a solution of questions of a political or economic nature makes the need for a reduction of armaments more than ever imperative, and my Government believes that the day must soon come when the Governments of the world can, and must, make another move forward in the direction of a limitation and reduction of armaments. In the meantime, pending a solution of basic economic and political problems, and until the moment when the efforts of the nations of the world to reach a general settlement of the armaments problem may be crowned with success, it is the view of the American Government that partial agreements should be approached with caution and only upon assurance that they would not accentuate existing differences of points of view and that all countries would be willing, ultimately, to accept their provisions.

(Signed) Donald F. BIGELOW,  
*Chargé d' Affaires a.i.*

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### Belgium.

[Translation.]

Brussels, August 28th, 1937.

With reference to your letter of June 19th last, Conf.D./C.L.16, I have the honour to inform you that the Belgian Government is prepared, in principle, to accept a system of publicity of national defence expenditure acceptable to the main body of States and based on the draft Convention prepared by the Technical Committee of the National Defence Expenditure Commission set up by the Conference for the Reduction and Limitation of Armaments.

(Signed) P. H. SPAAK.

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### United Kingdom of Great Britain and Northern Ireland.

London, September 3rd, 1937.

With reference to the letter Conf.D./C.L.16 of June 19th from the Acting Secretary-General, I am directed by Mr. Secretary Eden to inform you that His Majesty's Government in the United Kingdom are prepared, in principle, to accept a system of publicity of national defence expenditure based on the draft Convention prepared by the Technical Committee of the National Defence Expenditure Commission, provided that such a system is also accepted by the principal naval and military Powers of the world.

(Signed) C. W. BAXTER.



**Denmark.**

[*Translation.*]

Geneva, September 4th, 1937.

In reply to your letter Conf.D./C.L.16 of June 19th, 1937, I have the honour, on my Government's instructions, to inform you that it is prepared, in principle, to accept a system of publicity of national defence expenditure based on the draft Convention relating thereto which was published in 1934.

My Government draws your attention to the fact that Danish military aviation is not an independent service, but consists of two groups attached to the army and the naval forces respectively. Consequently, the expenditure thereon is contained in the budgets of these services. It would, however, be possible to extract the amounts in these two budgets which relate to the administration, etc., of aviation and to give them separately.

(Signed) William BORBERG.

**Finland.**

[*Translation.*]

Helsingfors, September 7th, 1937.

With reference to your letter of June 19th, 1937, Conf.D./C.L.16, I have the honour to inform you of the following :

The Government of Finland is at present prepared, as it has always been, to co-operate in all measures taken jointly to bring about general disarmament, whether it is a question of publicity and supervision only, or of the limitation or reduction of armaments, properly so called.

In conformity with the attitude it has adopted, the Government of Finland is also prepared, in principle, to support the joint arrangements based on the draft Convention on the Publicity of National Defence Expenditure prepared by a Technical Committee of the Conference for the Reduction and Limitation of Armaments.

In view of the many changes which have occurred in the circumstances which prevailed at the time the said draft was prepared, the Government of Finland desires, however, to draw attention to certain conditions which would seem to it essential if it is to participate in the proposed arrangement.

When the said draft was prepared, there reigned a relatively large measure of confidence between the States, and there was some justification for assuming that all the States would become contracting parties to a general disarmament convention, and would consequently be bound in the same manner by the rights and obligations deriving therefrom. In these circumstances, it was possible to plan for such unlimited publicity that the data obtained from war budgets would have been published for the benefit of the whole world.

At the present time, on the other hand, there is a growing mistrust in the relations between the States, and the general circumstances are such that it is difficult to assume that even all the more important States would be willing to participate in the arrangement in question. If, in these circumstances, the information obtained were to be published, or were to be readily available in some other way to all, and thus even to the States which had not participated in the proposed arrangement, it would be of special advantage to the latter States. They would, in fact, receive any benefit which must be derived from this arrangement while not being required to render a similar service to the others—that is to say, to give information regarding their own defence expenditure. Such a situation would confer a kind of privilege on States which remained outside the proposed arrangement and would therefore diminish the desire of the States to participate therein. The Government of Finland therefore presumes that the information which would be required on the basis of the proposed arrangement would be confidential and would be exchanged only on the basis of strict reciprocity.

In these circumstances, it is clearly difficult to foresee whether the proposed system, once introduced, would be efficacious, and this gives relatively great importance to the difficulties attaching to its realisation. There will be no readiness to submit to great inconvenience for modest results. In this connection, it should be noted that Finland has always emphasised that it is very difficult for small countries to submit the data in question separately for the three armed forces. That is why Finland proposed as early as the beginning of the Conference on the Reduction and Limitation of Armaments that, in the event of defence expenditure not exceeding a certain sum, there should be no obligation to split it up among the three armed forces. In the present circumstances, it appears still less desirable to the Government of Finland to take on the relatively heavy work which would be involved in submitting budgetary data separately for the three armed forces, at any rate until some experience has been obtained as to how the proposed system works in practice. In consequence, until further notice, the Government of Finland maintains the point of view that States whose defence expenditure does not exceed, say, 80 million gold francs per annum should be exempted from the obligation to give the required information separately for the three armed forces.

(Signed) K. R. SAVOLAHTI,  
Secretary-General ad interim.

**France.**

[*Translation.*]

Paris, September 12th, 1937.

In communicating to me in your letter, No. Conf.D./C.L.16, dated June 19th last, the text of the resolution adopted on May 31st, 1937, by the Bureau of the Conference for the Reduction and Limitation of Armaments and the Draft Convention on Publicity of National Defence Expenditure, you asked me whether the French Government would be prepared in principle to accept a system of publicity based on that Convention.

I have the honour to inform you that the Government of the Republic is prepared to agree to such a system of publicity on condition, naturally, that this system should be accepted and applied concomitantly by the principal military Powers.

If, as the discussion at the Bureau of the Conference seems to show, it appears desirable to make certain simplifications in the Draft Convention of a nature to facilitate its application without impairing its efficacy, the French Government will be able to put forward concrete proposals in this connection.

(Signed) Yvon DELBOS.

**Hungary.**

[*Translation.*]

Geneva, August 25th, 1937.

In reply to your circular letter Conf.D./C.L.16 of June 19th, 1937, concerning the draft Convention on Publicity for National Defence Expenditure, in which you asked my Government whether it would, in principle, be prepared to accept a system of publicity based on that Convention, I am instructed by my Government to refer you to the declaration made by His Excellency General Gabriel Tanczos in the twelfth plenary meeting of the seventeenth ordinary session of the Assembly, on the occasion of the constitution of the Third Committee. This declaration was as follows :

“ In view of the position which certain Powers take up, on principle, in the matter of equality of rights regarding armaments, the Hungarian delegation, while appreciating the generous and praiseworthy intentions which doubtless inspired the originators of the proposal about to be adopted by the Assembly, feels compelled, to its great regret, to refrain from taking part in the work of the Third Committee.” (*Official Journal, Special Supplement No. 155, page 91.*)

So long as equality of rights in the matter of armaments does not exist in practice, the Royal Hungarian Government does not see its way to participating in work connected with the reduction of armaments and, consequently, it considers that it would be useless for it to express its views regarding the question of principle concerning the publicity of national defence expenditure.

(Signed) L. DE VELICS,  
*Minister.*

**India.**

London, August 4th, 1937.

In reply to your letter of June 19th, Conf.D./C.L.16, I am directed to inform you that the Government of India are prepared to accept, in principle, a system of publicity for national defence expenditure, based on the draft Convention prepared by the Technical Committee of the National Defence Expenditure Commission provided that acceptance by other Governments is sufficiently general to justify the conclusion of an international convention providing for such system.

I am to request that the Bureau of the Conference for the Reduction and Limitation of Armaments may be informed accordingly.

(Signed) A. W. DUNTON.

**Japan.**

[*Translation.*]

Geneva, August 27th, 1937.

With reference to your letter of June 19th, Conf.D./C.L.16, I am instructed by my Government to inform you of the following :

The Japanese Government has no objection, in principle, to the establishment of a system of publicity, but, in view of the present situation and, in particular, of the international economic and financial position, it regrets that it is not prepared to publish its national defence expenditure in the form advocated in the draft Convention prepared by the Technical Committee of the National Defence Expenditure Commission.

(Signed) YOSHITANE KIUCHI,  
*Acting Director of the Japanese Office for  
International Conferences.*

**Mexico.**

[*Translation.*]

Geneva, August 31st, 1937.

With reference to document Conf.D./C.L.16 of June 19th, 1937, I have the honour to inform you, on behalf of the Ministry for Foreign Affairs of my country, that the Mexican Government is prepared, in principle, to accept a system of publicity of national defence expenditure based on the draft Convention prepared by the Technical Committee of the National Defence Expenditure Commission (document Conf.D./C.G.160(1) and Addendum).

(Signed) Isidro FABELA,  
*Minister.*

**Norway.**

[*Translation.*]

Oslo, September 2nd, 1937.

In reply to your Circular Letter of June 19th last (Conf.D./C.L.16) in which you were good enough to forward me a copy of the resolution adopted by the Bureau of the Conference for the Reduction and Limitation of Armaments on May 31st, 1937, I have the honour to inform you that the Norwegian Government is prepared, in principle, to accept a system of publicity of national defence expenditure based on the draft Convention prepared by the Technical Committee of the National Defence Expenditure Commission.

(Signed) Halvdan KOHT.

**New Zealand.**

Wellington, 2nd August, 1937.

I have the honour to acknowledge the receipt of your letter of June 19th Conf.D./C.L.16, and to thank you for the copy, forwarded therewith, of the resolution adopted on May 31st, 1937, by the Bureau of the Conference for the Reduction and Limitation of Armaments.

In reply, I have to say that His Majesty's Government in New Zealand entirely approve of publicity of national defence expenditure, and are in principle prepared to accept a system based on the draft Convention that you have been so kind as to forward.

(Signed) M. J. SAVAGE,  
*Prime Minister.*

**Portugal.**

[*Translation.*]

Geneva, August 28th, 1937.

In reply to circular letter Conf.D./C.L.16 of June 19th, 1937, accompanying the draft Convention prepared by the Technical Committee of the National Defence Expenditure Commission, I have the honour to inform you that my Government is prepared, in principle, to accept a system of publicity based on the said draft Convention.

(Signed) L. Esteves FERNANDES.

**Roumania.**

[*Translation.*]

Geneva, September 2nd, 1937.

In reply to letter Conf.D./C.L.16 of June 19th, 1937, I have the honour to inform you that the Roumanian Government, in accordance with the statement made by its delegate at the meeting of the General Commission on Disarmament on June 7th, 1933, is prepared to accept, in principle, a system of publicity based on the draft Convention for the Publicity of National Defence Expenditure.

The Roumanian Government, however, makes a distinction between expenditure on the upkeep of means of national defence as at present existing, for which it accepts the system of publicity, and expenditure on the *acquisition* of new material. The Roumanian Government considers that publication of the latter would be inopportune until after the armament programme at present being carried out is completed. When the programme has been carried out, expenditure connected with it will become expenditure on upkeep, and there will no longer be any difficulty with regard to publication.

(Signed) Georges CRUZESCO.

**Sweden.**

[*Translation.*]

Stockholm, August 25th, 1937.

By a circular letter dated June 19th, 1937 (Conf.D./C.L.16), you were good enough to ask me to inform you whether the Swedish Government would be prepared, in principle, to accept a system of publicity of national defence expenditure based on the draft Convention on this subject prepared by the Technical Committee of the National Defence Expenditure Commission of the Conference for the Reduction and Limitation of Armaments (document Conf.D./C.G.160(1)).

I have the honour, in reply, to make the following communication :

During the meeting of the Bureau of the Conference for the Reduction and Limitation of Armaments on May 31st, 1937, the representative of Sweden, M. Westman, stated that Sweden was ready to accede to a convention on the publicity of national defence expenditure. Consequently, the Swedish Government had carefully considered the texts drawn up by the Special Committee with a view to such an agreement. M. Westman merely asked whether the very detailed provisions laid down by the Committee should not be simplified and, at the same time, made more rational. Further, M. Westman pointed out, the entry into force of a convention on the publicity of expenditure would necessarily involve the establishment of a permanent body for co-ordination and supervision, which would have an important task to fulfil.

In drawing attention to the observations made on the above-mentioned occasion by the representative of Sweden, I have the honour to inform you that the Swedish Government is prepared, in principle, to accept a system of publicity of national defence expenditure based on the draft Convention prepared by the Technical Committee.

(Signed) Staffan SÖDERBLOM,  
*Director ad interim of Political Affairs.*

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**Czechoslovakia.**

[*Translation.*]

Berne, September 6th, 1937.

With reference to your circular letter dated June 19th, 1937, Conf.D./C.L.16, I have the honour to inform you that the Czechoslovak Government greatly appreciates the reasons which prompted the adoption, on May 31st, 1937, by the Bureau of the Conference for the Reduction and Limitation of Armaments of the resolution therein referred to. Indeed, the Czechoslovak Government has always regarded the limitation and reduction of armaments, in conformity with Article 8 of the Covenant, as a fundamental and pressing task of the League of Nations, and there is nothing in the present political situation to cause it to change its point of view in any way. On the contrary, to-day more than ever, the Czechoslovak Government is convinced of the need for, and urgency of, the work of general disarmament.

A thorough examination of the Bureau's resolution and of the draft Convention prepared by the Technical Committee of the National Defence Expenditure Commission leads the Czechoslovak Government to believe that the budgetary publicity of national defence expenditure, as contemplated in the draft Convention, could only be achieved by means of a general system comprising the principal world Powers; otherwise, its aim would not be attained.

The Czechoslovak Government is therefore prepared to accept the main lines of the draft Convention, provided, however, that the principal world Powers, and particularly those which are of special concern to the Czechoslovak Republic, from the point of view of her national security, are prepared to act in the same way.

(Signed) KÜNZL-JIZERSKY,  
*Permanent Delegate.*

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Geneva, September 29th, 1937.

**LEAGUE OF NATIONS**

22

**CONFERENCE FOR THE REDUCTION AND LIMITATION  
OF ARMAMENTS**

**PUBLICITY FOR NATIONAL DEFENCE EXPENDITURE**

**ACTION TAKEN ON THE BUREAU'S RESOLUTION OF MAY 31st, 1937.**

*Note by the Secretary-General :*

With reference to the resolution adopted by the Bureau on May 31st, 1937, and further to document Conf.D.178, the Secretary-General has the honour to communicate to Members of the Bureau and to all Governments represented at the Conference for the Reduction and Limitation of Armaments the replies to Circular Letter Conf.D./C.L.16, dated June 19th, 1937, received from the following Governments :

	Page
Union of South Africa . . . . .	1
Estonia . . . . .	1
Greece . . . . .	2

The Brazilian Government has acknowledged receipt of the Circular Letter.

**Union of South Africa**

Pretoria, August 20th, 1937.

I have the honour to acknowledge receipt of the Acting Secretary-General's letter No. Conf.D./C.L.16 of June 19th, 1937 on the subject of the resolution adopted by the Bureau of the Conference for the Reduction and Limitation of Armaments on May 31st, 1937, and to say that the Government of the Union of South Africa is prepared, in principle, to accept a system of publicity based on the draft Convention contained in document Conf.D./C.G.160(1).

While agreeing in principle to the basis laid down in the draft Convention, the Government of the Union of South Africa hopes that it will be found possible to simplify to some extent the form in which the figures of expenditure are required to be furnished so as to reduce the volume of work involved in their compilation.

*(Signed) J. B. M. HERTZOG,  
Minister of External Affairs.*

**Estonia**

Geneva, September 17th, 1937.

[*Translation.*]

By letter Conf.D./C.L.16 of June 19th, 1937, you requested an opinion from the Estonian Government concerning publicity of national defence expenditure, on the basis of an international Convention of which a draft has been prepared by the Technical Committee of the National Defence Expenditure Commission.

<p style="text-align: center;">Series of League of Nations Publications</p> <p style="text-align: center;">IX. DISARMAMENT ✓</p> <p style="text-align: center;">1937. IX. 2. Addendum.</p>
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I have the honour to inform you in reply that the Estonian Government has examined with the closest attention the proposals contained in the draft Convention, and that it is determined to contribute to its utmost to the effort at international understanding initiated by the Conference for the Reduction and Limitation of Armaments.

The Estonian Government is accordingly fully prepared to accept in principle a system of publicity of national defence expenditure, provided such a system were similarly adopted by the majority of States, and subject to such observations as it might subsequently be led to bring forward in connection with the provisions of the contemplated draft Convention. The Estonian Government further agrees to the suggestion put before the Bureau of the Conference for the Reduction and Limitation of Armaments as regards the setting up of an Organ for the supervision and co-ordination of the information supplied by Governments.

(Signed) A. SCHMIDT.

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Greece

Geneva, September 17th, 1937.

[Translation.]

With reference to your letter of June 19th, 1937 (Conf.D./C.L.16), I have the honour to inform you that the Greek Government is prepared, in principle, to agree to a system of publicity for national defence expenditure, provided that such system is accepted by other Governments generally.

(Signed) S. POLYCHRONIADIS,  
*Permanent Delegate.*

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Geneva, January 24th, 1938.

LEAGUE OF NATIONS

23

**CONFERENCE FOR THE REDUCTION AND LIMITATION  
OF ARMAMENTS**

**PUBLICITY FOR NATIONAL DEFENCE EXPENDITURE**

**ACTION TAKEN ON THE BUREAU'S RESOLUTION OF MAY 31st, 1937.**

*Note by the Secretary-General:*

With reference to the resolution adopted by the Bureau on May 31st, 1937, and further to documents Conf.D.178 and 178(a), the Secretary-General has the honour to communicate to Members of the Bureau and to all Governments represented at the Conference for the Reduction and Limitation of Armaments the replies to Circular Letter Conf.D./C.L.16, dated June 19th, 1937, received from the following Governments :

	Page
Brazil. . . . .	1
Chile . . . . .	1
Netherlands . . . . .	2
Spain. . . . .	2
Union of Soviet Socialist Republics . . . . .	2

The Peruvian Government has acknowledged receipt of the Circular Letter.

**Brazil**

[*Translation from the Portuguese.*]

Rio de Janeiro, September 15th, 1937.

With further reference to this Ministry's note No. LA/25/953, dated July 1st last, I have the honour to inform you that the draft Convention on Publicity for National Defence Expenditure has been carefully considered by the competent organs of the Federal Administration.

2. In view, however, of the present international situation, the Brazilian Government does not deem it expedient to conclude a convention of this kind.

(Signed) M. DE PIMENTEL BRANTAO.

**Chile**

[*Translation from Spanish.*]

Santiago, October 27th, 1937.

In reply to your Note No. C.L.16 of June 19th last, in which you were good enough to consult my Government with regard to a draft Convention on Publicity for National Defence Expenditure, I have the honour to inform you that the Chilean Government accepts that draft Convention in principle, provided that its provisions are also approved by the principal countries of the American continent.

(Signed) J. Ramon GUTIERREZ.

<p>Series of League of Nations Publications  <b>IX. DISARMAMENT</b>  <b>1937. IX. 2. 2nd Addendum.</b></p>
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Netherlands

[Translation.]

The Hague, October 28th, 1937.

In your circular letter dated June 19th last (Conf.D./C.L.16), you were good enough to forward to my predecessor the resolution adopted on May 31st, 1937, by the Bureau of the Conference for the Reduction and Limitation of Armaments.

With regard to your question concerning publicity for national defence expenditure, I have the honour to inform you that the Netherlands Government is prepared in principle to accept a system of publicity based on the draft Convention drawn up by the Technical Committee of the National Defence Expenditure Commission. Her Majesty's Government is of opinion, however, that it would be advisable to simplify the very detailed provisions proposed in the draft. It is already the Netherlands Government's practice to publish general information about the above-mentioned expenditure, but it could not give an undertaking that the documents published would provide a great deal more information than those published at present.

In accordance with the spirit of the report submitted by the Third Committee to the Eighteenth Assembly on the reduction and limitation of armaments, the consent of Her Majesty's Government is subject to the condition that the system of publicity is accepted by a sufficient number of other States, and in particular of the principal military and naval Powers.

For the Minister :

(Signed) A. M. SNOUCK HURGRONJE,  
Secretary-General.

Spain

[Translation from the Spanish.]

Valencia, September 28th, 1937.

With reference to my communication No. M. 56, dated August 11th, 1937, concerning the draft Convention relating to publicity of national defence expenditure prepared by the Technical Committee of the Commission for the Limitation of Armaments, I have the honour to inform you that the Spanish Government considers that in present circumstances it is impossible for the National Defence Department to undertake to fix the expenditure in question. At the present moment, this is unusually high and bears no relation to normal future expenditure which it is impossible to foresee, since it depends on the course, conditions and duration of the campaign which Spain is obliged to wage.

(Signed) p.p., R. DE UREÑA.

Union of Soviet Socialist Republics<sup>1</sup>

[Translation.]

Moscow, January 3rd, 1938.

As regards the draft International Convention on Publicity for National Defence Expenditure, the adoption of which, in the opinion of the Governments of France, Great Britain, and other States, must be contingent on its acceptance and application by the principal military Powers, this question can no longer be regarded as of immediate concern, in view of the fact that the Japanese Government, in its communication of August 27th, 1937,<sup>2</sup> states that it is not prepared to publish its national defence expenditure in the form contemplated in the Technical Committee's draft.

(Signed) M. LITVINOFF,  
People's Commissary for Foreign Affairs.

<sup>1</sup> Note by the Secretariat. — The letter from the Government of the Union of Soviet Socialist Republics, dated January 3rd, 1938, was sent in reply to circular letter Conf.D./C.L.17 regarding the resolution adopted by the Assembly of the League of Nations on September 30th, 1937. As, however, the second part of the Soviet Government's reply also refers to the subject dealt with in circular letter Conf.D./C.L.16, that part has been reproduced in the present document.

<sup>2</sup> Note by the Secretariat. — See document Conf.D.178, page 5.



Geneva, March 10th, 1938.

**LEAGUE OF NATIONS**

**CONFERENCE FOR THE REDUCTION AND LIMITATION OF ARMAMENTS**

**NATIONAL SUPERVISION OF THE MANUFACTURE  
OF AND TRADE IN ARMS**

**Action taken on the Resolution adopted by the Assembly  
of the League of Nations on September 30th, 1937.**

*Note by the Secretary-General:*

On September 30th, 1937, the Assembly of the League of Nations adopted the following resolution :

“ The Assembly,

“ Considering it desirable that a first step should be taken towards the conclusion of a general convention for the reduction and limitation of armaments, and that accordingly use should be made of the work done by the Disarmament Conference :

“ . . . . . 1

“ 2. Recommends the Members of the League each in so far as it is concerned and to the extent that this has not already been done, to examine the possibility of adopting internal measures with a view to the effective supervision of the manufacture of and trade in arms, ammunition and implements of war, on the basis of the work done by the Special Committee of the Disarmament Conference ;

“ And asks Governments to inform the Secretary-General of the League of Nations of the action taken on this recommendation ;

“ 3. Requests the Secretary-General to communicate the present resolution to the States not members of the League of Nations.”

On October 23rd, 1937,<sup>1</sup> the Secretary-General communicated the text of this resolution to the States Members of the League of Nations and to all the Governments which are or have been represented at the Conference for the Reduction and Limitation of Armaments.

The present document gives an account of the communications received as a result of the Assembly recommendation, with reference to the national supervision of the manufacture of and trade in arms, ammunition and implements of war.

<sup>1</sup> The first part of the Assembly resolution concerns the publicity of national defence expenditure. See, in this connection, documents Conf.D.178, 178(a) and 178(b).

<sup>2</sup> Circular letter Conf.D./C.L.17.

The replies from the Governments of the following States are reproduced hereunder :

	Page		Page
United States of America . . . . .	2	France . . . . .	19
Belgium . . . . .	4	Hungary . . . . .	25
United Kingdom of Great Britain and Northern Ireland . . . . .	4	Ireland . . . . .	25
Bulgaria . . . . .	14	New Zealand . . . . .	26
Canada . . . . .	14	Norway . . . . .	26
Colombia . . . . .	16	Spain . . . . .	19
Denmark . . . . .	17	Sweden . . . . .	26
Ecuador . . . . .	18	Switzerland . . . . .	28
Egypt . . . . .	18	Turkey . . . . .	30
		Union of Soviet Socialist Republics . . . . .	30

The Governments of the following States have acknowledged receipt of the Secretary-General's communication : **Chile, Guatemala, Mexico, Nicaragua and Peru.**

### UNITED STATES OF AMERICA.

Berne, December 3rd, 1937.

Acting under instructions from my Government, I have the honour to transmit herewith a note, addressed to you on November 22nd, 1937, by the Secretary of State, together with its enclosures, in reply to your communication, File No. Conf.D./C.L.17(c), of October 23rd, 1937, concerning the resolution which was adopted by the Assembly on September 30th, relative to the conclusion of an international convention on the publicity of national defence expenditure, and in regard to the adoption of internal measures with a view to the effective supervision of the manufacture of and the trade in arms, ammunition, and implements of war.

(Signed) Leland HARRISON,  
*American Minister.*

Department of State, Washington, November 22nd, 1937.

The Secretary of State of the United States of America refers to a note dated October 23rd, 1937, from the Acting Secretary-General of the League of Nations, enclosing a copy of a resolution adopted by the Assembly of the League of Nations on September 30th, 1937, in regard to the conclusion of an international convention on the publicity of national defence expenditure and the working of an organ of supervision and co-ordination, and in regard to the examination of internal measures with a view to the effective supervision of the manufacture of and trade in arms, ammunition, and implements of war.

With respect to the first recommendation embodied in the resolution of the Assembly of the League of Nations, the views of the Government of the United States of America concerning publicity of national defence expenditures were communicated to the Secretary-General, in his capacity as Secretary-General of the Conference for the Reduction and Limitation of Armaments, in a note dated August 18th, 1937.<sup>1</sup>

In regard to the second recommendation embodied in the resolution, the Secretary of State wishes to call attention to the fact that the United States of America has adopted and is now enforcing domestic legislation of a character which would enable it to comply with practically all of the provisions of the Convention for the Supervision of the International Trade in Arms, Ammunition, and in Implements of War, signed at Geneva June 17th, 1925, and of the Draft Articles for the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War, approved April 12th, 1935, by the Committee of the Disarmament Conference for the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War. There are enclosed two copies of the Joint Resolution of Congress approved May 1st, 1937, amending the Joint Resolution approved August 31st, 1935, as amended, Section 5<sup>2</sup> of which establishes a procedure for the supervision of the manufacture of and trade in arms, ammunition, and implements of war; two copies of the fourth edition of the pamphlet *Laws and Regulations Administered by the Secretary of State Governing the International Traffic in Arms, Ammunition, and Implements of War and Other Munitions of War*; and one copy of the First Annual Report of the National Munitions Control Board for the year ending November 30th, 1936.

*Notes by the Secretariat:*

<sup>1</sup> See document Conf.D.178.

<sup>2</sup> The text of this Section is reproduced as an Annex.

The other documents communicated by the Government of the United States have been placed in the archives of the Secretariat.

The present system in the matter of national control of the manufacture of and trade in arms will be examined, and extracts from the relevant texts will be reproduced, in document Conf.D.184 (Enquiry undertaken by the Secretariat in execution of the Bureau's resolution of May 31st, 1937).

Annex.

EXTRACT FROM THE JOINT RESOLUTION OF MAY 1ST, 1937 (" NEUTRALITY ACT ").

*National Munitions Control Board.*

*Section 5. — (a)* There is hereby established a National Munitions Control Board (hereinafter referred to as the " Board ") to carry out the provisions of this Act. The Board shall consist of the Secretary of State, who shall be Chairman and executive officer of the Board, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce. Except as otherwise provided in this Act, or by other law, the administration of this Act is vested in the Department of State. The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions. The Board shall be convened by the Chairman and shall hold at least one meeting a year.

*(b)* Every person who engages in the business of manufacturing, exporting, or importing any of the arms, ammunition, or implements of war referred to in this Act, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

*(c)* Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, or implements of war which he exports, imports, or manufactures ; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original certificate. Every person required to register under the provisions of this section shall pay a registration fee of \$500, unless he manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than \$50,000 during the twelve months immediately preceding his registration, in which case he shall pay a registration fee of \$100. Upon receipt of the required registration fee, the Secretary of State shall issue a registration certificate valid for five years, which shall be renewable for further periods of five years upon the payment for each renewal of a fee of \$500 in the case of persons who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of more than \$50,000 during the twelve months immediately preceding the renewal, or a fee of \$100 in the case of persons who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than \$50,000 during the twelve months immediately preceding the renewal. The Secretary of the Treasury is hereby directed to refund, out of any moneys in the Treasury not otherwise appropriated, the sum of \$400 to every person who shall have paid a registration fee of \$500 pursuant to this Act, who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than \$50,000 during the twelve months immediately preceding his registration.

*(d)* It shall be unlawful for any person to export, or attempt to export, from the United States to any other State, any of the arms, ammunition, or implements of war referred to in this Act, or to import, or attempt to import, to the United States from any other State, any of the arms, ammunition, or implements of war referred to in this Act, without first having obtained a licence therefor.

*(e)* All persons required to register under this section shall maintain, subject to the inspection of the Secretary of State, or any person or persons designated by him, such permanent records of manufacture for export, importation, and exportation of arms, ammunition, and implements of war as the Secretary of State shall prescribe.

*(f)* Licences shall be issued to persons who have registered as herein provided for, except in cases of export or import licences where the export of arms, ammunition, or implements of war would be in violation of this Act or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licences shall not be issued.

*(g)* Whenever the President shall have issued a proclamation under the authority of section 1 of this Act, all licences theretofore issued under this Act shall *ipso facto*, and immediately upon the issuance of such proclamation, cease to grant authority to export arms, ammunition, or implements of war from any place in the United States to any belligerent State, or to any State wherein civil strife exists, named in such proclamation, or to any neutral State for transshipment to, or for the use of, any such belligerent State or any such State wherein civil strife exists ; and said licences, insofar as the grant of authority to export to the State or States named in such proclamation is concerned, shall be null and void.

*(h)* No purchase of arms, ammunition, or implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this Act.

*(i)* The provisions of the Act of August 29th, 1916, relating to the sale of ordnance and stores to the Government of Cuba (39 Stat. 619, 643 ; U.S.C., 1934 ed. title 50, sec. 72), are hereby repealed as of December 31st, 1937.

(j) The Board shall make an annual report to Congress, copies of which shall be distributed as are other reports transmitted to Congress. Such reports shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition, and implements of war. The Board shall include in such reports a list of all persons required to register under the provisions of this Act, and full information concerning the licences issued hereunder.

(k) The President is hereby authorised to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section.

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**BELGIUM.**

[*Translation.*]

Brussels, November 10th, 1937.

With reference to your letter of October 23rd last, Conf.D./C.L.17(a), I have the honour to inform you that the Belgian Government has appointed a Royal Commissioner to study and report on the problem of the supervision, manufacture of and trade in war materials, ammunition and implements of war.

When this report has been received, the Government will consider what rules should be laid down in this connection.

For the Minister :

(Signed) F. VAN LANGENHOVE,  
*Secretary-General.*

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**UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.**

London, December 10th, 1937.

I am directed by Mr. Secretary Eden to refer to the letter Conf.D./C.L.17(a) of October 23rd, in which the Acting Secretary-General asked to be informed of the action taken by His Majesty's Government in the United Kingdom in pursuance of the second recommendation of the resolution adopted by the Assembly on September 30th, to the effect that the Members of the League, each in so far as it is concerned and to the extent that this has not already been done, should examine the possibility of adopting internal measures with a view to the effective supervision of the manufacture of and trade in arms, ammunition and implements of war, on the basis of the work done by the Special Committee of the Disarmament Conference.

2. In reply, I am directed by Mr. Eden to inform you that, in 1935, a Royal Commission was appointed :

(1) To consider and report upon the practicability and desirability (both from the national and international point of view) of the adoption (a) by the United Kingdom alone, (b) by the United Kingdom in conjunction with the other countries of the world, of a prohibition of private manufacture of and trade in arms and munitions of war, and the institution of a State monopoly of such manufacture and trade ;

(2) To consider and report whether there are any steps which can usefully be taken to remove or minimise the kinds of objections to which private manufacture is stated in Article 8 (5) of the Covenant of the League of Nations to be open ;

(3) To examine the present arrangements in force in the United Kingdom relative to the control of the export trade in arms and munitions of war, and to report whether these arrangements require revision, and, if so, in what directions.

A copy of the report issued by this Commission in February 1936 is enclosed herein (Cmd. Paper No. 5292, 1936).<sup>1</sup>

3. I am further to enclose herein a copy of the statement in which the conclusions reached by His Majesty's Government on the subject of this report are set out (Cmd. Paper No. 5451, 1937).<sup>1</sup>

4. Finally, I am to enclose a copy of the minutes of evidence taken before the Royal Commission at its twelfth sitting and to invite a reference to the memoranda on the export licensing system and on the control over the building and equipment of warships by private firms, which are reproduced as appendices I and II thereto.<sup>1</sup>

(Signed) William STRANG.

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<sup>1</sup> Note by the Secretariat: The documents communicated by the Government of the United Kingdom have been placed in the archives of the Secretariat, with the exception of document Cmd. 5451, 1937, which is reproduced below as Annex 1.

The present system of the United Kingdom in the matter of national control of the manufacture of and trade in arms will be examined, and extracts from the relevant texts will be reproduced in document Conf.D.184 (Enquiry undertaken by the Secretariat in execution of the Bureau's resolution of May 31st, 1937).

Annex 1.

Document Cmd. 5451.

STATEMENT RELATING TO THE REPORT<sup>1</sup> OF THE ROYAL COMMISSION  
ON THE PRIVATE MANUFACTURE OF AND TRADING IN ARMS, 1935/36.

(Presented by the Prime Minister to Parliament by Command of His Majesty, May 1937.)

1. The Royal Commission on the Private Manufacture of and Trading in Arms was appointed in February 1935, and signed its report (Cmd. 5292) on September 24th, 1936. The report has received the careful consideration of His Majesty's Government, and the conclusions which they have reached on the subject are set out in the following paragraphs.

*The International Aspects of the Problem of State Monopoly.*

2. The first, and main, question which the Royal Commission was asked to consider and report upon was

“ the practicability and desirability (both from the national and international point of view) of the adoption (a) by the United Kingdom alone, (b) by the United Kingdom in conjunction with other countries of the world, of a prohibition of private manufacture of and trade in arms and munitions of war, and the institution of a State monopoly of such manufacture and trade ”.

3. This question was elaborately examined by the Commission, with the help of a large body of evidence both oral and written, and the unanimous conclusion of the Commissioners throws a great deal of light on a difficult subject on which public opinion has hitherto largely lacked impartial and authoritative guidance. As regards the international aspects of the problem of State monopoly, the Commission point out (paragraph 41) that

“ as to the practicability of establishing by international agreement a universal system of State monopoly of the manufacture of arms there is little that can usefully be said. In a sense it would no doubt be practicable if all the States of the world agreed to adopt it in principle and were willing and competent to enforce it within their own borders ”.

4. The Commissioners go on to point out, however, that protracted efforts in this direction from 1920 onwards have led to little practical result, and they continue (paragraphs 43-45) :

“ Apart from the question of practicability, however, we do not consider that a change to a system of universal State monopoly of the manufacture of arms is desirable whilst the present international situation obtains. We do not think that the establishment of such a system would entirely remove the objection which is entertained to making a profit out of the trade. It is, we think, difficult to assume that producing Governments would be prepared to supply arms to non-producing Governments at cost price. The profit under such a system might go to the taxpayer instead of to the individual, but the inducement would remain. It is conceded that the non-producing countries are entitled to a supply of arms and munitions of war for the perfectly legitimate purposes of self-defence, the maintenance of order, and the fulfilment of international obligations, and that, if all sources of private supply are cut off, a non-producing country must either start its own manufactories or purchase from some producing country ”.

“ The conclusion at which we have arrived on this point is that in the present state of international affairs the setting up of a universal system of State monopoly is unlikely either to reduce the available supply of arms and munitions of war, or to increase the prospect of a general peace ”.

“ We are accordingly unable to recommend that, while present conditions obtain, the promotion of general State monopoly should be accepted as part of the international policy of this country ”.

5. His Majesty's Government accept these conclusions. The Commission points out that, even if the setting-up of a universal system of State monopoly could be practically achieved, it would be unlikely either to reduce the available supply of arms and munitions of war or to increase the prospect of general peace. In the view of the Commission, therefore, the main purposes for which such a policy has been advocated in certain quarters could not be achieved by its adoption, and His Majesty's Government feel that the reasoning and the conclusions of the Commission on this matter are irresistible.

<sup>1</sup> Cmd. 5292 of 1936.

*The Problem of State Monopoly in the United Kingdom.*

6. The Commissioners next set themselves to consider the problem of State monopoly in the United Kingdom in the absence of international agreement. The report discusses in turn the moral and humanitarian considerations put forward in support of a State monopoly (paragraphs 51 to 56), the suggestion that the existence of a private trade in arms has a real influence upon issues of peace and war (paragraphs 57 to 63), the relative practical advantages and disadvantages inherent in a system of State monopoly of the manufacture of and trade in arms, and the importance to be attached to the continuance of private industry from the point of view of Imperial defence (paragraphs 64 to 85). It appears to the Government that it cannot be disputed that the decision as to unilateral State monopoly must be governed by these four criteria, and each of the four is passed in review by the report of the Commission.

7. The unanimous conclusion of the Commissioners is as follows (paragraph 86) :

“ We thus reach the conclusion that, when judged by reference to the four criteria which we regard as relevant, the proposal to prohibit the private manufacture of and trade in arms in this country, and to substitute for it a State monopoly is unacceptable ”.

8. His Majesty's Government accept this conclusion, which corresponds with the views which they have been led to form in the light of their practical experience of providing the organisation of defence preparations. It is necessary to study the relevant paragraphs of the Commission's report *in extenso* to appreciate the full force of the reasoning which leads the Commissioners unanimously to that conclusion. But attention is particularly directed to the considerations set out in the report bearing upon the possibilities of rapid expansion in the case of great national emergency or the breaking-out of war. The Commissioners point out (paragraph 82) that private armament manufacturers are able, by utilising their plant and their employees on alternative work when Government orders are not available, to maintain the reserve of equipment and labour which is invaluable to the country on an outbreak of war. The maintenance by the State of factories on a scale sufficient to meet such fluctuations and demand would be wasteful and costly. Reserve plant maintained by the State would need constant renewal if it were not to become obsolete. In conditions of modern warfare (paragraph 83), the need of the country on the outbreak of war is for a system which ensures the most rapid and effective mobilisation of the whole of our industrial resources. Neither State enterprise nor private industry can alone secure the position. It can only be secured by the utilisation of both and by the greatest measure of collaboration between the State and private industry in peace-time. Moreover, if the utilisation of private industry (paragraph 84) for the manufacture of arms in peace-time were discontinued and the whole of the Government's peace-time requirements were to be manufactured in Government establishments, the amount of plant and equipment available for the expansion of production in the eventuality of war, and the personnel of all kinds experienced in the use of that plant and equipment, would be very materially diminished. If it be assumed that, in the event of a major war, the conscription to the Government's needs of all the industrial capacity of the country may become necessary, “ it is beyond question ”, say the Commissioners (paragraph 85),

“ that the proper utilisation in wartime of the resources of the country's private industry will not be achieved unless it is fully and efficiently planned and organised in advance in peace-time. There is all the difference in the world between this preparation for war emergency during peace, followed by the general conscription of industry when the crisis arrives, and a policy of nationalisation in anticipation of the crisis. Indeed, the situation requires, in our opinion, as a specific condition of the successful employment in emergency of the general industry of the country, that the plant and personnel of that industry should be required to co-operate in large measure in the supply of armaments during peace.”

9. The Government are in agreement with these conclusions, supported as they are by a converging series of convincing arguments, and confirmed by current experiences. Accordingly, the Government accept the conclusion of the report (Chapter XII, paragraph 3) that

“ The abolition of the private industry in the United Kingdom and the substitution for it of a system of State monopoly may be practicable ; but it is undesirable. No sufficient case has in our opinion been made out for taking so drastic a step. We believe that the reasons for maintaining the private industry outweigh those for its abolition. We are of opinion that the necessities of imperial defence cannot be effectively met, in existing conditions except by the maintenance in peace-time of a system of collaboration between the Government and the private industry of the country in the supply of arms and munitions.”

*The Evils and Objections to which Private Manufacture is alleged to be open.*

10. The report of the Commission then proceeds (paragraphs 90 *et seq.*) to deal with the second question referred to them — viz. :

“ whether there are any steps which can usefully be taken to remove or minimise the kinds of objections to which private manufacture is stated in Article 8 (5) of the Covenant of the League of Nations to be open.”

The Commissioners, in an earlier paragraph (paragraph 17), pointed out that neither the terms of reference nor the Article of the Covenant referred to identify or attempt to indicate what these alleged objections are ; indeed, the Commission have taken the view that it was not only directed to ascertain what the objections are, but were not required to form any opinion as to the weight which should be attached to them if they were ascertained. But, as remedies can only be intelligently formulated if the nature of these alleged objections has first, by some means, been ascertained, the only course open to the Commission appeared to be to ascertain what objections had already been formulated at Geneva in consequence of Article 8 (5) of the Covenant and to invite expressions of opinion as to the existence of "objections and attendant evils" and to treat these as the objections and attendant evils to which their minds should be directed, without necessarily passing any judgment upon them. His Majesty's Government fully appreciate the reasons which led the Commission to take this course, but they must take leave to point out that the weight to be attached to recommendations as to any steps which might be taken to remove or minimise objections is necessarily very much affected by the circumstances that the Commission have not felt it right to pronounce as to the validity or importance of the objections which have been suggested.

11. The above observations gain greatly in strength by a circumstance, hitherto little understood, to which the Commissioners draw express attention. The report of the First Sub-Committee of the Temporary Mixed Commission of the League of Nations of September 1921 contains a list of the alleged objections to untrammelled private manufacture under six heads, which are set out in paragraph 92 of the Commission's report. It has been very widely supposed that this list of objections should be regarded as authoritative evidence by the Geneva Sub-Committee after full investigation and enquiry. Indeed, the list is not infrequently quoted as though it amounted to a finding of conclusions by the Sub-Committee, and opponents of the system of private manufacture of arms have frequently relied upon the list as representing the considered judgment of the body specially appointed by the League of Nations to investigate the matter. Nothing of the sort ever happened. The Sub-Committee of the League never investigated the question of whether the evils, suggested in this list of objections, existed. They never heard evidence on the subject and they certainly never pronounced any conclusion on the evidence. What the Sub-Committee did was merely to draw up a list of "objections that were raised at the time to untrammelled private manufacture" (paragraph 93), just as in a subsequent passage they made a list of arguments which might be urged in favour of preserving private manufacture. It is therefore, as the report of the Commission points out, a complete mistake to suppose that the list of alleged objections has behind it the authority of any investigation or of any enquiry. The list is a list of criticisms that had been formulated, not of conclusions that have been arrived at.

12. Having thus explained that the report of the Sub-Committee of 1921 reached no conclusion as to the validity or importance of any of the alleged objections, the Commissioners proceeded to deal with the matter as far as they could in the light of evidence submitted to them. In so far as alleged objections are founded on the conduct of foreign firms, the Commission point out (paragraph 93) that they have no means of forming a conclusion.

"If such objections are well founded in the case of foreign firms, the only possible remedy, in the absence of international agreement, is for the Government within whose jurisdiction the offences are committed to deal with them."

13. The report goes on to make some comment on the evidence submitted to the Commission in regard to the evils that are alleged to exist, so far as the United Kingdom manufacturers are concerned, and deductions are drawn from that evidence. The report (paragraph 95) states that

"So far as United Kingdom firms are concerned, the charges are few and the evidence scanty."

It is not on specific charges that the case has been mainly based, but rather on general allegations as to the operation of ordinary business methods and the effect of ordinary business considerations in a trade which profits from international tension (paragraph 95).

14. The following extracts from the report show the view taken by the Commission on various heads of allegation :

(Paragraph 98.)

"We are not persuaded on the evidence given before us that British armament firms are guilty of having been active in fomenting war scares or of persuading this country to adopt warlike policies and to increase its armaments."

(Paragraph 99.)

"We do not believe the armament firms attempt the bribery of Government officials in this country. As to bribery abroad, we have not sought, nor in fact were we in a position to seek, evidence as to the extent to which it is resorted to."

(Paragraph 103.)

" No evidence has been laid before us which we regard as supporting the charges that armament firms in this country have sought to influence public opinion through the control of the Press."

(Paragraph 104.)

" So far as the charges of nefarious and underground activities on the part of manufacturers in the United Kingdom, in connection with price-raising and other rings, are concerned, we do not consider that such charges have been established upon the evidence before us."

15. It remains to deal with certain specific recommendations which are made by the Commission in a later portion of its report. First, as to the acceptance of appointments with armament firms by public officials on the termination of their Government service. The Commission (paragraph 109) say

" We have no reason to believe, and do not believe, that the practice in question has been or is likely to be the occasion of any weakening of departmental independence ; it is a practice which has obvious advantages in a system under which the Government collaborates with private industry, and we do not propose that it should be discontinued " :

But the Commissioners (paragraph 110) go on to say :

" We cannot, however, regard as satisfactory the position under which armament firms are free to recruit ex-officials and ex-officers of the Army, Navy and Air Force at their own discretion, and we cannot ignore the suspicions which arise from the practice, however ill-founded they may be. We therefore recommend that officers, whether serving or retired, should not enter the service of armament firms in any capacity without the specific approval of the minister in charge of their department."

His Majesty's Government take note of this suggestion, but when it is analysed it will be found to raise difficult questions such as the definition of an " armament firm ", the promotion of ex-officials from a non-armament to an armament branch of a firm (*e.g.*, in the " shadow industry "); the acceptance of an appointment to a better position in a firm which is not solely devoted to armament manufacture ; the case of an ex-official whose Government service was of a temporary character (*e.g.*, in the Great War) ; the " sanction " for neglect of the rule, particularly in the case of ex-officials who have no pension which could be forfeited. The matter is indeed a branch of a much wider question, not by any means confined to the armaments industry — *viz.*, the question of the acceptance of appointments by officers of the Crown Services on the termination of their Government service. This larger question calls for careful study and is not being overlooked.

#### *International Control of the Trade in Arms.*

16. Chapter VII of the Royal Commission's report deals with the question of the international control of the trade in arms. In this connection, the Commissioners have examined the draft articles for the regulation and control of arms manufacture and trade submitted to the Bureau of the Disarmament Conference in November 1934 and considered by the Arms Committee of the Conference in the early part of 1935. They review the attitude assumed by the Government towards these proposals, the difficulties in the way of their complete acceptance and the modifications suggested by the Government. Finally (paragraph 126) they say :

" We believe that the principles that lie behind the United States Draft Articles command a wide measure of support abroad, and that the Draft Articles afford a basis on which an agreement for the international regulation and control of the trade in arms might be reached. We recognise that the realisation of these proposals would be of less value than an international agreement for the limitation of arms, and that they involve restrictions that may be unwelcome or may be thought to be excessive for the limited purposes in view. But we nevertheless think that the possibility should not be missed of securing international agreement in the domain of arms control even on a limited scale."

17. The promotion and encouragement of measures for the international regulation of the manufacture of and trade in arms have long formed part of the policy of this country. In the pursuit, however, of this policy certain difficulties must not be overlooked. For example, due regard must, as enjoined in Article 8 (5) of the League Covenant, be had to " the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety ".

18. As regard the United States' draft proposals, the Government are, as is appreciated by the Commissioners, in full sympathy with the principles on which these proposals are based and accepted them as a basis for discussion. It is in the method of giving effect to certain of these principles that difficulties arise. The amendments put forward by the Government during the discussion of these proposals are of a practical nature and designed to make the proposed Convention more appropriate to its purpose and more generally acceptable. They adhere to the view that their amendments, which are summarised in paragraphs 121 to 124 of the Royal Commission's report, satisfactorily achieve these aims.



19. It must unfortunately be recognised that, at the present moment, international political conditions are such that hopes of making progress towards international limitation or reduction of armaments are not likely to be immediately realised. It is the main object of the Government's foreign policy so to improve the international political situation as to provide conditions in which such progress will be possible. In the meantime, they are not entirely convinced of the utility of pressing forward with any isolated aspect of the armaments problem. Nevertheless, they consider that the question of the publicity of national defence expenditure might be examined and the possibility explored of attaining general agreement on the Draft Convention on this subject drawn up by the competent Sub-Committee of the Disarmament Conference. They are prepared to accept this Convention and to enforce it if it is accepted by the principal Powers. Should general agreement be reached on it, the reconsideration of the wider question of the international regulation of arms manufacture and trade should be possible. Should no progress be made, even on these modest proposals for publicity of national defence expenditure, no useful purpose could possibly be served at present by re-opening the wider question.

*Government Regulation and Control of Private Industry.*

20. Chapter VIII of the Royal Commission's report deals with the question of Government regulation and control of private industry, and the Commissioners' conclusion on this subject is summarised in Chapter XII, paragraph 6, as follows :

" We recommend that the Government should assume complete responsibility for the arms industry in the United Kingdom and should organise and regulate the necessary collaboration between the Government and private industry ; that this responsibility should be exercised through a controlling body, presided over by a minister responsible to Parliament, having executive powers in peace-time and in wartime, over all matters relating to the supply and manufacture of arms and munitions, costing and the authorisation of orders from abroad.

" We further recommend that the Government's own manufacturing establishments should be fully equipped for the production in some measure of naval, military, and air armaments of all types."

The Commissioners state that many interesting and constructive proposals have been made by certain witnesses in regard to the machinery for the control proposed in the first part of these recommendations and they accordingly refrain from reporting in detail on that aspect of the matter. The evidence referred to has been studied by His Majesty's Government, but they regret to say that they do not find in it any solution of the practical difficulties which would beset such a control, if established in peace conditions.

The first part of the recommendation involves the establishment in peace of an executive Minister and Ministry to take over from the three Service Departments the whole of their work of munitions supply.

In Chapter VIII (paragraph 128) of the Royal Commission's report, the objects of the proposed Minister and Ministry are defined as being :

- (i) To ensure rapidity of expansion in emergency periods ;
- (ii) To check prices and establish a planning system in peace-time conditions ;
- (iii) To prevent the possibility of profiteering in time of war or national emergency, and thereby to eliminate the incentive to those grave objections to which the system of private manufacture is open.

In so far as the checking of prices in peace is concerned, reference to this matter will be found below in the comments on the recommendations based on Chapter IX of the Royal Commission's report. The prevention of profiteering in war is only one aspect of the large question of the relations to be established in war between the State and industry and it is being studied in connection with the question of control of industry in war (see paragraph 25).

The remainder of the Commissioners' case for the establishment of a single Executive Minister and Ministry of Supply in peace is that this course is essential to proper planning for war conditions and to expansion to meet war needs. The question of a single Executive Minister and Ministry of Supply in peace is one which was carefully considered by His Majesty's Government in 1926 when the problem was remitted to the Committee whose terms of reference, for the present purposes, were (Cmd. 2649 of 1926) :

" To make definite proposals for the amalgamation, or, if this appears impossible or undesirable, for the co-ordination as far as possible of the Supply Departments in the Service Ministries."

The Committee, however, reported (Cmd. 2649 of 1926)

" that no steps should be taken to bring about either complete or partial amalgamation of the Supply Branches of the three Fighting Services or of any section of those Branches."

The Government accordingly decided that a single Ministry of Supply in peace was not required in the public interest. This decision carried with it the corollary that the executive responsibility for preparing for supply in war must also remain with the Service Departments, but it was felt that strong co-ordinating machinery was necessary, and, in view of the importance of the issues, that this machinery should be established under the ægis of the Committee of Imperial Defence. The Principal Supply Officers' Committee, with its subsidiary bodies, was therefore set up as a Sub-Committee of the Committee of Imperial Defence, and this organisation has been occupied for several years in considering the war needs of supply on bases given to it by the Committee of Imperial Defence, and in framing plans to meet them, and especially plans for war adaptation and war expansion in certain branches of industry.

21. Further developments of this organisation in recent years have been made by :

(a) The appointment of a wholetime Chairman and Secretary, Supply Board and wholetime Chairman of some Supply Committees ;

(b) The appointment of a Minister for Co-ordination of Defence, who, as Chairman of the Principal Supply Officers' Committee, has Cabinet and Parliamentary responsibility for the whole work of the organisation as above described.

At the same time, various improvements have been made in the internal supply organisation of the Service Departments, as for example, in the War Office by the concentration of munitions supply in the hands of the Director General of Munitions Production with a seat on the Army Council, and in the Air Ministry by the appointment of a Director of Production.

22. His Majesty's Government believe that the needs of the case are adequately met by the arrangements above outlined and that there is no present case on merits for the radical change suggested. It is further to be remembered that the whole organisation is at present working at very high pressure on the Defence Programme, and that sweeping changes in it must delay progress and could only be justified by the strongest grounds of public interest which His Majesty's Government, as at present advised, are unable to discover.

The above observations, it should be added, have reference to supply organisation in peace. The question of supply organisation in war conditions raises different issues.

23. The Commissioners (Chapter XII, paragraph 6) say (see also paragraph 20) :

"We further recommend that the Government's own manufacturing establishments should be fully equipped for the production in some measure of naval, military, and air armaments of all types".

This recommendation is expressed at greater length in the latter part of paragraph 130, at the end of Chapter VIII, and is advanced by the Commission as a means of planning for rapid expansion in emergency, checking of trade prices in peace, and elimination of risk of profiteering in war. A further reason given for this recommendation is that it would strengthen national defence if international limitation of arms resulted in the trade restricting or abandoning its present range of manufacture.

His Majesty's Government desire to draw attention to the fact that this recommendation is already met to a very considerable extent by the existing organisation. For example, the Royal Dockyards are capable of building warships of all types and the Royal Ordnance Factories and other Government Establishments are capable of supplying in some measure a very large proportion of the different types of arms in use in the Army and Navy.

They feel, however, that, if the recommendation is examined a little more closely, it will be seen that the reasons advanced for putting it forward are by no means conclusive. The chief reason given is planning for rapid expansion in emergency. Recent experience shows, however, that this object can only be achieved by equipping a large number of private firms with the necessary plant, tools, jigs, and gauges as part of a plan for industrial mobilisation, in addition to the resources of Government Establishments. It must be remembered that a great many items which would be required in large quantities in time of war are closely related from the manufacturing point of view to similar articles made by private firms in time of peace, and in such cases it is obviously advantageous to draw upon the large body of experience and capacity for output which such firms provide. This aspect of the question has, indeed, been forcefully set out by the Commissioners in Chapter V of their report, to which allusion is made in paragraph 8 of the present White Paper.

Another reason put forward for this recommendation is that State manufacture would furnish a check on the prices charged by private firms and thus tend to eliminate the risk of profiteering. His Majesty's Government recognise the value of the check obtained in this way through the operations of the Royal Dockyards and the Royal Ordnance Factories ; but they desire to point

out that modern accounting and technical costing methods, which are being widely and increasingly applied to Government contracts, have made it possible to obtain other checks of at least equal efficiency for the purpose in view. The setting-up of additional State manufacture purely for this purpose would, in the view of His Majesty's Government, not be justified.

An important difficulty in the way of the adoption of this recommendation is that it would in many cases lead to unnecessary duplication of plant and thus to wasteful expenditure in capital outlay and maintenance on the part of the State and uneconomical production on the part of the private firms. For example, armour and heavy naval gun mountings require plant a proportion of which is capable of use both for the manufacture of arms and for commercial work. The existing practice whereby these products are manufactured by private firms enables the same plant to be used for both purposes. If the State decided to set up separate establishments for the armament work alone, the maintenance of the increased number of plants would mean that the overhead costs, both for the State and for private industry, would be considerably greater than they are at present.

As regards aircraft, the stage of progress of the industry is a fundamental reason against manufacture of machines and engines in Government factories. Such manufacture would inevitably tend to premature standardisation of types in an industry of which the essential characteristic at present, and probably for a considerable time to come, is rapid development and improvement, sometimes of an almost revolutionary character. The strongest possible competition in design — inspired by the best brains working under conditions most favourable to and provocative of invention and progress — is essential to the maintenance of the highest level of efficiency. Moreover, the great number and variety of types of aircraft, engines and equipment now being manufactured by private firms would make effective duplication for the purpose envisaged impracticable. The general object the Commission have in mind is, however, largely met in two ways. First, by the agreement with the industry that all books shall be open to inspection, and, secondly, by the system of Shadow Factories, under which firms of great experience operate as managers factories owned and equipped by the State.

The position of His Majesty's Government is therefore that, whilst they are not opposed in principle to extending the range of Government manufacture in appropriate instances, the question is one which must be considered on the merits of each case, with due regard to economy and in the light of the many complex factors which should be taken into account in connection with planning for large scale production in emergency.

#### *Control of Profits.*

24. Chapter IX of the Report deals with the question of the regulation of profit on the manufacture of armaments. The Commission (paragraph 131) refers to the conception "that war and preparation for war ought not to be the occasion of private gain", and express the view that public feeling on this matter, as being widespread, intense and genuine, ought not to be ignored. They go on to say (paragraph 135) :

"The complete removal of the profit motive from private industry . . . is, in our opinion, neither necessary nor desirable . . . But it is our opinion that measures ought to be taken to restrict the profits of armament firms in peace-time to a reasonable scale of remuneration."

(It is to be assumed, having regard to the views expressed by the Commission as to the necessity for broadening the basis of munitions manufacture, that by "armament firms" they meant all firms manufacturing munitions and not merely those few which specialise or are mainly occupied in it.)

The Commission (paragraph 136) expressly renounces "the task of formulating specific methods for the restriction of profits in peace-time", but they think it requires further consideration by the Government.

The Government are in entire agreement with the views expressed by the Commission as to the state of public feeling on this subject, and as to the necessity for the restriction of profits on the manufacture of armaments to a level which can be regarded as reasonable, and they have given prolonged and anxious consideration to the question, especially in connection with the re-armament programme. The measures which they have adopted to secure this end were explained in the "Statement relating to Defence" (Cmd. 5107) and have been elaborated by Ministers on numerous occasions. The procedure adopted by the Service Departments and the Treasury has been examined in detail by the Estimates Committee since the Commission reported, and is discussed at some length in their report of March 17th, 1937. The report may fairly be said to show that active steps have been taken to secure the object which the Commission had in view. The Committee draws attention to the close co-operation which has been established between the Departments and say that

"they are satisfied that the methods followed are soundly conceived and are fair both to the taxpayer and the contractor, and they are of opinion, so far as an estimate can be formed, that they have been effective up to date in preventing profiteering at the taxpayer's expense".

The Committee make a number of recommendations on important points of detail which are being carefully considered. The Government agree with their view

“ that the whole position will need continual vigilance and that the Estimates Committee of a future year might usefully re-examine the question ”.

The Government will continue to give the closest attention to it.

The Commission contemplated that the control of profits would be one of the subjects falling within the purview of the single central organisation, the establishment of which they suggested in Chapter VIII of their Report. For the reasons given in paragraphs 20-22 of this Paper, the Government do not propose to set up such a body as a peace-time organisation. For the particular purpose of the control of profits, there is no reason to suppose that it would prove more effective than the system actually in operation, which ensures the closest co-operation between the Contracting Departments and the Treasury, not only through the Supply Board organisation referred to above, but also through the Contracts Co-ordinating Committee, the Treasury Inter-Services Committee (the establishment of which was announced in the White Paper on Defence, Cmd. 5107) and in the well-established practice in the Contracting Departments of keeping each other informed of important contracts which they place.

25. In the same Chapter, the Commissioners refer to the conscription of industry, and their recommendation as given in Chapter XII (paragraph 8) is :

“ We are of opinion that the problems involved in formulating plans for the conscription of industry in wartime will have to be faced and should be faced without delay ”.

His Majesty's Government recognise that, if ever this country should again become involved in a major war, a much wider measure of control over industry would be needed than in time of peace. Indeed, this conclusion is plainly indicated from the experience of the Great War, and provisional plans for this purpose, ready in case of need to be presented for parliamentary approval, have necessarily to be prepared beforehand.

#### *Export Control.*

26. As regards export control (Chapter X), the Commissioners expressly refrain from recommending, under existing international conditions, that the foreign trade in arms should be definitely abolished by this country acting alone (see paragraph 143). Nevertheless, the Commissioners characterise as “ negative ” the existing administration of the arms export licensing system, “ in that it does not seek actively to discourage the export trade ”. Notwithstanding official evidence tendered to them, the Commissioners were not satisfied as to the importance of the foreign trade in arms as a nucleus for the expansion of production in the event of war (paragraphs 146 and 148). Arguing from this point of view, the Commissioners (Chapter XII, paragraph 9) express the opinion that

“ the administration of the system of licensing exports of arms should be governed by an outlook different from and more positive in character than that which now prevails ”.

His Majesty's Government have carefully considered this recommendation, but they are unable to accept the opinion of the Commissioners on which the recommendation is based — viz. : that the nucleus of productive capacity due to the export trade is so small that its reduction or disappearance would be a matter of indifference. This country, which is a small military power in peace, but may need to become a large one in the event of war — in which respect it differs from every other great European Power — is bound to afford scope for the development of an export trade in armaments, subject to proper supervision, in order to maintain its productive capacity ; for productive capacity cannot be equated with idle plant. This factor is fundamental — though temporarily overshadowed by the requirements of our reconditioning programme — and cannot be ignored unless and until armaments are restricted by international agreement. The international arms trade must inevitably continue so long as some nations are unable in whole or in part to manufacture the war material necessary for their own self-defence ; and, under existing conditions, it is imperative that British firms should not be unfairly handicapped in the competition for export orders.

It follows that, without prejudice to the need for proper and adequate supervision of the trade, the export licensing machinery must be so administered as to eliminate unnecessary interference and delay : otherwise British firms will merely lose legitimate trade to their foreign competitors. Reference to paragraph 149 of the report shows that the Commissioners' recommendation for a changed outlook in the matter of export licensing amounts to a proposal that the question to be decided as regards any particular application for an export licence should be, not whether there is any objection to the proposed export, but whether the export is actually

desirable. His Majesty's Government feel that not only would this principle result in diversion of orders to foreign countries, but that the discrimination involved would be liable to engender friction in the political relations between this country and other countries.

In so far, therefore, as the Commission's observations with regard to export control stress the need for careful supervision over the grant of export licences, His Majesty's Government unreservedly accept their report. They cannot, however, accept the recommendation that in future a different and "more positive" outlook should govern the administration of the export licensing system, for they consider that this recommendation is based on a misconception of the rôle which is and must be played by the arms export trade in the organisation of imperial security.

The Commission (Chapter XII, paragraph 9) go on to recommend that

"licences should be granted only to such firms as shall have been specifically authorised to accept orders for export by the controlling body already recommended ;"

On this point, it is to be observed that all exports of war material are already subject to the requirement that no such goods may be shipped unless the particular export has been specifically authorised. In view of this fact, His Majesty's Government consider that no useful purpose would be served by superimposing the further requirement of a general authorisation of arms-exporting firms.

27. The Commission (Chapter XII, paragraph 9) also recommend

"that the grant of licences should be restricted to orders by foreign Governments, supported by import licences issued by those Governments which shall state that the goods will not be re-exported."

In this connection, it was explained in the official evidence given to the Commission on behalf of the Board of Trade that already

"the general practice of His Majesty's Government is to issue licences for the export of war material only to Governments or to accredited agents of Governments for delivery to them. In the case of material for testing purposes, samples for demonstration or exhibition, or accessories, reputable firms may be accepted as consignees."

Besides war material, the goods now subject to export control include personal weapons, industrial explosives and unarmed aircraft. Here the general practice of confining the issue of export licences to foreign Governments naturally does not apply, but applications in respect of small arms and small arms ammunition to which any suspicious circumstances attach always receive very close scrutiny, while the export of aircraft of military type to undesirable destinations is prevented by administrative measures of control.<sup>1</sup>

Thus the practice actually adopted goes a very long way towards realising the Commission's intention.

Where, however, as is normally the case, a foreign Government is itself the purchaser of war material, His Majesty's Government consider that it would be superfluous to require an import licence from the purchasing Government, and they have decided not to require import authorisations unless and until these are provided for in an international agreement accepted by the Governments of other supplying countries.

28. The Commission (Chapter XII, paragraph 9) conclude their proposals on the subject of export control with the recommendation

"that the practice of issuing open general licences for certain classes of arms, etc., be discontinued ; that specific licences be required in all cases ; and in particular that a rigid control be exercised over all exports of aircraft, whether classified as military or civil."

The classes of material at present covered by open general export licences (under which the goods in question may be exported freely) are :

- (a) Aircraft, assembled or dismantled, and aircraft engines ;
- (b) Bayonets, swords and lances ;
- (c) Smooth-bore shot-guns and shot-gun ammunition ;
- (d) Certain explosives used either for manufacture of shot-gun cartridges or for industrial purposes ; and
- (e) Fire-arms and ammunition covered by a United Kingdom fire-arm certificate when exported in the possession of the holder of the certificate.

The licences covering items (a) to (d) do not apply in the case of export to certain defined geographical areas. In the case of the items (c), (d) and (e), His Majesty's Government consider

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<sup>1</sup> In future, this control over military aircraft will be supplemented by the requirement of a specific export licence—see below.

that it would be undesirable to introduce the hampering requirement of specific licences for particular exportations ; on the other hand, complete decontrol would be inadvisable. They have decided, therefore, that, in respect of these items, the existing open general export licences should be maintained. With regard, however, to item (a), His Majesty's Government have decided, after careful consideration, to make a distinction between, on the one hand, civil aircraft and aircraft engines and, on the other hand, aircraft of military types. Real hardship would ensue if the Commission's recommendation was applied to civil aircraft, and His Majesty's Government do not feel that they would be justified in imposing this handicap on civil flying in the United Kingdom in the absence of similar requirements in other countries. In the event of an emergency in which civil aircraft might be exported for military purposes to a theatre of hostilities, the situation can be met under the existing regime by temporarily revoking the open general licence in respect of all aircraft destined for the country or countries concerned. His Majesty's Government have decided, however, to adopt the Commission's recommendation in so far as it applies to aircraft of military types, and early steps will be taken to implement this decision and at the same time to withdraw the existing open general export licence in respect of item (b) (bayonets, swords and lances), which also will thus become liable to the requirements of specific export licences.

29. In paragraph 152 of their report, the Royal Commission state that :

" It is desirable that the Government should consider whether the provisions of the Foreign Enlistment Act, 1870, should not be extended so as to cover aircraft."

His Majesty's Government are prepared to accept this recommendation.

#### *The Disposal of Surplus Arms.*

30. Finally, in Chapter XI of their report, the Commissioners deal with the question of the disposal of surplus arms, and in Chapter XII (paragraph 10) they recommend :

" The complete cessation of private export trade in surplus and second-hand arms and munitions of war."

It must, however, be borne in mind that all transactions in connection with the sale of second-hand arms and munitions of war are subject to licence, as in the case of export of other arms. In these circumstances, His Majesty's Government are not convinced that there is sufficient reason for abandoning altogether the sale of surplus and second-hand arms and munitions of war to foreign Governments by private agency under proper safeguards. His Majesty's Government do not propose to make a regular practice of licensing the sale of surplus and second-hand arms and munitions of war to foreign Governments by private agency, but they do not consider it is necessary to insist upon the complete cessation of this trade.

May 4th, 1937.

#### BULGARIA.

[Translation.]

Geneva, November 24th, 1937.

With reference to letter Conf.D./C.L.17 of October 23rd last, the Permanent Delegation of Bulgaria has the honour to inform the Secretary-General of the League of Nations that the manufacture of, trade in and carrying of arms and ammunition are regulated by the following laws :

1. Law on explosives and arms (*Official Gazette* No. III, of May 21st, 1912).
2. Law on the disarmament of the population in conformity with the Treaty of Peace of Neuilly (*Official Gazette* No. 84, of July 18th, 1922).
3. Law concerning the manufacture, importation and exportation of implements of war (*Official Gazette* No. 28, of January 26th, 1925).
4. Law to reduce the number of offences against public and personal safety (*Official Gazette* No. 14, of April 21st, 1933).<sup>1</sup>

#### CANADA.

Geneva, February 15th, 1938.

I have the honour to inform you that I have been instructed by the Secretary of State for External Affairs, in reply to your letter of October 23rd, 1937 (Conf.D./C.L.17), asking to be informed of measures taken with a view to the effective supervision of the manufacture of and trade in arms, ammunition and implements of war, to state that the Canadian law dealing with

<sup>1</sup> Note by the Secretariat: The legislative texts referred to above may be consulted in the Library of the League of Nations.

the question of trade in arms, ammunition and implements of war — namely, Section 290 of the Customs Act — has been amended at the last session of Parliament to authorise the taking of all the measures contemplated by the Special Committee of the Disarmament Conference. The section as amended provides as follows :

“ Section two-hundred-and-ninety of the said Act is repealed, and the following substituted therefor :

“ 290. (1) The Governor in Council may, from time to time :

“ (a) For the purpose of acquiring information, or for the purposes of paragraphs (b) and (c) of this sub-section, require that no person shall export or carry coastwise or by inland navigation any of the articles designated in the said paragraph (b), or import any of the articles designated in the said paragraph (c), without first having obtained a permit, and prescribe such fees, regulations and conditions as may be deemed proper respecting the granting of such permits ;

“ (b) Prohibit, restrict or control the exportation, generally or to any destination, directly or indirectly, or the carrying coastwise or by inland navigation, of arms, ammunition, implements or munitions of war, military, naval or air stores, or any articles deemed capable of being converted thereinto or made useful in the production thereof, or provisions or any sort of victual which may be used as food by man or beast ;

“ (c) Prohibit, restrict or control the importation of arms, ammunition, implements or munitions of war, military, naval or air stores, or any articles deemed capable of being converted thereinto or made useful in the production thereof ;

“ (d) Provide for the registration or licensing of persons engaged in the business of manufacturing, exporting or importing arms, ammunition or implements of war, and prescribe fees, regulations, conditions and exceptions in respect thereof ;

“ (e) Provide for the compilation and publication of information and statistics respecting the exportation, importation or manufacture of arms, ammunition or implements of war ;

“ (f) Make regulations or prescribe conditions or exceptions deemed necessary for the effective carrying-out of the object and intention of this section of any prohibition, restriction or control of exportations or importations which may be imposed under this section, including regulations, conditions or exceptions respecting re-exportations, transshipments, or shipments in transit, whether within Canada or elsewhere. Such regulations shall, when made, have the force and effect of law as though enacted as a part of this statute, and shall be published in the *Canada Gazette*.

“ (2) Any goods imported or exported contrary to the provisions of this section or of any Order of the Governor in Council hereunder or regulation established thereunder shall be seized and forfeited ; and any person importing or exporting the same or causing or permitting them to be imported or exported shall be guilty of an offence and for each such offence be liable on summary conviction before two justices of the peace to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month or to both fine and imprisonment. If the value of such goods is two hundred dollars or over, the person so offending shall be guilty of an indictable offence and be liable on conviction, in addition to any other penalty to which he is subject for such offence, to a penalty not exceeding ten thousand dollars and not less than two hundred dollars, or to imprisonment for a term not exceeding four years and not less than one year or to both fine and imprisonment.”

Under the authority of this section, an Order-in-Council was passed on July 30th, a copy of which is attached, placing the trade in arms, ammunition and implements of war under a licensing system. On the same day, an Order-in-Council was passed prohibiting the exportation directly or indirectly of arms, munitions and implements of war to Spain.

It may be added that an armament industry can scarcely be said to exist at all in Canada and it has not been deemed worth while to institute the registration of Canadian firms engaged in the manufacture of arms, etc., nor the compilation and publication of statistics respecting manufacture. There is, of course, no objection, in principle, to such a step being taken, particularly as it is assumed that it would be contingent on similar action being taken by the principal Powers.

(Signed) H. H. WRONG.

Annex.

P.C.1838.

At the Government House at Ottawa, Friday, the 30th day of July, 1937.

PRESENT :

*The Deputy of His Excellency the Governor-General in Council:*

WHEREAS it is considered desirable that steps should be taken to provide for control of the exportation from Canada to any destination of arms, ammunition, implements or munitions of

war, military, naval or air stores or any articles deemed capable of being converted thereinto or made useful in the production thereof ;

AND WHEREAS Section 290 of the Customs Act, as enacted by Section 10 of Chapter 24 of the Statutes of 1937, provides that the Governor in Council may from time to time :

(a) For the purpose of acquiring information, or for the purposes of sub-paragraph (b) of this sub-section, require that no person shall export or carry coastwise or by inland navigation any of the articles designated in the said sub-paragraph (b), without first having obtained a permit, and prescribe such fees, regulations and conditions as may be deemed proper respecting the granting of such permits ;

(b) Prohibit, restrict or control the exportation, generally or to any destination, directly or indirectly, or the carrying coastwise or by inland navigation, of arms, ammunition, implements or munitions of war, military, naval or air stores, or any articles deemed capable of being converted thereinto or made useful in the production thereof ;

(d) Provide for the registration or licensing of persons engaged in the business of manufacturing, exporting or importing arms, ammunition or implements of war and prescribe fees, regulations, conditions and exceptions in respect thereof ;

(e) Provide for the compilation and publication of information and statistics respecting the exportation, importation or manufacture of arms, ammunition or implements of war ;

(f) Make regulations or prescribe conditions or exceptions deemed necessary for the effective carrying-out of the object and intention of this section of any prohibition, restriction or control of exportations or importations which may be imposed under this section, including regulations, conditions or exceptions, respecting re-exportations, transshipments or shipments in transit, whether within Canada or elsewhere. Such regulations shall, when made, have the force and effect of law as though enacted as a part of this statute, and shall be published in the *Canada Gazette*.

NOW, THEREFORE, the Deputy of His Excellency the Governor-General in Council, on the recommendation of the Secretary of State for External Affairs, with the concurrence of the Minister of Justice and the Minister of National Revenue, is pleased to order and it is hereby ordered as follows :

1. No person shall export any of the articles enumerated and described in the Annex<sup>1</sup> hereto without first having obtained a permit issued by, or on behalf of, the Minister of National Revenue.

2. Applicants for permits shall furnish in respect of each proposed shipment for export information in writing in the manner and form approved by the Minister of National Revenue, setting forth details as to the seller, purchaser, consignor, consignee, description, quantity, value and specific purpose of the proposed shipment or of the articles proposed to be exported.

3. Export permits shall be issued to applicants furnishing the required information in all cases except those in which the issue of such permits or the exportation of the article or articles proposed to be exported would contravene a prohibition, restriction, regulation, condition or exception prescribed by law or by order of the Governor in Council.

4. Export permits issued hereunder shall not be transferable and shall be subject to revocation at any time without notice.

5. This Order shall come into force on the 31st day of July, 1937.

(Signed) E. J. LEMAIRE,  
Clerk of the Privy Council.

## COLOMBIA.

[Translation.]

Bogotá, January 5th, 1938.

I have the honour to refer to your communications Conf.D./C.L.16 and 17 of June 19th and October 23rd, 1937, informing me of the resolutions adopted by the Bureau of the Conference for the Limitation of Armaments and the Assembly on May 31st and September 30th, 1937, respectively, with regard to the limitation of armaments.

In view of the traditional policy of Colombia, the problem of armaments does not arise in this country.

With regard to the second recommendation contained in the resolution of September 30th, I have the honour to transmit to you the attached copy of a report sent to this Ministry by the Ministry of War on Government supervision of the trade in, and use of, arms.

(Signed) Alfredo MICHELSEN,  
Secretary of the Ministry of  
Foreign Affairs, Head of Service.

<sup>1</sup> Note by the Secretariat. — The Annex, which may be consulted in the Library of the League of Nations, contains a list of arms consisting of seven categories, five of which are modelled on Article 4 of the Draft Texts included in document Conf.D.168 (reproduced in Conference Documents, Volume III, page 785). Categories VI and VII (poison gases and explosives) are new.



Annex.

NOTE FROM THE MINISTER FOR WAR TO THE MINISTER FOR FOREIGN AFFAIRS.

Bogotá, December 30th, 1937.

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The following is a summary of the provisions regulating the trade in, manufacture, importation and use of arms in Colombia :

*Importation and Trade.*

(a) The importation and manufacture of implements of war and ammunition are strictly forbidden. The Government alone has the right to import, manufacture and make use of such articles.

(b) Weapons used in big-game hunting (rifles or guns), sporting weapons with sights for a range exceeding a hundred metres, pistols and revolvers with a calibre greater than 38 mm., and quick-firing and automatic pistols and revolvers of a lower calibre are regarded as implements of war. Their importation and use by private individuals are therefore prohibited (Decree 147 of 1931).

(c) The importation of weapons of self-defence with a maximum calibre of 38 mm. and of ammunition therefor is provisionally suspended (Decree 583 of 1931). Such weapons and ammunition may not be imported without an authorisation from the Ministry of War, and the person applying for such an authorisation must pay a minimum deposit of 1,000 pesos as a guarantee that he will sell them only to persons possessing permits to purchase. Such permits are issued by the chief political authority of the district where the purchaser resides, if the latter can prove that he needs such weapons (Decrees 1206 of 1927 and 954 of 1932).

(d) High explosives used in industry may not be imported without an authorisation from the Ministry of War, issued under the same conditions as those applicable to weapons of self-defence. The importer must send the Ministry each quarter a detailed return of the sales and purchases of such products, accompanied by the sales permits issued by the competent authority. The Ministry exercises strict supervision over such transactions, current accounts being kept for each importer (Decrees 1206 of 1927, 954 of 1932 and 583 of 1931).

(e) Authorisation from the Ministry of War is necessary for the importation of breech-loading and percussion guns used for shooting small game (Article 509 of Law 62 of 1931).

(f) The importation of and trade in percussion, vent-hole or hammer shot-guns and of 22 mm. gallery rifles are free throughout the Republic ; this also applies to powder, shot, and caps for these weapons (Decree 1206 of 1927).

(g) The importation of and trade in poisonous gases and appliances for their discharge are prohibited in this country (Decree 66 of 1935).

*Manufacture of Arms and Ammunition.*

(h) There is no arms factory of any kind in Colombia. The Government alone possesses one munitions factory. If any arms or munitions factory were subsequently established, it would be by authorisation of the Government, and under its supervision.

*The Use and Carriage of Arms.*

(i) All private individuals wishing to use and carry weapons of self-defence are obliged to comply with the provisions of Decree 1339 of 1933 ; they must furnish proof of their trustworthiness, a police certificate as to their good conduct and proof that they need to carry weapons. An authorisation is valid for one year only, and is subject to a stamp duty of 2 pesos per weapon. The same provisions apply to sporting-guns (Decree 954 of 1932).

(j) Peasants and agricultural labourers who are known to be indigent may use sporting-guns without having to pay duty (Decree 1808 of 1932).

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DENMARK.

[Translation.]

Geneva, November 9th, 1937.

In your letter Conf.D./C.L.17(a), dated October 23rd, 1937, you asked my Government to inform you of the action taken on the second recommendation adopted by the Assembly of the League of Nations on September 30th last with regard to the effective supervision of the manufacture of and trade in arms, ammunition and implements of war.

In reply, I have the honour, on my Government's instructions, to refer you to the following documents which the Permanent Delegation has already transmitted to the Secretariat<sup>1</sup> with a view to assisting the latter to carry out the resolution of the Bureau of the Disarmament Conference.

Law No. 122 of April 28th, 1934, relating to the trade in and manufacture and possession of arms.

Law No. 139 of May 7th, 1937, relating to the supervision of the manufacture of implements of war, etc.

Circular of May 31st, 1933, with regard to permits to purchase arms and ammunition.

Decree of May 2nd, 1934, relating to the importation, manufacture, sale and purchase of arms, ammunition, explosives, etc.

Decree of July 20th, 1934, with regard to the registration of fire-arms, ammunition, etc.

Decree of February 14th, 1935, relating to the display and stocking of fire-arms.

Ordinance of July 16th, 1937, defining the term implements of war used in the Law of May 7th, 1937, relating to the supervision of the manufacture of implements of war, etc.

Furthermore, the Ministry of War has stated that it has issued an administrative decision to the effect that any implements of war which may be sold shall be rendered unusable for their original purpose ; while the Ministry of Marine has stated that it has issued no administrative or other regulations in this connection.

I would also remind you of the principle observed by the Danish Government when granting licences to export arms, ammunition and other implements of war. Such licences are only issued for exports to countries which are not at war or in a situation likely to lead to war. Furthermore, it is usually stipulated that the consignment in question must be intended for a Government or at least that importation must be authorised by a Government, in proof of which a declaration from the Government concerned is required. These two conditions must be fulfilled before the export licence is granted. Lastly, I would refer you to the notes sent by the delegation to the League of Nations on June 26th, 1934, and March 6th, 1935, and to the declaration made by the Minister for Foreign Affairs of Denmark in the Council of the League of Nations on May 18th, 1934,<sup>2</sup> which is mentioned in the first of these notes.

As will be seen from the above-mentioned documentary material, the supervision referred to in the said recommendation was already exercised in Denmark before the recommendation was adopted.

(Signed) William BORBERG.

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#### EGYPT.

[Translation.]

Cairo, December 9th, 1937.

With reference to my letter No. 38.77/18 (270) of November 10th, 1937, regarding the recommendation to consider internal measures for an effective supervision of the manufacture of and trade in arms, ammunition and implements of war, I have the honour to inform you that the Royal Egyptian Government is taking all the necessary measures for exercising effective supervision in this respect.

For the Acting Minister for Foreign Affairs :

(Signed) M. CHARARA,  
Under-Secretary of State.

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#### ECUADOR.

[Translation.]

Quito, December 20th, 1937.

I have the honour to acknowledge receipt of your note Conf. D./C.L.17, of October 23rd, in which you request me to inform you of the action taken on the second recommendation adopted by the Assembly of the League of Nations on September 30th last, which reads as follows :

“ The object of the second is the examination by each of the States Members of the League — in so far as this has not already been done — of internal measures with a view to the effective supervision of the manufacture of and trade in arms, ammunition, and implements of war.”

In reply, I have to inform you that, as no factories for arms, ammunition, or war material of any kind exist in Ecuador, the question of giving effect to the above-mentioned recommendation does not arise.

(Signed) C. M. LARREA.

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<sup>1</sup> Note by the Secretariat : The above-mentioned texts will be analysed and the relevant extracts reproduced in document Conf.D.184, which gives the results of the enquiry carried out by the Secretariat in conformity with the resolution adopted by the Bureau on May 31st, 1937.

<sup>2</sup> Note by the Secretariat : See Official Journal, July 1934, page 763.

SPAIN.

[Translation.]

Barcelona, November 20th, 1937.

I have the honour to acknowledge receipt of your communication Conf.D./C.L.17(a), of October 23rd, together with the enclosed copy of the resolution adopted by the Assembly of the League of Nations on September 30th last and the two recommendations taken from that resolution.

As regards the second of these, I beg to refer you to the Spanish delegate's statement in the Third Committee at the above-mentioned session of the Assembly.<sup>1</sup>

(Signed) R. DE UREÑA.

FRANCE.

[Translation.]

Paris, November 6th, 1937.

In your letter No. Conf. D./C.L.17(a), of October 23rd last, after drawing my attention to the resolution adopted by the Assembly of the League of Nations on September 30th, 1937, you asked to be informed of the action taken by the French Government on the second recommendation contained in that resolution, relating to "internal measures with a view to the effective supervision of the manufacture of and trade in arms, ammunition and implements of war."

I have the honour to inform you that by furnishing the Secretariat of the League of Nations, of its own accord, with the information contained in the Note on the Nationalisation and Supervision of War Industries in France annexed to my letter No. III of October 11th, 1937,<sup>2</sup> the French Government has, for its part, complied in advance with the above-mentioned recommendation.

For the Minister :

(Signed) MASSIGLI.

[Translation.]

August 1937.

NOTE ON THE NATIONALISATION AND SUPERVISION OF THE MANUFACTURE OF IMPLEMENTS OF WAR.

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I. GENERAL OBSERVATIONS.

Article 8 of the Covenant of the League of Nations denounces the evil effects of the manufacture of armaments by private enterprise, while Article 23(d) asserts the need for general supervision of the trade in arms and ammunition.

In spite of the efforts made, it has not hitherto proved possible to bring about the successful application of the above provisions of the Covenant by means of an international convention regulating the manufacture of and trade in war material in the different countries.

<sup>1</sup> Note by the Secretariat: See Records of the Eighteenth Ordinary Session of the Assembly, Minutes of the Third Committee (Official Journal, Special Supplement No. 172), page 16.

<sup>2</sup> Note by the Secretariat: This letter will be reproduced in document Conf.D.184 (Enquiry undertaken by the Secretariat in execution of the Bureau's resolution of May 31st, 1937).

Nevertheless, in the light of the negotiations conducted at Geneva on these subjects, a number of general principles have emerged from the labours of the Conference for the Reduction and Limitation of Armaments. From these principles, countries sincerely desiring to further the organisation of peace have felt able to draw guidance, while proceeding, as a first step, to apply to their own nationals measures of regulation and control which it is hoped will later be extended to all other countries.

Among the States imbued with good-will, France had little hesitation in putting those principles to the test for her own account, inasmuch as they are in harmony with the aspirations so insistently voiced by French public opinion.

French public opinion has indeed always protested against the enhanced profits which may accrue to private persons from the manufacture of armaments as a result of international discord or threats of war.

#### *Legislation of 1935.*

Accordingly, as early as 1933,<sup>1</sup> legislation on the subject was passed. Its object was to organise — both from the standpoint of internal or external security, and from the fiscal or administrative standpoint — a certain measure of supervision, exercised by public authorities, over the manufacture of, trade in or possession of war material. Particular mention should be made in this connection of :

1. *Decree of September 3rd, 1935*, with the Ordinance of the same date,<sup>2</sup> regulating the export of war material.

These provide that previous authorisation must be obtained from the Finance Minister before war material can be exported. Such authority will only be granted subject to the consent of the Minister for Foreign Affairs, the Minister of the Interior and one of the National Defence Ministers (land, naval or air forces, as the case may be).

2. *Decree-Law of October 23rd, 1935*,<sup>3</sup> regulating the importation and manufacture of, trade in and possession of arms ; supplemented by the *Public Administrative Regulations of December 16th, 1935*, and the *Ordinance of January 13th, 1936*.<sup>4</sup>

Under these measures, the importation into France of arms, ammunition and all offensive and defensive weapons is prohibited, except where specifically permitted in the case of certain sporting (game or target-shooting) fire-arms.

The manufacture of arms is only allowed subject to previous authorisation from one of the Defence Ministers, and is strictly supervised.

Trade in arms is also subject to regulations, which include :

Declaration to the Prefecture ;  
Keeping of registers open to inspection.

Finally, the possession of all fire-arms must be declared.  
Disregard of these provisions entails severe punishment by imprisonment or fine.

3. *Decree-Law of October 30th, 1935*,<sup>5</sup> setting up administrative control of transactions in war materials, supplemented by the Decree of May 29th, 1936.<sup>6</sup>

In this sphere, a Decree-Law of July 16th, 1935,<sup>7</sup> had already instituted a special tax of 20 % on profits from the fulfilment of contracts entered into with the War, Navy and Air Ministries.

Whereas, however, the latter provision applied, in principle, to all undertakings engaged on national defence work, the Decree of October 30th, 1935, applies only to persons supplying war material, a definition of which is given in the Geneva Convention of June 17th, 1925 ; the list which appears in that Convention is repeated in the French text.

These measures enable the departments contracting for war supplies to impose upon the contractors supervision by a Government agent, under threat of administrative sanction.

\* \* \*

#### *Law of August 11th, 1936.*

The above provisions were dictated much more by domestic considerations than by principles laid down at Geneva. Hence the French Parliament, taking those principles as a basis and judging, moreover, that the concept of public service to the State is nowhere better exemplified

<sup>1</sup> The beginning of the French Government's efforts to institute supervision of the manufacture of armaments might be placed as far back as 1933, when the question was considered in connection with a draft law to restore the equilibrium of the budget. M. Daladier, at that time President of the Council of Ministers, had inserted provisions in the draft law to ensure the supervision of the manufacture and sale of implements of war. Although favourably reported on by the Finance Commission, this draft failed to become law.

<sup>2</sup> *Journal officiel*, September 11th, 1935, pages 9930, 9931.

<sup>3</sup> *Journal officiel*, October 24th, 1935, page 11202.

<sup>4</sup> *Bulletin officiel, Partie permanente*, 1936, page 36.

<sup>5</sup> *Journal officiel*, October 31st, 1935, page 11509.

<sup>6</sup> *Journal officiel*, May 31st, 1936, page 5797.

<sup>7</sup> *Journal officiel*, July 18th, 1935, page 7671.

than in the production of the means necessary for the country's defence, thereupon undertook to prepare a veritable *national statute of war industries*. This is the aim of the "*Nationalisation Act of August 11th, 1936*."

The introductory statement to this Act declares as follows :

" France has recently given striking evidence of her loyalty to the international organisation of peace through collective security and progressive disarmament. Concrete form can at once be given to the desires of public opinion by far-reaching nationalisation of war industries and strict control of the activities of undertakings that remain unexpropriated . . .

" France's example will encourage international opinion to recognise the need for the immediate organisation of national control, for the Geneva discussions have shown that such control is the primary condition for any international regulation of the production of war material, and that, without international regulation, it is vain to hope for the armaments race to be stopped."

To secure the object in view, the Act provides for two types of measures :

1. **Expropriation**, in whole or in part, of undertakings manufacturing war materials, within the limits of the normal requirements of national defence.

This is the purport of Article 1, which reads as follows :

" *Article 1.* — Before March 31st, 1937, decrees adopted by the Council of Ministers, on the proposal of the Minister of National Defence and War, the Minister of Marine or the Air Minister, may order the expropriation, in whole or in part, of undertakings manufacturing or trading in war material.

" War material shall include :

" (1) Fire-arms, and ammunition therefor ;

" (2) Implements for the carriage of fire-arms and for the use of fire-arms in war (fighting aircraft, warships, vehicles used in warfare) ;

" (3) Material required for protection against noxious gases.

" Failing free agreement within one month of the publication of the decree of expropriation, the amount of compensation shall be determined as follows :

" Compensation shall be based on the value of the undertaking on the date on which expropriation takes place, with sole reference to the loss resulting from eviction ; in no case may any profit whatsoever accrue to the person expropriated.

" The amount shall be determined by two arbitrators, appointed by the Minister and the expropriated party respectively. Should the latter fail to appoint an arbitrator within fifteen days of being called upon to do so, an appointment shall be made by means of a court order from the President of the civil court of the district in which the expropriated undertaking is situated.

" The two arbitrators shall reach a decision within three months of their appointment, unless the parties agree to prolong that period.

" Should they fail to agree upon the amount of compensation, the two arbitrators shall appoint a third arbitrator.

" Should they fail to agree upon this appointment, the third arbitrator shall be appointed, at the request of either party, by the First President of the Court of Appeal of the district in which the undertaking is situated.

" The third arbitrator shall reach a decision within one month of his appointment.

" Arbitrators shall not be bound to observe any special form of procedure.

" The arbitral award, which shall be communicated to the parties through the Minister, shall be open to appeal before the Council of State, under the stipulations of the Decree of July 22nd, 1806, as amended by Article 24 of the Law of April 13th, 1900.

" The public authorities may take over the expropriated undertaking as from the date of publication of the decree of expropriation, on condition that they prepare an inventory in the presence of the other party and pay provisional compensation to those entitled thereto.

" The arbitral award shall be registered free of tax and shall be given executory validity by the First President of the Court of Appeal."

2. **Strict supervision** of the activities and profits of non-expropriated private undertakings chiefly or partly engaged in manufacturing and trading in war material.

This is the purport of Article 2, which reads as follows :

" *Article 2.* — As from the date of promulgation of the present law, undertakings manufacturing or selling war material as defined in Article 1 may only continue, and the activities of their intermediaries and publicity agents may only be pursued, subject to authorisation and supervision by the Government."

Both the above types of measure were necessary ; for, although expropriation appears to be the best and the most thorough-going solution, since it transforms private factories and workshops engaged in armament production into Government undertakings, yet it was not possible or desirable to apply to all private industry.

In the enforcement of the Nationalisation Law, account had to be taken, in particular, of the profound differences existing between the War, Navy and Air Departments in the matter of the organisation of the manufacture of land, sea and air armaments ; and more especially of the varying parts played in each of those three spheres by Government and private undertakings respectively.

Thus the Navy Department, following ancient tradition, was already producing in its own arsenals a very great proportion of the warships, artillery and ammunition required for the naval forces.

The War Department, although possessing a considerable number of its own factories, turned to private industry for an appreciable part of its arms and ammunition and for the whole of its tanks, armoured cars, etc.

The Air Department had no Government factories under its control, and therefore obtained all its aircraft bodies and engines from private industry.

In this way, the Navy and War Ministries, being already in possession of units possessing experience of the manufacture of most war supplies, were able, by means of total or partial expropriation, to turn a considerable number of private undertakings into Government factories, thus achieving nationalisation properly so called.

The Air Ministry, on the other hand, possessing no means for furnishing supervisory staff for expropriated undertakings, was unable to turn these into Government factories, and therefore confined itself to contributing expropriated assets to the working capital of the "National companies", a majority of the stock of which is held by the Government. In this case, therefore, nationalisation takes the shape of Government supervision.

## II. NATIONALISATION.

Nationalisation properly so called entails the expropriation and the transforming of the undertakings affected into Government undertakings in the sense of Article 1 of the law summarised above.

In conformity with a series of decrees adopted between October 1936 and March 1937, twelve factories, groups of factories or workshops of private factories were expropriated by the War and Navy Departments and transformed into Government undertakings. Among the undertakings affected by this step, mention may be made of the factories or workshops of Schneider, Renault, Brandt, Hotchkiss, etc., all specialised in the manufacture of war material or ammunition.

### *Measures taken.*

(a) *Expropriation. Occupation. Compensation.* — According to the provisions of the Law of August 11th, 1936, an expropriation decree transfers ownership to the State, the occupation of the undertaking being brought about by a ministerial ordinance.

The expropriation decree specifies the properties covered — *i.e.*, on the one hand, the land, whether built upon or not, which is further described in the cadastral survey attached, and, on the other hand, the existing equipment, tools, stocks of every description, including materials in course of manufacture or assembly, and furnishings, as enumerated in an inventory drawn up in the presence of the expropriated party.

As the date of taking over is not specified in the law and may be decreed at a suitable moment, the execution of the relevant provisions can be carried out with the necessary elasticity.

In particular, the procedure laid down enables the various problems of a technical and financial character involved in expropriation to be taken into account. No risk is run by the State, since, during the transition period which elapses before the process is completed, the undertakings concerned are, in practice, under Government supervision; the military engineers appointed to take charge of the undertaking utilise this interval to make themselves familiar with their duties, in contact with the civilian directors who are still exercising their former functions. In addition, the Government is able at any time, under the provisions of the law itself, to take over the undertaking at once, if circumstances so require.

The transitional period also enables the *provisional compensation* to be fixed which, under Article 1 of the Act, must be paid by the public authorities when the undertaking is taken over.

This compensation must, in general, fulfil two conditions: it must be substantial in amount, but at the same time it must be low enough to ensure that in no case shall it ultimately be found to exceed the value of the expropriated undertaking and equipment.

*Final compensation* must be determined within one month of the date either of notification of the expropriation decree, or of the notification of the ordinance specifying the date at which the undertaking will be taken over.

Under Article 1 of the Law of August 11th, 1936, the amount of compensation is based upon the value of the undertaking on the date of expropriation, with sole reference to the loss resulting from eviction, no profit whatsoever accruing to the expropriated party.

According to circumstances, the fixing of the final amount of compensation for expropriation is the consequence either of free agreement between the parties, or of an arbitral award.

Free agreement results from offers made by the authorities to the parties concerned. The amount of such offers is determined by the Minister, on the proposal of a Committee which includes a representative of the Finance Department.

As soon as the offer is accepted, the process is completed.

In case of refusal, arbitration proceedings commence; they may consist of a number of stages, the final one being an appeal before the Conseil d'État.

(b) *Organisation and operation.* — Very detailed provisions are laid down for the smooth and frictionless organisation of the management and operation of factories turned into Government undertakings.

They may be summarised as follows:

As soon as expropriation has been decreed, a military engineer is appointed as manager of the expropriated undertaking, which, when it has been taken over, becomes a Government factory and is run under direct Government administration.

The higher staff of the undertaking is kept on, in so far as its co-operation is deemed necessary. Subject to certain transitional provisions, the subordinate staff in general comes under the regulations applied to workers and employees of the Government Departments concerned.

The planning departments of the expropriated undertakings are, as a rule, attached to the new undertakings.

It has proved necessary, however, to take certain transitional measures to ensure that the preparatory work already begun should continue under satisfactory conditions.

All the necessary steps have been taken to stimulate and foster research work relating to national defence.

### III. SUPERVISION OF UNDERTAKINGS MANUFACTURING AND SELLING WAR MATERIALS.

This supervision, as already stated, is provided for in Article 2 of the Law of August 11th, 1936, the stipulations of which have been amplified by the following :

Decree of August 17th, 1936, laying down the general conditions for ensuring the supervision of private undertakings engaged in manufacturing and trading in war material.

Decree of August 18th, 1936, providing for the organisation of supervision of private undertakings.

Decree of August 18th, 1936, laying down conditions for the grant of licences and authorisations to private undertakings.

Decree of January 16th, 1937, laying down the conditions governing State participation in undertakings engaged in manufacturing or trading in war material, where such participation exceeds two-thirds of the share capital.

Decree of January 6th, 1937, relating to financial participation by the State.

The Law of August 11th, 1936, has made possible :

(a) The organisation of *internal supervision* of undertakings by means of financial participation by the State ;

(b) The organisation of *external supervision* carried out by officials of the three Defence Departments, their activities being co-ordinated by the General Directorate for the Control of War Material.

#### A. *Financial Participation.*

By means of financial participation, the State may become the owner of the majority of the shares of the undertaking. This is the method employed in all the nationalisation operations carried out by the Air Ministry. A distinction must be made between this method and that applied by the War and Navy Departments.

1. *System employed by the Air Ministry.* — The Government acquires by purchase or expropriation such assets of undertakings as are deemed necessary for the satisfactory working of the aircraft industry.

Such assets constitute the Government's contribution to the companies known as " National Aircraft Construction Companies ", of which there are at present six, distributed in the main geographical divisions of the country.

This form of nationalisation has the advantage of retaining, in the companies so formed, the full participation of the technical collaborators who have up to the present been engaged in promoting the growth of the aircraft industry.

Lastly, a Sales Department, the " French Office for Air Equipment Exports ", representing the National Companies, is in charge of trade relations with foreign countries.

Expropriations decreed on the initiative of the Air Department (Decrees of January and February 1937) cover seventeen private undertakings engaged in aeroplane or seaplane construction or the manufacture of war material.

2. *System employed by the War and Navy Departments.* — Having turned a number of expropriated undertakings into Government factories, the War and Navy Departments now propose to take a financial share in a number of private armament undertakings in respect of which no expropriation measures have been taken.

This participation will secure for the Government, through the intermediary of its representatives on the administrative bodies and at general meetings of the companies, a very effective power of control over the manufacture of war material, the preparation of industrial mobilisation, and the extent of the profits.

In order to provide for exports of war material, where authorised by the Government, the War Department is also contemplating the creation of joint sales organisations in foreign countries.

3. *Rules applied in all cases of financial participation.* — It has just been shown that the Government may become a majority or a minority shareholder.

Even in the latter case, the system of financial participation gives it far-reaching means of action.

Undertakings in which the State thus assumes a financial part must become limited liability companies, subject to the provisions of French legislation. Such participation can be brought about in one of the following ways :

By an agreement for the purchase of a part of the capital corresponding to the amount of the Government's participation ;

By Government purchase of an additional issue of capital equivalent to the amount of its participation ;

By the transfer, either to an existing or to a new company, of assets expropriated by the Government in virtue of the Law of August 11th, 1936.

The Government thus secures representation at the initial general meeting of the Company or at subsequent ordinary or extraordinary meetings. It exercises such voting-powers as the Articles of Association provide. It must be granted at least two directorships, and appoints a special controlling agent to follow the activities of the company. The agent is duly summoned to attend general meetings, meetings of the Board of Directors and, where appropriate, meetings of the Committee of Management or other similar bodies ; and it is able to oppose such decisions as appear to it to run counter to the interests or rights of the State, especially in matters affecting national defence.

### B. *Supervision proper.*

1. *Object and scope.* — Taken as a whole, the system of supervision laid down in the Law of August 11th, 1936, aims at the exercise of general supervision of the manufacture and sale of war material.

Taken in greater detail, its objects, in the *technical, administrative, financial and statistical fields*, are to bring together data relating to manufacturing processes and the expansion of means of production, to watch over the application of legal provisions, and to supervise the profits and expenditure of the undertakings concerned.

The system applies :

To factories (manufacture, assembly, filling of ammunition, etc.) ;

To sales organisations (imports, exports, internal trade) ;

To intermediaries and publicity agents.

The system appreciably limits the former freedom of the parties affected, whether companies or individuals ; they are now placed in a position of close dependence upon the State.

2. *Methods of enforcement.* — Apart from the system of financial participation by the State, to which we need not revert, the law lays down the following methods of enforcement :

The grant of a licence ;

The grant of an authorisation.

Manufacturing undertakings may now no longer pursue their activities unless they obtain a *manufacturing licence* from the State. The validity of this licence is limited to five years, but it can be renewed for a similar period upon expiry. When it is added that the licence so granted may be cancelled by the State at any moment on the ground of disregard of relevant laws and regulations, the severity of the means placed at the disposal of the State under the present system will be appreciated.

Sales organisations are covered by an analogous system : they may only pursue their activities after obtaining a *special and revocable authorisation* from the State. Similarly, intermediaries and publicity agents working for manufacturing or sales undertakings must, in order to pursue their activities, submit to a similar degree of State supervision and comply with provisions closely resembling those applied to the undertakings for which they work.

3. *Organisation of supervision.* — In order to ensure the due enforcement of the various provisions relating to the supervision of the manufacture and sale of war material, the following bodies have been set up :

Special control groups within each of the National Defence Ministries ;

A General Co-ordination and Centralisation Service for the supervision of the manufacture of and trade in war material.

The *control groups* are set up with the aid of the control services of the National Defence Departments. Officials belonging to them carry out detailed enquiries on the spot, in order to complete and check the information supplied by the undertakings. They examine carefully the activity of the undertakings, their structure, working, technical equipment and the outcome of their financial and industrial activity. In each Ministry, these organs are under the immediate authority of the Inspectorate.

A General Co-ordination and Centralisation Service was set up in September 1936. It is attached to the Ministry for National Defence and War, and constitutes the *General Inspectorate of War Material*, under the direction of a General Inspector of Army Administration.



It also includes one inspector and one technical representative for each of the three National Defence Departments.

An Ordinance of December 10th, 1936, defines the *inter-departmental functions* of this General Inspectorate, which, under the authority of the Permanent Committee for National Defence, fulfils the following main purposes :

- (1) To examine applications for, and recommend the grant, renewal or withdrawal of, licences ;
- (2) To co-ordinate the activities of the control groups and the implementation of their work ;
- (3) To centralise and check all statistical information relating to the manufacture and sale of war material ;
- (4) Eventually, to prepare the material to be submitted to the international supervisory organs.

The work of centralisation and co-ordination carried out by this body has proved especially important and fruitful.

It has proved *important*, not only because of the number of questions dealt with, but also because of the relative complexity of the supervisory activities that are now being carried out, as has been seen, under extremely diverse conditions. This is more particularly the case, since the system instituted by the Law of August 11th, 1936, has not entirely replaced the earlier system to which reference is made in the first part of this memorandum ; in certain respects, the two systems still exist side by side.

The work of centralisation and co-ordination has proved *fruitful* through the use made of the information collected. All this information is placed in the files of the General Inspectorate, which keeps up-to-date lists of manufacturing and sales undertakings and is in a position to supply any statistical information required by Ministers and by the Permanent Committee of National Defence, or, eventually, by the international supervisory organs.

\* \* \*

#### CONCLUSION.

It will be seen that resort to the means of action placed at the disposal of the three departments of National Defence by the Nationalisation Law of August 11th, 1936, has led, through the combined use of expropriation, financial participation by the State, and direct supervision of undertakings engaged in the manufacture of and trade in armaments, to the creation of a " national statute of war industries ".

France has thus, for her part, fulfilled the primary condition for setting up international supervision of war industries. Her example, if followed elsewhere, should lead to the successful outcome of the negotiations on publicity and on the general limitation of armaments.

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#### HUNGARY.

[*Translation.*]

Geneva, December 17th, 1937.

In reply to your Circular Letter Conf.D./C.L.17(a), dated October 23rd last, regarding the resolution adopted by the Assembly of the League of Nations on September 30th last, in which you enquired of my Government whether it would, in principle, be prepared to examine internal measures with a view to the effective supervision of the manufacture of and trade in arms, ammunition and implements of war, I have the honour, by order of my Government, to refer to my letter No. 171/b.—1937, dated August 25th last.<sup>1</sup> My Government's attitude has in no way changed since that date.

I can only repeat, therefore, that, as long as equality of rights in respect of armaments has not been realised in practice, the Royal Hungarian Government cannot see its way to participate in the work for the reduction of armaments, and therefore considers that it would be useless for it to adopt a definite position in the fundamental question of the effective supervision of the manufacture of and trade in arms.

(Signed) László BARTÓK  
(In the absence of the Minister),  
Counsellor of Legation.

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#### IRELAND.

Geneva, January 7th, 1938.

I have the honour to refer to your letter Conf.D./C.L.17, of October 23rd, 1937, transmitting copy of a resolution on the supervision of the manufacture of and trade in armaments, adopted by the Assembly on September 30th, 1937, and to state for your information that my Government is of opinion that the import of arms, ammunition and implements of war into Ireland is effectively supervised.

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<sup>1</sup> Note by the Secretariat: See document Conf.D.178, page 5.

The Irish Government is satisfied that adequate control is provided by the Explosives Act, 1875, and the Fire-arms Act, 1925, and the Regulations made thereunder.

The import of fire-arms, ammunition and explosives is permitted only under licence, and only one firm is at present licensed to manufacture ammunition. Shot-gun cartridges are the only type of ammunition manufactured by that firm. I have to add that no export trade in armaments is carried on.

(Signed) F. T. CREMINS,  
*Permanent Delegate  
accredited to the League of Nations.*

#### NORWAY.

Geneva, November 24th, 1937.

[Translation.]

In reply to your circular letter of October 23rd, 1937, (Conf.D./C.L.17(a)), concerning the resolution adopted by the Assembly on September 30th last, I have the honour, with regard to its second recommendation, to refer you to the Memorandum and Annex<sup>1</sup> transmitted by my *note verbale* of August 3rd, 1937, containing information on the national supervision of the manufacture of and trade in arms in Norway. I would add the following :

The Ministry of Defence of Norway states that there are at present no proposals for amending the law or administrative regulations in force in Norway with regard to the supervision of the manufacture of and trade in arms, ammunition and implements of war.

(Signed) Einar MASENG,  
*Permanent Delegate of Norway.*

#### NEW ZEALAND.

Wellington, December 1st, 1937.

I have the honour to acknowledge the receipt of your letter Conf.D./C.L.17(a), of October 23rd, forwarding to me a copy of the resolution, with reference to armaments, adopted by the Assembly on September 30th last.

In accordance with the request contained in the third paragraph of your communication, I have to say that the manufacture of arms, ammunition and implements of war in New Zealand is confined to a small production of ammunition which is already under full supervision.

(Signed) M. J. SAVAGE,  
*Prime Minister.*

#### SWEDEN.

[Translation.]

Stockholm, November 9th, 1937.

In a circular letter (Conf.D./C.L.17(a)), dated October 23rd, 1937, you communicated to me the resolution adopted by the Assembly of the League of Nations on September 30th last with regard to the work of the Conference for the Reduction and Limitation of Armaments, and asked me to inform you of the action taken on the second recommendation contained in this resolution, which relates to the consideration by each of the States Members of the League of Nations — in so far as this has not already been done — of internal measures with a view to the effective supervision of the manufacture of and trade in arms, ammunition and implements of war.

In reply to this request, I have the honour to send you herewith a memorandum relating to the supervision of the manufacture of and trade in arms and implements of war in Sweden. In the Swedish Government's opinion, the provisions in force are such that it is able to exercise effective supervision in this connection.

For the Minister :  
(Signed) H. BECK FRIIS,  
*Director of Political Affairs.*

<sup>1</sup> Note by the Secretariat : The above-mentioned texts will be analysed and the relevant extracts reproduced in document Conf.D.184, which gives the results of the enquiry carried out by the Secretariat in conformity with the resolution adopted by the Bureau on May 31st, 1937.

Annex.

MEMORANDUM ON THE SUPERVISION OF THE MANUFACTURE OF AND TRADE IN ARMS AND WAR MATERIAL IN SWEDEN.<sup>1</sup>

I. *Trade.*

Under the regulations at present in force — namely, those laid down in the Royal Decree of December 19th, 1930, the text of which, as amended on various occasions and in the last place by the decree of February 26th, 1937, is attached — the export from Sweden, without a Government authorisation, of arms and war material falling within the categories enumerated in that decree is prohibited. Authorisations are, generally speaking, valid only for a maximum period of three months. The Government, acting in accordance with the principles of the 1925 Convention for the Supervision of the International Trade in Arms and Ammunition and in War Material, authorises the export of arms and war material intended for war purposes only when they are consigned to Governments. Every six months, the Ministry of Commerce draws up a table of exports of war material, while the Customs authorities see to it that the relevant provisions have been observed before allowing the export of any goods considered as war materials.

The importation of fire-arms and of ammunition therefor is forbidden by the Royal Decree of June 22nd, 1934 (text attached), unless an authorisation is obtained from the Minister for Labour and Social Welfare.

2. *Manufacture.*

In 1932, the Swedish Government appointed a Committee to study the question of supervising the manufacture of war material. Acting on that Committee's recommendations, the Government and the Riksdag provided for the putting into force of a series of measures of supervision by means of a Law dated June 20th, 1935, and the Royal Decree of the same date, the text of both of which is attached. The effect of these provisions is to prohibit the manufacture of war material in Sweden, except when an authorisation has been obtained from the Government. No authorisations are granted to undertakings whose shares are held to any appreciable extent by foreigners. The authorisation is valid for an indefinite period, but is subject to cancellation at will. The provisions do not apply to Government factories and workshops for the manufacture of arms and war material. Requests for authorisations to manufacture war material must specify the place of manufacture and the type or types of material it is proposed to produce. In granting the authorisation, the Government imposes such stipulations and conditions as it considers necessary.

3. *Agents.*

The exercise of the profession of agent for the sale, etc., of war material, without authorisation from the Government, is forbidden under the terms of the Royal Decree of June 5th, 1936, the text of which is attached.

4. *Supervisory Body.*

The manufacture of war material, and the activities of the agents mentioned above, are supervised by a body set up specially for the purpose at the Ministry of Commerce — namely, the War Material Inspectorate ("Krigsmaterielinspektionen").

5. *Anti-gas Equipment.*

The manufacture, sale and importation of equipment for protection against gas is, under the terms of the Law of June 11th, 1937, and of the Royal Decree of the same date (text attached), subject to a special form of supervision exercised by the War Material Inspectorate.

\* \* \*

The provisions enumerated above enable the Swedish Government to be acquainted with all undertakings manufacturing war material in Sweden, the amounts manufactured in each category of war material, and the volume, value and geographical distribution of exports, etc. Through the War Material Inspectorate, it is also able to follow developments in other countries, as well as international events in this sphere.

Stockholm, November 9th, 1937.

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<sup>1</sup> *Note by the Secretariat:* The legislative texts referred to in this memorandum will be analysed and the relevant extracts reproduced in document Conf.D.184, which gives the results of the enquiry carried out by the Secretariat in conformity with the resolution adopted by the Bureau on May 31st, 1937.

SWITZERLAND.

I. COMMUNICATION DATED DECEMBER 31st, 1937.

[Translation.]

In your letter dated October 23rd last, you expressed a wish for information as to the action taken in Switzerland on the Assembly resolution of September 30th last in regard to the manufacture of and trade in arms, ammunition, and implements of war.

We have the honour to send you herewith copy of a decision dated December 23rd last, by which the Federal Assembly submits to the votes of the people and the cantons the text of a demand for a popular initiative and that of a counter-proposal by the Federal Chambers, both texts relating to the control of the private armament industry.

We shall not fail to inform you of the results of the voting in due course.

Federal Political Department, By Order :

(Signed) C. GORGÉ.

Annex.

FEDERAL DECISION CONCERNING THE DEMAND FOR A POPULAR INITIATIVE  
DIRECTED AGAINST THE PRIVATE ARMAMENT INDUSTRY.

(December 23rd, 1937).

*The Federal Assembly of the Swiss Confederation,*

In view of the demand for an initiative directed against the private armament industry (abrogation of Article 41 of the Federal Constitution) and the report of the Federal Council of July 13th, 1937 :

In view of Articles 121 and following of the Constitution, and Articles 8 and following of the Law of January 27th, 1892, concerning the form of procedure for demands for popular initiatives and votes on the subject of the revision of the Federal Constitution ;

*Decides :*

*Article I.*

There shall be submitted to the votes of the people and the cantons :

1. The demand for an initiative, in the following terms :

“ Article 41 of the Federal Constitution is hereby abrogated and replaced by the following text :

“ The manufacture, purchase, and sale of arms, ammunition, and war material of whatever kind are within the sole competence of the Confederation for the purposes of national defence.

“ The right to manufacture, buy and sell arms, ammunition, and war material may be conceded by the Confederation for limited periods to Swiss citizens or companies giving every guarantee of their independence of foreign countries and foreign armament industries.

“ Concession-holders shall be subject to control by the Confederation. The persons entrusted with such control shall be entitled at all times to enter freely all the offices, premises, or workshops of the concession-holders, to examine and check all account-books, documents, and correspondence, and to interrogate the concession-holders, their staff, and generally any person connected with the undertaking.

“ Arms, ammunition, and war material may not be imported, exported or conveyed in transit without the authorisation of the Confederation.

“ The Federal Council shall determine by decree the manner of execution.”

2. The counter-proposal of the Federal Assembly, in the following terms :

“ Article 41 of the Federal Constitution is hereby abrogated and replaced by the following text :

“ The manufacture and sale of gunpowder are the exclusive prerogative of the Confederation.

“ The manufacture, acquisition and distribution of and trade in arms, ammunition, explosives, and other war material, or component parts thereof, shall be subject to authorisation by the Confederation. Such authorisation shall be accorded only to persons and undertakings offering the guarantees required in the national interest. The rights of the establishments belonging to the Confederation itself are reserved.

“ Arms, ammunition and war material within the meaning of the present provisions may not be imported or exported without the authorisation of the Confederation. The Confederation shall further be entitled to make their conveyance in transit subject to its authorisation.

“ The Federal Council shall issue by decree, without prejudice to Federal legislation, the regulations required for the execution of the second and third paragraphs. In particular, it shall make detailed regulations concerning the grant, duration, and withdrawal of authorisations and the supervision of concession-holders. It shall further determine to what arms, ammunition, explosives, other material and component parts the present provisions apply.”

*Article 2.*

The people and the cantons are invited to reject the demand for an initiative (Article 1, No. 1), and to adopt the counter-proposal of the Federal Assembly (Article 1, No. 2).

*Article 3.*

The Federal Council is entrusted with the execution of the present decision.

II. COMMUNICATION DATED MARCH 9TH, 1938.

[*Translation.*]

By letter of June 19th, 1937, the Secretariat of the League of Nations was good enough to communicate to us the resolution adopted on May 1st, 1937, by the Bureau of the Conference for the Reduction and Limitation of Armaments in regard to the draft Convention on publicity of national defence expenditure and the national supervision of the manufacture of and trade in arms.

In the meantime, the two questions were considered in the League of Nations Assembly, and by letter of October 23rd, 1937, the Secretariat communicated to us the resolution adopted on this subject on September 30th, requesting us in particular to inform it of any action taken in Switzerland with a view to the "effective supervision of the manufacture of and trade in arms, ammunition and implements of war".

As you are aware, the Swiss delegation associated itself in the Assembly with the draft resolution submitted by the delegations of Belgium, Denmark, Finland, the Netherlands, Norway and Sweden recommending the conclusion of an international convention on the publicity of national defence expenditure and the establishment in the various countries of national supervision over the manufacture of and trade in arms.

As regards the problem of publicity, the Swiss delegation pointed out that in its view a solution would hardly be possible without the co-operation of the States principally concerned.

The Federal authorities cannot but confirm this view.

The question of the supervision of the manufacture of and trade in arms has entered upon a decisive phase in Switzerland. On February 20th last, the Swiss people and Cantons decided, by a national referendum, to abrogate Article 41 of the Federal Constitution and substitute for it the following text :

"The manufacture and sale of gunpowder are the exclusive prerogative of the Confederation.

"The manufacture, acquisition and distribution of and trade in arms, ammunition, explosives, and other war material, or component parts thereof, shall be subject to authorisation by the Confederation. Such authorisation shall be accorded only to persons and undertakings offering the guarantees required in the national interest. The rights of the establishments belonging to the Confederation itself are reserved.

"Arms, ammunition and war material within the meaning of the present provisions may not be imported or exported without the authorisation of the Confederation. The Confederation shall further be entitled to make their conveyance in transit subject to its authorisation.

"The Federal Council shall issue by decree, without prejudice to Federal legislation, the regulations required for the execution of the second and third paragraphs. In particular, it shall make detailed regulations concerning the grant, duration, and withdrawal of authorisations and the supervision of concession-holders. It shall further determine to what arms, ammunition, explosives, other material and component parts the present provisions apply."

The Confederation thus possesses the necessary means to ensure complete and effective supervision over the manufacture of and trade in arms, munitions and implements of war. An executive decree, the terms of which will be communicated to the Secretariat later, will come into force in the near future.

(Signed) MOTTA,  
Federal Political Department.

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**TURKEY.**

[*Translation.*]

Ankara, February 8th, 1938.

I have the honour to acknowledge receipt of your letters of June 19th, 1937 (Conf.D./C.L.16), and October 23rd, 1937 (Conf.D./C.L.17), relating to the conclusion of an international convention on the publicity of national defence expenditure and to the adoption of internal measures with a view to the effective supervision of the manufacture of and trade in arms, ammunition and implements of war.

I beg to inform you in reply that Turkey finds herself unable, in spite of her keen wishes in the matter, to accede to a convention of this description while the scheme of publicity for national defence expenditure, which is the foundation of the convention, is not applied throughout the world or, at the least, throughout Europe.

As for the supervision of the manufacture of and trade in arms, this is already in effective operation. The Government of the Republic intends, moreover, to take suitable legislative measures, and I will not fail to inform you as soon as a Bill with this object has been approved by the Grand National Assembly of Turkey.

For the Minister *a.i.* :  
(Signed) N. MENEMENCIOGLU,  
Secretary-General.

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UNION OF SOVIET SOCIALIST REPUBLICS.

[Translation.]

Moscow, January 3rd, 1938.

In reply to your letter of October 23rd, 1937, I have the honour to inform you that the Government of the Union of Soviet Socialist Republics has noted the recommendation adopted by the Assembly of the League of Nations on September 30th, 1937, the object of that recommendation being the examination — in so far as this has not already been done — of internal measures with a view to the effective supervision of the manufacture of and trade in arms. It will be recalled that Soviet legislation already provides for such supervision, the manufacture of and trade in arms being a State monopoly in the Union of Soviet Socialist Republics.

As regards the draft international convention on the publicity of national defence expenditure, the adoption of which, in the opinion of the Governments of France, Great Britain and other States, must be contingent on its acceptance and application by the principal military Powers, this question can no longer be regarded as of immediate concern in view of the fact that the Japanese Government, in its communication of August 27th, 1937,<sup>1</sup> states that it is not prepared to publish its national defence expenditure in the form contemplated in the Technical Committee's draft.

(Signed) M. LITVINOFF,  
People's Commissary for Foreign Affairs.

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<sup>1</sup> Note by the Secretariat: See document Conf.D.178, page 5.

Geneva, May 6th, 1938.

LEAGUE OF NATIONS

CONFERENCE FOR THE REDUCTION AND LIMITATION  
OF ARMAMENTS

25

**PUBLICITY FOR NATIONAL DEFENCE EXPENDITURE**

**ACTION TAKEN ON THE BUREAU'S RESOLUTION OF MAY 31ST, 1937.**

*Note by the Secretary-General:*

With reference to the resolution adopted by the Bureau on May 31st, 1937, and further to documents Conf.D.178, 178(a) and 178(b),<sup>1</sup> the Secretary-General has the honour to communicate to Members of the Bureau and to all Governments represented at the Conference for the Reduction and Limitation of Armaments the replies to Circular Letter Conf.D./C.L.16, dated June 19th, 1937, received from the following Governments:

Canada  
Colombia  
Switzerland  
Turkey

**Canada.**

Geneva, February 15th, 1938.

In reply to your letter of June 19th, 1937, Conf.D./C.L.16, I have the honour to inform you that the Canadian Government is prepared to accept in principle a system of publicity of national defence expenditure based on the draft Convention prepared by the Technical Committee of the National Defence Expenditure Commission, provided such a system is also accepted by the principal Powers.

(Signed) H. H. WRONG.

**Colombia.**

Bogotá, January 5th, 1938.

I have the honour to refer to your communications Conf.D./C.L.16 and 17 of June 19th and October 23rd, 1937, informing me of the resolutions adopted by the Bureau of the Conference for the Limitation of Armaments and the Assembly on May 31st and September 30th, 1937, respectively, with regard to the limitation of armaments.

In view of the traditional policy of Colombia, the problem of armaments does not arise in this country.

(Signed) Alfredo MICHELSEN,  
Secretary of the Ministry of  
Foreign Affairs, Head of Service.

<sup>1</sup> These documents gave the replies from the following countries: Union of South Africa, Belgium, Brazil, United Kingdom of Great Britain and Northern Ireland, Chile, Czechoslovakia, Denmark, Estonia, Finland, France, Greece, Hungary, India, Japan, Mexico, Netherlands, New Zealand, Norway, Portugal, Roumania, Spain, Sweden, Union of Soviet Socialist Republics, United States of America.

<sup>2</sup> Note by the Secretariat:

The remainder of the letter, referring exclusively to the supervision of the manufacture of and trade in arms, is reproduced in document Conf.D.183.

Switzerland.

[Translation.]

Berne, March 9th, 1938.

By letter of June 19th, 1937, the Secretariat of the League of Nations was good enough to communicate to us the resolution adopted on May 1st, 1937, by the Bureau of the Conference for the Reduction and Limitation of Armaments in regard to the draft Convention on publicity of national defence expenditure and the national supervision of the manufacture of and trade in arms.

In the meantime, the two questions were considered in the League of Nations Assembly, and by letter of October 23rd, 1937, the Secretariat communicated to us the resolution adopted on this subject on September 30th, requesting us in particular to inform it of any action taken in Switzerland with a view to the "effective supervision of the manufacture of and trade in arms, ammunition and implements of war".

As you are aware, the Swiss delegation associated itself in the Assembly with the draft resolution submitted by the delegations of Belgium, Denmark, Finland, the Netherlands, Norway and Sweden recommending the conclusion of an international convention on the publicity of national defence expenditure and the establishment in the various countries of national supervision over the manufacture of and trade in arms.

As regards the problem of publicity, the Swiss delegation pointed out that in its view a solution would hardly be possible without the co-operation of the States principally concerned.

The Federal authorities cannot but confirm this view.

..... 1  
(Signed) MOTTA,  
Federal Political Department.

Turkey.

[Translation.]

Ankara, February 8th, 1938.

I have the honour to acknowledge receipt of your letters of June 19th, 1937 (Conf.D./C.L.16), and October 23rd, 1937 (Conf.D./C.L.17), relating to the conclusion of an international convention on the publicity of national defence expenditure and to the adoption of internal measures with a view to the effective supervision of the manufacture of and trade in arms, ammunition and implements of war.

I beg to inform you in reply that Turkey finds herself unable, in spite of her keen wishes in the matter, to accede to a convention of this description while the scheme of publicity for national defence expenditure, which is the foundation of the convention, is not applied throughout the world or, at the least, throughout Europe.

..... 1  
For the Minister *a.i.*:  
(Signed) N. MENEMENCIOGLU,  
Secretary-General.

<sup>1</sup> Note by the Secretariat:

The remainder of the letter, referring exclusively to the supervision of the manufacture of and trade in arms, is reproduced in document Conf.D.183.