





LEAGUE OF NATIONS  
PUBLICATIONS OF THE DISARMAMENT SECTION

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Eleventh Year

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**LEAGUE OF NATIONS**

Geneva, April 1936.

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

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**CONFERENCE DOCUMENTS**

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**VOLUME III**

(Pages 737-938)

Series of League of Nations Publications

**IX. DISARMAMENT**

**1936. IX. 4.**

The present volume contains all the documents which have been considered useful for the comprehension of the discussions included in Volume III, Series B (Minutes of the General Commission, October 16th, 1933, to June 11th, 1934), and in Volume II, Series C (Minutes of the Bureau, October 9th, 1933, to November 20th, 1934).

As certain documents of the General Commission or the Bureau have been inserted in the text of the Minutes, the pages of the volumes in which these documents are to be found have been indicated in the table of contents.

The report on the work of the Conference prepared by the President, Mr. Arthur Henderson, is published separately (document Conf.D.171.).



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## CONTENTS

### A. DOCUMENTS PRIOR TO THE MEETING OF THE CONFERENCE

### B. CONFERENCE DOCUMENTS (Conf. D. ...).

	Page
Conf.D.166.	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 . . . . . 743
Conf.D.166(a).	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 . . . . . 771
Conf.D.167.	Draft Articles for the Regulation and Control of the Manufacture of and Trade in Arms and the Establishment of a Permanent Disarmament Commission: Proposal submitted by the Delegation of the United States of America . . . . . 776
Conf.D.167(Addendum).	Amendments proposed by the Delegation of the United States of America to Chapter I of the Draft Articles for the Regulation and Control of the Manufacture of and Trade in Arms (document Conf.D.167) . . 784
Conf.D.168.	Committee for the Regulation of the Trade in, and Private and State Manufacture of, Arms and Implements of War: Report on the Progress of the Work of the Committee with a View to the Establishment of the Draft Text (First Reading) (Rapporteur : M. T. Komarnicki (Poland)) . . . . . 785
Conf.D.169.	Messages exchanged on the Occasion of the Death of the President of the Conference, Mr. Arthur Henderson, on October 20th, 1935 . . . . . 858
Conf.D.170(1) [C.445(1).M.233(1).1935.IX].	Correspondence exchanged between the Secretary-General and the Government of the United Kingdom concerning the London Naval Conference . . . . . 861
Conf.D.171.	Preliminary Report on the Work of the Conference (prepared by Mr. Arthur Henderson, President of the Conference). (Published separately.)
Conf.D.172.	Extracts from the Minutes of the Ninetieth Session of the Council : Tribute to the Memory of Mr. Arthur Henderson, President of the Conference for the Reduction and Limitation of Armaments, and Questions raised by his Death . . . . . 862
Conf.D.173.	Note by the Secretary-General, dated April 22nd, 1935, transmitting the Naval Treaty signed in London on March 25th, 1936, to the States represented at the Conference for the Reduction and Limitation of Armaments and to the Members of the League not Signatories of that Treaty. (Not reproduced here.)

# C. DOCUMENTS OF THE GENERAL COMMISSION (Conf. D./C.G. ...).

		Page
Conf.D./C.G.154.	Telegram from the German Government notifying its Decision to leave the Conference (see Minutes of the General Commission, page 646).	
Conf.D./C.G.155.	Reply by the President of the Conference to the German Government's Telegram (Conf.D./C.G.154) (see Minutes of the General Commission, page 646).	
Conf.D./C.G.156.	List of Members of the General Commission (Eightieth and Eighty-first Meetings), October 16th and 26th, 1933 . . . . .	865
Conf.D./C.G.157.	Communication by the President of the Conference, dated November 15th, 1933 . . . . .	866
Conf.D./C.G.158 [Conf.D./Bureau 57].	Memorandum by the Danish, Norwegian, Spanish, Swedish and Swiss delegations on the Present State of the Work of the Conference . . . . .	867
Conf.D./C.G.159(1).	List of Members of the General Commission (Eighty-second to Eighty-sixth Meetings), May 29th, to June 11th, 1934 . . . . .	868
Conf.D./C.G.160(1). [Conf.D./C.D./C.T.239(1)].	Publicity of National Defence Expenditure: Draft Convention prepared by the Technical Committee of the National Defence Expenditure Commission. (Published separately.)	
Conf.D./C.G.161.	Joint Declaration by the Danish, Spanish, Netherlands, Norwegian, Swedish and Swiss Delegations concerning the Memorandum submitted on April 14th, 1934 (document Conf.D./C.G.158) (see Minutes of the General Commission, pages 676 and 677).	
Conf.D./C.G.162.	Draft Resolution submitted by the Delegation of the Turkish Republic (see Minutes of the General Commission, pages 678 and 679).	
Conf.D./C.G.163 [Conf.D./Bureau 61].	Draft Resolution submitted by the Delegation of the Union of Soviet Socialist Republics (see Minutes of the Bureau, page 212).	
Conf.D./C.G.164 [Conf.D./Bureau 55(1)].	Communication by the President reporting Action taken since the Meeting of the Bureau on November 22nd, 1933 . . . . .	870
	Annex I: Report on the Progress of the Work of the Committee of the Bureau on Miscellaneous Provisions (Rapporteur: M. M. Bourquin (Belgium))	875
	Annex II: Report on the Progress of the Work regarding Air Armaments (Rapporteur: Dr. C. L. Lange (Norway)) . . . . .	878
	Annex III: Report on the Progress of the Work regarding Naval Armaments (Rapporteur: M. E. Moresco (Netherlands)) . . . . .	880
	Annex IV: Report on the Progress of the Work regarding the Regulation of the Private and State Manufacture of and the International Trade in Arms (Rapporteur: M. T. Komarnicki (Poland)) . . . . .	881
Conf.D./C.G.165 [Conf.D./Bureau 59].	Communication by the President regarding Events since the Meeting of the Bureau on April 10th, 1934	882
Conf.D./C.G.166(1).	Publicity of National Defence Expenditure: Resolution presented by the President of the National Defence Expenditure Commission and adopted by the General Commission on June 11th, 1934 (see Minutes of the General Commission, page 692).	
Conf.D./C.G.167.	Appeal from the Czechoslovak Red Cross (see Minutes of the General Commission, pages 679-681).	
Conf.D./C.G.168 [Conf.D./Bureau 64(1)].	Future Programme of Work of the Conference: Resolution submitted by the French Delegation and adopted by the General Commission on June 8th, 1934. .	884



		Page
Conf.D./C.G.169(1) [Conf.D./C.G./C.S.S.3(2)].	Report to the General Commission presented on behalf of the Special Committee on Security by its Chairman, M. N. Politis (Greece), following the Resolution adopted by the General Commission on June 8th, 1934 (document Conf.D./C.G.168)	885
Conf.D./C.G.170.	Note by M. Bourquin (Belgium), Chairman of the Committee on Guarantees of Execution, set up by the General Commission on June 11th, 1934 . . . . .	888
Conf.D./C.G.171.	Report by the Committee for the Regulation of the Trade in, and Private and State Manufacture of, Arms and Implements of War, following the Resolution adopted by the General Commission on June 8th, 1934 (document Conf.D./C.G.168) . . . . .	891
Conf.D./C.G.172.	Communication by the President concerning the Death of M. V. Dvlgalevsky, delegate of the Union of Soviet Socialist Republics . . . . .	902
Conf.D./C.G.173 [Conf.D./Bureau 66].	Communication by the President regarding the Convening of the Bureau (see Minutes of the Bureau, Sixty-second Meeting, Series C, Volume II).	
Conf.D./C.G.174 [Conf.D./Bureau 67].	Report by the President on Action taken since the Meeting of the General Commission on June 11th, 1934 . . .	902
Conf.D./C.G.175.	Note by the Secretary-General transmitting document C.348.M.161.1934.VIII : "Systematic Survey of the Regime of Communications of Importance to the Working of the League of Nations in Times of Emergency". (Not reproduced here.)	
Conf.D./C.G.176 [Conf.D./Bureau 68].	Communication by the President, dated November 5th, 1934 (see Minutes of the Bureau, Sixty-second Meeting, Series C, Volume II).	

#### **D. DOCUMENTS RELATING TO THE BUREAU (Conf. D./Bureau ...).**

Conf.D./Bureau 48.	List of Members of the Bureau (Forty-seventh to Fifty-first Meetings), October 9th to 26th, 1933. . . . .	906
Conf.D./Bureau 49.	Draft Convention: Text provisionally prepared in the Light of Modifications accepted in First Reading with Reference to the Amendments presented by the Delegations (see document Conf.D.163(1), Conference Documents, Volume II, pages 600-654).	
Conf.D./Bureau 50(1).	Allotment of Work between Committees and Rapporteurs: Report submitted by the Committee set up on November 9th, approved by the Bureau on November 11th, 1933 . . . . .	907
Conf.D./Bureau 51.	List of Members of the Bureau (Fifty-second to Fifty-fifth Meetings), November 9th to 22nd, 1933 . . .	909
Conf.D./Bureau 52.	Statement by the President at the Meeting of the Bureau on November 22nd, 1933 (see Minutes of the Bureau, page 200).	
Conf.D./Bureau 53.	Committee of the Bureau (Effectives), set up on November 11th, 1933 : Preliminary Report on the Question of Effectives (Section I of Part II of the Draft Convention submitted by the United Kingdom Delegation) (Rapporteur : M. Westman (Sweden))	911
Conf.D./Bureau 54.	Note by the President of the Conference communicating : Text adopted by the Committee for Moral Disarmament on November 17th, 1933 . . . . Report on the Work of the Committee . . . . . Letter from the Chairman of the Committee, dated December 1st, 1933 . . . . .	925 926 932
Conf.D./Bureau 55.	Communication by the President reporting Action taken since the Meeting of the Bureau on November 22nd, 1933. Now document Conf.D./C.G.164.	

		Page
Conf.D./Bureau 56.	List of Members of the Bureau (Fifty-fifth Meeting), April 10th, 1934 . . . . .	932
Conf.D./Bureau 57.	Memorandum by the Danish, Spanish, Norwegian, Swedish and Swiss Delegations on the Present State of the Work of the Conference. Now document Conf.D./C.G.158.	
Conf.D./Bureau 58.	Communication by the President, dated April 23rd, 1934, regarding Meetings of the Bureau and of the General Commission in May . . . . .	934
Conf.D./Bureau 59.	Communication by the President regarding Events since the Meeting of the Bureau on April 10th, 1934. Now document Conf.D./C.G.165.	
Conf.D./Bureau 60.	List of Members of the Bureau (Fifty-sixth to Sixty-first Meetings), May 28th to June 11th, 1934 . . .	934
Conf.D./Bureau 61.	Draft Resolution submitted by the Delegation of the Union of Soviet Socialist Republics (see Minutes of the Bureau, page 212). Now document Conf.D./C.G.163.	
Conf.D./Bureau 62(1).	Draft Resolution submitted by the President (see Minutes of the Bureau, pages 226 and 227).	
Conf.D./Bureau 63.	Draft Resolution submitted by the French Delegation (see also Minutes of the Bureau, pages 235-237).	935
Conf.D./Bureau 64(1).	Future Programme of Work of the Conference: Resolution submitted by the French Delegation and adopted by the General Commission on June 8th, 1934. Now document Conf.D./C.G.168.	
Conf.D./Bureau 65.	Communication by the President, dated July 13th, 1934 (see Minutes of the Bureau, Sixty-second Meeting, Series C, Volume II).	
Conf.D./Bureau 66.	Communication by the President regarding the Convening of the Bureau. Now document Conf.D./C.G.173.	
Conf.D./Bureau 67.	Report by the President on Action taken since the Meeting of the General Commission on June 11th, 1934. Now document Conf.D./C.G.174.	
Conf.D./Bureau 68.	Communication by the President, dated November 5th, 1934. Now document Conf.D./C.G.176.	
Conf.D./Bureau 69.	List of Members of the Bureau at the Sixty-second Meeting (November 20th, 1934) . . . . .	936



Geneva, February 27th, 1934.

# 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

## CONTENTS.

	Page
Note by the President of the Conference . . . . .	743
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 . . . . .	744
2. Letter, dated January 27th, 1934, sent by the President to the Governments of the United Kingdom, France and Italy . . . . .	745
3. (a) Reply of the Italian Government . . . . .	745
Memorandum by the Italian Government . . . . .	745
(b) Reply of the United Kingdom Government . . . . .	748
(i) Memorandum on Disarmament communicated by His Majesty's Government in the United Kingdom to the Governments represented at the Disarmament Conference . . . . .	748
(ii) Statement made by Sir John Simon in the House of Commons on February 6th, 1934 <sup>2</sup> . . . . .	754
(c) Reply from the French Government . . . . .	759
(i) Memorandum communicated by the German Government to the French Ambassador in Berlin on December 18th, 1933 . . . . .	759
(ii) Memorandum by the French Government of January 1st, 1934 . . . . .	761
(iii) Reply of the German Government, dated January 19th, 1934, to the French Government's Memorandum dated January 1st, 1934 . . . . .	764
4. Memorandum handed to the Minister for Foreign Affairs of the Reich by the French Ambassador in Berlin on February 14th, 1934 . . . . .	768
5. Letter, dated February 19th, 1934, sent by the President of the Conference to Members of the General Commission (document Conf.D./C.L.12) in regard to the Date of Meeting of the Bureau . . . . .	770
6. Letter addressed on March 3rd, 1934, by the Delegation of the United States of America to the Secretary-General . . . . .	770
<i>Aide-mémoire</i> communicated on February 19th by the United States Secretary of State to the United Kingdom Ambassador at Washington . . . . .	770

## 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 the letters sent by him on January 26th and February 19th, 1934, to the members of the General Commission.

<sup>1</sup> The corrections listed in document Conf.D.166. *Corrigendum to English text only* have been incorporated in the present text.

<sup>2</sup> See report of the debate in Volume 285, No. 30, of "Parliamentary Debates, House of Commons".

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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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.

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 :

1. 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 MacDonald 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 MacDonald 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 MacDonald 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.



II. 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 acquire 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.

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.

<sup>1</sup> See report of the debate in Volume 285, No. 30, of “ Parliamentary Debates, House of Commons ”.



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 overseas 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 overseas effectives. Nothing could be less true. Nor is there any question of excluding from limitation the overseas 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 overseas 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.

Conf. D./C.L.12.

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.

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 an *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.

*Series of Publications* : 1934. IX. 2.

*Official No.* : **Conf.D.166 (a).**

Geneva, March 24th, 1934.

**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**

CONTENTS.

	Page
Note by the President of the Conference . . . . .	771
1. Memorandum communicated by the German Government to the French Ambassador in Berlin on March 13th, 1934 . . . . .	771
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 (see document Conf.D.166 page 6) . .	774

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.



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 overseas 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 overseas 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 overseas 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 negations, 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.

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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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*Official No.: Conf. D. 167.*

Geneva, November 20th, 1934.

## DRAFT ARTICLES FOR THE REGULATION AND CONTROL OF THE MANUFACTURE OF AND TRADE IN ARMS AND THE ESTABLISHMENT OF A PERMANENT DISARMAMENT COMMISSION

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### PROPOSAL SUBMITTED BY THE DELEGATION OF THE UNITED STATES OF AMERICA

#### CHAPTER I.

##### *Article 1.*

For the purposes of the present Convention, five categories of arms and implements of war are established as follows:

##### *Category I.*

Arms, ammunition and implements of war exclusively designed and intended for land, sea or aerial warfare.

(a) Arms, ammunition and implements exclusively designed and intended for land, sea or aerial warfare, excepting such arms, ammunition and implements as are covered in other categories, even though included in the above definitions.

Such arms, ammunition and implements are classified as follows:

- (1) Rifles and carbines;
- (2) Machine-guns, automatic rifles and machine pistols of all calibres;
- (3) Guns, howitzers and mortars of all calibres;
- (4) Mounts, accessories, devices or appliances for use with the above arms;
- (5) Ammunition and projectiles for the arms enumerated under Nos. 1, 2 and 3 above;
- (6) Grenades, bombs, torpedoes, depth charges, mines, and apparatus for their use or discharge;
- (7) Tanks and military armoured cars.



(b) Component parts, completely finished, or fully processed, of the articles covered by (a) above, if capable of being utilised only as spare parts or in the assembly or repair of said articles.

*Category II. — Naval Armaments.*

(1) Vessels of war of all kinds, including aircraft-carriers and submarines and their arms, ammunition and implements of war mounted on board and forming a part of their normal armament.

*Category III. — Aerial Armaments.*

(a) (1) Types of aircraft, both heavier than air and lighter than air, which are designed, adapted or intended for military or naval reconnaissance or for aerial combat by the use of machine-guns or of artillery or by carrying or dropping bombs or fitted with defensive armour.

(2) Bomb sights and mounts, bomb racks and bomb-release mechanism, aircraft guns and mounts and appliances for their use.

(3) Aircraft engines, to be subjected to the provisions of this Convention relating to the traffic in arms but not to those provisions relating to their manufacture.

(4) Processed parts of the types of aircraft, appliances and equipment listed in (1), (2) and (3) if capable of being utilised only in their assembly or repair or as spare parts thereof.

*Category IV.*

Arms and ammunition capable of being used for both military and non-military purposes.

(a) (1) Arms and ammunition originally designed and intended for land, sea or aerial warfare, which are no longer standard nor comprised in the armament of the State from which exportation is contemplated, nor of the State by which importation is contemplated, or which are capable of military as well as other use;

(2) Other rifled fire-arms which will fire ammunition that can be fired from the fire-arms listed in *Category I*.

(b) Component parts, completely finished, or fully processed, of the articles covered by (a) above if capable of being utilised only as spare parts or in the assembly or repair of the said articles.

*Category V.*

Arms and ammunition designed and intended for non-military use and which only incidentally and exceptionally can be used for military purposes.

(1) Shot-guns of all types and ammunition therefor;

(2) Revolvers and automatic pistols designed for single-handed use and ammunition therefor;

(3) Sporting rifles and ammunition therefor.

CHAPTER II. — PROVISIONS FOR THE MANUFACTURE OF ARMS AND IMPLEMENTS OF WAR.

*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.

*Article 3.*

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.

The High Contracting Parties shall inform the Commission of the provisions of the national control enacted and exercised over the manufacture of and trade in arms and implements of war within the territories under their respective jurisdiction as provided for in this article.

*Article 4.*

The High Contracting Parties undertake to conform to the measures of permanent and automatic supervision as set forth in Chapter IV, the object of which is to verify that manufactures, exports and imports of arms and implements of war accord with the provisions of this Convention.



*Article 5.*

The High Contracting Parties undertake not to permit, in the territories subject to their respective jurisdictions, the manufacture of arms and implements of war as set forth in Categories I, II and III of Article 1 unless the manufacturers have obtained a licence to manufacture issued by the Government.

*Article 6.*

The licence to manufacture will be valid for a period not exceeding five years and will be renewable by decision of the Government for further periods. 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, or component parts, as specified in Article 1) 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 7.*

The High Contracting Parties, in so far as it pertains to their respective jurisdictions, will forward, among other information, to the Permanent Disarmament Commission:

- (a) Within three 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) which each is capable of manufacturing, and, as they occur, any changes made in the list or description;
- (b) Copies of all licences to manufacture granted or renewed, within thirty days following the grant or renewal of the licence;
- (c) A list of orders, from whatever source received, within thirty days following the receipt of these orders by the establishments holding licences and by the State establishments;
- (d) A statement of all manufactures effected during the calendar year, within three months following the close of this year.

CHAPTER III. — PROVISIONS CONCERNING THE TRADE IN ARMS AND IMPLEMENTS OF WAR.

*Article 8.*

The High Contracting Parties undertake not to permit in the territories under their jurisdiction the export of articles appearing in Categories I to V, inclusive, of Article 1, or the import of articles in Categories I to III, inclusive, of Article 1, without an export or import licence issued by the Government.

The export licence shall contain:

- (a) A description of the implements of war (categories of arms, arms, component parts) the shipment of which is authorised, their number or weight;
- (b) The name and address of the exporter with reference to the authority to manufacture;
- (c) The name and address of the importing consignee;
- (d) For consignments embraced in Categories I, II and III, the name of the Government which has authorised the import and reference to the licence to import issued by the Government.

The import licence 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 shipment of which is authorised, their number or weight;
- (b) The name and address of the exporter;
- (c) The name and address of the importing consignee.

*Article 9.*

The High Contracting Parties, in so far as it pertains to their respective jurisdictions, will forward, among other information, to the Permanent Disarmament Commission copies of all import or export licences before the date of entry into or despatch from the territory of the arms and implements of war referred to in the said licences and a further statement of all imports and exports effected during the calendar year, within three months following the close of that year.



*Article 10.*

The High Contracting Parties undertake not to export or to permit, in the territories under their respective jurisdictions, the export of articles covered by Categories I, II and III except in accordance with the following conditions.

The export 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:

(1) Articles covered by Category I, exported direct to a manufacturer of war 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;

(3) Samples of articles covered by Category I 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 I without the export licence referred to in Article 8, Chapter III, issued by the Government of the exporting country, and a consular visa issued by a competent authority of the importing country.

*Article 13.*

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 I, without the export licence referred to in Article 8, Chapter III, issued by the Government of the exporting country.

*Article 14.*

Within one month after the date of laying down and the date of completion respectively of each vessel of war laid down or completed for the account of another Government, the High Contracting Parties shall communicate to the Permanent Disarmament Commission the information detailed below:

(a) 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 of water-line, extreme beam at or below water-line;

Mean draft at standard displacement;

Calibre of the largest gun;

(b) The date of completion, together with the foregoing particulars relating to the vessel at that date.

Within six months of the close of each quarter, a return for that quarter shall be made to the Permanent Commission, showing the particulars specified above in respect of every vessel of war, not subject to limitation, laid down or completed within their territorial jurisdiction for account of the Government of another State.

*Article 15.*

The High Contracting Parties undertake not to apply a more favourable regime to imports of articles referred to in Article I 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, so far as possible, of publicity.



*Article 16.*

The High Contracting Parties agree that the provisions of the present Convention in respect to export licences and import licences do not apply:

(a) To arms or ammunition or to implements of war forwarded from territory under the sovereignty, jurisdiction, protection or tutelage of a High Contracting Party, for use of the armed forces of such High Contracting Party wherever situated, nor

(b) To arms or ammunition carried by individual members of such forces or by other persons in the service of a High Contracting Party and required by them by reason of their calling, nor

(c) To rifles, carbines and the necessary ammunition therefor, carried by members of rifle clubs for the sole purpose of individual use in international competitions in marksmanship.

CHAPTER IV. — COMPOSITION, FUNCTIONS AND OPERATION OF THE PERMANENT  
DISARMAMENT COMMISSION.

*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 will inform the Secretary-General of the League of Nations of the names of their representatives, substitutes and experts on their nomination and on any changes being made.

*Article 18.*

The Commission may be assisted by experts chosen by itself, not being experts appointed by the High Contracting Parties to accompany their representatives, it being understood, however, that these experts may not accompany either the inspection or special investigation committees.

*Article 19.*

The Secretary-General of the League of Nations shall provide the Secretariat of the Commission.

*Article 20.*

It shall be the duty of the Permanent Disarmament Commission to follow and report upon the execution of the present Convention and to this end it will, as hereinafter provided:

- (1) Examine the information furnished it under the provisions of the present Convention;
- (2) Establish an adequate system of publicity for the manufacture of and trade in arms;
- (3) Establish a permanent and automatic system of investigation;
- (4) Cause special investigations to be made.

*Article 21.*

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 22.*

With the view to following the execution of the present Convention, the Commission shall publish the results of its examination of the information received.

*Article 23.*

The Commission shall publish within three months after the close of each quarter a return of the statistical data furnished under the provisions of Article 6 and 8 of the present Convention, duly co-ordinated and showing the situation as regards the orders for the manufacture of and the traffic in arms and implements of war. It shall likewise publish annually a duly co-ordinated table showing the production of arms and implements of war.

*Article 24.*

Within the limits of the obligations assumed in the present Convention, the Commission may request the High Contracting Parties to supply, in writing or verbally, any supplementary particulars or explanations in regard to the information furnished under the provisions of Articles 3, 6, 7, 8, 9, 14 and 15 of the present Convention.

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 the functions prescribed in Article 20 of the present Convention.

In all cases it will examine all information furnished by any member of the Permanent Disarmament Commission.



*Article 25.*

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 26.*

Within the limits of the obligations assumed under the present Convention, the Commission shall be entitled annually, or more often if it so determines, to examine upon the territory of each of the High Contracting Parties the conditions of the national control exercised by the High Contracting Party over the manufacture of and trade in arms and implements of war, the operation of such control, and the accuracy of the information furnished.

To this end the Commission shall create committees, which will be entrusted with the duty of proceeding to the local inspections provided in this article.

The Commission shall determine the composition of these committees, and shall issue instructions within the scope of the following rules:

(a) The Commission shall determine the number of inspection committees and the regions to be assigned to them.

The composition of the group of States under the jurisdiction of the same committee shall be determined in such a way as not to include any Powers not maintaining diplomatic relations with each other.

This composition may be modified at any time by the Commission.

(b) The Commission will appoint the members of the inspection committees.

All States belonging to a regional group under the jurisdiction of a committee shall be represented thereon on a basis of absolute equality. Each committee will, in addition, include nationals of other States.

While the committee is proceeding to the local inspection in the territory of a State, the representatives of such State shall cease, temporarily and 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.

(c) The chairmanship of the committees shall be assured by each of the members in turn. The rotation will be determined by drawing lots.

(d) The committees will draw up the programme of each investigation in conformity with the instructions given them by the Commission.

(e) 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 representing the State under inspection. These assessors must be provided with written instructions giving them all necessary powers for this purpose.

*Article 27.*

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.

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 being understood that the Commission may decide not to hold such investigation if the High Contracting Party making the request is satisfied with the results of the Commission's deliberations.

*Article 28.*

If one of the High Contracting Parties is of opinion that the provisions of the present Convention have been infringed, such a party may address a complaint to the Commission.

The Commission shall meet at once to consider the matter and will 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, whether present at the meeting or not.

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.



*Article 29.*

The results of any investigation decided upon in accordance with Articles 26, 27 and 28 shall be embodied in each case in a special report by the Commission, which may contain recommendations addressed to the High Contracting Parties.

*Article 30.*

(1) In the carrying out of investigations conducted by the Permanent Disarmament Commission at its permanent seat, whenever information in addition to that information furnished in pursuance of Articles 7, 9 and 14 is considered necessary or desirable, the Permanent Disarmament Commission may make requests therefor to the High Contracting Party from which it is desired. Such request shall normally be made through the representatives of those High Contracting Parties on the Permanent Disarmament Commission. The High Contracting Parties agree to meet such requests and to furnish the information desired through the representatives on the said Commission or otherwise, subject to the right to decline to furnish the desired information upon certification that the information is within the scope of the exemptions hereinafter set forth in paragraph (4) of this article.

(2) The Permanent Disarmament Commission, during investigations conducted at its permanent seat, is privileged to examine such witnesses as voluntarily appear before it. A full record shall be made of such examination. No national of any High Contracting Party may be so examined unless its representative of the Permanent Disarmament Commission shall have been duly notified in advance of the examination and given an opportunity to be present thereat.

(3) In the carrying out of the investigations conducted by the Permanent Disarmament 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 pertinent documents under the jurisdiction or control of the officials indicated in (a) above.

(c) The examination under oath of nationals "other than Government officials" of the High Contracting Party who are then within its territory. The High Contracting Parties agree to make available by all means at their disposal any such national whose presence is requested by the Permanent Disarmament Commission or its committees.

(d) The examination provided for in (a), (b) and (c) above shall be made fully of record and conducted in the presence of designated representatives of the High Contracting Party under investigation.

(4) In the carrying out of any investigation provided for in this Convention, information covering any and all of the following matters shall be exempted from presentation to the Permanent Disarmament Commission or any committee thereof:

(a) Technical details of design, physical and chemical composition of materials, manufacturing processes and any matter related to these things which constitute a trade or defence secret.

(b) Records, public and/or private, 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 expansion of manufacturing facilities and of productive accounts and studies pertaining solely to sources of raw materials, of partially processed components and of manufacturing equipment.

(c) Stocks of raw materials.

*Article 31.*

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 32.*

All reports by the Commission shall be immediately communicated to the High Contracting Parties and to the Council of the League of Nations.



*Article 33.*

The Commission shall furthermore receive and cause to be published the information which the High Contracting Parties are bound to communicate in respect of their armaments to the Secretary-General of the League of Nations in pursuance of their international obligations in this respect. The Commission may request the High Contracting Parties to supply in writing or verbally any supplementary particulars or explanations regarding the said information.

*Article 34.*

Within the limits of its functions, the Commission shall supply the Council of the League of Nations with any information and advice which the Council may request of it.

*Article 35.*

The Commission shall meet for the first time, on being summoned by the Secretary-General of the League of Nations, within three months from the entry into force of the present Convention, to elect a provisional President and Vice-President and to draw up its Rules of Procedure.

Thereafter it shall meet at least once a year in ordinary session on the date fixed in its Rules of Procedure.

It shall also meet in extraordinary session :

- (1) When such a meeting is prescribed by the present Convention ;
- (2) If its Bureau so decides, either of its own motion or on the request of one of the High Contracting Parties ;
- (3) On the request of the Council of the League of Nations.

*Article 36.*

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 at the meeting.

A vote may only be taken on the adoption of the Rules of Procedure of the Commission if half at least of the High Contracting Parties are represented at the meeting.

If, owing to this quorum not being reached, the Commission is unable to act, a second meeting may be called fifteen days later. At this second meeting, the draft Rules of Procedure may be validly adopted, whatever be the number of members present.

The Commission may only validly consider modifications of the Rules of Procedure provided that the object of such modifications has been stated specially in the convocation.

The provisions stipulated above in this article concerning the number of attendances necessary for the adoption of the Rules of Procedure shall apply to discussions of modifications thereto. Moreover, in order that the draft modifications may be adopted, a two-thirds majority of the members present at the meeting shall be required.

*Article 37.*

The general expenditure of the Commission shall form the subject of a special chapter in the budget of the League of Nations.

The High Contracting Parties who are not members of the League shall bear a reasonable share of the said expenditure. An agreement to this effect will be reached between these parties and the Secretary-General of the Commission.

The travelling expenses and subsistence allowances of the members of the Commission, their substitutes and experts shall be paid by their respective Governments.

The Commission shall draw up regulations relating to the expenditure necessitated by its work.

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Geneva, February 9th, 1935.

**AMENDMENTS PROPOSED BY THE DELEGATION OF THE  
UNITED STATES OF AMERICA TO CHAPTER I OF THE DRAFT  
ARTICLES FOR THE REGULATION AND CONTROL OF THE  
MANUFACTURE OF AND TRADE IN ARMS.**

(Document Conf.D.167.)

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CHAPTER I. — CATEGORIES.

*Article I.*

I. *Category I.*

- I. Insert after the words "Category I" the title "Military Armaments".
- II. Delete sub-title "Arms, Ammunition and Implements of War exclusively designed and intended for Land, Sea or Aerial Warfare".
- III. Under (a), (4), of the text delete the words "above arms" and add the phrase "arms enumerated under Nos. (1), (2) and (3) above".
- IV. Substitute for (7) :  
"Propellents and fillers for the articles enumerated under Nos. (5) and (6) above."
- V. Change present (7) to (8).

2. *Category III. — Aerial Armaments.*

- I. Under (1) delete the word "or" after "adapted" in line 2 and substitute therefor the word "and".
- II. Under (2) change the word "mechanism" to "mechanisms", and insert thereafter the phrase "separable structural strengthening to permit the carrying of bombs".
- III. Substitute for (3) :  
"Component parts, completely finished or fully processed, of the types of aircraft, appliances and equipment listed in (1) and (2) above, if capable of being utilised only as spare parts or in the assembly or repair of said articles."
- IV. Delete (4).

3. *Category V.*

- I. Add (4) reading :  
"Types of aircraft, both heavier than air and lighter than air, other than those included in Categories II and III."
  - II. Add (5) reading :  
"Component parts, completely finished or fully processed, of aircraft of types covered by No. (4) above if capable of being utilised only as spare parts or in their assembly or repair."
  - III. Add (6) reading :  
"Aircraft engines."
-



Geneva, April 13th, 1935.

# COMMITTEE FOR THE REGULATION OF THE TRADE IN AND PRIVATE AND STATE MANUFACTURE OF ARMS AND IMPLEMENTS OF WAR

## REPORT ON THE PROGRESS OF THE WORK OF THE COMMITTEE WITH A VIEW TO THE ESTABLISHMENT OF THE DRAFT TEXT (FIRST READING)

*Rapporteur* : M. T. KOMARNICKI (Poland).

### CONTENTS.

	Page
I. INTRODUCTION . . . . .	786
II. DRAFT TEXTS :	
Preamble and Chapter I :	
Articles 1 to 4 . . . . .	788
Chapter II. — Provisions for the Manufacture of Arms and Implements of War :	
Articles 5 to 7 . . . . .	791
Chapter III. — Provisions concerning the Trade in Arms and Implements of War :	
Articles 8 to 16 . . . . .	796
Chapter IV. — Composition, Functions and Operation of the Permanent Disarmament Commission :	
Articles 17 to 40 . . . . .	802
Chapter V. — Miscellaneous Provisions :	
Articles (a) to (d) . . . . .	813
III. OBSERVATIONS AND RESERVATIONS REGARDING THE DRAFT TEXTS :	
Preamble and Chapter I :	
Articles 1 to 4 . . . . .	815
Chapter II :	
Articles 5 to 7 . . . . .	816
Chapter III :	
Articles 8 to 16 . . . . .	817
Chapter IV :	
Articles 17 to 40 . . . . .	819
Chapter V :	
Articles (a) to (d) . . . . .	821

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<i>Annex I.</i> — Report by the Committee of Jurists (document Conf.D./C.C.F.99) . .	822
<i>Annex II.</i> — Report by the Transit Committee (document Conf.D./C.C.F.101). . .	831
<i>Annex III.</i> — Replies of the Technical Committee of the National Defence Expenditure Commission to Questionnaire Conf.D./C.C.F.75 (documents Conf.D./C.C.F./C.T.17; Conf.D./C.C.F.91; Conf.D./C.C.F.93; Conf.D./C.C.F.98; Conf.D./C.C.F.107). . .	834
<i>Annex IV.</i> — Minutes of the Meeting 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 . . . . .	845

## I. INTRODUCTION.

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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.

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## 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 2</sup>

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 822.

<sup>2</sup> See general observation, paragraph 20 of report.



## Chapter I.

### ARTICLE 1.<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 822.

<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.

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<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.

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<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> (1) 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 :

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.

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 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**.

(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 831.

<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):

ARTICLE 9.<sup>1 2 3</sup>

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

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<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 822, 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.

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.

(See opposite Article 29 text proposed by the **United Kingdom, Italian, Japanese** and **Polish** delegations covering Articles 29 to 33.)

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.

(See opposite Article 29 text proposed by the **United Kingdom, Italian, Japanese** and **Polish** delegations covering Articles 29 to 33.)

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.

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.)

1. 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 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.

(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.

(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.

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.

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 **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.*

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<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>2 4</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 822.

<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.

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<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 1, page 829).

#### 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.

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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

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<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-embody 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.

“ 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.



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.”



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 1 (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.

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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 <sup>4</sup>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 1 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.

\* \* \*

#### 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 789.



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.*

- |   |   |   |
|---|---|---|
| <ul style="list-style-type: none"><li>" 1. Rifles and carbines and their barrels and bolts.</li><li>" 2. Machine-guns, automatic rifles, and machine-pistols of all calibres, and their barrels and bolts.</li><li>" 3. Guns, howitzers, and mortars of all calibres, and their mountings, barrels, recoil-mechanisms, and recuperators.</li><li>" 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.</li><li>" 5. Grenades, torpedoes, and mines, filled or unfilled, and apparatus for their use or discharge. Periscopes for submarines.</li><li>" 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."</li></ul> | } | 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 789) 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 1.

*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 839).

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 (document Conf.D./C.G.160(1)). The whole of the material of the land forces enumerated in Category I (see Article 4, page 789) 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 789), 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 789), 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.

\* \* \*

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.

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<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(1).)*
- (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 840 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 Benítez, 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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*Official No.: Conf. D. 169.*

Geneva, October 30th, 1935.

### **MESSAGES EXCHANGED ON THE OCCASION OF THE DEATH OF THE PRESIDENT OF THE CONFERENCE, Mr. ARTHUR HENDERSON, ON OCTOBER 20TH, 1935.**

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The Secretary-General has the honour to forward to the Members of the Conference the following messages exchanged on the occasion of the death of Mr. Henderson on October 20th, 1935.

#### **TELEGRAM ADDRESSED BY THE SECRETARY-GENERAL TO THE SECRETARY OF STATE FOR FOREIGN AFFAIRS OF THE UNITED KINGDOM ON OCTOBER 21ST, 1935.**

On behalf of the Secretariat of the League of Nations and in my own name, I have the honour to express my grief at the news of the death of Mr. Arthur Henderson, a man who has held high offices in his own country and abroad. As President of the Disarmament Conference, he sacrificed the closing years of his life to a great cause. He realised the difficulties of the task but never despaired of the issue. His name will be remembered here with affection and respect. I beg you to convey to H.M. Government and to the family of Mr. Henderson my respectful condolences. — AVENOL.



LETTER ADDRESSED BY THE SECRETARY OF STATE FOR FOREIGN AFFAIRS OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL ON OCTOBER 25TH, 1935.

In reply to your telegram of October 21st, I have the honour to request you to accept the sincere thanks of His Majesty's Government in the United Kingdom for the kind expression of sympathy extended to them on the occasion of the death of Mr. Arthur Henderson.

His Majesty's Government deeply appreciate your message and your generous reference to Mr. Henderson's services at home and abroad, and I feel confident that Mr. Henderson's family, to whom the contents of your telegram are being communicated, will be no less appreciative.

(Signed) Samuel HOARE.

TELEGRAM ADDRESSED BY THE OFFICERS OF THE BUREAU TO THE SECRETARY OF STATE FOR FOREIGN AFFAIRS OF THE UNITED KINGDOM, OCTOBER 21ST, 1935.

In our capacity of Officers of the Bureau of the Disarmament Conference and in conviction that we are interpreting the grief felt by all members of the Conference on the death of their President, the Right Honourable Arthur Henderson, we have the honour to convey to His Majesty's Government and, through it, to the President's family the heartfelt expression of our most sincere sympathy. — BENEŠ, POLITIS, AVENOL.

LETTER ADDRESSED BY SIR SAMUEL HOARE TO THE OFFICERS OF THE BUREAU OF THE DISARMAMENT CONFERENCE ON OCTOBER 25TH, 1935.

In reply to your telegram of October 21st, I have the honour to request you to accept the sincere thanks of His Majesty's Government in the United Kingdom for the expression of sympathy which you were good enough to send them, in your capacity of an officer of the Bureau of the Disarmament Conference, on the occasion of the death of Mr. Arthur Henderson.

His Majesty's Government were deeply touched by your message, and feel confident that Mr. Henderson's family, to whom its contents are being communicated, will be no less deeply moved.

(Signed) Samuel HOARE.

MESSAGES ADDRESSED TO M. AVENOL, SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

Berne, October 21st, 1935.

The delegation of Brazil to the Disarmament Conference offers Your Excellency its deep sympathy on the occasion of the decease of the distinguished statesman Arthur Henderson. — NABUCO DE GOUVEA, *Minister for Brazil*.

Budapest, October 21st, 1935.

It is with profound emotion that I have learnt the sad news of the death of the Right Honourable Arthur Henderson, President of the Disarmament Conference. The services which that eminent statesman has rendered to the whole world rightly inspire worldwide regret. That regret is sincerely shared by the Hungarian nation, which is grieved at the loss of one of the most distinguished personalities in international life. On behalf of the Royal Hungarian Government, I offer you my deepest sympathy on this sad occasion, and beg you to be good enough to express that sympathy to the Disarmament Conference. — KANYA, *Royal Hungarian Minister for Foreign Affairs*.

The Hague, October 21st, 1935.

The Netherlands Government is deeply grieved at the death of Arthur Henderson, who, as President of the Disarmament Conference, strove with such energy and perseverance to achieve a limitation and reduction, in the spirit of the Covenant, of the armaments of the different States. The Netherlands Government pays a tribute of respect to the work of Mr. Henderson, whose death comes at a time of special international difficulty, and it hopes that the world will yet remain faithful to the lofty ideals of the authors of the Covenant, so that international differences may more and more be settled by justice and not by arms. — DE GRAEFF.

Belgrade, October 21st, 1935.

Profoundly moved by the sad news of the death of the Right Honourable Arthur Henderson, President of the Disarmament Conference, I have the honour to express on behalf of the Royal Government of Yugoslavia deep sympathy and admiration for Mr. Henderson's great devotion to the cause of peace. — STOYADINOVITCH, *President of the Council of Ministers and Minister for Foreign Affairs.*

Madrid, October 21st, 1935.

As Chairman of the Air Commission of the Disarmament Conference, I deeply regret the death of our distinguished President, who has passed away in the midst of the struggle for peace.

(Signed) MADARIAGA.

Geneva, October 22nd, 1935.

I have the honour to express the sincere sympathy and deep regret of the Royal Government of Bulgaria on the occasion of the sad loss which the League of Nations has just sustained in the person of its distinguished collaborator, Mr. Arthur Henderson.

The services which the great pioneer of peace and co-operation between peoples has rendered to humanity have acquired for him the grateful admiration of public opinion throughout my country, where his death has given rise to sincere and very keen regret.

The example which Mr. Arthur Henderson has left behind him will long endure. It will guide the efforts of all those who have truly at heart the realisation of the ideal of peace and justice in relations between men.

(Signed) MOMTCHILOFF,

*Permanent Delegate of Bulgaria accredited  
to the League of Nations.*

MESSAGES SENT TO M. AGHNIDES, DIRECTOR OF THE DISARMAMENT SECTION.

Rome, October 23rd, 1935.

I would ask you, as Secretary of the President of the Disarmament Conference, to express my regret and sympathy to the family of Arthur Henderson, President of the Conference. Sincere thanks. — ALOISI.

Geneva, October 23rd, 1935.

I have the honour to inform you that I received after your departure from Geneva a telegram from M. Hirota, Minister for Foreign Affairs of Japan, asking me to express to you on his behalf and on behalf of his Government his most sincere regret at the death of Mr. Arthur Henderson, President of the General Disarmament Conference.

(Signed) YOKOYAMA,

*Japanese Consul-General.*

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Official No. : Conf.D.170 (1).  
[C.445(I).M.233(I).1935.IX.]

Geneva, December 4th, 1935.

## LONDON NAVAL CONFERENCE.

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### *Note by the Secretary-General.*

The Secretary-General has the honour to circulate to the Members of the League and to all States represented at the Conference for the Reduction and Limitation of Armaments, for information, the following correspondence exchanged with the Government of the United Kingdom.

#### I. LETTER TO THE SECRETARY-GENERAL FROM THE GOVERNMENT OF THE UNITED KINGDOM, DATED OCTOBER 24TH, 1935.

London, October 24th, 1935.

I am directed by His Majesty's Principal Secretary of State for Foreign Affairs to inform you that His Majesty's Government in the United Kingdom have been giving careful consideration to the results of the preliminary bilateral naval conversations which have been proceeding between representatives of the signatory Powers of the Washington and London Naval Treaties to prepare the way for a naval conference. In view of the express provisions of Article XXIII of the Washington Naval Treaty, the effect of which is, in the circumstances which have occurred, that the signatory Powers must meet in conference during the present year, and in view of the fact that this country has so far taken the initiative in arranging for these bilateral discussions, His Majesty's Government are prepared to summon a conference to meet in London on December 2nd next. The purpose of this conference would be to secure agreement on as many aspects as possible of naval limitation with a view to the conclusion of an international treaty which would take the place of the two naval treaties expiring at the end of 1936. It is hoped that, once agreement is in sight between the representatives of the signatory Powers, an extension of the scope of the Conference may be possible, so as to include representatives of the other naval Powers.

Official invitations have to-day been addressed by His Majesty's Government in the United Kingdom to the representatives of the United States, Japanese, French and Italian Governments in London, expressing the hope that His Majesty's Government may be informed, as soon as possible, as to whether their respective Governments would be prepared to be represented at the proposed conference. It has been suggested in these invitations that it may prove convenient to all concerned and may serve to keep the size of each delegation as small as possible if the interested Governments were to be represented by their ambassadors in London.

For the Secretary of State :

(Signed) R. L. CRAIGIE.

#### 2. LETTER TO THE GOVERNMENT OF THE UNITED KINGDOM FROM THE SECRETARY-GENERAL, DATED OCTOBER 30TH, 1935.

Geneva, October 30th, 1935.

I have the honour to acknowledge the receipt of your letter of October 24th, 1935, in regard to the summoning by His Majesty's Government in the United Kingdom of a naval conference in London on December 2nd next.

I note that official invitations have been addressed by His Majesty's Government in the United Kingdom to the representatives of the United States, Japanese, French and Italian Governments in London, expressing the hope that His Majesty's Government may be informed, as soon as possible, as to whether their respective Governments would be prepared to be represented at the proposed conference.

I shall not fail to communicate this letter to the Members of the League and to all States represented on the Disarmament Conference.

(Signed) J. AVENOL,  
Secretary-General.

3. LETTER TO THE SECRETARY-GENERAL FROM THE GOVERNMENT OF THE UNITED KINGDOM,  
DATED NOVEMBER 30TH, 1935.

London, November 30th, 1935.

With reference to Foreign Office communication of October 24th last, I am directed by His Majesty's Principal Secretary of State for Foreign Affairs to inform you that, in view of the important bearing which the forthcoming naval conference in London must necessarily have in the sphere of international disarmament, His Majesty's Government in the United Kingdom are of opinion that it would be most useful for all concerned if you could see your way to appointing a representative of the League of Nations to attend the meetings of the conference as an observer, without, however, having the power to vote or participate in the discussions.

In expressing the hope that it will be found possible for the necessary arrangements to be made, I am to add that the Governments of the United States, France, Japan and Italy have agreed that the present invitation should be addressed to you.

(Signed) Adrian HOLMAN.

4. LETTER TO THE GOVERNMENT OF THE UNITED KINGDOM FROM THE SECRETARY-GENERAL,  
DATED DECEMBER 2ND, 1935.

Geneva, December 2nd, 1935.

I have the honour to acknowledge the receipt of your letter of November 30th, 1935, by which you were good enough to invite a representative of the League of Nations to attend the meetings of the forthcoming naval conference in London as an observer, without, however, having the power to vote or participate in the discussions.

I have pleasure in accepting your invitation, and have appointed M. Thanassis Aghnides, Director of the Disarmament Section in the Secretariat of the League of Nations, to represent the League at the Conference in the conditions indicated above.

M. Aghnides will be accompanied by Captain B. F. Adams, D.S.O., R.N. (retired), Naval Expert in the Disarmament Section.

(Signed) J. AVENOL,  
Secretary-General.

Official No.: Conf. D. 172.

Geneva, February 10th, 1936.

**EXTRACTS FROM THE MINUTES  
OF THE NINETIETH SESSION OF THE COUNCIL**

*Note by the Secretary-General of the Conference:*

The Secretary-General of the Conference for the Reduction and Limitation of Armaments has the honour to communicate to the Members of the Conference two extracts from the Minutes of the ninetieth session of the Council, concerning:

- (a) Tribute to the Memory of Mr. Arthur Henderson, President of the Conference for the Reduction and Limitation of Armaments;
- (b) Questions raised by the Death of Mr. Henderson.

(a) EXTRACT FROM THE MINUTES OF THE MEETING HELD ON  
JANUARY 20TH, 1936.

**Tribute to the Memory of Mr. Arthur Henderson, President of the Conference for the  
Reduction and Limitation of Armaments.**

The PRESIDENT (Mr. Bruce, Australia). — On October 20th, 1935, the death occurred of the Right Honourable Arthur Henderson, President of the Conference for the Reduction and Limitation of Armaments. The Council will certainly desire to express its sympathy with the British nation and with Mr. Henderson's family at the death of a great servant of peace.

I do not propose to refer to Mr. Henderson's political career in his own country, but to confine myself to recalling certain of his international activities, and, in particular, his work at Geneva.



In 1924, Mr. Henderson, as a member of His Majesty's Government in the United Kingdom, took a prominent part in the work of the fifth session of the Assembly, and lent his aid to the drafting of the Geneva Protocol.

From 1929 to 1931, Mr. Henderson was His Majesty's Secretary of State for Foreign Affairs and represented the United Kingdom on the Council. In that capacity, he participated in a series of important events in international affairs. He signed on behalf of the United Kingdom the Optional Clause and the General Act, he helped to frame the Convention for Financial Assistance and the Convention to improve the Means of preventing War. He took an active part in the efforts to harmonise the Covenant of the League of Nations with the Briand-Kellogg Pact. In addition, he participated, in a large measure, in the work of the Hague Conference of 1930 and in the London Naval Conference of the same year.

But, above all, his energies were directed towards the preparations for the Disarmament Conference. His many activities in the cause of peace and those rare personal qualities which members of the Council had had a special opportunity of appreciating when Mr. Henderson presided over the session of the Council in January 1931 were responsible for his unanimous appointment as President of the Conference for the Reduction and Limitation of Armaments.

Rarely has such confidence been more fully justified, for, to that Conference, Mr. Henderson—for a period of four years—devoted in full measure his time and energy. Although the difficulties encountered by the Conference and his persistent and unwearying efforts to overcome them contributed largely towards the aggravation of his state of health, Mr. Henderson never faltered in fulfilling his difficult task to the end.

Whatever their views on the many controversial aspects of disarmament, every delegation to the Conference valued his great qualities as a President and as a man. They appreciated his unfailing courage, even at the most difficult moments; they were impressed by his grasp of ideals and realities; and his impartiality and his kindness of heart made a deep impression on everyone who came into contact with him.

I desire to convey to the representative of His Majesty's Government in the United Kingdom an expression of our grief, and I propose that the Council should instruct the Secretary-General to transmit our deep sympathy to Mr. Henderson's family.

Mr. EDEN wished, both on behalf of His Majesty's Government in the United Kingdom and also, if he might, in a personal capacity, to thank the President for the moving words in which he had spoken of the late Mr. Arthur Henderson.

No one who worked with him and valued his friendship, as did Mr. Eden in the last and most difficult years of Mr. Henderson's life, could fail to appreciate his single-minded devotion to his task as President of the Disarmament Conference, and his perseverance and complete sincerity of purpose. The great work which he did in those years, even if it did not succeed as he, and everyone else, had so ardently desired, was nevertheless a fitting end to a career which was entirely the achievement of his own character and personality. Mr. Henderson's experience of public life covered nearly half a century of continuous activity, including local government and industrial conciliation, and later the work of Home Secretary and delegate to the Assembly of 1924 and of Foreign Secretary from 1929 to 1931.

Those, however, who knew Mr. Henderson and worked with him most closely when he was President of the Disarmament Conference were perhaps most struck by a tenacity in negotiation inspired by his sincerity and devotion to the ideal of disarmament. Throughout those difficult years, all the delegations knew that they could always rely upon his broad and kindly humanity, his fearless courage and his absolute unity of purpose.

The tribute now paid to Mr. Henderson by the President and by the Council would be greatly appreciated by all Mr. Henderson's countrymen.

M. LAVAL said that the President and the representative of the United Kingdom had found moving words with which to honour the memory of Mr. Henderson. On behalf of the French Government, he desired to associate himself with so well-deserved a tribute. Mr. Henderson had devoted himself to the cause of the reduction of armaments and of reconciliation in Europe with an enthusiasm and faith which compelled admiration. Despite ever-increasing difficulties, he had never for a moment despaired of ultimate success. He had conceived lofty designs; events had not always served him well.

M. Laval paid a respectful tribute to the memory of one who had loved peace and had eagerly devoted himself to that cause.

M. LITVINOFF desired to associate himself with the tribute paid to Mr. Henderson, and with the expression of sympathy to the British nation and to Mr. Henderson's family. Mr. Henderson, as a public worker, did much to bring about that good understanding between the nations which was essential to the establishment and maintenance of peace. As Secretary of State, he had contributed largely to creating a better understanding between the United Kingdom and the Union of Soviet Socialist Republics. But he was remembered more especially as President of the Disarmament Conference, and the Soviet Government had done its part in trying to achieve some results, either in complete or in partial disarmament. M. Litvinoff had worked with Mr. Henderson in the various Committees of the Conference, and could therefore testify to the



great devotion he had shown in the cause of disarmament. If the Conference had failed, it was certainly in spite of the great work done by Mr. Henderson as its President. Everyone regretted the failure of the Conference and could see now the sad results which were the outcome of that failure—namely, an enormous race in armaments. But the hope must still be entertained that the day would come when the work done in the Conference would be taken up again, perhaps with more chance of success and with final results. When that day came, everyone would remember that a good part of those results was due to the work of the late Mr. Henderson as President of the Conference.

M. DE MADARIAGA associated himself, as representative of Spain and President of the Air Commission of the Disarmament Conference, with the tributes paid to the memory of the President of the Conference. Not only the United Kingdom, but the world had lost a great citizen. Fortunately, there were now those who could be described as citizens of the world. And one of those who had best deserved that name was Mr. Henderson.

M. BECK desired also to pay a tribute to the memory of Mr. Henderson. His deep faith in progress in international relations and his devotion to his task, which was sometimes thankless and difficult, had always won for him the esteem of the Polish Government and the sympathy of public opinion in Poland.

M. Cemal HÜSNÜ said that Turkey joined in the tribute paid to the memory of that great man, Mr. Henderson. There was no doubt that, by his death, the cause of peace had suffered a great loss. His unrelenting work for disarmament, work in which he never lost courage, despite manifold difficulties, was remembered with deep feeling. He had been an apostle of peace, and this the world would remember. Turkey expressed her deep sympathy and condolence to His Majesty's Government and to Mr. Henderson's family.

M. DE VASCONCELLOS desired, as representative of Portugal and member of the Bureau of the Disarmament Conference, to associate himself with the expression of sympathy and the tribute paid to the memory of Mr. Henderson. As Chairman of one of the Committees of the Disarmament Conference, he had always found in Mr. Henderson, as President, a rare devotion to his duties. He was a true apostle of peace. In losing him, the whole world had lost one of the most ardent supporters of the ideal of peace.

The PRESIDENT asked the Secretary-General to convey the Council's expressions of sympathy to the family of Mr. Henderson, and to mention the tribute just paid to his memory.

(b) EXTRACT FROM THE MINUTES OF THE MEETING HELD ON  
JANUARY 22ND, 1936.

**Questions raised by the Death of Mr. Henderson, President of the Conference for the  
Reduction and Limitation of Armaments.**

M. RUIZ GUIÑAZÚ (rapporteur for questions concerning the reduction and limitation of armaments) presented the following report: <sup>1</sup>

"The death of Mr. Henderson, the President of the Conference for the Reduction and Limitation of Armaments, which occurred in London on October 20th, 1935, leaves the Conference without a head and raises a question of procedure which I wish to lay before my colleagues.

"Mr. Henderson himself summarised the course of the Conference in the preliminary report which he asked to be circulated and which is now in the hands of Governments (document Conf.D.171). My colleagues are familiar with the unfavourable political conditions which have caused a suspension of the work of the Conference, and they will no doubt agree with me that circumstances are still unpropitious for the resumption of its work.

"I would, therefore, suggest for the consideration of the Council that no steps need to be taken to choose a successor to Mr. Henderson until the resumption of the work of the Conference becomes possible.

"I feel that the two questions, that of the election of a new President and the question of the effective resumption of the Conference, had best be linked together. As soon, therefore, as a proposal for the convening of the Conference is made, either by the Rapporteur or by any Member or Members, the Council can empower the Secretary-General to consult the Bureau of the Conference on the question of summoning the Conference. The latter would then begin by electing a president and proceed to consider the general situation.

"The series of political events that have taken place since the General Commission's last meeting will perhaps suggest to the Conference a procedure and programme of work influenced by the changes that have taken place in the general situation.

"Finally, I should like to remind the Members of the Council that the Naval Conference summoned by the United Kingdom Government under Article 23 of the Washington and London Naval Treaties is now in session and that, in response to that Government's invitation, the Secretary-General has sent a representative to the Conference as an observer."

*The conclusions of the report were adopted.*

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<sup>1</sup> Document C.58.1936.IX.



Official No. : Conf.D./C.G.156

Geneva, October 16th, 1933.

**LIST OF MEMBERS OF THE GENERAL COMMISSION  
(EIGHTIETH AND EIGHTY-FIRST MEETINGS)  
(October 16th and 26th, 1933.)**

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

Country	Members	Substitutes
<i>Afghanistan</i> :	Sirdar AHMED ALI Khan.	General Mohamed OMER Khan.
<i>Union of South Africa</i> :	Mr. B. J. PIENAAR. Major F. F. PIENAAR.	
<i>Albania</i> :	M. L. KURTI.	
<i>United States of America</i> :	Mr. Norman DAVIS. Mr. H. R. WILSON.	
<i>Argentine Republic</i> :	M. E. RUIZ GUIÑAZÚ.	
<i>Australia</i> :	Mr. S. M. BRUCE.	Mr. K. OFFICER.
<i>Austria</i> :	M. E. PFLÜGL.	
<i>Belgium</i> :	M. BOURQUIN.	
<i>Bolivia</i> :	M. COSTA DU RELS.	
<i>Brazil</i> :	M. DE RIO BRANCO.	M. M. GONÇALVES.
<i>United Kingdom of Great Britain and Northern Ireland</i> :	Sir John SIMON. Mr. A. EDEN.	
<i>Bulgaria</i> :	M. D. MIKOFF. Colonel MARINOFF.	
<i>Canada</i> :	The Hon. R. J. MANION. Dr. W. A. RIDDELL.	Mr. Jean DÉSY.
<i>Chile</i> :	M. J. VALDÉS-MENDEVILLE.	M. Enrique GAJARDO.
<i>China</i> :	Dr. W. W. YEN.	M. T. Y. Lo. Dr. Hoo Chi-Tsai. General YAO.
<i>Colombia</i> :		
<i>Costa Rica</i> :	M. FIGUEREDO-LORA.	
<i>Cuba</i> :		
<i>Czechoslovakia</i> :	M. E. BENEŠ.	M. R. KÜNZL-JIZERSKY. General A. ELIÁŠ. M. A. HEIDRICH.
<i>Denmark</i> :	M. P. MUNCH. M. Erik DE SCAVENIUS.	M. W. BORBERG. Baron Rudolph BERTOUCHE-LEHN.
<i>Dominican Republic</i> :	M. E. DESCHAMPS. M. Ch. ACKERMANN.	
<i>Egypt</i> :		
<i>Estonia</i> :	M. A. SCHMIDT.	M. J. KÔDAR.
<i>Ethiopia</i> :	Comte LAGARDE, duc d'ENTOTTO.	
<i>Finland</i> :	Dr. R. HOLSTI.	M. K. E. P. HIITONEN. Colonel I. A. E. MARTOLA. M. P. K. TARJANNE. M. H. R. FLEMMING.
<i>France</i> :	M. PAUL-BONCOUR. M. R. MASSIGLI.	
<i>Germany</i> :		
<i>Greece</i> :	M. N. POLITIS.	M. R. RAPHAËL.
<i>Guatemala</i> :	Dr. J. MATOS.	

Country	Members	Substitutes
<i>Haiti :</i>	M. C. MAYARD. M. A. ADDOR.	
<i>Honduras :</i>		
<i>Hungary :</i>	General G. TÁNCZOS. M. C. DE MASIREVICH. M. George DE BAREZA.	General G. DE SIEGLER.
<i>India :</i>	Sir Henry WHEELER.	Colonel D. B. ROSS. Lt.-Colonel W. E. BEAZLEY. Lt.-Colonel S. G. Venn ELLIS. Mr. A. W. DUNTON.
<i>Iraq :</i>		
<i>Irish Free State :</i>	Mr. Sean LESTER.	Mr. T. J. COYNE.
<i>Italy :</i>	Marquis A. MELI LUPI DI SORAGNA.	
<i>Japan :</i>	M. N. SATO.	
<i>Latvia :</i>	M. J. FELDMANS.	M. Ch. KALNINS.
<i>Liberia :</i>	Dr. J. A. SOTTILE.	
<i>Lithuania :</i>	M. V. SIDZIKAIUSKAS. M. P. KLIMAS.	Colonel J. LANSKORONSKIS.
<i>Luxemburg :</i>	M. J. BECH.	M. A. WEHRER. M. C. VERMAIRE.
<i>Mexico :</i>	Dr. F. CASTILLO NAJERA. M. A. PANI.	Colonel Carlos S. VALDÉS. Colonel Conrado L. RUIZ.
<i>Netherlands :</i>	Jonkheer A. C. D. DE GRAEFF. M. V. H. RUTGERS.	M. E. MORESCO. General C. VAN TUINEN.
<i>New Zealand :</i>	Sir Thomas WILFORD.	Mr. C. KNOWLES.
<i>Norway :</i>	Dr. Ch. L. LANGE. M. BIRKELAND.	
<i>Panama :</i>		
<i>Persia :</i>	M. Abol-Hassan Khan FOROUGHÍ.	Colonel Ali Khan RIAZI. M. Moussa Khan NOURY-ESFANDIARY.
<i>Peru :</i>		
<i>Poland :</i>	M. J. BECK. General BURHARDT-BUKACKI. M. E. RACZYNSKI.	M. T. KOMARNICKI.
<i>Portugal :</i>	Dr. A. DE VASCONCELLOS. Dr. V. DE QUEVEDO.	Dr. J. L. D'AVILA LIMA. Dr. A. M. FERRAZ DE ANDRADE.
<i>Roumania :</i>	M. N. TITULESCO. M. C. ANTONIADE. General J. ANTONESCO.	Colonel J. STOICESCO. Major C. TEODORINI. Captain Grégoire ZADIK.
<i>Sa'udi Arabia :</i>	Sheik HAFIZ WAHBA.	M. E. DUSSAC.
<i>Siam :</i>		
<i>Spain :</i>	M. S. DE MADARIAGA.	M. L. PALACIOS. M. M. PEDROSO. General BENITEZ. Lt.-Colonel HERRERA.
<i>Sweden :</i>	M. R. J. SANDLER. M. K. J. WESTMAN.	
<i>Switzerland :</i>	M. G. MOTTA. M. Max HUBER. Colonel ZÜBLIN.	M. C. GORGÉ.
<i>Turkey :</i>	Dr. Tevfik RÜSTÜ Bey. Cemal HÜSNÜ Bey. Necmeddin SADIK Bey.	APTÜLAHAT Bey.
<i>Union of Soviet Socialist Republics :</i>	M. DOVGALEVSKY.	M. VENTZOFF.
<i>Uruguay :</i>	Dr. E. BUERO.	
<i>Venezuela :</i>		
<i>Yugoslavia :</i>	M. B. YEVTITCH. M. C. FOTITCH.	General P. KOSSITCH. General D. JIVKOVITCH.



Official No. : Conf.D./C.G.157.

Geneva, November 15th, 1933.

## GENERAL COMMISSION

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### COMMUNICATION BY THE PRESIDENT.

Having consulted M. Politis, Vice-President, and Dr. Beneš, Rapporteur, Mr. Henderson, President of the Conference, has the honour to inform the members of the General Commission as follows :

At its sitting on November 11th, the Bureau entrusted certain specific tasks to rapporteurs, requesting them to hand over their reports to the President in sufficient time before the meeting of the General Commission.

When, however, the rapporteurs embarked upon their tasks, they were confronted with a number of difficulties the settlement of which appears to require the previous solution of certain political problems.

As far as the questions referred to them by the Bureau are concerned, the officers and the rapporteurs will be in a position to present their report to the Bureau only when they shall have taken contact with the heads of delegations. The Vice-President and the Rapporteur expressed their preparedness to come to Geneva at the call of the President so soon as heads of delegations are available in Geneva.

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Official No. : Conf.D./C.G.158.

[Conf.D./Bureau 57.]

Geneva, April 14th, 1934.

## MEMORANDUM BY THE DANISH, NORWEGIAN, SPANISH, SWEDISH AND SWISS DELEGATIONS ON THE PRESENT STATE OF THE WORK OF THE CONFERENCE

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### *Note by the President of the Conference.*

In conformity with the request of the Swedish Government—of which the Bureau was informed at its meeting on April 10th, 1934—the President of the Conference has the honour to communicate to the members of the Bureau and of the General Commission the attached memorandum by the Danish, Norwegian, Spanish, Swedish and Swiss delegations.

The Netherlands delegation has stated that it is able to support the general tenor of this memorandum without actually approving word for word the arguments put forward.

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The Danish, Norwegian, Spanish, Swedish and Swiss delegations desire to submit the following observations on the present state of the work of the Conference for the Reduction and Limitation of Armaments.

They are of opinion that only the General Commission is competent to take the decisions of principle which are necessary. It seems evident that a general agreement can hardly be secured by retaining the British draft of March 16th, 1933, as the sole basis of the future convention. If a positive result is to be achieved, the structure of this draft will therefore have to be modified in certain important respects.

It must be recognised that in present circumstances the Conference is bound to take into account in conventional form the situation resulting from a *de facto* rearmament. Should the Conference fail in this task, the world will be exposed to the imminent danger of large-scale rearmament capable of involving a general armaments race.

The direct conversations pursued between certain Powers in the course of the last few months have, it is true, contributed towards clearing up the situation. Nevertheless, no basis for an agreement has yet been found. The British memorandum of January 29th, 1934, represents, in this respect, an appreciable effort at conciliation, but, as it stands, it cannot suffice to settle all difficulties. If, however, it were modified, made more definite and strengthened in certain respects, it would no doubt yield certain guiding principles permitting of the establishment of an arrangement better adapted to the present situation.

It is for the General Commission to deal with concrete proposals, but the Danish, Norwegian, Spanish, Swedish and Swiss delegations have felt it advisable to draw the Conference's attention immediately to the essential features of the solution which they regard as practicable.



These features may briefly be summarised as follows :

1. It will be necessary to be content with a convention limited to certain branches of armaments. A comprehensive solution will have to be postponed until later. The problem of naval armaments might be left until 1935. Any decision concerning the maintenance or abolition of military aviation might be postponed, measures being taken, however, to prevent an aggravation of the existing situation and to strengthen the British proposals by the unconditional prohibition of aerial bombardment.

2. Within these prescribed limits, it will be essential to adopt, at any rate, certain substantial measures of disarmament. In the opinion of the above-mentioned delegations, it would not be sufficient to accept a limitation of armaments at the *status quo*.

3. The Convention would involve, to a moderate degree, a practical realisation of equality of rights. It would thus formally sanction the principle and draw the consequences.

4. A convention of even limited scope such as that contemplated above does not appear realisable without a reinforcement of security going beyond the proposals of the British memorandum, particularly as regards concrete and definite guarantees for the execution of the Convention. In view of the gravity of the present situation and in order to achieve real disarmament, it is our duty to take into serious consideration any reasonable proposal for increasing the said guarantees within the limits of the acknowledged obligations of the Covenant and taking into account the special situation occupied by any particular State in the League of Nations.

In this connection, Germany's return to the League of Nations would undoubtedly represent an important contribution to the solution of the grave problem of collective security.

\* \* \*

The Conference is placed before the following alternatives : either a limited but real reduction of armaments side by side with moderate rearmament, or pure and simple limitation at the *status quo* accompanied by rearmament on a larger scale. The Danish, Norwegian, Spanish, Swedish and Swiss delegations are in favour of the first alternative.

If the opportunity of proceeding to real measures of disarmament were allowed to escape, can it be regarded as certain that a convention based on the *status quo* would be practically realisable ? There is an inclination in various quarters to think that, following the line of least resistance, events will develop in the direction of the *status quo*. But what is the *status quo* ? This question will necessarily arise one day in all its complexity. When it came to limiting armaments to the present situation, how many Governments would be ready to bind themselves without making reservations of all kinds, possibly of essential importance ? It is quite conceivable that the apparently most simple solution would, in the last resort, present such complications that it would soon prove to be irrealisable.

Rights, obligations and risks being, in principle, the same for all countries, the Danish, Norwegian, Spanish, Swedish and Swiss delegations have felt it their duty to make an appeal to all Governments to make a last effort for the purpose of bringing about the conclusion of a first disarmament convention.

Official No. : Conf.D./C.G.159(1).

Geneva, May 28th, 1934.

## LIST OF MEMBERS OF THE GENERAL COMMISSION (EIGHTY-SECOND TO EIGHTY-SIXTH MEETINGS)

(May 29th to June 11th, 1934.)

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

Country	Members	Substitutes and experts
<i>Afghanistan</i> :	Ali MOHAMED Khan.	General Mohamed OMAR Khan.
<i>Union of South Africa</i> :	Mr. C. T. TE WATER.	Mr. D. STEYN.
<i>Albania</i> :	M. Lec KURTI.	
<i>United States of America</i> :	Mr. Norman H. DAVIS. Mr. Hugh R. WILSON.	Mr. L. MAYER. Lt.-Col. V. STRONG. Major R. C. F. GOETZ. Mr. S. REBER.



Country	Members	Substitutes and experts
<i>Argentine Republic :</i>	M. E. RUIZ GUIÑAZÚ.	
<i>Australia :</i>	Mr. J. G. McLAREN.	Mr. K. OFFICER.
<i>Austria :</i>	M. E. PFLÜGL. M. M. LEITMAIER.	M. MATSCH.
<i>Belgium :</i>	M. HYMANS.	M. VAN LANGENHOVE. M. VAN ZUYLEN. M. BOURQUIN. M. MÉLOT.
<i>Bolivia :</i>	M. A. COSTA DU RELS.	
<i>Brazil :</i>	M. J. T. NABUCO DE GOUVEA.	M. M. PARANHOS DA SILVA.
<i>United Kingdom of Great Britain and Northern Ireland :</i>	Sir John SIMON. Mr. A. EDEN.	Mrs. M. CORBETT-ASHBY. Mr. W. STRANG. Sir William MALKIN. Sir Arthur WILLERT. Mr. R. C. S. STEVENSON. Mr. C. R. PRICE. Rear-Admiral R. M. BELLAIRS. Brigadier A. C. TEMPERLEY. Major W. E. VAN CUTSEM. Mr. M. H. FITZGERALD. Air Commodore J. T. BABINGTON. Squadron Leader G. M. LAWSON.
<i>Bulgaria :</i>	M. D. MIKOFF.	
<i>Canada :</i>	M. W. A. RIDDELL.	Mr. J. DÉSY.
<i>Chile :</i>	M. E. GAJARDO.	
<i>China :</i>	Dr. V. K. Wellington Koo. M. Quo Tai-chi. M. T. Y. Lo.	M. V. Hoo. General TANG-CHE. M. C. K. SZE.
<i>Colombia :</i>		
<i>Costa Rica :</i>	M. V. FIGUEREDO-LORA.	
<i>Cuba :</i>		
<i>Czechoslovakia :</i>	M. E. BENEŠ.	M. R. KÜNZL-JIZERSKY.
<i>Denmark :</i>	M. P. MUNCH.	M. W. BORBERG. M. R. BERTOUCH-LEHN. M. G. RASMUSSEN.
<i>Dominican Republic :</i>	M. E. DESCHAMPS. M. Ch. ACKERMANN.	
<i>Egypt :</i>	Mahmoud FAKHRY Pacha.	
<i>Estonia :</i>	M. A. SCHMIDT.	
<i>Ethiopia :</i>		
<i>Finland :</i>	M. A. HACKZELL. M. R. HOLSTI.	M. P. K. TARJANNE.
<i>France :</i>	M. L. BARTHOU. Marshal PÉTAIN. M. PIÉTRI. General DENAIN.	M. R. MASSIGLI. M. BASDEVANT. M. L. AUBERT. M. CASSIN. General GAMELIN. M. R. JACOMET. General MOUCHARD. Capt. DELEUZE. Col. BRUSSAUX. M. Jean PAUL-BONCOUR.
<i>Greece :</i>	M. M. D. MAXIMOS. M. N. POLITIS. M. R. RAPHAËL.	M. R. BIBICA-ROSSETTI. M. T. PIPINELIS.
<i>Guatemala :</i>	M. G. MATOS PACHECO.	
<i>Haiti :</i>	M. H. LARAQUE.	
<i>Honduras :</i>		
<i>Hungary :</i>	General G. TÁNCZOS. M. L. DE TAHY. M. G. DE BARCZA. General G. DE SIEGLER.	M. B. DE SZENT-ISTVÁNY. M. Z. BARANYAI. Lt.-Col. F. GIMESY.

Country	Members	Substitutes and experts
<i>India :</i>	The AGA Khan. Sir Henry WHEELER.	Mr. S. K. BROWN. Lt.-Col. W. E. BEAZLEY. Lt.-Col. S. G. V. ELLIS.
<i>Iraq :</i>	Mussa Bey SHABANDAR.	
<i>Irish Free State :</i>	Mr. F. T. CREMINS.	
<i>Italy :</i>	Baron P. ALOISI.	M. A. BIANCHERI CHIAPPORI. M. A. MELI LUPI DI SORAGNA. Don F. RUSPOLI. M. T. PERASSI. Captain G. RAINERI BISCIA. Col. V. MARCHESI. Lt.-Col. T. BIANCHI. M. R. BOVA-SCOPPA. General N. MORITA. Rear-Admiral Y. Ko. M. M. YOKOYAMA. Captain R. FUJITA. Lt.-Col. I. NISHIHARA. Commander K. YANAGISAWA. Captain R. KOIKE.
<i>Japan :</i>	M. N. SATO.	M. Ch. KALNINS.
<i>Latvia :</i>	M. J. FELDMANS.	
<i>Liberia :</i>	Dr. A. SOTTILE.	
<i>Lithuania :</i>	Dr. D. ZAUNIUS. M. P. KLIMAS.	
<i>Luxemburg :</i>	M. J. BECH.	M. Ch. VERMAIRE. M. A. WEHRER.
<i>Mexico :</i>	Dr. F. CASTILLO NAJERA.	
<i>Netherlands :</i>	Jonkheer A. C. D. DE GRAEFF. M. V. H. RUTGERS. M. J. P. A. FRANÇOIS. M. E. MORESCO.	M. L. C. PREY.
<i>New Zealand :</i>	Sir James PARR.	Mr. C. KNOWLES.
<i>Norway :</i>	Dr. Chr. L. LANGE.	M. H. BIRKELAND.
<i>Panama :</i>		
<i>Persia :</i>	M. S. H. TAQIZADEH. M. A. H. FOROUGHÍ. Col. A. K. RIAZI.	Commander Mohammad Ali Khan MOAREFI. M. Nasrellah Khan ENTEZAM.
<i>Peru :</i>		
<i>Poland :</i>	M. J. BECK. General S. BURHARDT-BUKACKI. M. E. RACZYNSKI.	M. R. DEBICKI. M. T. GWIAZDOWSKI. M. T. KOMARNICKI. M. W. KULSKI. M. A. BALINSKI.
<i>Portugal :</i>	Dr. A. DE VASCONCELLOS. Prof. J. L. D'AVILA LIMA.	Dr. H. DA GUERRA QUARESMA VIANNA.
<i>Roumania :</i>	M. N. TITULESCO. M. C. ANTONIADE.	M. E. CIUNTU. M. V. V. PELLA.
<i>Sa'udi Arabia :</i>		
<i>Siam :</i>		Luang BHADRAVADI.
<i>Spain :</i>	M. S. DE MADARIAGA Y ROJO. M. J. LÓPEZ OLIVÁN.	M. ROJAS Y MORENO. M. J. TEIXIDOR.
<i>Sweden :</i>	M. R. J. SANDLER.	M. WESTMAN. General NYGREN. M. HÄGGLÖF. M. C. GORGÉ.
<i>Switzerland :</i>	M. G. MOTTA. Col. A. ZÜBLIN.	
<i>Turkey :</i>	Tevfik RÜSTÜ Bey. Cemal HÜSNÜ Bey. Necmeddin SADIK Bey.	Ahmet CAVAT Bey. Celal HAZIM Bey. Refik AMIR Bey.
<i>Union of Soviet Socialist Republics :</i>	M. M. LITVINOFF. M. B. STEIN.	M. J. DIVILKOVSKY. M. V. EGORIEFF.
<i>Uruguay :</i>		
<i>Venezuela :</i>	M. C. ZUMETA. Dr. D. ESCALANTE.	
<i>Yugoslavia :</i>	M. B. YEVTITCH. M. C. FOTITCH.	M. M. STEFANOVITCH.



Official No. : Conf.D./C.G.164.

[Conf.D./Bureau 55(1).]

Geneva, April 9th, 1934.

## COMMUNICATION BY THE PRESIDENT REPORTING ACTION TAKEN SINCE THE MEETING OF THE BUREAU ON NOVEMBER 22ND, 1933

The President of the Conference has the honour to circulate to the members of the Bureau the following report, with annexes, on action taken since the meeting of November 22nd, 1933.

\* \* \*

It will be recalled that the General Commission decided, on October 26th, to adjourn until December 4th, 1933, with a view to allowing fresh efforts to be made for narrowing existing differences. The Bureau was authorised at the same time to go forward with all the necessary arrangements, so as to enable the Commission to begin the second reading of the draft Convention on the basis of an up-to-date text.

It was suggested to the Commission, and to the Bureau, that it might be necessary to set up committees in order to expedite the work of bringing the draft Convention up to date.

At its meeting on November 9th, the Bureau appointed a Committee, composed of the officers of the Bureau and of delegates of France, the United Kingdom, Italy, Spain, Norway and Poland, in order to submit a report as to which parts of the draft Convention should be sent to committees and which were to be entrusted to rapporteurs. The Committee held two meetings on November 10th, and presented on the 11th a series of recommendations to the Bureau, which were adopted. In accordance with those recommendations, certain questions were referred to committees and others to rapporteurs, as appears in document Conf.D./Bureau 50(1).<sup>1</sup> In order to refresh the Bureau's memory, the distribution of work made at that time is given below :

### *Questions referred to Rapporteurs :*

### *Rapporteurs :*

Non-resort to force, definition of the aggressor and the question of Article 6 of the British draft .. .. .	{ M. Politis, Vice-President
War material and question of the duration of the Convention .. .. .	{ M. Beneš, General Rapporteur
Naval armaments .. .. .	{ M. Moresco (Netherlands), Chairman of Naval Committee
Air armaments .. .. .	{ M. Lange (Norway), Vice-Chairman of Air Committee
Manufacture of and trade in arms .. .. .	{ M. Komarnicki (Poland), Rapporteur of the Committee on Trade in and Manufacture of Arms
Guarantees of execution of the provisions of the Convention .. .. .	{ Mr. Henderson, President

### *Committees :*

### *Chairmanship and task of rapporteur entrusted to :*

Committee on Effectives .. .. .	M. Westman (Sweden)
Committee on Miscellaneous Provisions .. .. .	M. Bourquin (Belgium)

The Bureau decided at the same time that it should be convened as soon as the work of any Committee or Rapporteur was complete without waiting for all the texts to be handed to the President, so that, while the Bureau examined such reports as might be ready, the Committees or rapporteurs would continue their work. The Bureau was reminded of the undertaking entered into by the General Commission, to the effect that the members of the Commission should, before the meeting of December 4th, be in possession of a clean text, so that they might have time, if necessary, to consult their Governments.

The two Committees set up began their work as from November 13th, and the rapporteurs (of whom you will remember I was one) began their work immediately. The rapporteurs,

<sup>1</sup> Distributed November 11th, 1933.



however, were at once confronted with a number of difficulties which appeared to require the previous solution of certain political problems.

Therefore, after consulting M. Politis, Vice-President, and M. Beneš, Rapporteur, the President sent a communication on November 15th to the members of the General Commission (document Conf.D./C.G.157) informing them that, so far as the questions referred to the rapporteurs by the Bureau were concerned, the officers and the rapporteurs would be in a position to present their report to the Bureau only after having had contact with the heads of delegations. The Vice-President and the rapporteurs then expressed their preparedness to come to Geneva at the President's call, as soon as the heads of delegations would be available in Geneva.

Soon after the despatch of that communication, the heads of delegations of the Bureau came to Geneva.

Being concerned with the position of the Conference, the President invited into consultation the representatives of France, Italy, the United Kingdom, the United States of America, and the officers of the Bureau, with a view to examining the situation, its difficulties and dangers.

The Bureau was then recalled for November 22nd, when the President informed it of his consultations and of the fact that there was unanimous opinion that a supreme effort should be made to conclude a convention. He explained to the Bureau that, as the work of the General Commission, when it met, would be the second reading of the draft Convention, it was inadvisable under the circumstances to convoke the Commission, since the existing divergencies of opinion on several important political questions were too great to encourage any hope of a successful issue from a premature discussion in the Commission. The Bureau, in consequence, agreed that the General Commission should be postponed until a date during, or immediately after, the January meeting of the Council of the League, such date to be fixed by the President in consultation with the officers.

The Bureau, moreover, agreed to the suggestion made that the work of the Disarmament Conference would, at that stage, best be assisted by parallel and supplementary efforts between various States and the full use of diplomatic machinery. The hope had been expressed that those efforts would at once be undertaken with energy, with a view to advancing in every way possible the work which lay before the General Commission. It was also suggested that Governments should keep the President informed of their efforts and that they should report to him the final results.

While the parallel and supplementary efforts were being given effect to by the interested delegations, the Committees appointed by the Bureau went on with their work for some time.

A preliminary report by the Committee on Effectives<sup>1</sup> has already been forwarded to the members of the Bureau, and M. Bourquin, President of the Committee on Miscellaneous Provisions, recently sent to the President a note on the work of his Committee, giving, as an annex, draft texts for some of the points particularly studied by that Committee.<sup>2</sup>

On the other hand, M. Lange, M. Moresco and M. Komarnicki, rapporteurs respectively on Air Questions, Naval Questions and Trade in and Manufacture of Arms, have presented the President with progress reports.<sup>3</sup>

Reports and draft texts have also been received from the Technical Committee of the National Defence Expenditure Commission<sup>4</sup> and from the Committee on Moral Disarmament.<sup>5</sup> It will be noted that in the field of national defence expenditure the Technical Committee has terminated the drafting work entrusted to it, and that a complete set of draft articles with annexes is now ready to be utilised for the application of the principle of publicity of national defence expenditure, which the General Commission adopted on June 8th, 1933.

As regards the question of guarantees for the loyal execution of the Convention, for which the President himself has been appointed Rapporteur, Mr. Henderson is not at the moment in a position to give the Bureau a definite report, owing to certain political differences. Those Governments which he has consulted appeared to agree that the Convention should provide for adequate guarantees of execution, but there is a marked difference of opinion as to the enforcement of guarantees.

It has been pointed out that, if we do not have adequate guarantees, the Convention will be so frail as to be ineffective, even if it contains satisfactory provisions as regards the future regulation of the armaments of the world.

On the other hand, there has been a tendency in certain quarters to minimise the importance of providing for efficient guarantees. The President is happy to add that the gulf separating these two conceptions has been steadily narrowing, and that at the moment those particularly concerned seem to appreciate the necessity of securing adequate guarantees.

The memorandum on disarmament circulated by the United Kingdom delegation provides new articles in this connection, and it may be that those articles will have to be further elucidated and rendered more precise.

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<sup>1</sup> Document Conf.D./Bureau 53, distributed December 28th, 1933.

<sup>2</sup> See Annex I.

<sup>3</sup> See Annexes II, III and IV.

<sup>4</sup> Document Conf.D./C.G.160, distributed December 11th, 1933.

<sup>5</sup> Document Conf.D./Bureau 54, distributed December 28th, 1933.



The President ventures to think it ought to be possible to agree on a comprehensive system of guarantees of execution providing measures to be taken by the Permanent Disarmament Commission after due consultation, these measures varying in proportion with the gravity of the breaches of the Convention.

In accordance with the mandate entrusted to them, the officers met in Geneva towards the close of the January Council meeting, on the 19th and 20th of that month, in order to fix a date for the resumption of the work of the Conference.

They felt that, in view of the progress reported from the parallel and supplementary efforts, it was inexpedient to interrupt those efforts by an immediate resumption of the Conference's proceedings. They also considered 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.

They accordingly decided that the Governments in charge of the negotiations then proceeding should be asked to inform the President of the situation before February 10th, so that the officers of the Bureau, meeting on February 13th, might 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.

The Governments of the United Kingdom, France and Italy were therefore requested, by a letter from the President, dated January 27th, to supply him with the required information.

Signor Grandi, the Italian Ambassador in London, replied on February 7th, forwarding the text of an Italian memorandum on the disarmament question.

By a letter dated February 9th, Sir John Simon communicated to the President a copy of the memorandum on disarmament submitted on January 31st to the House of Commons by the British Government, with the text of the observations made in the House by the Secretary of State. At the same time, Sir John informed him of the intention of the United Kingdom Government to send Mr. Eden, Lord Privy Seal, to the capitals of the States most directly concerned, in order to ascertain the attitude of the Governments to the memorandum, so that his Government might consider, in the light of the information thus acquired, what further steps might be taken.

M. Barthou, Minister for Foreign Affairs of France, replied on February 10th, transmitting copies of the memorandum which the German Government had handed to the French Ambassador in Berlin on December 18th, 1933, the reply of the French Government dated January 1st, 1934, and the further reply of the German Government made on January 19th.

Having considered those documents, the officers of the Bureau deemed that the progress achieved was not adequate to justify a meeting of the Bureau at an early date. They 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, they felt that opportunities should be afforded for further efforts to narrow existing divergencies. They agreed that it would be unwise to take any decision which might be prejudicial to the new phase of the negotiations, including, *inter alia*, the visit of Mr. Eden to several of the European capitals.

The officers 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 changed considerably, or if so requested by one or more of the Powers concerned in the negotiations, the President might summon the Bureau at an earlier date. He was given full authority, in either of these cases, to convoke the Bureau.

On the day following that decision—that is, on February 14th—the French Government sent their reply to the latest German memorandum and communicated a copy to the Secretariat.

Two days later, on February 16th, Mr. Eden left London to pay the visits to the European capitals announced in Sir John Simon's letter just referred to.

Later, Mr. Hugh R. Wilson, of the United States delegation, communicated to the Secretary-General an *aide-memoire* on the latest British memorandum on disarmament handed by the United States Secretary of State to the United Kingdom Ambassador in Washington.

In accordance with the President's instructions, the Secretariat circulated all these documents to the General Commission in the form of a White Book.<sup>1</sup>

A supplement<sup>2</sup> was subsequently issued, containing two more recent documents—*i.e.*, the memorandum communicated by the German Government to the French Ambassador in Berlin on March 13th, 1934; and the reply of the French Government, dated March 17th, 1934, to the memorandum on disarmament communicated by His Majesty's Government in the United Kingdom to the Governments represented at the Disarmament Conference.

Despite the fact that the Bureau has received all these documents, it may be of value to give here a very brief summary of some of the outstanding divergencies of opinion which reveal themselves. An analysis of the note is likely to assist the members of the Bureau in the decision which they will be called upon to take with regard to the future orientation of the work of the Conference.

<sup>1</sup> Document Conf.D.166, distributed February 27th, 1934.

<sup>2</sup> Document Conf.D.166(a), distributed March 24th, 1934.



## I. REDUCTION OF ARMAMENTS.

On the question of the reduction of armaments, the French Government points out that it is in favour of a supervised reduction of armaments carried out progressively to a level permitting of the achievement of equality of rights within a system of security. In its opinion, equality should be reached by stages through successive reductions of the armed countries and not through the rearmament of the countries disarmed by treaties. It cannot agree to any plan that would accentuate the disarmament of France by granting Germany legal authorisation for rearmament, which, in its opinion, has already been effected.

Germany, on the other hand, would accept any measure of disarmament, no matter how radical, if the other Powers were also prepared to accept it. It did not, however, appear to Germany from the notes exchanged between her and the armed Powers that the latter contemplate any measure of disarmament sufficiently effective to modify the premises which are at the basis of the German proposals.

While the Italian Government states that, though its policy was, is, and will be one of disarmament, the experience of the past two years authorises it 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.

## 2. EFFECTIVES.

The German Government considers that, for a fair comparison of effectives, account should be taken of *oversea troops* stationed near enough to the home country to enable them to be transported without any difficulty to the home country for military use, and of *trained reserves*. Germany offers to clear up, before the Convention is signed, the question as to what is to be understood by the military character of organisations outside the army and to define the activities which such formations shall be prohibited from engaging in, in order that they shall no longer form part of the military organisation, but shall confine themselves to political activities.

The French Government considers that the comparison of French and German effectives can be made only in respect of comparable effectives—that is, those intended for the defence of home territory. Such comparison is conceivable only if all forces which have any military character are included in whatever limitation is decreed. France does not refuse to contemplate a limitation of oversea effectives. She is prepared to include in the limitation the oversea forces and the mobile reserve stationed in the home country; she does not entertain the idea of compensating for the reduction of her home forces laid down in the Convention by calling upon her oversea troops. France takes note of the offers made by the German Government concerning the question of supervision and the limitations to which para-military formations would be subject. She enters 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, without any preliminary enquiry into the present position of that army. Published documents show, however—says the French note—that the German army, as regards organisation, effectives and material, already possesses resources incompatible with the provisions of the treaties, which must be taken as a basis of subsequent comparisons.

The Italian memorandum states that the German demand for 300,000 men is based on the assumption that the armed countries do not intend to reduce the number of their effectives, otherwise the figure of 200,000 men provided in the United Kingdom draft would probably be left unchanged. Italy considers the question of reduction and standardisation as too complicated, and suggests agreement on the *status quo*.

## 3. EQUALITY OF RIGHTS (DATE AT WHICH THE FUTURE GERMAN ARMY SHOULD BE EQUIPPED WITH THE NECESSARY DEFENSIVE ARMS).

Germany claims that her army cannot be deprived of all its military power during the period of conversion of the Reichswehr into a short-service army. Such conversion can be brought about in practice only if the arms which that army requires are made available for it at the actual time of the conversion.

On the other hand, the French Government has always viewed the question of disarmament in the light of the principles laid down in Article 8 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. It considers that Germany should not have material which the other Powers will keep and which is at present denied to her until after the conversion of the German army and the absorption of the premilitary and para-military formations in the regular effectives which will be limited by the Convention.

Italy considers that equality of rights has been solemnly recognised to Germany and the other disarmed States; the main and practical question is no longer how to prevent the rearmament of Germany, but how to avoid its being carried outside all regulation and control.



#### 4. SECURITY (GUARANTEES OF EXECUTION—RETURN TO THE LEAGUE OF NATIONS).

The French note states that agreement is not likely to be reached otherwise than on a broad basis combining regulation of armaments with assurances in the political field. France considers that such a principle is of value only in so far as means exist to give effective force to it. It should be possible to put guarantees of execution into operation by means of supervision; in particular, it should be possible to correct any breach that has been brought to light by means of sanctions proportionate to the gravity of the breach, and the solidarity of the signatory Powers should be implemented in the event of a breach being established which endangers the security of another State. Aggression should be explicitly prohibited, and, if it does occur, should be effectively dealt with by the means provided in the Covenant of the League of Nations itself.

The French Government believes that, as the League of Nations is still the only organisation capable of furnishing a collective guarantee of peace, the best guarantee of security would be the return, free from all constraint, of Germany to the League of Nations.

It will have been noted that the United Kingdom and Italian Governments are equally anxious to secure the return of Germany to the League.

Germany suggests that the European Powers sign pacts of non-aggression to be renewed after ten years, without prejudice to the political content of the Locarno agreements.

#### 5. DURATION OF THE CONVENTION.

It will be remembered that the draft Convention submitted by the United Kingdom Government provides for a five-year duration.

The Bureau will recall that the French delegation had suggested an eight-year Convention providing for reductions as from the fifth year.

In the light of the discussions held at the Conference during the latter part of the last year, a new memorandum has been distributed to the members of the General Commission by the United Kingdom Government, which, among other modifications, brings the duration of the future agreement from five to ten years. That memorandum nevertheless leaves intact the principle of *reduction* agreed upon by the Conference in several resolutions.

The Italian Government, on the other hand, proposes six years for the duration of a Convention which, however, envisages only *limitation*.

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### ANNEX I.

Geneva, April 3rd, 1934.

## REPORT TO THE PRESIDENT OF THE CONFERENCE ON THE PROGRESS OF THE WORK OF THE COMMITTEE OF THE BUREAU ON MISCELLANEOUS PROVISIONS.

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*Rapporteur* : M. Maurice BOURQUIN (Belgium).

The Committee on Miscellaneous Provisions has closely examined the articles of the draft Convention relating to the composition, functions and operation of the Permanent Disarmament Commission (Part V, Section I, of the draft Convention), the various proposals for the amendment of these articles being discussed in detail.

Owing to the political nature of the questions submitted to it, the Committee has refrained from taking any decisions. It was agreed from the outset of its work that each delegation should express its views freely, without thereby incurring any obligation. This general understanding on which the discussion was based did not in any way detract from its usefulness. Certain misapprehensions on essential points were cleared up and possibilities of agreement were revealed, so that in the end I have felt able, as the Committee's Chairman and Rapporteur, to draw up the draft texts to be found in the Appendix. Although up to the present these texts represent my personal work, they have been directly based on the exchanges of views which took place in the Committee.

To complete the task entrusted to it by the Bureau, the Committee has still to pronounce upon the draft texts in question, to supplement them on certain points and to make proposals to enable the Permanent Disarmament Commission to enter upon its duties as speedily as possible.

There is reason to hope that the Committee will be able to carry out this task very rapidly when the time comes.

Appendix.

Official No. : Conf.D./Bureau/C.D.G.3(1).

Geneva, December 7th, 1933.

DRAFT TEXTS DRAWN UP BY THE CHAIRMAN OF THE COMMITTEE ON MISCELLANEOUS PROVISIONS, RESULTING FROM THE EXCHANGE OF VIEWS IN THE COMMITTEE, ACCOUNT BEING TAKEN OF RESERVATIONS MADE IN THE COURSE OF THIS EXCHANGE OF VIEWS.

*Article 70 (present number).*

The Commission may also take into account any other information which may reach it from a responsible source and which it may consider worth attention.

In all cases it will examine information furnished by any of its members.

Information received from a non-official source will first be submitted to a small committee, which will report to the Commission as to whether the examination of this information should be proceeded with. Any Government implicated will have the right to be represented and to vote in the meetings of the Committee at which the information in question is considered.

MAJORITY REQUIRED FOR THE DECISIONS OF THE COMMISSION AND ITS COMMITTEES.

*General Rule, Article 86 (present number).*

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 and its Committees will be taken by a majority of the members present at the meeting, abstentions being counted as absences.

DEROGATIONS TO BE PROVIDED FOR IN THE CONVENTION.

1. *Drawing-up of the Rules of Procedure of the Commission (new article).*

A vote may only be taken on the adoption of the Rules of Procedure of the Commission if half at least of the High Contracting Parties are represented at the meeting.

If, owing to this quorum not being reached, the Commission is unable to act, a second meeting may be called, fifteen days later. At this second meeting the draft Rules of Procedure may be validly adopted, whatever be the number of members present.

2. *Modifications of the Rules of Procedure (Additions, Suppressions, Changes in the Text) (new article).*

The Commission may only validly consider modifications to the Rules of Procedure provided that the object of such modifications has been stated specially in the convocation.

The provisions stipulated in Article . . . . above concerning the number of attendances necessary for the adoption of the Rules of Procedure shall apply to discussions of modifications thereto. Moreover, in order that the draft modifications may be adopted, a two-thirds majority of the members present at the meeting shall be required.

3. *Decision to proceed to a Local Investigation in Case of Complaint (Article 73).*

*Note.*—The provisions of existing Articles 73 and 77 should be merged into one article, the text of which should read as follows :

If one of the High Contracting Parties is of opinion that the provisions of the present Convention have been infringed or that a threat of infringement exists, such party may address a complaint to the Commission.

The Commission shall meet at once to consider the matter and will invite the High Contracting Party whose attitude has produced the complaint to supply it with all explanations which may be useful.

In such a case, the Commission may employ the various methods of obtaining information and methods of supervision provided for in the present Convention. It may decide, in particular, to have the necessary investigations conducted on the territory of the High Contracting Party implicated, under such conditions as it may deem appropriate. This decision, however, must be taken by a two-thirds majority of members present, provided that at least one-half of all the High Contracting Parties are represented at the meeting.

The Commission will draw up . . . (remainder as in present Article 77).



PERIODIC INVESTIGATIONS.

*Article 75* (present number).

Within the limits of the undertakings assumed under the present Convention, the armaments of each of the High Contracting Parties shall be subjected to a local inspection at least once a year.

Exceptionally, the Commission may decide to suspend the application of this rule. Such a decision shall only be valid for one year. It shall be taken by a two-thirds majority of the members present at the meeting, it being understood that this majority shall include all members present representing States bordering on the State to which the decision applies.

The inspections provided for in the present article shall be organised by the Commission as soon as it enters upon its duties, on the basis of absolute equality of treatment of all the High Contracting Parties.

To this end, the Commission shall create supervisory committees, which will be entrusted with the duty of permanently watching the execution of the present Convention, and especially of proceeding to the local inspections which this supervision implies.

The Commission shall determine the composition of these committees, their competence and operation, in conformity with the rules set forth in the Annex to the present chapter.

Annex to the Appendix.

A. CONSTITUTION OF SUPERVISORY COMMITTEES.

*Article 1.*

The Commission shall determine the number of supervisory committees and the regions to be assigned to them.

The composition of the group of States under the jurisdiction of the same Committee shall be determined in such a way as not to include any Powers not maintaining diplomatic relations with each other.

This composition may be modified at any time by the Commission.

*Note.*—The report will indicate the necessity of taking into account in this respect political circumstances, and will point out the most typical case : serious conflict without breaking-off of diplomatic relations.

*Article 2.*

The Commission will appoint the members of the supervisory committees.

All States belonging to a regional group under the jurisdiction of a committee shall be represented thereon on a basis of absolute equality. Each Committee will, in addition, include nationals of other States.

*Note.*—The report will indicate the desirability of such nationals being even in a majority.

While the Committee is proceeding to the local inspection of the armaments of a State, the representatives of such State shall cease, temporarily and 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.

*Article 3.*

The chairmanship of the Committees shall be assured by each of the members in turn. The rotation will be determined by drawing lots.

B. OPERATION OF THE SUPERVISORY COMMITTEES DURING LOCAL INVESTIGATIONS.

*Article 4.*

The Committee will draw up the programme of each investigation, in conformity with the instructions given them by the Commission or by any organ to which the Commission may have delegated this power.

While on the spot, the Committees may complete their programme for the establishment of unforeseen facts which may be deemed necessary, within the framework of the Convention.

*Article 5.*

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 representing the State under inspection. These assessors must be provided with written instructions giving them all necessary powers for this purpose.

*Article 6.*

*Note.*—Specify certain matters of fact (work by research departments, financial computations, etc.) which the Committees shall not be entitled to investigate. This article can only be drafted when the necessary technical details have been furnished by the competent Committees.

*Article 7.*

In every case, the Committees shall immediately inform the local authorities affected of the result of their investigations and shall invite them to furnish any written observations that they may care to make on the matter.

*Article 8 (present Article 85 of the draft Convention).*

The High Contracting Parties will furnish the Committees with all necessary facilities for the execution of their task, especially with regard to the calling of witnesses that the Committee may desire to hear.

The Committees may take cognisance of all documentation relating to the object of their inspection, subject to the provisions of Article 6 of the present annex.

*Article 9.*

In the case of difficulties between the Committee and the local authorities, the President of the Committee shall immediately refer the matter to the Commission or the organ to which it has delegated its powers for this purpose. Pending action by the Commission or the said organ, the Chairman of the Committee shall take all necessary measures to enable the latter to continue its task. The Government of the State undergoing inspection shall instruct the authorities under its jurisdiction to assist the Committee in all matters not bearing directly on the difficulty in question.

*Article 10.*

After each inspection, the Committees shall immediately draw up a written report of their findings and shall send this report to the President of the Commission.

During the course of their inspection in urgent cases, they may transmit special reports to the President of the Commission.

Every member of the Committee shall have the right to require that account shall be taken of his observations in the form of a special report.

The regulations of the Commission shall determine the conditions under which the reports of the Committees shall be brought to the notice of the High Contracting Parties.

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**ANNEX II.**

Geneva, November 24th, 1933.

**REPORT TO THE PRESIDENT OF THE CONFERENCE ON THE PROGRESS  
OF THE WORK REGARDING AIR ARMAMENTS.**

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*Rapporteur* : Dr. Christian L. LANGE (Norway).

At its meeting on November 11th, 1933, the Bureau adopted the report submitted by the Committee set up on November 9th, which included the following passage :

“ It is suggested that a rapporteur be appointed to consider the question of the universality of Article 34 concerning the abolition of bombing from the air as well as



questions connected with civil aviation regarding which precise provisions should be provided for in the Convention. As for the complete abolition of military aviation and correlative questions which would be raised with regard to civil aviation by such an abolition, it is considered that this is a matter which should properly be left to the mature consideration of the Permanent Disarmament Commission, as provided for in the United Kingdom draft Convention.

“The Committee decided to propose Dr. Lange, Vice-Chairman of the Air Committee, to act as Rapporteur.”

In accordance with this mandate, the Rapporteur got into touch with all the delegations specially interested in the question and more particularly with those which had put forward amendments to the articles of Chapter III or which had made statements regarding them in the course of the discussions in the General Commission. From the outset, he became aware that several of these delegations refused to take up any definite position in the matter of air armaments, taking the view that these problems could only be solved if studied in the light of the general political situation or of the problems raised in other spheres and more especially of naval problems.

The *Japanese delegation*, for example, referred to the statement made by M. Sato at the meeting of the General Commission on June 8th, 1933. Its consent to the abolition of bombing from the air would be conditional upon the abolition of aircraft-carriers.

The *French delegation*, while declaring itself in favour of the complete abolition of bombing from the air, pointed out that, in accordance with the view which it had frequently expressed—namely, that the various aspects of armaments were interdependent—it considered that the value of a separate discussion on the subject of air armaments would only be relative.

The *Italian delegation* pointed out that it adhered to the statement which it made last June : acceptance of the British plan in general while expressly reserving its attitude with regard to any amendments or additions. It was therefore unable to discuss the possibility of accepting any amendments to any article whatsoever.

The *United Kingdom delegation* referred to a statement by the Under-Secretary of State for Foreign Affairs in the House of Commons on July 5th, 1933, on the subject of the reservation in regard to the use of bombing for police purposes in outlying regions. The material passages in that statement are as follows :

“It would indeed be a terrible thing if the Conference were to break down upon this issue. Let me also assure him (my Right Honourable friend) that there is not the least question of it. If the occasion arose when the only thing which stood between the signing of the Convention and the agreement on the Convention was this reservation, then, indeed, a very different situation would have arisen from the situation at the present time. . . . It is one of the problems which will have to be regulated if and when we come to the second reading. I can assure him that I should feel as strongly as he the terrible responsibility of any breakdown of the Conference upon such an issue.”

In this connection it should be added that the *Netherlands delegation* referred to M. Rutgers' remarks with regard to this reservation at the meeting of the General Commission on May 27th. M. Rutgers had raised the question whether that reservation, which referred to police action—i.e., to an internal matter—was not out of place in an international Convention. It should, at the same time, be pointed out that this problem will, in any case, be raised by the question of preparations for, and training in, the methods of aerial bombardment.

The *United States* and the *Union of Soviet Socialist Republics delegations* had declared themselves unreservedly in favour of the complete abolition of bombing from the air.

Subject to the reservations which the delegations have already made with regard to the principle of the universality of Article 34 and to those which they may be led to submit with regard to the terms of the article embodying that principle, the Rapporteur provisionally proposes the text of Article 34, amended as follows :

“Article 34.

“The High Contracting Parties accept the complete abolition of bombing from the air and undertake to prohibit in their territory all preparations for such bombardment and all training in its methods.”

On account of the reservations put forward by certain of the delegations concerned, the other question—that of the supervision of civil aviation—could not be thoroughly canvassed in all its details. The stipulations on this subject are to be found in Annex II of Chapter III of the draft Convention.

The *French delegation* nevertheless pointed out that, in its opinion, it would be necessary that to the other undertakings with regard to *publicity* (I, c, d) should be added an undertaking to supply the competent authority (preferably the Permanent Commission and not the League of Nations), not merely with *ex post facto* particulars of civil aviation, but also with particulars regarding the *construction programmes* in respect of such aviation. A stipulation should be added (under e) empowering the accredited representatives of the competent authority to inspect, not only manufactured aircraft, but also the factories engaged in producing them.

The Rapporteur has not had an opportunity of discussing this suggestion of the French delegation's with the other delegations.



It should be added, in conclusion, that, in the course of the conversations, the question raised in Article 35—*preparatory work with a view to the complete abolition of the air arm*—was discussed in general terms and it was agreed that this work should be entrusted to the Permanent Commission. A suggestion was nevertheless made that a specific undertaking should be included in the article in question binding the various States to take part in a Conference which would meet during the period of application of the Convention for the purpose of discussing and, if possible, finally ratifying the total abolition of the military and naval air arms. If it were decided to hold such a Conference in 1935—which will be the date of the Conference for the revision of the London Naval Treaty—the delegations which emphasise the close relationship between the air arm and the naval arm would have an early opportunity of raising that question.

Several delegations, more especially those of the United States, France, Japan and the Union of Soviet Socialist Republics, were in favour of such a suggestion.

In the circumstances set out above, the Rapporteur took the view that no useful purpose would be served by pursuing the negotiations with the various delegations; with the authorisation of the President of the Conference, he therefore confined himself to submitting the present progress report.

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### ANNEX III.

Geneva, March 27th, 1934.

## REPORT TO THE PRESIDENT OF THE CONFERENCE ON THE PROGRESS OF THE WORK REGARDING NAVAL ARMAMENTS.

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*Rapporteur* : M. E. MORESCO (Netherlands).

The Committee set up by the Bureau on November 9th, 1933, to consider how the work of the Conference should be allocated as between Committees and rapporteurs made the following proposal—which was approved by the Bureau at its fifty-third meeting, on November 11th, 1933—in regard to naval armaments (see document Conf.D./Bureau 50(1), page 4) :

*“ Naval Armaments.*

“ In the opinion of the Committee, this subject should be entrusted to M. Moresco, President of the Naval Commission.

“ The United Kingdom delegation informed the Committee that, as they had in the past undertaken some responsibility as regards the naval chapter, they would be happy to submit to M. Moresco certain suggestions resulting from the negotiations they have conducted in this connection.”

In pursuance of the mission thus entrusted to him, M. Moresco conferred with the United Kingdom delegation, which informed him of its conversations with several other delegations and put him in possession of amended texts which it had drawn up, as a result of these conversations, for Articles 29 and 31 and Annex IV of the naval chapter, and authorised him to make use of these as he wished in his negotiations.

M. Moresco communicated these amended texts to :

(a) Certain delegations which had either put forward amendments to the original articles and annex or had supported these amendments in the discussion in the General Commission, and requested them to examine them so as to enable him, after discussion with them, to report to the Bureau ;

(b) Certain other delegations which had taken part in the discussion in the General Commission, for information.

Some of the delegations under (a) above replied in writing to M. Moresco's letter, and with others he had conversations. In no case did the amended texts give complete satisfaction to the delegations concerned.

In addition, M. Moresco had conversations with other interested delegations. In the result, it appears that no appreciable changes have occurred in the positions taken up by the delegations at the discussion in the General Commission.

At present, the questions of Land and Air Armaments are more to the fore than that of Naval Armaments, which, it should be noted, are already limited in certain regards for certain Powers, and it would seem reasonable to suggest that the naval question should be taken up as soon as the general situation has been eased by the solution of the other problems now exercising the minds of the Governments and delegations.

It should further be recalled that the naval problem will be dealt with in a comprehensive way at the Conference to be held in 1935. Any agreement reached now would necessarily be of short duration, which would be unsatisfactory from the point of view of building programmes.

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#### ANNEX IV.

Geneva, November 27th, 1933.

### REPORT TO THE PRESIDENT OF THE CONFERENCE ON THE PROGRESS OF THE WORK REGARDING THE REGULATION OF THE PRIVATE AND STATE MANUFACTURE OF AND THE INTERNATIONAL TRADE IN ARMS.

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*Rapporteur* : M. Tytus KOMARNICKI (Poland).

At its meeting on November 11th, 1933, the Bureau adopted the report submitted by the Committee set up on November 9th, which included the following passage :

“ *Manufacture of and Trade in Arms.*—In view of the difficulty of this question and the fact that it has already been considered at great length by several Committees, it is suggested that it be entrusted to a rapporteur to examine what possibilities there are of reaching some compromise solution acceptable to all.

“ M. Komarnicki, who acted as Rapporteur of the special committee on trade in and manufacture of arms, was proposed as Rapporteur on this question.”

In accordance with this mandate, the Rapporteur got into touch with all the delegations specially interested in the question. He had to take into consideration the following texts :

(i) Report submitted by the Committee to the General Commission (document Conf.D.160, June 3rd, 1933) ;

(ii) Minutes of the discussions of June 6th and 7th, 1933, in the General Commission, concerning document Conf.D.160 and the French amendment ;

(iii) Resolution adopted by the General Commission on June 7th, 1933, entrusting the President of the Conference “ with the necessary negotiations with the delegations which may have any proposal to offer in respect of the stringent regulation of the trade in and manufacture of arms ”.

The Rapporteur, after having acquainted himself with the general lines of the conversations which took place in the summer of 1933, began his consultations with the various delegations, but realised that the general situation of the Conference did not permit of an immediate discussion of a text, certain essential points having first to be elucidated during the course of the forthcoming conversations.

It may be useful to recall on what points these conversations should first turn by referring also to the lists of questions drawn up by the various delegations in the above-mentioned report of the Committee (document Conf.D.160, page 4).

1. It may be preferable to leave aside during the first stage of the conversations questions concerning trade in arms, these questions being subject to the solution of problems connected with manufacture, which must be examined in the first place.

2. It is necessary to keep a close contact between the negotiations on material and those on the regulation of manufacture ; these negotiations should take place simultaneously.

3. The Committee on Supervision might also take into consideration the special conditions of the publicity and supervision of the manufacture of arms and war material. It might perhaps entrust the examination of technical details to a committee of experts for the manufacture of arms.

It will also be necessary to determine, in the first place, whether supervision in this field should deal with the truthfulness of statistics of manufacture or with the execution of a definite undertaking to limit manufacture.

Before proceeding to the examination of these aspects of the question, it will be necessary to settle certain fundamental questions (see the following questions) :

(a) Acceptance of the principle of the *whole* responsibility of the State in everything concerning the manufacture of and trade in arms ;

(b) Decisions on the kind of publicity in the field of manufacture of arms and war material (Must this publicity include : kind of production, totality of orders in State or private establishments, distribution of manufacture between State and private



establishments, quantity and nature of material actually ordered during the course of the year ?).

(Finally, there should be specified what products are considered essential from the point of view of the manufacture of arms and war material.)

On all questions quoted in parenthesis, there are serious divergencies, which can only be reconciled when some important decisions on material have been taken.

(c) Decision of principle on the qualitative limitation of manufacture or quantitative limitation (quotas), and, if this principle is accepted, definition of the criteria by which such quotas would be determined.

4. As long as the above-mentioned questions have not been solved, it will be impossible to determine : the nature of licences, should they be general or special—*i.e.*, covering a stated number of manufactured armaments ? Must all licences be granted by the Permanent Disarmament Commission ? And, in the affirmative, what would be the powers of the Commission for the granting and withdrawal of licences ? The drawing-up of types of licences might be entrusted to the Committee of Experts on the manufacture of arms, once the questions of principle have been solved.

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Official No. : Conf.D./C.G.165.

[Conf.D./Bureau 59.]

Geneva, May 23rd, 1934.

### COMMUNICATION BY THE PRESIDENT REGARDING EVENTS SINCE THE MEETING OF THE BUREAU ON APRIL 10TH, 1934.

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The report circulated by the President of the Conference to the members of the Bureau on April 9th, 1934,<sup>1</sup> contained a summary of the outstanding divergencies of opinion revealed by the exchange of notes, memoranda, etc., which took place between the Governments of France, Germany, Italy and the United Kingdom from December 18th, 1933, to March 17th, 1934.<sup>2</sup>

Since then several new documents have been published :

(a) The memorandum, dated April 14th, 1934, by the Danish, Norwegian, Spanish, Swedish and Swiss delegations on the present state of the work of the Conference ;

(b) The German statement of views of April 16th, 1934, on the United Kingdom memorandum of January 29th, 1934 ;

(c) The letter of April 10th, 1934, from Sir John Simon to the French Ambassador in London ;

(d) The memorandum by the French Government of April 17th, 1934.

All these documents have been published in the official publication of the United Kingdom Government, Miscellaneous No. 5 (1934), which the United Kingdom delegation was good enough to communicate to the President of the Conference. The memorandum by the five delegations, dated April 14th, 1934, has been circulated by the Secretary-General to the members of the Bureau (document Conf.D./C.G.158).

The President felt that it might be convenient for the members of the Bureau to have before them the following summary of these new documents, which will enable them to follow up the previous summary.

\* \* \*

(a) Following on a statement made by M. Sandler at the meeting of the Bureau on April 10th, 1934, a memorandum presented on behalf of the Danish, Norwegian, Spanish, Swedish and Swiss delegations was communicated to all the members of the Bureau on April 14th.<sup>3</sup> The Netherlands delegation stated that it supported the general tenor of this memorandum without actually approving word for word the arguments put forward.

The delegations in question expressed the opinion that only the General Commission was competent to take the decisions of principle which are necessary. A general agreement would, in their view, hardly be secured by retaining the British draft of March 16th, 1933,

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<sup>1</sup> Document Conf.D./C.G.164 (Bureau 55).

<sup>2</sup> See documents Conf.D.166 and Conf.D.166(a).

<sup>3</sup> Document Conf.D./C.G.158 [Conf.D./Bureau 57].



as the sole basis of the future convention. The British memorandum of January 29th, 1934, represented an appreciable effort at conciliation, but could not suffice to settle all difficulties.

The delegations wished to draw the attention of the Conference immediately to the essential features of the solution which they regard as practicable. These features may be summarised as follows :

(1) It will be necessary to be content with a convention limited to certain branches of armaments—a comprehensive solution will have to be postponed until later ;

(2) Within these prescribed limits, it is essential to adopt at any rate certain substantial measures of disarmament ; it is not sufficient to accept a limitation of armaments at the *status quo* ;

(3) The convention would involve, to a moderate degree, a practical realisation of equality of rights ;

(4) A convention of even limited scope does not appear realisable without a reinforcement of security going beyond the proposals of the British memorandum of January 29th, 1934, particularly as regards concrete and definite guarantees for the execution of the Convention ; Germany's return to the League of Nations would undoubtedly represent an important contribution to the solution of the grave problems of collective security.

In the opinion of these delegations, the Conference finds itself confronted with the following alternatives : either a limited but real reduction of armaments side by side with moderate rearmament, or pure and simple limitation at the *status quo* accompanied by rearmament on a larger scale. The five delegations were in favour of the first alternative.

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(b) *The German Government*, in the statement of April 16th, 1934, declared its willingness to accept the United Kingdom memorandum as the basis of a convention, subject to certain important modifications.

*Reduction of Armaments.*<sup>1</sup>—Germany agrees to the postponement of the reduction of armaments of other Powers until the end of the fifth year of the Convention, the measures of disarmament proposed in the United Kingdom memorandum to be carried out during the second five years of the Convention.

*Effectives.*<sup>2</sup>—Germany agrees, on the basis of reciprocity, to the institution of regulations, as specified by Mr. Eden on February 21st, 1934, to ensure the non-military character of the S.A. and the S.S., such character to be verified under a system of supervision.

*Equality of Rights.* (Date at which the future German army should be equipped with the necessary defensive arms.<sup>3</sup>)—Germany considers it impossible to wait two years for appropriate means of aerial defence and desires to possess from the beginning of the Convention a defensive air force of short-range machines, not including bombing-planes, up to a maximum (numerical strength) of 30% of the combined air forces of Germany's neighbours or 50 % of the military aircraft possessed by France (in France itself and in the French North African territories), whichever figure is the less.

After five years, Germany claims that the necessary reductions and increases should be made so that Germany should attain full equality of numbers with the principal air Powers at the end of the ten years of the Convention.

*Security.* (Guarantees of execution ; return to the League of Nations.<sup>4</sup>)—Germany continues to recognise the Treaties of Locarno. Germany's return to the League can, in the opinion of the German Government, only be dealt with after the solution of the question of disarmament, particularly of Germany's equality of rights.

\* \* \*

(c) In its letter of April 10th, 1934, the *United Kingdom Government* asked the French Government whether, in the case of agreement being reached on " guarantees of execution " of the future convention, the latter would be prepared to accept as a basis of such convention the United Kingdom memorandum of January 29th, 1934, as modified in accordance with the proposals made by Chancellor Hitler to Mr. Eden and communicated to the French Government. If the answer to this question were in the affirmative, what was the exact nature of the guarantees of execution which the French Government did propose ?

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<sup>1</sup> See document Conf.D./C.G.164 (Bureau 55), page 10.

<sup>2</sup> *Ibid.*, page 11.

<sup>3</sup> *Ibid.*, page 12.

<sup>4</sup> *Ibid.*, page 13.

(d) In its memorandum dated April 17th, 1934, the French Government expressed the opinion that the German Government had wished to impose its determination to continue every form of rearmament, and that, particularly by the adoption of the budget for 1934-35 showing very considerable increases in the army, navy and air estimates, it had, whether of set purpose or not, made further negotiations impossible.

Therefore France felt that, even before seeking to discover whether an agreement could be obtained upon a system of guarantees of execution sufficiently efficacious to permit of the signature of a convention which would legalise a substantial rearmament on the part of Germany, she must place in the forefront of her preoccupations the conditions of her own security, which, moreover, she did not separate from that of other interested Powers.

The return of Germany to the League of Nations might have furnished the opportunity and means of dissipating these preoccupations, at least in part. The presence of Germany at Geneva would be no less indispensable for the realisation of a satisfactory system of guarantees of execution. No favourable indications had, however, been given on this point. The French Government, for its part, could not abandon, in principle, this essential and necessary condition. Even less could it assume the responsibility of such a renunciation at the very moment when German rearmament was being claimed, prepared and developed, without any account being taken of the negotiations entered upon in accordance with the wishes of Germany itself.

The French Government expressed the opinion that the work of the Disarmament Conference should be resumed. That work should not be abandoned, but taken up at the point at which the Conference left it when it invited Governments to proceed to an exchange of views outside the Conference, which have not produced a result.

Official No. : **Conf.D./C.G.168.**

[Conf.D./Bureau 64(1).]

Geneva, June 8th, 1934.

## FUTURE PROGRAMME OF WORK OF THE CONFERENCE

### RESOLUTION SUBMITTED BY THE FRENCH DELEGATION AND ADOPTED BY THE GENERAL COMMISSION ON JUNE 8TH, 1934.

The General Commission,

Taking into consideration the resolutions submitted to it by the delegations of the Six Powers, the Turkish delegation and the delegation of the Union of Soviet Socialist Republics respectively ;

Taking account of the clarification of its work resulting from the French memorandum of January 1st, 1934, the Italian memorandum of January 4th, 1934, the United Kingdom memorandum of January 29th, 1934, and the German declaration of April 16th, 1934 ;

Convinced of the necessity of the Conference continuing its work with a view to arriving at a general convention for the reduction and limitation of armaments ;

Resolved to continue without delay the investigations already undertaken :

#### I.

Invites the Bureau to seek, by whatever means it deems appropriate and with a view to the general acceptance of a Disarmament Convention, a solution of the outstanding problems, without prejudice to the private conversations on which Governments will desire to enter in order to facilitate the attainment of final success by the return of Germany to the Conference.

#### II.

Having regard to the peculiar importance presented by the study and solution of certain problems to which attention was drawn at the beginning of the general discussion :

Takes the following decisions :

##### 1. Security.

(a) Since the results of the earlier work of the Conference have enabled certain regional security agreements to be concluded in Europe during the past year, the General Commission decides to appoint a special committee to conduct such preliminary studies as it may consider appropriate in order to facilitate the conclusion of further agreements



of the same nature which may be negotiated outside the Conference. It would be for the General Commission to determine the relationship, if any, of these agreements to the General Convention ;

(b) The General Commission decides to appoint a special committee to study the question of guarantees of execution, and to resume the work relating to supervision.

2. *Air Forces.*

The General Commission instructs its Air Committee to resume forthwith the study of the questions mentioned in its resolution of July 23rd, 1932, under the heading :  
" 1. Air Forces ".<sup>1</sup>

3. *Manufacture of and Trade in Arms.*

The General Commission requests its special Committee on questions relating to the manufacture of and trade in arms to resume its work forthwith and, in the light of the statements made by the United States delegate at the meeting of May 29th, 1934, to report to it as early as possible on the solutions it recommends.

These Committees will carry on their work on parallel lines, and it will be co-ordinated by the Bureau.

III.

The General Commission leaves it to the Bureau to take the necessary steps at the proper time to ensure that when the President convenes the General Commission it will have before it, as far as possible, a complete draft Convention.

IV.

Recognising that the proposal of the U.S.S.R. delegation that the Conference be declared a permanent institution under the title of the Peace Conference calls for careful study, the General Commission requests the President to submit that proposal (document Conf.D./C.G.163) to the Governments.

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Official No. : Conf.D./C.G.169(1).

[Conf.D./C.G./C.S.S.3(2).]

Geneva, July 5th, 1934.

**REPORT TO THE GENERAL COMMISSION PRESENTED ON BEHALF  
OF THE SPECIAL COMMITTEE ON SECURITY BY ITS CHAIRMAN,  
M. N. POLITIS, FOLLOWING THE RESOLUTION ADOPTED BY  
THE GENERAL COMMISSION ON JUNE 8TH, 1934.**

By a resolution dated June 8th, 1934 (document Conf.D./C.G.168), the General Commission decided to appoint " a special committee to conduct such preliminary studies as it may consider appropriate in order to facilitate the conclusion of further agreements of the same nature (regional security agreements) which may be negotiated outside the Conference ".

At its meeting on June 11th, 1934, the Commission proceeded to constitute the said special committee with the participation of delegations of all the European States. It noted

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<sup>1</sup> The Conference, deeply impressed with the danger overhanging civilisation from bombardment from the air in the event of future conflict, and determined to take all practicable measures to provide against this danger, records at this stage of its work the following conclusions :

(1) Air attack against the civilian population shall be absolutely prohibited ;

(2) The High Contracting Parties shall agree as between themselves that all bombardment from the air shall be abolished, subject to agreement with regard to measures to be adopted for the purpose of rendering effective the observance of this rule.

These measures should include the following :

(a) There shall be effected a limitation by number and a restricting by characteristics of military aircraft ;

(b) Civil aircraft shall be submitted to regulation and full publicity. Further, civil aircraft not conforming to the specified limitations shall be subjected to an international regime (except for certain regions where such a regime is not suitable) such as to prevent effectively the misuse of such civil aircraft.



the declaration of the United Kingdom delegation that, in taking part in the Committee's work, it was not the intention of its Government to assume fresh obligations on the continent of Europe ; that of the delegation of Hungary to the effect that it was prepared to take part in the Committee's work only as observer ; and that of Italy to the effect that " its representatives on the Committee on Security would have to act as observers only " and, " that being so, he (M. di Soragna) asked the President to release the Italian delegation from the mandate he had intended to confer on it ". It also noted the declaration of the delegation of the Union of Soviet Socialist Republics that, though at the moment the Committee was only concerned with Europe, its procedure did not exclude other pacts dealing with non-European countries. Lastly, the Commission appointed its Vice-President, M. N. Politis, as Chairman of the special Committee.

\* \* \*

The special Committee held its first meeting on June 18th. The Chairman submitted a documentary note prepared on his instructions by the Secretariat concerning the position of the questions of security, both within and outside the Disarmament Conference. Summarising the contents of that note, the Chairman of the special Committee pointed out that the idea of regional security pacts had twice—in 1926 and in 1928—received the approval of the Assembly of the League of Nations.

After a first general exchange of views, the special Committee decided at its second meeting, also held on June 18th, to entrust to a technical Committee consisting of delegates of the United Kingdom, Finland, France, the Netherlands, Poland, Spain, Turkey, the Union of Soviet Socialist Republics, Yugoslavia and Hungary (as an observer) the task of exploring the various aspects of the problem of regional security agreements and submitting to it the results of its investigations in the form of conclusions.

This technical Committee held five meetings, the first three under the chairmanship of M. López Oliván, and the remaining two under that of M. Politis.

The Committee first examined the following texts :

The draft European Security Pact drawn up by the Security Committee last year, the Act defining the aggressor, the Rhine Pact of Locarno, the Model Treaties of Non-Aggression and Mutual Assistance recommended by the League Assembly in 1928, the Balkan Pact of 1934, various types of bilateral treaties of non-aggression now in force, the draft Treaty of Mutual Assistance of 1923, various resolutions of the 1926 and 1928 Assemblies and the London Treaties of 1933 on the Definition of the Aggressor.

This examination enabled it to exchange views as to the possibility of treaties of reciprocal security being concluded between European States.

As a result, certain conclusions were reached which, at its third and last meeting on June 25th, 1934, the special Committee unanimously approved in the following terms :

#### I. GENERAL OBSERVATIONS.

1. In the first place, regional security agreements should conform to the rules laid down in the big general pacts (League Covenant, Pact of Paris), and be brought into line with the special agreements previously concluded by the contracting parties, either between themselves or with third States.

2. Such agreements should not be directed against any Power or group of Powers. As was laid down in 1928 by the Committee on Arbitration and Security, " if some States hold that a guarantee is necessary in the case of aggression by third States, it may be held that it is not for the League of Nations, whose object it is to promote sincere co-operation between all its Members with a view to maintaining and consolidating peace, to recommend provisions which might lead to the formation of rival groups of nations ", and that " treaties of mutual assistance will be the more valuable and will more certainly merit the support of the League of Nations if they are in accordance with the precedent of the Rhine Pact of Locarno concluded between States which only a short time ago belonged to rival groups or States whose differences might endanger the peace of the world ".<sup>1</sup>

3. The term " regional security agreements " does not necessarily mean that the application of such agreements is strictly confined to a certain region. It may also be applied to agreements concluded between a large number of States.

4. As was pointed out in 1928 by the Committee on Arbitration and Security, it is advisable that European States which are not members of the League should also participate in these agreements.

5. In seeking the most appropriate formulæ for facilitating the conclusion of such agreements, there should be borne in mind, in addition to the Rhine Pact of Locarno and the Model Treaty of Mutual Assistance of 1928, agreements concluded since that time and which are at present in force, such as the London Agreements of 1933 between twelve States on the Definition of the Aggressor, one of which is open to accession by all States, and the Balkan Pact concluded in 1934 between four States, which has been left open for the accession of other States of the same region.

<sup>1</sup> Document C.536.M.163.1928.IX, page 31.



## II. BASIS RECOMMENDED FOR REGIONAL SECURITY AGREEMENTS IN EUROPE.

1. The foregoing considerations have led the Committee to the conclusion that the basis which should be recommended to the Governments as most likely to facilitate the conclusion of regional security agreements is that supplied by the Model Collective Treaty of Mutual Assistance (Treaty D).<sup>1</sup> The reasons for this view are as follows :

(a) This text was " highly appreciated " and " recommended for consideration by the States Members or non-members of the League " by the Assembly (resolution of September 26th, 1928) ;

(b) As at the time when it was adopted, it still represents a middle course between the various tendencies which have come to light in the matter of pacts of mutual assistance ; for this reason it would appear more likely than any other to win the approval of the various European States.

2. The model treaty in question is not framed as a rigid formula but, thanks to its elasticity, lends itself to such adaptation as may be necessary to suit it to the political and geographical requirements of the various parts of Europe and also to the individual interests of the European States.

3. That being the case, the contracting parties might, if necessary, introduce into the Model Treaty such modifications or additions as they may think fit according to the circumstances. It may be pointed out that, according to the note introducing the Model Treaty of 1928,<sup>2</sup> a balance should be duly maintained between the three essential and interdependent elements in the said text—namely, non-aggression, the pacific settlement of disputes and mutual assistance. Without attempting to indicate all the possible variants of the text in question, the following two examples may be given as an illustration of what is meant :

(a) *Case of flagrant aggression.*—In certain circumstances, it might be desirable to add stipulations dealing with the case of flagrant aggression. For this purpose, the parties might insert in their Treaties of Mutual Assistance a clause similar to that of Article 4 (3) of the Rhine Pact of Locarno.

(b) *Definition of the aggressor.*—In certain cases, it might also be desirable to specify what is to be understood by attack or invasion giving rise to mutual assistance. The parties might insert in their Treaties of Mutual Assistance clauses based, for example, upon the definition of the aggressor to be found in the London Agreements of July 3rd, 4th and 5th, 1933.

4. Chapter I of the Model Treaty of Mutual Assistance can, in principle, be recommended in its entirety. The methods of pacific settlement dealt with in Article 4 will be such as the contracting parties consider most appropriate to their mutual relations.

5. Chapter II of the said Model Treaty, which deals with the pacific settlement of disputes, is not recommended as it stands. It embodies, indeed, certain provisions the repetition of which might now become superfluous in consequence of the acceptance by a large number of States of both the optional clause of Article 36 of the Statute of the Permanent Court of International Justice and the General Act of Arbitration of 1928, and also of the growing tendency to conclude bilateral treaties of conciliation, arbitration and judicial settlement. Moreover, certain of the provisions in this chapter are of a highly detailed character and might therefore not be thought sufficiently elastic to meet all requirements. That part of the chapter which must, however, be retained is the principle that in all cases there should be a system of pacific settlement to deal with all disputes that may arise between the contracting parties.

6. The general provisions embodied in Chapter III of the Model Treaty are not all of the same importance. The attention of Governments should be drawn more especially to :

(a) Paragraph 1 of Article 29 regarding the provisional measures to be prescribed in case of need by the international courts or by the Council of the League ;

(b) Paragraph 3 of the same article, referring to the obligation devolving upon the contracting parties to abstain from any act calculated to aggravate or extend the dispute ;

(c) Article 33, dealing with the mission of the League, which is to take at all times appropriate measures for effectively safeguarding the peace of the world ;

(d) Article 35, which makes no proposals regarding the question of the duration of the agreements for mutual assistance, but leaves it to the contracting parties to deal with this question, which is of an eminently political character.

### FINAL OBSERVATION.

Lastly, after examining the question whether, in addition to regional agreements, a recommendation should be made in favour of the conclusion of a European pact of security, such as that considered at the Disarmament Conference in 1933, or whether the sphere of application of the aforesaid agreements would render the conclusion of such a pact unnecessary, the Committee took the view that those questions could be more usefully examined when the result was determined of the negotiations with a view to the conclusion of more or less extensive security agreements.

<sup>1</sup> Document C.536.M.163.1928.IX, page 32.

<sup>2</sup> *Ibid.*, page 28.



Geneva, July 5th, 1934.

**NOTE BY M. BOURQUIN,  
CHAIRMAN OF THE COMMITTEE ON GUARANTEES OF EXECUTION,  
SET UP BY THE GENERAL COMMISSION ON JUNE 11TH, 1934.**

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*Note by the President of the Conference.*

With reference to the resolution adopted by the General Commission on June 8th last, the President of the Conference has the honour to forward to the members of the General Commission, for information, a Note on the Question of Guarantees of Execution, drawn up by M. Bourquin as a result of his conversations with a certain number of delegations, and which formed the subject of an exchange of views in the Committee set up by the General Commission to study this question.

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**NOTE BY M. BOURQUIN ON THE QUESTION OF GUARANTEES OF EXECUTION.<sup>1</sup>**

The Committee on Guarantees of Execution took cognisance of a note drawn up by its Chairman after conversations with a number of delegations. That note was discussed by the Committee, which decided to transmit it to the President of the Conference with the general reservations put forward by various delegations, and by the Japanese delegation in particular.

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1. The subject of guarantees of execution is, of course, a complex and delicate one. I think it is possible, however, even at this stage, to discern the main outlines of solutions that might be entertained, especially as the existence of permanent supervision would facilitate the organisation of the guarantees themselves.
2. In this sphere, as in others, two currents of opinion are observable : that which attaches decisive importance to the specification of the juridical machinery and of the obligations imposed thereby ; and that which, on the other hand, apprehending the drawbacks of excessive rigidity, shows a preference for the most elastic methods.  
If we wish to achieve practical results, it is essential to take these two tendencies into account, and to devise a system that will reconcile the two and provide a minimum number of guarantees for each.
3. The main difficulty is that the guarantees of execution must be proportionate to the gravity of the offences to which they are to apply. It is obvious that a slight irregularity should not bring into action the same counter-measures as a far-reaching violation, already foreshadowing a threat of war. Between these two extremes, there is a whole series of intermediate possibilities, all of which, naturally, cannot be pinned down in the Convention. Too searching an analysis would lead to artificial distinctions. But it is at any rate possible to discern and define in advance a number of main categories sufficiently clearly marked to give the system an adequate framework, and, at the same time, sufficiently broad to allow it the necessary elasticity.
4. The gravity of a breach may be determined by various factors.  
The first of these to be considered is the *nature* and *extent* of the offence. There are certain violations the importance of which is immediately obvious, either for a qualitative or for a quantitative reason ; but it is also conceivable that certain acts, though not originally of that nature, might become disquieting through their persistence or repetition. The *duration* and *frequency* of the irregularity are additional criteria to be taken into account.
5. It would thus seem possible to divide the principal hypotheses into four heads, and to provide a suitable system for each.
6. *First Category.*—This would comprise slight breaches not, at first sight, involving an intentional, deliberate violation of the Convention. Such breaches will inevitably occur, either through negligence or error or through the action of subordinate officials or authorities.  
In such a case, the attention of the Government called in question will have to be specially drawn to the breach ; but this will have to be done as simply and discreetly as possible.

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<sup>1</sup> Conf.D./C.G./C.G.E.4(1)—June 28th, 1934.



The procedure contemplated for the operation of the Supervisory Committees responsible for local inspections already supplies a means of satisfying these two requirements. It provides that, when those committees discover an error, they shall immediately notify the representative of the Government undergoing inspection, and shall request the local authorities to send in forthwith, in writing, any observations they may wish to make.

This might suffice, or, at most, it might be added that the competent committee will give special attention to the measures taken or to be taken by the Government concerned to put the error right, and that for that purpose it will take the necessary measures of supervision (requests for information, local investigations, etc.).

It should be noted that there will be less risk of breaches under the first category degenerating into violations under the second, since supervision will be stricter and more continuous and the domestic legislation of the contracting States will be better adapted to the requirements of their conventional obligations.

7. *Second Category.*—The breaches contained in the second category would be of the same essential nature as those in the first—that is to say, they would be violations of little intrinsic gravity, but requiring more far-reaching measures to remedy them, either owing to their duration or owing to their number.

(a) *Owing to their Duration.*—The hypothesis is that of a breach in the first category, to which the Government responsible has not put an end within a reasonable time, although its attention has been drawn to the irregularity by the committee of inspection.

(b) *Owing to their Number.*—The hypothesis is that of violations which, considered separately, are of no gravity, but which assume a more disquieting character either because they occur simultaneously in several places or because they constitute a repetition of a previous offence.

These different cases, it would seem, can be placed on approximately the same footing.

To deal with them, provision should be made for intervention by the Disarmament Commission or any permanent organ to which it may have delegated its power. Such intervention, which would take the form of a request to restore conditions in keeping with the Convention, accompanied by a time-limit for so doing, would go beyond the purely technical sphere to which the committees of inspection are to be confined. It would have, even at that stage, a more political character, although it would not actually exceed the limits of a friendly warning with the sole aim of securing a speedy and spontaneous return to legality.

8. *Third Category.*—We now come to another sphere, that of violations which are grave in nature or extent.<sup>1</sup> These are no longer mere irregularities that can be construed as the result of error or negligence. These are breaches the intrinsic features of which show that they are intentional.<sup>2</sup> But—and this is what distinguishes them from the breaches of the fourth and last category—notwithstanding their gravity, there is still hope that they may be remedied. The equilibrium of the treaty system does not yet appear to be definitely upset.

In such cases, collective action should be both more vigorous and more expeditious.

The Disarmament Commission should first of all address an urgent and formal appeal to the covenant-breaking Government to put an end to the breach at the earliest possible moment.

It would also be highly expedient for this appeal, which would be made on behalf of the community of States through its organ, to be supported by joint diplomatic representations on the part of the States signatories of the Convention. Probably, it would be better for such action not to be of a mechanical and compulsory character, as this would deprive it of its moral effect; but it would be necessary at all events to provide for recourse to it as a valuable means to be used in case of need.

Finally, if the appeal of the Disarmament Commission and eventually the diplomatic representations of the signatory States failed to have the desired effect, the Convention should provide, as a last resource, for a certain economic pressure.

This would have two aspects—negative and positive. In the first place, it would consist in the imposition of an embargo on arms and raw materials (according to the nature of the breach committed) intended for the guilty State.<sup>3</sup> Secondly, it would involve (within the same limits) the granting of favours and facilities to the States most directly threatened by the breach.<sup>4</sup>

The question arises who would determine, in each particular case, the nature of the measures to be taken in execution of the general obligation embodied in the conventions and hence devolving upon all the signatory States.

Would the Permanent Disarmament Commission be competent to decide this point? And if so, under what conditions? Or should it be left to each of the contracting parties to determine the manner in which it is to carry out its obligations?

<sup>1</sup> Or perhaps through their persistence. In this category might be placed any breaches in the second group to which the Permanent Commission might not have succeeded in putting an end by the methods prescribed above.

<sup>2</sup> For example, accelerated manufacture in respect of prohibited material or material exceeding the quantities permitted.

<sup>3</sup> Attention was directed to the expediency of inserting in the Convention provisions relating to the manufacture of and trade in arms.

<sup>4</sup> It would also be well to see whether something could not be done on the lines of the principles and procedure laid down in the Convention on Financial Assistance.



Both these formulæ appear to offer certain drawbacks, and perhaps the wisest solution would be to confer upon the Permanent Commission the power to make "recommendations" by a qualified majority.<sup>1</sup>

The French delegation pointed out that the obligation devolving upon the contracting Powers to take measures commensurate with the lapses defined in each category would ensue directly from the Convention, and that consequently the Permanent Commission, after having noted any such lapse, would simply have to decide upon the methods for the execution of that obligation.

9. *Fourth Category.*—We now come to breaches which, by reason of their nature, their extent and the general circumstances in which they occur, directly involve the danger of war. In such cases, the breach of the treaty limitation of armaments is complicated by a legal situation of another kind; we are faced with a threatened breach of the Pact of Paris, and the problem of "security" in the strict sense arises. In such a case, the means of collective action provided for the previous category should be strengthened by the procedures intended for the guaranteeing of security.

As the study of the problem of security has been specially entrusted to the Committee presided over by M. Politis, it would seem advisable for us to stop short at this point and to leave it to others to go further.

The French delegation points out, however, that midway between breach No. 3 and the aggression proper—with which the Special Committee on Security is concerned (mutual assistance)—there is an intermediate situation to which the Committee on Guarantees should turn its attention. The Committee might, in this connection, take as a basis the measures indicated in a report<sup>2</sup> which the 1927 Assembly unanimously approved "as a valuable guide" for the action of the Council.

The effort made to carry the mechanism of the guarantees of execution as far as possible would provide the Security Committee with further elements for the definition of the aggressor.

10. It should be left to the Permanent Disarmament Commission to determine the degree of gravity of the breach which has been committed; the Commission should, of course, decide this point in accordance with the definitions given in the actual Convention.<sup>3</sup>

Moreover, in the case of a serious breach, the Commission would be called upon, as stated above, to make "recommendations" as to the measures of economic pressure to be adopted.

It would be highly desirable that, side by side with these discussions and in close connection with them, States bound between themselves by regional pacts of non-aggression and mutual assistance should consult together with a view to adopting a common attitude as far as possible and thus facilitating joint action.

11. Article 88 of the draft Convention submitted by the United Kingdom delegation provides for the possibility of derogations in certain cases. It appears to be preferable to leave this article as it stands, especially as it is not likely to impede the normal operation of the collective guarantees of execution. If, in view of a breach committed by State A, State B makes use of the right conferred on it by Article 88, it is bound, in accordance with that article, to put a stop to the exceptional measures it has taken as soon as the reasons for such action have ceased to exist. In urging State A to remedy the breach, the Permanent Commission would, of course, take account of this provision.

12. The sole purpose of this note is to suggest certain solutions which should in any case be supplemented and amplified later. There are certain omissions in it. For instance, no mention has been made in the note of the important but special problem of guarantees of execution as regards the prohibition of the use of chemical, incendiary and bacterial weapons.

It may perhaps be possible, as the result of our further work and the exchanges of views which may take place, to strengthen these solutions and to add other guarantees to those mentioned above.

Any proposals to this effect would be carefully examined by the Committee, which would be very pleased to receive such proposals.

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<sup>1</sup> The suggestion was made that the guilty State should be deprived of the benefit of certain provisions of the Convention, such as the right of complaint.

<sup>2</sup> Document C.169.M.119.1927.

<sup>3</sup> It should be noted that the articles of the Convention fixing the limits of armaments may themselves supply specific data with regard to the gravity of the lapses of which they were the object.



Geneva, July 23rd, 1934.

**REPORT BY THE COMMITTEE FOR THE REGULATION  
OF THE TRADE IN, AND PRIVATE AND STATE MANUFACTURE OF,  
ARMS AND IMPLEMENTS OF WAR, FOLLOWING THE RESOLUTION  
ADOPTED BY THE GENERAL COMMISSION ON JUNE 8TH, 1934.**

*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)) mentioned in (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).

**1. 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 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.

<sup>1</sup> Document Conf.D./C.C.F.47(1) — July 2nd, 1934.



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 for 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.

*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.

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<sup>1</sup> Document Conf.D./C.C.F.48(1) — July 2nd, 1934.



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.

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.D160) 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.

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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.

(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, 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.

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,

<sup>1</sup> See document Conf.D.157.



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.

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 prejudge, 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.

Official No. : Conf.D./C.G.172.

Geneva, July 23rd, 1934.

**COMMUNICATION BY THE PRESIDENT  
CONCERNING THE DEATH OF M. V. DOVGALEVSKY,  
DELEGATE OF THE UNION OF SOVIET SOCIALIST REPUBLICS**

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The President of the Conference for the Reduction and Limitation of Armaments has the honour to communicate to the Members of the Conference the telegrams exchanged between himself and M. Litvinoff on the occasion of the sudden death of M. Valerien Dovgalevsky, delegate of the Union of Soviet Socialist Republics.

TEXT OF THE TELEGRAM SENT ON JULY 16TH, 1934, BY MR. HENDERSON TO M. LITVINOFF.

Deeply grieved by premature death M. Dovgalevsky I send you in the name of his colleagues of the Conference and on my own behalf sincere condolences. M. Dovgalevsky's helpful collaboration in the work of the Conference will leave a genuine and lasting impression on the memory of his colleagues.

TEXT OF THE REPLY SENT ON JULY 17TH, 1934, BY M. LITVINOFF TO MR. HENDERSON.

Deeply touched by your kind telegram of condolence on the occasion of the sad loss of M. Valerien Dovgalevsky. I must express to you as well as to all my colleagues of the Conference my heartfelt thanks.

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Official No. : Conf.D./C.G.174.

[Conf.D./Bureau 67.]

Geneva, September 24th, 1934.

**REPORT BY THE PRESIDENT ON ACTION TAKEN  
SINCE THE MEETING OF THE GENERAL COMMISSION  
ON JUNE 11TH, 1934**

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The President of the Conference has the honour to circulate to the members of the Bureau the following report on the action taken since the last meeting of the General Commission (June 11th, 1934).

This document covers, on the one hand, the work done in execution of the resolution adopted by the General Commission on June 8th and, on the other hand, the steps taken following the resolution adopted in the field of budgetary publicity on June 11th.

**I. INTRODUCTION.**

The resolution which was adopted on June 8th, 1934,<sup>1</sup> and under which the General Commission recorded its conviction of the necessity for the Conference continuing its work with a view to arriving at a general Convention for the Reduction and Limitation of Armaments, contemplated different methods of action to be taken for this purpose.

Firstly, several *committees* were set up, or existing committees entrusted with new tasks, in order to seek solutions in various special fields (security; air forces; manufacture of and trade in arms).

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<sup>1</sup> See document Conf.D./C.G.168.



Secondly, the *Bureau* was called upon :

(a) To co-ordinate the work of the committees just referred to ;

(b) “ . . . to seek, by whatever means it deems appropriate and with a view to the general acceptance of a Disarmament Convention, a solution of the outstanding problems . . . ” ; and

(c) To take the necessary steps at the proper time to ensure that, when the General Commission is again convened, it will have before it, as far as possible, a complete draft Convention.

Thirdly, the resolution referred to the method of *private conversations* between Governments undertaken in order to facilitate the attainment of final success by the return of Germany to the Conference.

Finally, the General Commission requested the President to submit to Governments, for study, the Soviet proposal that the Conference be declared a permanent institution.

\* \* \*

The various reports and other documents prepared by the committees set up by the General Commission have been circulated to the members of the Bureau. It is therefore unnecessary to reproduce them here in detail. A summary of their work is, however, given below.

As regards the private conversations referred to above, no indication has yet reached the President of the Conference. The President will not fail to inform the members of the Bureau of any progress which the Governments principally interested may report to him.

As to the action to be taken by the Bureau, it has already been indicated in the President's previous communication (document Conf.D./Bureau 65) that the work entrusted to that body can be carried out more usefully after the conclusion of the private conversations between Governments.

## II. SUMMARY OF THE WORK OF THE VARIOUS COMMITTEES.

### I. SECURITY.

The General Commission, in its resolution of June 8th, 1934, took the following decisions with regard to the question of Security, including that of Guarantees of Execution :

(a) Since the results of the earlier work of the Conference have enabled certain regional security agreements to be concluded in Europe during the past year, the General Commission decides to appoint a special Committee to conduct such preliminary studies as it may consider appropriate in order to facilitate the conclusion of further agreements of the same nature which may be negotiated outside the Conference. It would be for the General Commission to determine the relationship, if any, of these agreements to the General Convention.

(b) The General Commission decides to appoint a special Committee to study the question of guarantees of execution and to resume the work relating to supervision.

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#### (a) *Regional Security Agreements.*

The special Committee on Security, under the chairmanship of M. N. Politis, carried out its task in the field of regional security agreements between June 18th and 25th.

As the members of the General Commission will have noticed from the report of the special Committee which has been circulated,<sup>1</sup> the Committee unanimously approved certain conclusions :

(1) Regional security agreements should conform to the rules laid down in the big general pacts (League Covenant, Pact of Paris) ;

(2) Such agreements should not be directed against any Power or group of Powers ;

(3) Such regional security agreements need not strictly be confined to a certain region ;

(4) European States which are not members of the League should participate in these agreements ; and

<sup>1</sup> Document Conf.D./C.G.169(1).

(5) In the forming of these agreements, there should be borne in mind, in addition to the Locarno Treaty and the Model Treaty of Mutual Assistance, agreements concluded since that time and which are at present in force. The Committee recommended as a basis for regional security agreements in Europe the Model Collective Treaty of Mutual Assistance (Treaty D) already recommended by the Assembly in 1928. It considered that, under certain circumstances, it might be desirable to add stipulations dealing with the cases of flagrant aggression and a definition of the aggressor. The Committee also made suggestions of a minor character in its report with regard to special aspects of the Model Collective Treaty of Mutual Assistance. In a final observation, the Committee took the view that the question whether, in addition to regional agreements, recommendation should be made in favour of the conclusion of a European Pact of Security could be more usefully examined when the result was determined of the negotiations with a view to the conclusion of more or less extensive security agreements.

(b) *Guarantees of Execution.*

The Committee on Guarantees of Execution, under the chairmanship of M. Bourquin, held two meetings, the first on June 13th and the second on June 28th, 1934. Between these two meetings, M. Bourquin held a number of informal conversations with heads of a certain number of delegations, which enabled him to draw up a Note which was taken cognisance of by the Committee at its second meeting and which contains the main outline of solutions in the field of guarantees of execution. The Note has been circulated to the General Commission.<sup>1</sup>

In his Note, M. Bourquin drew up a graduated scale of infractions of the Convention, which fall under four heads, providing at the same time a suitable remedial system for each.

The first category, comprising slight breaches not involving intentional or deliberate violation of the Convention, would be remedied by having the attention of the Government drawn to it by the Permanent Disarmament Commission.

The second category would contain breaches of the same essential nature as those in the first, but requiring more far-reaching measures owing to their duration or to their number. In such a case, the Permanent Disarmament Commission would request the State to restore conditions in keeping with the Convention, at the same time stating the time-limit.

The third category would consist of violations graver in nature and extent. In this category is envisaged joint diplomatic representation on the part of the States signatories to the Convention as well as appeal by the Disarmament Commission. Should this intervention and the appeal fail, positive and negative economic measures are envisaged, such as the imposition of an embargo, as well as the granting of favours and facilities to the States most directly threatened by the breach.

The fourth category involves breaches which, by reason of their nature and extent, directly involve the danger of war. In such a case, the means of collective action provided for in the previous category should be strengthened by the procedures intended for the guaranteeing of security.

It is finally pointed out in the Note that the sole purpose is to suggest certain solutions which should, in any case, be supplemented and amplified later.

## 2. AIR FORCES.

By its resolution of June 8th, the General Commission instructed its Air Committee to resume forthwith the study of the questions mentioned in the resolution adopted by the General Commission on July 23rd, 1932, under the heading : “ (1) Air Forces ”.

The Chairman of the Air Committee was of opinion that, pending negotiations between the principally interested Powers, it would be preferable not to call a meeting of the Committee for the moment.

## 3. MANUFACTURE OF AND TRADE IN ARMS.

On June 8th, the General Commission requested “ 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 ”.

In preparation of the work of the Committee, M. Komarnicki, Rapporteur of the Committee, first discussed with certain interested delegations the proposals submitted by the United States delegation.<sup>2</sup> As a result of these conversations, he prepared a text of draft articles for insertion in a disarmament Convention which, after being amended and approved by the Subcommittee on Manufacture on June 27th, 1934, was placed before the Committee for the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War on July 2nd, 1934.

<sup>1</sup> See document Conf.D./C.G.170.

<sup>2</sup> See Memorandum by the United States delegation, given as an annex to document Conf.D./C.G.171.



The report of the Committee, together with the draft articles, has been communicated to the General Commission.<sup>1</sup>

The Committee was of opinion that the draft articles would require careful consideration by all the Governments represented at the Conference, but further expressed the view that it would be highly desirable that, when the work of the Conference was resumed, all delegates should be furnished with instructions such as would enable these proposals to be usefully discussed either in the General Commission, the Bureau or the appropriate Committee.

The draft articles as approved by the Committee are based on the assumption of complete equality of treatment as between private and State manufacture. The system of control embodied in the articles rests upon the acceptance by the contracting parties of full responsibility in respect of the manufacture of arms and the trade in arms in the territories under their jurisdiction. The contracting parties undertake to prohibit the manufacture of arms and the trade in arms forbidden either for use or for manufacture by the Convention or exceeding the qualitative limits laid down in the Convention. They further undertake neither to manufacture nor permit to be manufactured nor to import for their own use arms in excess of the quantitative limits laid down in the Convention. In respect of the trade in arms, they agree to co-operate with the Permanent Disarmament Commission in securing the observance of the limits laid down in the Convention. Manufacturers of arms must obtain a licence to manufacture issued by their Governments, and all export or import of arms is subject to an export or import licence issued by the Government concerned. The contracting parties undertake to forward to the Permanent Disarmament Commission a list of State establishments with a description of the arms which they may manufacture, copies of all licences to manufacture granted or renewed, list of orders from whatever source received, copies of all import or export licences and a statement of all manufactures, imports and exports effected. The Permanent Disarmament Commission is required to publish all this information at as short intervals as possible.

The contracting parties undertake to execute any important replacement programme by stages to be notified in advance to the Permanent Disarmament Commission, together with any manufacture or import of arms resulting from a recognition of the right of certain countries to increase their armaments.

The contracting parties agree to accept a system of permanent and automatic supervision with the object of verifying that manufacture, imports and exports of arms accord with the provisions laid down.

### III. SPECIAL ACTION TAKEN BY THE PRESIDENT UNDER THE RESOLUTIONS ADOPTED BY THE GENERAL COMMISSION ON JUNE 8TH AND JUNE 11TH RESPECTIVELY.

#### (a) PROPOSAL OF THE DELEGATION OF THE UNION OF SOVIET SOCIALIST REPUBLICS.

The General Commission, recognising that the proposal of the delegation of the Union of Soviet Socialist Republics that the Conference be declared a permanent institution under the title of the Peace Conference called for careful study, requested its President to submit that proposal (document Conf.D./C.G.163) to Governments. A circular letter to this effect (document Conf.D./C.L.13) was sent out on June 28th. The replies received will in due course be communicated to the members of the Bureau.

#### (b) BUDGETARY PUBLICITY.

On June 11th, 1934, the General Commission adopted a resolution<sup>2</sup> recommending Governments, with a view to the future application of a system of publicity of national defence expenditure, to transmit before October 15th, 1934, to the extent they are able, the various documents scheduled in the draft "instruments necessary for the application of a system of publicity of national defence expenditure" (document Conf.D./C.G.160) adopted by the Technical Committee of the National Defence Expenditure Commission.

On June 25th, a circular letter (document Conf.D./C.L.14) was despatched calling the attention of Governments to this resolution.

Several States have already replied favourably.

<sup>1</sup> Document Conf.D./C.G.171.

<sup>2</sup> Document Conf.D./C.G.166(1).

Geneva, October 9th, 1933.

**LIST OF MEMBERS OF THE BUREAU  
(FORTY-SEVENTH TO FIFTY-FIRST MEETINGS)**

**(October 9th to 26th, 1933.)**

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*President of the Conference :*

Mr. Arthur HENDERSON (*United Kingdom*).

*Honorary President :*

M. G. MOTTA (*Switzerland*).

*Vice-Presidents of the Conference :*

*United States of America :*

Mr. Norman DAVIS.

*Argentine Republic :*

Dr. E. RUIZ GUIÑAZÚ.

*Austria :*

M. PFLÜGL.

*Belgium :*

M. M. BOURQUIN.

*United Kingdom of Great Britain and Northern Ireland :*

Sir John SIMON.

Mr. A. EDEN.

*Czechoslovakia :*

M. E. BENEŠ.

*France :*

M. PAUL-BONCOUR.

M. R. MASSIGLI.

*Germany :*

M. NADOLNY.

Baron VON RHEINBABEN.

*Italy :*

Marquis A. MELI LUPI DI SORAGNA.

*Japan :*

M. N. SATO.

*Poland :*

Brigadier-General S. BURHARDT-BUKACKI.

Count RACZYŃSKI.

*Spain :*

M. S. DE MADARIAGA.

*Sweden :*

M. R. J. SANDLER.

*Union of Soviet Socialist Republics :*

M. VENTZOFF.

*Presidents of Commissions :*

*Land :*

Dr. E. BUERO (*Uruguay*).

*Naval :*

M. E. MORESCO (*Netherlands*).



Air :

M. S. DE MADARIAGA (Spain).

National Defence Expenditure :

Dr. A. DE VASCONCELLOS (Portugal).

*Vice-President of the General Commission :*

M. N. POLITIS (Greece).

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*Official No. : Conf.D./Bureau 50(1).*

Geneva, November 11th, 1933.

## ALLOTMENT OF WORK BETWEEN COMMITTEES AND RAPPORTEURS

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REPORT SUBMITTED BY THE COMMITTEE SET UP ON NOVEMBER 9TH,  
APPROVED BY THE BUREAU ON NOVEMBER 11TH, 1933.

At its meeting on November 9th, the Bureau agreed, in accordance with previous decisions, that a clean text of the draft Convention should be circulated to the delegations in time to receive consideration before the meeting of the General Commission on December 4th.

Having adopted the principle that certain questions, being sufficiently mature, should be referred to Rapporteurs, and that the others should be entrusted to committees, the Bureau decided to appoint a small committee composed of the officers of the Bureau and of the representatives of the United Kingdom, France, Italy, Norway, Poland and Spain to consider how the work could be allotted as between committees or Rapporteurs. This committee held two meetings on the following day, and after a thorough exchange of views decided to submit to the Bureau the following report, which passes in review the different parts of the Convention and makes recommendations as to whether they should be entrusted to a Rapporteur or to a committee, and in the latter case indicates the composition of the committee.

### PART I.—SECURITY.

#### *Non-resort to Force.*

As it is contemplated including the declaration concerning non-resort to force approved by the Political Commission on March 2nd, 1933, it would seem indicated to appoint a Rapporteur to consider the question of rendering this declaration universal.

#### *Definition of the Aggressor.*

The question of the definition of the aggressor was very carefully considered by the Committee presided over by M. Politis and the text approved by the Committee has now become an international treaty, signed in London. In view, however, of the desire of several delegations, who considered a less detailed definition would be more acceptable to them, it is suggested that the same Rapporteur be asked to find a compromise definition acceptable to all the delegations.

It is suggested that the Rapporteur might also ascertain the views of the delegations on Article 6 of the United Kingdom draft Convention concerning European Security as it was changed by the Committee under the chairmanship of M. Politis, and the Annex Y thereto: the European Security Pact.

These two questions—Non-resort to Force and Definition of the Aggressor—having in the past been worked out under the chairmanship of the Vice-Chairman, M. Politis, the Committee considered that the latter should again be requested to act as Rapporteur.

### PART II.—DISARMAMENT.

#### *Effectives.*

In view of the numerous amendments to this chapter and the many complex questions which as yet have found no solution acceptable to all delegations, it is recommended that this question be referred to a committee. It may be recalled that, among others, there are amendments to Article 8 concerning average daily effectives, Article 9 concerning the definition

of effectives, Article 13 concerning naval effectives, Chapter 2 concerning the organisation of land forces stationed in continental Europe and Article 18 concerning ratios  $1/x$  and  $1/y$  to be applied respectively to officers and N.C.O.s.

It is suggested that the committee in charge of this section should be composed as follows : United Kingdom, France, Hungary, Italy, Netherlands, Poland, Sweden, Union of Soviet Socialist Republics, United States of America and Yugoslavia.

The delegate for Sweden, M. Westman, having for a long time acted as Chairman of the special Committee on Effectives, it is recommended that he be again requested to act in that capacity and also as Rapporteur.

In the opinion of the meeting, the new Committee on Effectives would of course be free, if necessary, to refer certain aspects of the problem of effectives to sub-committees or Rapporteurs. For example, in connection with Chapter 2 of Section I of Part II, the Committee should in the first instance find out the requirements for the practical application of the principle of the standardisation of continental armies. This task might, if necessary, be entrusted to a technical sub-committee. The questions connected with Table I dealing with the effectives for continental Europe might, on the other hand, be entrusted to a Rapporteur.

#### *Material.*

It is recommended that a Rapporteur be entrusted with questions concerning material with a view to reconciling the divergent points of view on qualitative disarmament as well as on quantitative disarmament (table for tanks). It would seem that, in this case, as the question has been discussed exhaustively, there would be no necessity to appoint a committee to consider the question raised in this chapter.

The Committee decided to recommend that Dr. Beneš be asked to act as Rapporteur on this question as also on that of the duration of the Convention.

#### *Naval Armaments.*

In the opinion of the Committee, this subject should be entrusted to M. Moresco, Chairman of the Naval Committee. The United Kingdom delegation was good enough to inform the Committee that, as it had in the past undertaken some responsibility as regards the naval chapter, it would be only too happy to submit to M. Moresco certain suggestions resulting from the negotiations it had conducted in this respect.

#### *Air Armaments.*

It is suggested that a Rapporteur be appointed to consider the question of the universality of Article 34 concerning the abolition of bombing from the air as well as questions connected with civil aviation regarding which precise provisions should be provided for in the Convention. As for the complete abolition of military aviation and correlative questions which would be raised with regard to civil aviation by such an abolition, it is considered that this is a matter which should properly be left to the mature consideration of the Permanent Disarmament Commission as provided for in the United Kingdom draft Convention.

The Committee decided to propose Dr. Lange, Vice-Chairman of the Air Committee, to act as Rapporteur.

#### *Manufacture of and Trade in Arms.*

In view of the difficulty of this question and the fact that it has already been considered at great length by several committees, it is suggested that it be entrusted to a Rapporteur to examine what possibilities there are of reaching some compromise solution acceptable to all.

M. Komarnicki, who acted as Rapporteur of the special Committee on Trade in and Manufacture of Arms, was proposed as Rapporteur on this question.

#### *National Defence Expenditure.*

Since the Technical Committee is shortly to present the General Commission with a definitive text on this question, no action at present seems called for.

Certain delegations pointed out, and the Committee agreed, that the importance of checking direct limitation by means of budgetary control should not be lost sight of.

### PART III.—EXCHANGE OF INFORMATION.

The Committee requested the United Kingdom delegation to provide as soon as possible the text of articles concerning this part. The United Kingdom delegate pointed out that, in view of the consequential nature of these articles, they could best be drafted when the rest of the Convention is ready. Nevertheless, the United Kingdom delegation will do its best to provide the relevant articles, though necessarily in a rudimentary form.



PART IV.—CHEMICAL WARFARE.

There does not appear to be any necessity to appoint a special committee or Rapporteur to consider this question, as the texts have been practically unanimously approved.

PART V.—MISCELLANEOUS PROVISIONS.

*Permanent Disarmament Commission (Control and Supervision).*

It would seem necessary to appoint a drafting committee to prepare certain additional articles on the question of the Permanent Disarmament Commission, concerning its immediate entry into function, the appointment of supervisory committees and automatic and periodical control of investigations, including the subject-matter of such control, as, for instance, national defence expenditure, trade in and manufacture of arms, preparation of chemical warfare, effectives, etc.

The Committee recommends that this part be referred to a body composed of the delegations of the following countries : Argentine Republic, Belgium, United Kingdom, France, Italy, Japan, Norway, Poland, Spain, Turkey, Union of Soviet Socialist Republics and United States of America. It further decided to recommend that the Chairmanship and the task of Rapporteur should devolve upon M. Bourquin, who had already done admirable work in that connection.

*Guarantees of Execution.*

The question of guarantees of execution of the clauses of the Convention will be explored in the first instance by the President of the Conference, who will duly transmit his findings to the Committee for the drafting of the relevant articles.

The Committee furthermore underlined the advantages of bearing in mind the relationship between budgetary control and direct limitation. It was considered therefore that the Rapporteur of the Committee on Miscellaneous Provisions might get into touch with the Committee on National Defence Expenditure with a view to securing consideration of certain points which are of common interest from the point of view of budgetary control and of direct limitation.

In making the above recommendations to the Bureau, the Committee ventures to emphasise the importance of having the work thus allotted to the committees and Rapporteurs carried out as early as possible and their reports at once handed over to the President in order that the latter may be able to convene the Bureau sufficiently in advance of December 4th, when the General Commission is due to meet. It should also be remembered that sufficient time must be allowed for the printing and distribution of the clean draft.

It is hardly necessary for the Committee to add that, in the discharge of their duties, both Rapporteurs and committees will have to consult the interested delegations and especially those which have tabled amendments.

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Official No. : Conf.D./Bureau 51.

Geneva, November 9th, 1933.

LIST OF MEMBERS OF THE BUREAU  
(FIFTY-SECOND TO FIFTY-FIFTH MEETINGS)

(November 9th to 22nd, 1933.)

*President of the Conference :*

Mr. Arthur HENDERSON (*United Kingdom*).

*Honorary President :*

M. G. MOTTA (*Switzerland*).

*Vice-Presidents of the Conference :*

*United States of America :*

Mr. H. R. WILSON.

*Argentine Republic :*

Dr. E. RUIZ GUIÑAZÚ.

*Austria :*

M. E. PFLÜGL.

*Belgium :*

M. M. BOURQUIN.

*United Kingdom of Great Britain and Northern Ireland :*

Mr. A. CADOGAN.

*Czechoslovakia :*

M. KÜNZL-JIZERSKÝ.

*France :*

M. R. MASSIGLI.

*Italy :*

Marquis A. MELI LUPI DI SORAGNA.

*Japan :*

M. N. SATO.

*Poland :*

Brigadier-General S. BURHARDT-BUKACKI.

*Spain :*

M. L. PALACIOS.

*Sweden :*

M. K. I. WESTMAN.

*Union of Soviet Socialist Republics :*

M. Boris STEIN.

*Presidents of Commissions :*

*Land :*

Dr. E. BUERO (Uruguay).

*Naval :*

M. E. MORESCO (Netherlands).

*Air :*

Dr. C. L. LANGE (Norway), Rapporteur.

*National Defence Expenditure :*

Dr. A. DE VASCONCELLOS (Portugal).

*Vice-President of the General Commission :*

M. N. POLITIS (Greece).

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*Official No. : Conf.D./Bureau 53.*

Geneva, December 28th, 1933.

*Note by the President of the Conference.*

The President of the Conference for the Reduction and Limitation of Armaments has the honour to communicate to the members of the Bureau :

Committee of the Bureau (Effectives) set up on November 11th, 1933 : Document Conf.D/Bureau/C.E.22(1), Preliminary Report on the Question of Effectives (Section I of Part II of the draft Convention submitted by the United Kingdom delegation).

(Rapporteur : M. Westman, Sweden.)



Geneva, December 5th, 1933.

**COMMITTEE OF THE BUREAU (EFFECTIVES) SET UP ON NOVEMBER 11TH, 1933 : PRELIMINARY REPORT ON THE QUESTION OF EFFECTIVES (SECTION I OF PART II OF THE DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION)**

*Rapporteur* : M. WESTMAN (Sweden).

	Page
Introduction . . . . .	911
A. Section I.—Effectives :	
Chapter 3.—Provisions as to the Methods by which the Reductions and Reorganisations entailed by the Proceeding Chapters shall be effected . .	913
Text of Articles . . . . .	913
B. Exchange of Information concerning Effectives . . . . .	916
C. Questions regarding Article 18 of the Draft Convention dealing with the Ratios 1/x and 1/y, relating respectively to Officers, Officer Cadets and Persons of Equivalent Status and Non-Commissioned Officers, Soldiers and Persons of Equivalent Status whose Length of Service is greater than that prescribed in Article 16 . . . . .	917
D. Questions regarding Articles 16 and 17 of the Draft Convention dealing with the Length of the Period of Service and the Computation of the First Period of Training and the Refresher Periods . . . . .	918
E. Structure of Table I annexed to Chapter I, Section I, Part III, of the United Kingdom Draft Convention . . . . .	920
<i>Annex :</i>	
Supervision of Effectives :	
List of Documents to be communicated to the Permanent Disarmament Commission . . . . .	921
<i>Appendix I</i> : Model Statement of Effectives . . . . .	922
<i>Appendix II</i> : Table used by the Special Committee in the Examination of Police Forces . . . . .	923
Comments on the List of Documents to be communicated to the Permanent Disarmament Commission . . . . .	924

**INTRODUCTION.**

By a decision dated November 11th, 1933, the Bureau of the Conference for the Reduction and Limitation of Armaments entrusted the further study of the problem of effectives to a committee specially appointed for this purpose.

The Committee was composed as follows : United Kingdom, France, Hungary, Italy, Netherlands, Poland, Sweden, Union of Soviet Socialist Republics, United States of America and Yugoslavia.

The delegate of Sweden, M. Westman, was appointed as the Committee's Chairman and Rapporteur.

In constituting this Committee, the Bureau also defined its task.

In the first place, it stated that, as certain aspects of the question of effectives had not even formed the subject of a preliminary study, the Bureau considered it preferable, instead of defining precise points to be studied by the Committee, to entrust to it the question as a whole. It would thus have more freedom in carrying out its enquiries.

The Bureau also stated that the Committee would have the right, if necessary, to entrust certain problems to sub-committees or even to Rapporteurs. In particular, questions connected with Table I dealing with the effectives for continental Europe might, it thought, be entrusted to a Rapporteur.



From its earliest meetings, the Committee found that it was not yet possible, under existing conditions, to deal finally with all the questions relating to effectives. It decided to study a certain number of them and to carry that study as far as possible. Thus, in the course of eighteen meetings (November 11th to November 30th), it discussed the following questions, which correspond to articles of the draft Convention submitted by the United Kingdom delegation and subsequently adopted by the General Commission as a basis of discussion :

A. Provisions as to the methods by which the reductions and reorganisations of effectives entailed by the United Kingdom draft shall be effected (Chapter 3 of Section I, Part II).

B. The question of the exchange, for purposes of supervision, of information concerning effectives (question submitted to the Committee by the United Kingdom delegation specially appointed by the Bureau to submit the text of articles relating to this part of the Convention) (document Conf.D/Bureau/C.E.4).

C. Questions relating to Article 18 of the draft Convention concerning the ratios  $1/x$  and  $1/y$  to be applied respectively to officers, officer cadets and persons of equivalent status, and to N.C.O.s, soldiers and persons of equivalent status, whose length of service is greater than that prescribed in Article 16.

D. Questions relating to Articles 16 and 17 of the draft Convention concerning the period of service and the calculation of the initial period of training and of further periods.

E. Question of the form of Table I.

At the Committee's first meeting, General de Siegler (Hungary) made the following statement :

" My delegation is grateful to the Bureau for having invited it to be represented on this Committee, although, in its opinion, the present is not the most favourable time for undertaking work of this kind. In point of fact, the task entrusted to us by the Bureau of the Conference and the work to be accomplished in this Committee depend primarily on decisions of principle which have not yet been taken and without which, I feel convinced, it is impossible for us to carry out our mission.

" You are all aware—and the fact was repeated once again a short time ago in the General Commission by the first delegate of my country—that Hungary is in a special position from the point of view of disarmament. Our attitude is naturally determined—more than ever at this critical juncture—by this special situation which compels me to state at the first meeting of this Committee that I am not at present in a position to undertake any engagement or to pronounce upon certain of the questions submitted for our examination.

" My attitude will therefore depend on the development of the outstanding questions, while I must reserve my Government's right to act in accordance with the decisions of principle which we are still awaiting."

At the same meeting, the Italian delegate, Colonel Bianchi, expressed himself as follows :

" In accordance with the statements made by the Italian delegate at the meeting of the Bureau of the Conference on the 11th instant, I have the honour to state that I am at the Committee's disposal for any explanations regarding the Italian delegation's views on the questions examined by the Conference up to July this year.

" On the other hand, I shall have to refrain from expressing any opinion or from taking part in any discussion concerning further proposed amendments or additions to the draft accepted as the basis of the future Convention and must reserve the Italian delegation's full freedom of action in this matter."

In the course of the Committee's investigations, it appeared that the study of certain questions, some of which had not previously been subjected to examination, could only give rise for the moment to a technical discussion. This discussion nevertheless revealed the divergent views held by the members of the Committee and note was taken of them. It is now possible to submit the questions which have thus been elucidated to the competent services of the different countries for purposes of further examination.

It will not be possible to make further progress in regard to these questions at a subsequent meeting of the Committee until this essential preliminary stage has been completed.

On the other hand, the Committee has been able to carry its work further on other points and to draw up preliminary texts, which were accepted subject to certain reservations or observations.

In any case, the Committee wishes to point out that, as the figures for the average daily effectives to be inserted in Table I have not been fixed, even provisionally, it has been impossible for it in many cases to make definitive proposals.



## A. SECTION I.—EFFECTIVES.

### CHAPTER 3.—PROVISIONS AS TO THE METHODS BY WHICH THE REDUCTIONS AND REORGANISATIONS ENTAILED BY THE PRECEDING CHAPTERS SHALL BE EFFECTED.

The draft submitted in March 1933 by the United Kingdom delegation did not contain any proposal for the application of the reductions and reorganisations entailed by the provisions of the Convention.

At the meeting of the General Commission on May 5th, 1933, the United Kingdom delegation presented a text (document Conf.D./C.G.87) designed to supplement the draft Convention in this respect. This text proposed a certain rate at which both the reductions in the average daily effectives of the land armed forces and the increases in effectives entailed by Table I were to be effected. Moreover, certain special stipulations were provided regarding the land armed forces stationed in continental Europe.

An amendment (document Conf.D./C.G.97) was submitted at the same time by the Hungarian delegation with a view to accelerating the rate at which the proposed reductions were to be effected and also shortening the period contemplated for the transitional period, particularly as regards the increase in short-term effectives, by a proportion equal to the premature discharge of long-term-service personnel.

The General Commission asked the delegations of the United Kingdom and Hungary to examine the proposed texts and amendments with a view to reaching an agreement.

These negotiations have led to an agreement of which account was taken during the Committee's discussion.

The Committee confined its discussion to the land armed forces.

At the conclusion of its labours, the Committee decided upon the text reproduced below (document Conf.D./Bureau/C.E.13) :

#### *" Article A.*

" The total reduction of average daily effectives of the land armed forces of the High Contracting Parties shall be computed for each category (total effectives, effectives in service in the defence of the home country, effectives serving for more than the legal period, etc.) by subtracting the effectives to be laid down in the tables annexed to Part II from the average daily effectives calculated according to the method to be laid down by the Convention and applied to a year to be decided later.<sup>1</sup>

#### *" Article B.*

" The reductions in the average daily effectives of the land armed forces of the High Contracting Parties which result from Table I annexed to Chapter I shall be carried out as follows :

" By the end of the first year from the coming into force of the Convention, at least  $x\%$  of the total reduction required ;<sup>2</sup>

" By the end of the second year from the coming into force of the Convention, at least  $30\%$  of the total reduction required ;

" By the end of the third year from the coming into force of the Convention, at least  $y\%$  of the total reduction required ;<sup>2</sup>

" By the end of the fourth year from the coming into force of the Convention, at least  $75\%$  of the total reduction required ;

" By the end of the fifth year from the coming into force of the Convention,  $100\%$  of the total reduction required.

#### *" Article C.*

" Articles D, E, F, G and H refer only to the land armed forces to which Chapter 2 of this Section applies.

#### *" Article D.*

" (a) The increases in the average daily effectives of the land armed forces which may result from Table I in the case of the High Contracting Parties called upon in application of Chapter 2 to convert their long-term-service army into a short-term-service army with limited

<sup>1</sup> During the discussion, the years 1930, 1931 and 1932 were considered.

<sup>2</sup> The figures  $x$  and  $y$  for the first and third years will be fixed later, in any case before the signature of the Convention.

effectives shall be carried out at a rate and in proportions not exceeding the minimum proportions laid down in Article B for the reductions which result from the said Table.

“(b) If, however, a High Contracting Party should notify the Permanent Disarmament Commission that it has discharged the long-term-service personnel of its army in a proportion additional to the proportion for a certain year laid down in the first paragraph of the present article, the Commission would at once arrange for an investigation to be made with a view to the establishment of this fact.

“As a result of the said fact having been established, the High Contracting Party in question would be authorised to recruit effectives exceeding in a certain proportion those resulting from the application of the first paragraph of the present article.

“(c) These additional increases shall be such that the actual increase does not exceed:<sup>1</sup>

“By the end of the first year from the coming into force of the Convention,  
. . . % of the total increase authorised in Table I;

“By the end of the second year from the coming into force of the Convention,  
. . . % of the total increase authorised in Table I;

“By the end of the third year from the coming into force of the Convention,  
. . . % of the total increase authorised in Table I;

“By the end of the fourth year from the coming into force of the Convention,  
. . . % of the total increase authorised in Table I;

“By the end of the fifth year from the coming into force of the Convention, 100% of the total increase authorised in Table I.

#### “Article E.

“The High Contracting Parties concerned will effect the reduction in their existing long-service personnel necessitated by Chapter 2 in the following proportion:

“By the end of the first year from the coming into force of the Convention, at least  $x\%$ <sup>2</sup> of the total reduction prescribed;

“By the end of the second year from the coming into force of the Convention, at least 30% of the total reduction required;

“By the end of the third year from the coming into force of the Convention, at least  $y\%$ <sup>2</sup> of the total reduction required;

“By the end of the fourth year from the coming into force of the Convention, at least 75% of the total reduction required;

“By the end of the fifth year from the coming into force of the Convention, 100% of the total reduction required.

“By ‘long-service personnel’ in this article is understood those effectives (excluding conscripts) whose period of service exceeds that prescribed in Article 16.

#### “Article F.

“In execution of paragraph 2 of Article 18, the High Contracting Party possessing on January 1st, 1933, units composed of long-service personnel shall proceed to the gradual dissolution of those units or to their conversion into short-service units, as follows:

“By the end of the first year from the coming into force of the Convention, not less than  $x$ -fifths of these units shall be dissolved;

“By the end of the second year from the coming into force of the Convention, not less than two-fifths of these units shall be dissolved;

“By the end of the third year from the coming into force of the Convention, not less than  $y$ -fifths of these units shall be dissolved;

“By the end of the fourth year from the coming into force of the Convention, not less than four-fifths of these units shall be dissolved;

“By the end of the fifth year from the coming into force of the Convention, the whole of these units shall be dissolved.

<sup>1</sup> *Observation by the Hungarian Delegation.*—The Hungarian delegation, while agreeing that the increases should in any case be spread over the whole period (of five years) laid down in the Convention, reserves the right to give a final opinion on the last paragraph of the present article until the figures to be laid down in the Convention have been accepted.

<sup>2</sup> The figures  $x$  and  $y$  in Article E have the same meaning as in Article B.



*" Article G.<sup>1</sup>*

" The maximum period of service which may be performed by effectives other than long-service personnel will be reduced to the period laid down in Article 16 as follows :

" For effectives commencing their service after the end of the first year from the coming into force of the Convention, the maximum period of service may be  $x\%$  longer than that laid down in Article 16 for the party concerned ;

" For effectives commencing their service after the end of the second year from the coming into force of the Convention, the maximum period of service may be  $25\%$  longer than that laid down in Article 16 for the party concerned ;

" For effectives commencing their service after the end of the third year from the coming into force of the Convention, the maximum period of service may be  $y\%$  longer than that laid down in Article 16 for the party concerned ;

" For effectives commencing their service after the end of the fourth year from the coming into force of the Convention, the maximum period of service shall be that laid down in Article 16 for the party concerned.

*" Article H.*

" The long-service personnel discharged in execution of the provisions of Article E or of paragraph (b) of Article D may not be given any employment, even of an administrative character, in the armed forces without being included in the effectives referred to in Article 9 of the present Convention. The same shall apply in the event of their being employed as instructors in the organisations which provide pre-military training.

*" Article I.*

" The High Contracting Parties undertake to inform the Permanent Disarmament Commission as soon as possible after the entry into force of the Convention, and at latest one year after its entry into force, what arrangements they propose to make with a view to the complete execution of the present chapter, and for that purpose to communicate to it all the information required under the provisions of Article Y of Part III."

In order to explain the spirit in which this text was drawn up by the Committee, the following observations appear to be necessary :

As regards the year which is to serve as a starting-point for the various forms of reduction and reorganisation, the Committee contemplated the years 1930-1931-1932. It was suggested that the most suitable year would be that preceding the year in which the Convention came into force, during which effectives would be nearest to the legal effectives.

In this connection, the question whether the calculation of effectives should be based on the legal or actual effectives was again raised by certain delegations. In this connection, it should be noted that all the articles of the Convention have been drawn up on the basis of average daily effectives—*i.e.*, actual effectives. Article 11, which has already been adopted, defines the manner in which average daily effectives are to be reckoned, and appears to show that this is the most practical method.

However, several delegations stated that they were not as yet in a position to adopt a definite attitude towards these questions. To enable each delegation to form its own judgment, it will be necessary for each country to study the possible effects of the various solutions proposed.

As provided in the text originally submitted by the United Kingdom delegation (document Conf.D./C.G.87), the Committee proposed that the process of reduction and reorganisation should be spread over a period of five years, which is that of the duration of the Convention as laid down in Article 94 of the United Kingdom draft Convention. It is obvious that, if this figure is subsequently changed, the transformation period will be modified accordingly. The Committee nevertheless recognised that the rate of application should be specified in the form of percentages to be carried into effect year by year. Certain delegations pointed out, indeed, that such percentages should be laid down in correlation with the annual exchange of information and annual supervision.

The Committee considered that it was not yet in a position to fix the percentages applicable at the end of the second, fourth and fifth years. As regards the percentage applicable

<sup>1</sup> The French, Swedish and Yugoslav delegations interpret the text of Article G as applying only to States which at present possess a conscript army. They propose that the text be supplemented as follows :

" The periods of service fixed by Article 16 may, immediately upon the entry into force of the Convention, be put into operation within the limits of the effectives authorised by the Convention by any High Contracting Party which so desires and whose armed forces have, on January 1st, 1933, shorter periods of service, or by any of the High Contracting Parties affected by the provisions of the present chapter which have no short-service effectives on January 1st, 1933."



at the end of the first year, it was understood that, even though relatively low, it should nevertheless be effective in order to permit of supervision. The percentage applicable at the end of the third year will depend upon certain technical investigations. The percentages in question should be laid down as soon as possible and in any case before the Convention is signed.

The Committee was also of opinion that the rate of the increases should be synchronised with that of the reductions. However, in special cases, the increases might be accelerated, but only by a limited percentage specified in advance, which it should be possible to supervise.

As regards the splitting-up of units, the meaning of the word "unit" was not defined. The Committee agreed that the execution of the relevant provisions might give rise to practical difficulties. It was pointed out by certain delegations that this would be facilitated if it was possible to apply the word "unit" to a whole division.

With reference to reserve officers and non-commissioned officers, it was understood that they should retain the right to give pre-military training but should be included in the calculation of the average daily effectives.

Lastly, it is necessary to point out that, as regards the information to be supplied to the Permanent Disarmament Commission concerning the provisions to be applied to each contracting party for the execution of the present chapter, only the general scheme need at first be communicated to the Permanent Disarmament Commission and, at least in so far as increases in effectives are concerned, before execution is begun.

As for the scheme of subsequent measures of execution, it will only be possible to communicate them year by year, but this must always be done in advance.

The Hungarian delegation announced its refusal to accept this provision unless applicable to the other chapters of the Convention also.

The Polish delegation reminded the Committee of the reservations which it had made in the course of the General Commission's discussions on the subject of rearmament, and announced that it would take no part in the discussion of the articles relative to the reorganisation of professional armies and increases in their effectives. It reserved its right to return to this question in the course of the second reading of the draft Convention.

## B. EXCHANGE OF INFORMATION CONCERNING EFFECTIVES.<sup>1</sup>

As regards the problem of the exchange of information, the United Kingdom draft Convention (Part III) merely stated that Articles 34 and 35 of the draft Convention drawn up by the Preparatory Commission should be reproduced.

At its meeting on November 11th, the Bureau requested the United Kingdom delegation to provide as soon as possible the text of articles concerning this part of the Convention. In reply to this request, the United Kingdom delegation pointed out that, in view of the consequential nature of these articles, they could best be drafted when the rest of the Convention was ready. Nevertheless, the United Kingdom delegation would do its best to provide the text requested, though necessarily in a rudimentary form.

Referring to the mission entrusted to it by the Bureau and to a discussion which took place on November 13th, 1933, at a meeting of the Committee on Miscellaneous Provisions concerning the part which the exchange of information would play under the proposed system of supervision, the United Kingdom delegation, in a letter dated November 15th, 1933, requested the Committee on Effectives to communicate to it as soon as possible a list and description of the returns which, in the Committee's opinion, should be furnished by Governments to the Permanent Disarmament Commission in respect of questions relating to effectives.

The Committee went carefully into the matter and drew up a list of documents (see Annex, page 921) which the different delegations should submit for examination to the competent services of their countries to enable them to say whether it is or is not possible for them to furnish the proposed documents or others of a similar character.

The Committee wishes to point out that, with the exception of the information requested in the two statements referred to in points A 6 and A 11 of the Annex (see page 921), all the particulars to be supplied are to be found in documents which are in current use in all armies.

The Annex (page 921) specifies the information which it is compulsory for all States to furnish and the particulars which are optional in the case of States possessing a professional army.

A commentary has been attached to the list of documents to be communicated to the Permanent Disarmament Commission (see Annex, page 924).

During the discussion in the Committee of the Bureau (Effectives) concerning the question of the exchange of information, the French delegation drew the Committee's attention to the fact that, under Article 69 of the draft Convention adopted as a basis at first reading by the General Commission, the Permanent Disarmament Commission would have the right to ask for any documents which it might consider it necessary to examine to be communicated to it. Being unaware of the construction which will ultimately be put upon Article 69, the French delegation subsequently proposed to the Committee on Effectives that, as regards

<sup>1</sup> In pursuance of its general declaration, the Hungarian delegation took no part in the discussion regarding the exchange of information.



effectives, certain details as to the nature of the supplementary particulars which might thus be requested should be given.<sup>1</sup>

However, as the result of an exchange of views, the Committee agreed that the mission at present entrusted to it was confined to the question of the exchange of information and did not include the question of the documents to be produced in the event of an investigation—a problem which, like other questions relating to Article 69, has been submitted to the Committee on Miscellaneous Provisions for examination. The Committee accordingly decided that the French proposal could only be examined at the request of the Committee on Miscellaneous Provisions.

C. QUESTIONS REGARDING ARTICLE 18 OF THE DRAFT CONVENTION DEALING WITH THE RATIOS  $1/x$  AND  $1/y$  RELATING RESPECTIVELY TO OFFICERS, OFFICER CADETS AND PERSONS OF EQUIVALENT STATUS AND NON-COMMISSIONED OFFICERS, SOLDIERS AND PERSONS OF EQUIVALENT STATUS WHOSE LENGTH OF SERVICE IS GREATER THAN THAT PRESCRIBED IN ARTICLE 16.

In the course of a discussion at the General Commission's meeting on May 3rd, 1933, with regard to Article 18 of the draft Convention submitted by the United Kingdom delegation, the French delegation urged that this article be so worded as to prohibit the existence in armies with a short term of service of units composed of professionals. To meet this demand, the General Commission decided to add to Article 18 a second paragraph under which the various countries would be forbidden to form the effectives dealt with in that article into fully constituted units save in the case of specialised units provided for under the present Convention.

As regards the number of men serving for a long period, the Swedish delegation, on the other hand, expressed doubt as to the possibility of laying down a uniform percentage for all countries and applicable both to those in which the period of service was the maximum authorised by the Convention and those with a very short term of service. In the case of the latter category, indeed, there would be long periods in the course of the year during which there would be few recruits with the colours or even none at all; during such periods, therefore, the percentage of professional personnel as compared with total effectives would be entirely different from the percentage during the periods when recruits were called up for service. It would therefore appear difficult to adopt standard ratios applicable to all States for the purpose of determining the relation to be maintained between total effectives and effectives whose period of service is longer than that prescribed in Article 16 for the land armed forces stationed in continental Europe. The General Commission requested M. Politis to draw up a report on the subject. The conclusion reached in that document (document Conf. D./C.G.152) was as follows :

“ It would therefore appear that the best method would be to determine the maximum requirements of permanent personnel for each country according to the organisation it proposes to adopt within the framework of the limitations fixed for it and of the provisions relating to the proposed standardisation and to enter those requirements in the Convention according to whatever system may be found most convenient.”

In accordance with its terms of reference, the Committee decided to proceed to a preliminary exchange of views on the conclusion reached by M. Politis in his report. It was, indeed, impossible for the Committee to take up any final attitude on the subject, as its members did not include representatives of all the delegations concerned and as the problem included too many unknown factors, such as the period of service, the figures to be entered in the table of effectives (Table I annexed to Chapter I), the meaning to be attached to the expression “ persons of equivalent status ” in Article 18, etc.

This exchange of views made it possible to reach the following conclusions :

(a) The majority of the delegations represented preferred that the number of effectives whose length of service may exceed the normal period should be determined by laying down a specific limit in the case of each country rather than by uniform limitation—a view which in substance is in accordance with the conclusions of M. Politis' report. These delegations were of opinion that limitation should be based on original groups, due regard being had to any adjustments which might be necessitated by special conditions.

<sup>1</sup> The French proposal is as follows (document Conf. D./Bureau/C.E.15) :

“ I. Under Article 69 of the draft Convention adopted as a basis at first reading by the General Commission, the Permanent Disarmament Commission and, in the case of local inspections, its representatives have the right to ask for the communication of any documents which they consider it necessary to examine. With a view to the efficient supervision of effectives, it must be understood that the communication of such documents may not be refused, except as regards those relating to mobilisation.

“ II. The supplementary documentation which may thus be communicated by special request will consist, as regards effectives, mainly of the administrative and accountancy documents relating to effectives employed in each State by the various commands, administrative and recruiting authorities, units and services.

“ III. In principle, the compilation of special documents which do not at present exist in each country will not be requested for purposes of communication. However, it is necessary, with a view to the efficient supervision of effectives, possibly on the spot, that every man serving with the colours should possess a separate identity document, to exclude any possibility of fraud. For this purpose, a photograph, definite particulars regarding civil status, recruitment, personal description, etc., appear to be essential.”



This preference was justified on the grounds that even States which might belong to the same group differed as regards "persons of equivalent status", the character of the effectives serving beyond the normal period and the rules governing the organisation of pre-military training.

After a discussion in the Special Committee on Effectives (document Conf.D./C.S.E./P.V.7), it was understood that all persons of equivalent status as defined in Article 9 of the draft Convention were to be included among effectives.

In the course of an exchange of views, the Committee made it clear that all officials, whether civilian or not, employed in the recruiting, mobilisation and administrative services, with a status analogous to that of military personnel and performing duties which would otherwise devolve upon such personnel, should be counted as effectives. This category would, for example, include the *agents militaires* employed in France, whereas a civilian workman not enjoying military status, although employed in military establishments, and the civilian officials of the central administration would not be included.

As regards the character of the effectives performing a long term of service, there was some discussion as to whether a distinction should not be made between professional soldiers enlisted for a long term of service and enjoying special status and pay and other military personnel whose length of service, though exceeding the normal period, is nevertheless not sufficiently long to justify their being regarded as professionals in the proper sense of the term.

The Committee was of opinion that this question should be referred for examination to the competent services in the various countries affected by Article 18 while, at the same time, pointing out that the effectives of both these categories should be limited to the lowest possible figures and that such limitation should be capable of verification.

For the purpose of the adjustments regarding the figures of long-term effectives in States belonging to the same group, the following factors should be taken into account :

- (1) The number of effectives allotted to each State ;
- (2) The period of service in each State, with recognition of the fact that, as a general rule, the strength of the cadres in any given army should vary in inverse ratio both qualitatively and quantitatively to the term of service ;
- (3) The existence of pre-military training.

(b) As regards the "specialised units" mentioned in Article 18, paragraph 2 (document Conf.D.163(1)), the Committee considered that this term might apply to :

- (1) The effectives specified in Article 15 ;
- (2) The police or similar forces referred to in Article 12 (document Conf.D.163(1)) ;
- (3) The units composing the international force proposed by the French delegation in the event of that proposal's being adopted ;
- (4) Other units—*e.g.*, those of such specialised corps as signallers, electricians, etc.

This last question is reserved for future examination. The Committee nevertheless specified that the exceptions represented by these specialised units should be reduced to a minimum and should only apply in the case of units of an indisputably technical character.

To sum up, after thorough examination of the system of specific limitation, the Committee recognised that it had certain definite advantages. It nevertheless felt bound to point out that the system was more complicated than the ratio system proposed in Article 18 of the United Kingdom draft Convention.

#### D. QUESTIONS REGARDING ARTICLES 16 AND 17 OF THE DRAFT CONVENTION DEALING WITH THE LENGTH OF THE PERIOD OF SERVICE AND THE COMPUTATION OF THE FIRST PERIOD OF TRAINING AND THE REFRESHER PERIODS.

The Committee proceeded to a very full discussion of the provisions relating to the period of service.

1. The Committee was unanimous in approving the principle of the limitation of the period of service. In accordance with Article 8 of the draft Convention framed by the Preparatory Commission, it was nevertheless in favour of allowing the possibility of temporary derogations, provided that the latter were really justified. Such would, for example, be the case of countries which, in consequence of a temporary falling-off in the birth-rate, might find it impossible to reach the number of average daily effectives allowed them without exceeding, in the case of some or all of their effectives, the period of service laid down in the Convention.

As regards the three solutions put forward in the United Kingdom draft Convention (a general maximum limit), in the Turkish amendment (distinct limits for the several arms) and in the Italian amendment (an average limit), the Committee decided to describe the main features of all three without, however, expressing any definite opinion as to the choice which should be made between them in the light of their respective advantages or disadvantages.



The United Kingdom delegation emphasised the fact that a maximum limit fixed at the lowest possible level was one of the fundamental principles of the United Kingdom draft Convention, which provides for the standardisation of all types of armies on the basis of short-term service.

The Turkish amendment undoubtedly represents a more elastic solution. It permits of the adoption of different terms of service in the various arms, and to that extent makes it possible to take account of the special conditions peculiar to each country.

The Italian amendment, which provides for an average period of service, is the outcome of considerations of a special kind. In the present conscript armies in which the period of service exceeds twelve months, the cadres consist to an appreciable extent of personnel drawn from the contingent called to the colours.

If in future all contingents are restricted to a period of service of less than twelve months, such training personnel would have to be replaced by professional personnel. The latter is, however, very expensive, and it may be said that the shorter the term of service the more necessary does it become to increase professional personnel with a corresponding rise in the cost of maintaining the army concerned.

The introduction of an average period of service is designed to make it possible to recruit the lower-grade cadres entrusted with training work among the members of the contingent. The expression "average period" means that, if the number of days served by men liable for the longest period of service and the number of days served by those liable for the shortest period are added together and the result divided by the total number of men liable for service, the figure thus obtained will be equal to the average period prescribed.

In order to throw light on its proposal, the Italian delegation showed that six factors would have to be taken into consideration :

- The average period of service, which must not be exceeded ;
- The average daily effectives, which must not be exceeded ;
- The longest period of service ;
- The number of men liable for the longest period of service ;
- The shortest period of service ;
- The number of men liable for the shortest period of service.

These factors are closely interrelated, so that, once the first four are known, the two others follow automatically. The Italian delegation nevertheless considered that, apart from the second factor, which was already specified in the Convention, and the first (average period of service) which, it proposed, should also be specified, the other four should be left to the discretion of each country. It pointed out that it could not be in the interests of any country to juggle with these various factors in a manner contrary to the purposes of the Convention. The Italian delegation also showed that the division of training personnel into short-term and long-term personnel respectively would not render the supervision of effectives more difficult.

Other delegations, however, took the view that the result of these different factors, especially if combined with pre-military training, would be to open the way to variations such as might nullify limitation of the period of service. These delegations were nevertheless in sympathy with the principle on which the Italian proposal was based in so far as it was designed to enable the various States to obtain the services of the lower-grade cadres responsible for training at a low cost. At the same time, they took the view that, if an average period of service were fixed, a maximum period should also be specified and that the margin between the two should not be too wide. The question of the fixing of an average period also appeared to be connected with that of the fixing of a minimum period of service or with limitation of the number of men who may undergo military training in the course of any one year.

2. The question of the fixing of a minimum limit for the period of service was indeed also raised in the course of the Committee's discussions. It was suggested that, in the absence of such limitation, certain States, where pre-military training has been generally introduced, might be induced to accept a shorter term of service in order to give military training in the army to a greater number of men. It therefore appeared to certain delegations that, if perequation of forces was reached between two countries, the figure of trained reserves turned out each year should conform to the same or to a closely similar ratio.

In this connection, the French delegation proposed the following rule : the men who may be trained in the course of any one year shall be limited to the number resulting if full advantage is taken of average daily effectives and the average period of service. If, for example, in the case of a given State, the number of average daily effectives is 200,000 men and the average period of service 8 months, the number of men who may normally be trained within a period of 12 months shall not exceed  $\frac{200,000 \times 12}{8} = 300,000$ .<sup>1</sup>

3. Certain delegations raised the question of separate limitation for the initial period of service and subsequent refresher periods. In their view, it is impossible to ignore the fact that, while in one country a relatively long period is devoted to service with the colours, with only two or three refresher periods spread out over 10, 15 or 20 years for the training of reservists, in another country the men are in the first instance required to spend only a short period

<sup>1</sup> The Hungarian delegation felt unable to take any part in the discussion on point 2.



with the colours, with subsequent refresher periods of from 15 to 20 days each year. In the first case, training is insufficient to permit of the reserves' being immediately employed and therefore too short to render them capable of sudden attack. In the second case, the reservists are constantly kept up to a high level of efficiency and the army is unquestionably better fitted to take part, at short notice, in offensive operations. This again raises the question of the military preparation of young men before being called to the colours, as such preparation may make it possible to curtail the period of service with the colours.

The other delegations expressed the fear that this proposal would result in a certain rigidity. They would nevertheless be prepared to accept it if general agreement could be reached on this subject.

4. As regards the question of whether the above-mentioned limits should be fixed in respect of each country or group of countries or of all the contracting parties, the majority of the delegations favoured a middle course. The United States delegation more particularly recommended a system of adjustment within the framework of regional groups—a suggestion which was accepted by the Polish, Yugoslav, Hungarian and French delegations, which, however, asked that account should be taken of the conditions peculiar to each country.

5. In short, the Committee accepted the principle of a limitation of the period of service as provided for in the United Kingdom draft Convention. Generally speaking, however, it was of opinion that such limitation might be effected through the medium of regional agreements. It learnt with interest of the Italian delegation's proposal to introduce an average period of service and considered that, with suitable additions, that proposal might open up possibilities of compromise. It also heard with interest the French suggestion for placing a minimum limit on the period of service or limiting the number of men who, in the course of any given year, may undergo military training and also for the separate limitation of the initial period of service and the total duration of subsequent refresher periods. It considered, however, that, at the present stage in the examination of Articles 16 and 17, it was not in a position to give a final opinion or to put forward definite proposals. It would be for the competent authorities in the various countries to proceed to a thorough examination of the questions raised. The general examination of these questions by the Committee would appear to have been very fruitful nevertheless, since it has served to bring to light new aspects and incidences which have only become apparent as the discussion proceeded. In this connection, the French delegation has drawn special attention to the fact that, in its opinion, the problems in connection with the length of service alter their aspect according as pre-military training is taken into account (as proposed in the United Kingdom draft Convention) or is merely regulated without being taken into account (as proposed, subject to certain conditions, by the Committee on Effectives in its report of June 1933).

The Committee as a whole desires to point out that certain of the above-mentioned questions will lose much of their importance if the figures of average daily effectives and maximum length of service are put sufficiently low. Several delegations pointed out, however, that these figures must in any case make due allowance for training requirements.

#### E. STRUCTURE OF TABLE I ANNEXED TO CHAPTER I, SECTION I, PART III, OF THE UNITED KINGDOM DRAFT CONVENTION.

The Committee has had only a brief exchange of views on the question.

In the course of the discussion, with a view to facilitating the control of the personnel serving beyond the legal period in the armed forces to which Article 15 of the United Kingdom draft Convention relates, the suggestion was made to subdivide the column in Table I ("Land Armed Forces stationed in the Home Country") into two columns distinguishing the forces of the home country properly so called and overseas reserves stationed in the home country in the case of conscript armies.

In view of the small number of States which have both overseas forces and a conscript army, the Committee confined itself to taking note of this suggestion. It also proposed the insertion by the side of the figure in Table I, column I, of a reference to a footnote to the following effect: "Of which . . . come within the provisions of Article 15".

The ideas put forward in connection with the structure of Table I will be submitted to the competent departments of the different countries for examination.



Annex.

SUPERVISION OF EFFECTIVES.

DOCUMENTS TO BE COMMUNICATED TO THE PERMANENT DISARMAMENT COMMISSION.

I. Item	II. Complete list of documents to be communicated regularly and periodically to the Permanent Disarmament Commission at Geneva	III. Articles of the Convention concerned
	<i>A. Documents of which the Communication is obligatory for all Countries.</i>	
A 1 ....	Laws, decrees and regulations in force relating to the general organisation of the army (organisation, recruiting, cadres and effectives) and to the organisation of pre-military training.	8, 10, 13 (Table 1), 17, 18.
A 2 ....	Finance Act, general budget, estimates voted or enacted by executive order, special budgets, supplementary estimates voted or enacted by executive order, audited accounts and special accounts. <sup>1</sup>	8, 13 (Table 1), 16, 17, 18.
A 3 ....	Tables of peace establishment (peace organisation tables).	8, 13 (Table 1), 16.
A 4 ....	Troop location statements.	<i>Ditto.</i>
A 5 ....	Army lists.	18.
A 6 ....	<i>Quarterly statement<sup>2</sup> of strength of armed land forces and assimilated bodies and pre-military formations.<sup>3</sup></i>	8, 12, 13 (Table 1), 16, 17, 18.
A 7 ....	Monthly statistics of voluntary enlistments, re-enlistments and discharges.	8, 13 (Table 1), 16, 18.
A 8 ....	Quarterly returns of days' pay issued (quarterly returns of pay expenditures).	
A 9 ....	Quarterly statement of expenditure authorised for pay, food, clothing.	8, 11, 13 (Table 1), 16.
A 10 ...	Pay and allowance regulations (tables).	<i>Ditto.</i>
A 11 ...	<i>Annual statement of effectives of police formations not included in the armed forces with particulars of their characteristics.<sup>4</sup></i>	8, 12, 13 (Table 1), 16.
A 12 ...	Documents affording a means of verifying that the undertakings concerning military training outside the army are being duly observed on the territory of the contracting parties and that pre-military training is being kept within the limits laid down in the Convention.	10.
	<i>B. Documents compulsory only for Conscript Armies.</i>	
B 1 ....	Vital statistics—mortality tables.	8, 13 (Table 1), 16.
B 2 ....	Annual reports on the constitution of the annual contingent.	<i>Ditto.</i>
B 3 ....	Special reports by recruiting centres on the embodiment of conscripts, showing their distribution by arms and corps.	<i>Ditto.</i>
B 4 ....	General report on the embodiment and distribution of conscripts by arms and corps.	<i>Ditto.</i>

<sup>1</sup> Provision is made for the communication of these documents in the part of the draft Convention which relates to the supervised publicity of national defence expenditure.

<sup>2</sup> Document to be drawn up on the basis of the attached international model statement (Appendix 1).

<sup>3</sup> Police forces and similar formations referred to in Article 12.

<sup>4</sup> Document to be drawn up on the basis of the model already used by the Committee on Effectives in connection with its examination of police forces (see Appendix 2).

Appendix 1.

MODEL STATEMENT OF EFFECTIVES<sup>1</sup>—FIRST QUARTER 193 , AS AT APRIL 1ST.

Troupes stationnées dans la métropole Troops stationed in the home country										Observations Remarks											
(a)	Effectifs quotidiens moyens du 1 <sup>er</sup> janvier au 31 mars  Average daily effectives from Jan. 1st to March 31st	Effectif réel à la date du 1 <sup>er</sup> avril  Actual effectives as at April 1st	Mouvements d'effectifs à prévoir <sup>2</sup> Forecast of substantial fluctuations anticipated (Renseignements facultatifs pour les armées de métier) (Entries optional for professional armies)						Troisième trimestre globalement  Third quarter (total figure)												
			Deuxième trimestre Second quarter																		
			Avril April		Mai May		Juin June														
			En plus In-crease	En moins De-crease	En plus In-crease	En moins De-crease	En plus In-crease	En moins De-crease													
			(d)	(e)	(f)	(g)	(h)	(i)													
(k)	(l)	(a)																			
I. <i>Forces armées terrestres proprement dites.</i> Officiers en service actif et élèves officiers . . . Militaires servant au delà de la durée de service fixée par l'article 16 . .  Personnel assimilé au sens de l'article 9 de la Convention . . . .  Militaires astreints à la durée du service fixée par l'article 16 . . . . Militaires rappelés sous les drapeaux : Officiers . . . . . Sous-officiers et hommes de troupe . . . . <i>Totaux pour l'armée . .</i>  II. <i>Forces de police et formations similaires visées par l'article 12 de la Convention :</i> Officiers . . . . . Troupe (y compris les élèves) . . . . . <i>Totaux pour les effectifs visés à l'article 12. . .</i>  III. <i>Effectifs navals devant être inclus dans les forces armées de terre :</i> Officiers . . . . . Personnel non officier servant au delà de la durée fixée par l'article 16 . . . . . Troupe . . . . . <i>Totaux pour les effectifs navals visés ci-dessus .</i>  IV. <i>Formations prémilitaires :</i> (Instruction donnée à des jeunes gens de 18 à 21 ans). Instructeurs <sup>3</sup> : ayant rang d'officier . n'ayant pas rang d'officier . . . . . Effectif recevant l'instruction <sup>4</sup> . . . . .											I. <i>Land armed forces properly so called :</i> Officers on the active list and officer cadets. Other ranks serving beyond the period of service laid down in Article 16. Personnel of equivalent status within the meaning of Article 9 of the Convention. Effectives liable to the period of service laid down in Article 16. Effectives recalled to the colours : Officers. N.C.O.s and other ranks. <i>Totals for the army.</i>  II. <i>Police forces and similar formations referred to in Article 12 of the Convention :</i> Officers. Other ranks (including probationers). <i>Totals for the effectives referred to in Article 12.</i>  III. <i>Naval effectives to be included among the land forces :</i> Officers Personnel other than officers serving beyond the period of service laid down in Article 16. Others. <i>Totals for the naval effectives referred to above.</i>  IV. <i>Pre-military formations :</i> (Training of youths from 18 to 21).  Instructors: <sup>3</sup> Ranking as officers. Not ranking as officers.  Numbers receiving training <sup>4</sup> .										

<sup>1</sup> Cet état comprendrait une deuxième feuille absolument semblable, s'appliquant aux troupes stationnées outre-mer.  
This return would comprise a second sheet on exactly the same model, for troops stationed overseas.

<sup>2</sup> Ne doivent être portées dans cette colonne que les variations sensibles.  
Important variations only should be inserted in this column.

<sup>3</sup> A ne pas inscrire s'ils sont déjà comptés dans l'armée régulière ou la police.  
Not to be entered if they have been already reckoned in the regular army or police force.

<sup>4</sup> N'est obligatoire que pour les armées de conscription.  
Is only obligatory for conscript armies.



## Appendix 2.

TABLE USED BY THE SPECIAL COMMITTEE ON EFFECTIVES IN THE EXAMINATION OF  
POLICE FORCES.

Catégorie de force	I.		II.		
	Organisation	Force numérique approximative	Armement individuel et collectif	Matériel individuel et collectif	Armement et matériel n'entrant pas dans la dotation normale, mais pour l'usage desquels l'instruction est donnée.
Designation of force	Organisation	Approximate strength	Individual and collective arms (a)	Individual and collective material (b)	Arms and material not in regulation equipment but in the use of which instruction is given (c)

[illegible]

COMMENTS ON THE LIST OF DOCUMENTS TO BE COMMUNICATED TO THE  
PERMANENT DISARMAMENT COMMISSION.

*Item A 1.*

It was agreed that, in order that the execution of the Convention might be supervised in European countries with a conscript army, it is advisable to include in this item the *decrees laying down the procedure for the embodiment and discharge of the contingent and the decrees calling soldiers to the colours*.

It was also made clear that, as regards *documents relating to pre-military training*, the interpretation of item A 1 will depend on the agreement to be reached on the proposals of the previous Committee on Effectives (see document Conf.D.162).

*Item A 2.*

It was decided that this item, which relates to the question discussed by the Technical Committee on National Defence Expenditure, will appear in the draft of the Committee of the Bureau (Effectives), subject, however, to examination by the Technical Committee of the National Defence Expenditure Commission.

*Item A 4.*

It was laid down that the "troop location statements" will only give the names and composition of the normal garrisons, excluding temporary movements.

*Item A 5.*

As some delegations pointed out that the information asked for in items A 4 and A 5 was combined in a common document in their armies, it was proposed that this single document should be sent to the Permanent Disarmament Commission, which would sift the information.

*Item A 6.*

The Committee considered that the model statement should be furnished *every quarter* for the *conscript armies* in respect of effectives stationed in the home country. As regards the periods for submission of the model statements relating to *professional armies*, the decision to be taken will depend on the result of the consultations which the delegations concerned will have with their competent departments.

The Committee considered the possibility that the model statement of effectives stationed overseas and pre-military formations should be submitted only once a year.

It was agreed that all the particulars entered in the forecast columns (forecast of substantial fluctuations anticipated) refer to actual effectives and that, if a Government contemplates, for instance, the calling-up of  $x$  men to the colours for  $y$  days, the figures  $x$  and  $y$  shall be entered in the column "Observations" with an exact statement of the dates of calling up.

The Committee expressed the opinion that the model statement should be communicated to the Technical Committee of the National Defence Expenditure Commission in order to ensure agreement between the model statement of effectives and the model statement of expenditure.

*Item A 7.*

The question of monthly submission remains open.

*Item A 8, A 9, A 10.*

The Committee considered that it would be useful if the Governments communicated to the Permanent Disarmament Commission administrative documents allowing of cross-checking with the budgets and statements concerning effectives and that the competent departments of the various countries should be asked to study the question and state what documents they can furnish. It would also be advisable for the Committee to get into touch with the Committee on National Defence Expenditure in order to ascertain whether the investigations made by that Committee would not furnish valuable information.

Items A 8, A 9 and A 10 have been retained with this observation and subject to this reservation.

A comparison of the documents referred to in item A 10 with the documents referred to in items A 8 and A 9 would enable the supervisory organ at Geneva to check the information and thus to disclose any substantial variations in effectives.

The documents relating to food and clothing may vary considerably in different countries. But in all countries there must be administrative documents enabling a distinction to be made between, on the one hand, "*entitlement*", which indicates the quantities to which the various units are entitled at the rate of so much per man, and, on the other hand, the amounts actually *drawn* and *consumed* by the units. It would be useful for purposes of supervision to obtain the corresponding recapitulatory documents.



*Item A 11.*

The statement referred to in this item is intended to enable the Permanent Disarmament Commission to fulfil the task the Committee on Effectives recommended should be entrusted to it in respect of the supervision of police and similar formations of a non-military character (document Conf.D.162, page 7, paragraph 26).

*Item A 12.*

The Committee has made the two following suggestions on this subject :

(1) Annual communications to the Permanent Disarmament Commission of official information at the disposal of the Governments regarding the names, the seat and the statutes of athletic associations and rifle clubs, associations of former combatants or ex-soldiers, including more than one hundred members of the male sex of more than 18 years and less than 40 years of age.

(2) Communication to the Permanent Commission, during the year after the Convention comes into force, of regulations issued by each Government in order to guarantee that the provisions of the Convention regarding training outside the army are observed in the territory placed under its jurisdiction.

The Committee did not think it was empowered to decide what action the Permanent Disarmament Commission might take in regard to States which, on signing the Convention, are not in a position to provide the particulars mentioned in paragraph 1.

Some Members of the Committee urged the importance of utilising the particulars at the disposal of the international athletic organisations.

The Committee draws attention to the fact that a system of investigations on the spot would probably constitute the most effective means of supervising the observance of the provisions regarding training outside the army.

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*Official No. : Conf.D./Bureau 54.*

Geneva, December 28th, 1933.

## COMMITTEE FOR MORAL DISARMAMENT

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*Note by the President of the Conference.*

The President of the Conference for the Reduction and Limitation of Armaments has the honour to communicate to the members of the Bureau :

Document Conf.D./C.D.M.36 : Text adopted by the Committee for Moral Disarmament.

Document Conf.D./C.D.M.37 : Report on the work of the Committee for Moral Disarmament.

Document Conf.D./C.D.M.38 : Letter addressed to the President of the Conference by the Chairman of the Committee for Moral Disarmament on December 1st, 1933.

(Rapporteur : M. Komarnicki (Poland).)

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Conf.D./C.D.M.36.

Geneva, November 17th, 1933.

### TEXT ADOPTED BY THE COMMITTEE FOR MORAL DISARMAMENT ON NOVEMBER 17TH, 1933.

The High Contracting Parties,

Considering that moral disarmament is one of the essential aspects of the general work of disarmament ;

Considering that the reduction and limitation of armaments depend to a large extent upon the increase of mutual confidence between nations ;

Considering that, as far as public opinion is concerned, a sustained and systematic effort to ease tension may contribute to the progressive realisation of material disarmament ;

Considering that the interdependence of States calls, not only for their co-operation in the political sphere, but also for an effort of mutual understanding between the peoples themselves ;

Being resolved to do whatever lies in their power to induce their nationals to display in any public discussion a spirit of tolerance and mutual respect ;

Being convinced that the success of the measures adopted in one country to ensure moral disarmament is largely dependent on the application of similar measures in other countries ;

Recognising that the League of Nations has placed at the disposal of the various States the Intellectual Co-operation Organisation, which is particularly suited to the accomplishment of certain tasks connected with moral disarmament, although a different procedure may have to be adopted to meet special situations :

#### *Article 1.*

The High Contracting Parties undertake to use their powers or their influence to see that education at every stage, including the training of teachers, is so conceived as to inspire mutual respect between peoples and to emphasise their interdependence, which makes international collaboration a necessity.

#### *Article 2.*

The High Contracting Parties will also do whatever lies in their power to see that teachers are guided by these principles.

School text-books should be prepared in the same spirit ; those which are at variance with that spirit should be revised.

The High Contracting Parties likewise agree to recommend to their competent authorities the inclusion of the following subjects in the syllabus prescribed for entrance examinations to official posts which entail relations with other countries : fundamental principles of international law, legal bases of international relations, and outlines of the efforts made to consolidate peace between nations.

They undertake to recommend to their competent authorities that their country's history is taught in relation to the history of other countries.

#### *Article 3.*

The High Contracting Parties undertake to encourage, in accordance with the special system in force in their respective countries, the use of the cinematograph and broadcasting with a view to increasing the spirit of good-will between nations. With this end in view, they will also support any action taken by the Intellectual Co-operation Organisation, as well as by organisations having the same object.

In accordance with the special system in force in their respective countries, they will use their influence to avoid the showing of films, the broadcasting of programmes and the organisation of performances obviously calculated to wound the legitimate sentiments of other nations.

#### *Article 4.*

The High Contracting Parties will endeavour to facilitate, by the most appropriate means, the co-operation in the work of moral disarmament of Government departments, intellectual circles and others working for peace on a larger scale.

With this end in view, they agree to encourage the creation and activities of national committees for intellectual co-operation or other organisations collaborating in the work of moral disarmament.

Conf.D./C.D.M.37.

Geneva, December 1st, 1933.

### REPORT ON THE WORK OF THE COMMITTEE FOR MORAL DISARMAMENT.

*Rapporteur* : M. KOMARNICKI (Poland).

*Documents accompanying the Report* (document Conf.D./C.D.M.36).

The present report of the Committee on Moral Disarmament has a double object. It is to accompany the covering letter of December 1st, 1933, addressed by Mrs. Corbett-Ashby, Chairman of the Committee, to the President of the Conference for the Reduction and



Limitation of Armaments. It thus supplements the contents of that letter, without reproducing the indications contained therein concerning the Committee's future programme or work. Its purpose is also to facilitate the understanding of the draft text annexed hereto (document Conf.D./C.D.M.36) which the Committee on Moral Disarmament is submitting for examination to the General Commission of the Conference. That text, consisting of a preamble and four articles, is the result of the work of the Committee on Moral Disarmament since the despatch of the last communication, which was addressed in its name to the President of the Conference by Mrs. Corbett-Ashby on June 3rd, 1933 (document Conf.D./C.G.133).

#### *Main Divisions of the Report.*

The present statement consists of three parts. The first contains certain retrospective information concerning the successive stages of the work of the Committee on Moral Disarmament from June 3rd, 1933, to the present date.

The second part is intended to explain each of several provisions of the draft text framed by the Committee

The third part gives various data on questions raised in the course of the work which have not yet formed the subject of definite proposals.

### I. WORK OF THE COMMITTEE SINCE JUNE 3RD, 1933.

#### *Questions classified in Three Groups.*

The resolution adopted on June 2nd by the Committee on Moral Disarmament indicated the method of work which the latter proposed to adopt. It had arranged in three groups the various questions referred to it for examination. The first of these groups covers questions relating to teaching, co-operation between intellectual circles, broadcasting, the theatre and the cinematograph; the second, questions relating to the adaptation of municipal laws to meet the present stage of development of international relations; the third, questions relating to the Press. The Committee had decided to frame on each of these questions provisions drafted in such a way that they could be included among the final texts to be adopted by the Conference.

#### *Utilisation of Texts framed in 1932 (document Conf.D./C.D.M.18).*

For the examination of the questions in the first group, the Committee proposed to utilise a preliminary draft text which it had already examined on first reading (document Conf.D./C.D.M.18). That preliminary draft text was accordingly submitted to further examination in June last. The Committee decided as a result of its study to ask its Rapporteur to frame a new draft as a basis for discussion. That draft, framed in such a way that it could, if necessary, be inserted in the enacting clause of a convention, was to reproduce within the compass of a small number of articles those essential provisions appearing in the preliminary draft text referred to above.

#### *New Draft of the Rapporteur (document Conf.D./C.D.M.31).*

The Rapporteur of the Committee thus had to submit to his colleagues a very short draft, consisting of a preamble and six articles (document Conf.D./C.D.M.31). The Committee's work was then suspended.

#### *Draft of the International Committee on Intellectual Co-operation (document Conf.D./C.D.M.32).*

In the meantime, the International Committee on Intellectual Co-operation held its annual session at Geneva. The very active collaboration of various services of the International Organisation in the work of the Committee for Moral Disarmament was duly noted by the Committee. The latter examined the position of the questions referred to it for study. It utilised for this purpose the draft text framed by the Rapporteur of the Committee for Moral Disarmament concerning teaching, co-operation between intellectual circles, the cinematograph, broadcasting and the theatre—all questions which already come within the field of activity of the Intellectual Co-operation Organisation. It endeavoured, without altering the main provisions of the Rapporteur's text, to supplement that text on certain points, more particularly those relating to the collaboration that the Intellectual Co-operation Organisation would be able to afford in the application of provisions relating to moral disarmament.

This new text, framed by the Committee on Intellectual Co-operation, was addressed by the latter's Chairman to the Rapporteur of the Committee for Moral Disarmament (document Conf.D./C.D.M.32).



*Resolution of the League Assembly (document A.46.1933.XII).*

The Assembly of the League of Nations, at its fourteenth session, in approving the report and the resolution submitted to it by M. Mistler, delegate of France, on behalf of the Sixth Committee, stressed the value of the draft relating to Moral Disarmament which had been framed by the International Committee on Intellectual Co-operation.

It recommended that text particularly to the attention of States Members of the League of Nations represented on the Committee for Moral Disarmament.

*Resumption of the Committee's Work, October 1933.*

When the latter resumed its work in October last, three texts relating to the questions in the first group were taken as a basis for its discussions. They were the draft framed by the Rapporteur in June last, that of the International Committee on Intellectual Co-operation, and, lastly, a draft declaration submitted to the Committee by the British and United States delegations (document Conf.D./C.D.M.23). The Committee decided to make a joint study of these three texts.

*Compromise Draft of the French Delegation (document Conf.D./C.D.M.33).*

The ideas which emerged from a comparison of the texts led the French delegate to present a new draft, which was submitted by way of a compromise. That draft was finally adopted as a basis for discussion for the more detailed studies which were to follow (document Conf.D./C.D.M.33). The drafting of a new text was entrusted to a Drafting Committee consisting of the following : Mrs. Corbett-Ashby, Chairman ; M. Komarnicki, Rapporteur ; Mr. Ashley-Clarke (United Kingdom) ; M. Cassin (France) ; M. de Szent-Istvány (Hungary) ; M. Gallavresi (Italy) ; M. Kulski (Poland) ; and M. Gorgé (Switzerland).

*Work of the Drafting Committee (document Conf.D./C.D.M.35).*

The task entrusted to the Drafting Committee was clearly defined : the Committee was not asked to express an opinion as to the form of the provisions relating to moral disarmament which were to be included among the texts to be adopted by the Conference. Its duty was simply to revise the French delegation's draft, taking into account the observations put forward during the general discussion.

The Drafting Committee was thus able to express a unanimous opinion on a revised draft, which was referred to the Committee for Moral Disarmament. A reservation had been submitted in the Drafting Committee by the Hungarian delegation, but, as it concerned the form of the text and not its substance, its examination was referred to the Committee itself.

*General Adoption of the Draft by the Committee in Plenary Session (document Conf.D./C.D.M.36).*

The Committee made a careful study of the text revised by the Drafting Committee. It introduced various amendments and adopted it unanimously, the Hungarian delegate having asked, however, that his abstention should be duly noted when the vote was taken. The Hungarian delegate's reservation was similar to the one that he had made in the Drafting Committee. The terms in which he expressed it are reproduced in their entirety in the Minutes of the nineteenth meeting, held on November 17th, 1933, at 4 p.m. (document Conf.D./C.D.M.19).

*Reservations submitted when the Vote was taken.*

The Hungarian delegate's reservation does not concern the contents of the draft adopted, but the form to be given to the undertakings to which States would finally be called upon to subscribe. The Committee simply took note of that reservation and, for the reasons set forth in Part III of the present report, was not called upon to discuss it. The United Kingdom representative, while voting in favour of the adoption of the draft, said that his delegation might wish later to present further observations with regard to the substance or the form of the new draft. Other delegates pointed out, in view of the United Kingdom delegate's declaration, that the texts in the framing of which they had assisted were not finally binding as regards the attitude of their respective delegations, and reserved the right to consult their national administrations.



## II. ANALYSIS OF THE DRAFT SUBMITTED TO THE PRESIDENT OF THE CONFERENCE.

This second part of the report contains a commentary, explaining the main provisions of the text. Its object is to define the intentions of the Committee and to reproduce certain opinions expressed during the discussions which the Rapporteur agreed to take into account in order to facilitate the examination of the draft. Each of its main provisions is analysed separately in the following paragraphs.

### *Ad Preamble.*

#### *Paragraph 1.*

The Committee was unanimously of opinion that the first provision of the text should emphasise the close relationship between material and moral disarmament.

#### *Paragraph 3.*

The idea contained in paragraph 1 is further defined in paragraph 3. The relationship between moral and material disarmament seemed to the Committee to involve beyond all doubt parallel action in both spheres. In its discussions, the Committee had thought of emphasising the fact that the stages of moral disarmament called for parallel progress in the domain of material disarmament. It finally decided not to state this view explicitly. It has, however, by reference to a continuous and methodical endeavour, clearly shown that efforts to achieve moral disarmament must be of a permanent character.

#### *Paragraph 4.*

The Committee wished to show that one of the essential aims of moral disarmament was not merely to facilitate the political co-operation of the Governments or responsible administrations, but, above all, to effect a *rapprochement* between the peoples themselves and base future progress on such mutual understanding. This concept was particularly stressed in the draft declaration submitted by the United Kingdom and United States delegations. The Committee has, on this point, largely drawn its inspiration from that declaration.

#### *Paragraph 5.*

This provision originated in a draft amendment submitted last year to the Committee on Moral Disarmament by the late Count Apponyi, then first delegate of Hungary. He had advocated an undertaking by Governments to call upon their nationals to show a liberal spirit of tolerance in public discussions. The Committee unanimously recognised the high-mindedness underlying the Hungarian proposal. It therefore decided to devote a special paragraph to it in the Preamble. The text it recommends nevertheless shows clearly that the loyal efforts which it is hoped that Governments will make in this respect are limited by the means of action at their disposal.

#### *Paragraph 6.*

This summarises one of the provisions of the treaties under which the International Labour Organisation was established.

#### *Paragraph 7.*

The Committee desired to emphasise the predominant part which must be taken by the Intellectual Co-operation Organisation in carrying through certain work for the promotion of moral disarmament. Nevertheless, the Committee has duly taken into account the special situation of those States non-members of the League which may feel that they cannot avail themselves of the collaboration of intellectual co-operation organisations.

### *Ad Article 1.*

This article contains a statement of the essential principles on which moral disarmament must be based in the sphere of education. The Committee therefore thought that this provision should be couched in particularly precise terms. It did not deem it advisable to give a further definition of the final aim, which has been very clearly stated in the Preamble. The Committee believes that the educational system is the keystone of all the other and varied measures that may be taken and that are referred to in the following articles.

### *Ad Article 2.*

This article is directly connected with Article 1. Its aim is to define in certain respects the methods which should be followed in application of the principles set forth in that article.



One of its paragraphs refers to oral teaching, the other to school text-books. This term should be taken to include both national and international school text-books—*i.e.*, those intended exclusively for use in schools of one country or those which have been written for a wider purpose.

The revision of text-books to which the Committee alludes should, it thinks, be carried out on as uniform lines as possible. The Committee did not feel that it ought to recommend any particular method : it deemed it sufficient to take the greatest account of the recommendations of the International Committee on Intellectual Co-operation approved by the Assembly of the League of Nations, known as the Casares procedure.

The inclusion of subjects specially indicated in the list of subjects required for admission to certain official posts is one of the questions which the Committee considered most carefully. The Committee has deliberately refrained from going into the details of the separate questions which, it thinks, are naturally grouped together under the title " Juridical Organisation of the International Community ". This formula must be interpreted in a very wide and no-wise exhaustive sense. The recent developments of international law make it possible to include teaching on the newest of problems.

In devoting a special paragraph to the teaching of history, the Committee desired to take account of a draft amendment submitted last year by the late Count Apponyi, head of the Hungarian delegation.

What the Committee means by this paragraph is this : the teaching of history in each country, though tending to bring out the truth, should clearly show the links which connect that country with other countries, thus emphasising the interdependence of peoples in the spirit of Article 1 of the draft.

### Ad Article 3.

This article marks the result of long efforts to conciliate two tendencies which became apparent in the Committee from the very outset. Some argued that it was most important to insist on recommendations of a positive nature—*i.e.*, recommendations providing that States should intervene directly with a view to influencing certain forms of public activities in a way favourable to moral disarmament.

Others, while not disputing the value of such positive action, attached greater importance to measures of a preventive nature directed against manifestations clearly contrary to moral disarmament. This was in fact the way in which they interpreted the spirit of moral disarmament, which seemed to them to mean any action likely to divest the mind of thoughts of war and aggression. The first paragraph of this article is devoted to what may be called " positive measures ", by which States undertake to encourage the utilisation of the cinema and broadcasting for the purpose of promoting mutual comprehension among the nations. The Committee thought that in adopting this paragraph it would be preferable not to allude to the theatre, as States possess little power to take direct action in this sphere.

The Committee considered that positive action by the States might be of two kinds : measures which the States might themselves introduce in their respective territories and the encouragement which they could give to the furtherance of measures of an international character. While not wishing to rule out the co-operation of other organisations in this sphere, the Committee laid special emphasis upon the services which the Intellectual Co-operation Organisation has unique opportunities of rendering.

As regards the measures of a preventive character set out in the second paragraph of this article, the Committee, in describing to what ends such action should be directed, deliberately fell back upon a somewhat vaguer formula " in order to avoid anything capable of offending the legitimate susceptibilities of other nations . . . ". This expression should, however, be construed in the light of the general definitions of disarmament, more especially those set out in the Preamble.

The Committee also considered that, in view of the general character of the objective which it was desired to attain, the preventive measures might be extended—by the appropriate procedure under the laws of each State—to public entertainments of all kinds.

### Ad Article 4.

In the form given it in the attached draft, Article 4 represents the result of various proposals to the general effect that all men of goodwill who are prepared to support these efforts, either international or in the international field, should be given a share in the work of moral disarmament. Thus the Committee has successively referred to the assistance that may be given by administrations, by intellectual circles and by various national or international groups.

When referring to administrations, the Committee meant this term to cover Ministries of Education and the most suitable forms of international collaboration which they might mutually establish ; participation in meetings of committees of experts, establishment of national centres of educational documentation, etc. The collaboration of intellectual circles must also be understood in its widest sense. The Committee considers that all thinking men may usefully associate themselves in the work for peace. Its attention has also been drawn to certain practical measures in the intellectual field. These are, in particular, international



exchanges of professors and students, including measures for guaranteeing to professors sent abroad the maintenance of their rights to promotion and pension in their country of origin. Likewise the Committee thought that equivalence of diplomas might encourage students to attend foreign universities. The Committee also wished to emphasise the importance of individual and collective foreign travel by students or schoolchildren, and exchanges of correspondence between schoolchildren of various countries. The Committee also considered that other forms of intellectual activity might promote the aims of moral disarmament by encouraging mutual knowledge of the special genius of different peoples, translations of foreign works, their purchase by public libraries, etc. By including in its text a passage relating to all the other bodies which wish for peace, the Committee wished to give effect to a very valuable suggestion of the French delegation; the latter emphasised the importance of assistance from men of goodwill of all classes, workers' organisations, war veterans' and disabled soldiers' associations and also so-called voluntary associations—associations of the churches, women's associations, etc. The Committee accepted the view of the French delegation and, while unable to insert a long list in its draft, requested its Rapporteur to give the widest possible interpretation to this provision in the text.

By the provisions of paragraph 2 of Article 34, the Committee intended to enable States to make use of special national organisations for the realisation of moral disarmament. These latter, in the Committee's view, should have simultaneously a national and an international scope. They should establish close links of collaboration between country and country. Among the bodies most suitable for this task, the Committee mentioned the National Intellectual Co-operation Committees and considered that the creation or development of these should be encouraged. The Committee did not, however, wish to exclude other bodies to which Governments might also think fit to entrust certain responsibilities.

### III. QUESTIONS CONSIDERED BY THE COMMITTEE IN REGARD TO WHICH IT DECIDED NOT TO MAKE AS YET ANY PROPOSALS.

#### *Methods of Application.*

In the course of its work, the Committee discussed the desirability of including certain provisions relating to the methods of application of the undertakings proposed.

#### *Annual Report.*

Without expressing a definite view, the Committee thought it might be possible to recommend a system by which an annual report would be submitted, either by an official department or by the National Intellectual Co-operation Committees or by another suitable body, on the measures taken in the different countries for the application of the provisions in question. In case this proposal were adopted, the Committee also discussed what would be the most suitable body to consider such reports: the Permanent Disarmament Commission, the International Intellectual Co-operation Committee, or the first of these committees assisted by the second. The publication of these annual reports with or without comments was also considered by the Committee.

#### *Complaints of Breaches.*

Further, without the Committee taking a decision on the subject, the question was also raised whether a procedure should not be provided for the investigation by an international body of complaints that might arise of breaches of the proposed agreements. The Committee merely made a preliminary study of certain possibilities. It did not think it opportune to recommend any procedure to the General Commission. It thought that the General Commission should itself decide, seeing that the General Commission will have to take a decision on all the methods of procedure for ensuring the execution of the various provisions in regard to material disarmament.

The Committee nevertheless decided to place itself at the disposal of the General Commission if, at the appropriate moment, the latter thought fit to entrust it with the study of certain measures of application relating to the realisation of moral disarmament. The Committee is therefore ready to comply with any request of the General Commission and will follow any instructions that the Commission may decide to give.

#### *Provisional Form of the Draft.*

In virtue of the resolution adopted by it on June 2nd last, the Committee has given the form of a Preamble and articles to the text which it forwards to the General Commission; these might, if necessary, be embodied in the text of a General Convention. Nevertheless, the Committee did not wish to prejudge the question of the form to be finally selected as most



appropriate. On this point also, the Committee thought that the final decision should rest with the General Commission. The Moral Disarmament Committee will be able to modify and adapt the text in accordance with the General Commission's decisions and on the lines it may indicate.

In order to show clearly that it did not desire to prejudge the form which the texts forwarded to the General Commission would finally assume, the Committee took care to suggest formulæ which would enable States to accept undertakings on a scale proportionate to the constitutional and legal means at their disposal.

While reserving to the General Commission the final decision as to the legal form and the place to be given to the moral disarmament provisions among the various texts adopted by the Conference, the Committee thought that the former could not receive their final shape until all the other provisions adopted by the Conference were known.

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Conf.D./C.D.M.38.

Geneva, December 1st, 1933.

#### LETTER ADDRESSED TO THE PRESIDENT OF THE CONFERENCE BY THE CHAIRMAN OF THE MORAL DISARMAMENT COMMITTEE ON DECEMBER 1ST, 1933.

I have the honour to forward herewith for your consideration and that of the Bureau, and for ultimate transmission to the General Commission, the draft text approved by the Committee for Moral Disarmament, concerning teaching, co-operation between intellectual circles and others working for peace, broadcasting, performances and the cinematograph (document Conf.D./C.D.M.36).

The Committee did not deem it appropriate to recommend to the General Commission a procedure to be followed for carrying out the provisions set forth in the articles in question until the General Commission has indicated methods of ensuring the execution of the articles on material disarmament. This procedure would include the question of periodic reports on the progress of the work of moral disarmament, methods of addressing complaints and action to be taken concerning them, and the organ to be set up for the receipt and publication of reports and complaints.

As was set forth in the resolution adopted by the Committee on June 2nd, 1933, which was transmitted to you in my letter of June 3rd, 1933, the Committee is of the opinion that these provisions should stand on the same footing as the provisions regarding material disarmament in the final texts to be adopted by the Conference.

I am also forwarding to you the report prepared by the Rapporteur, M. Komarnicki, concerning the text adopted by the Committee (document Conf.D./C.D.M.37). I need hardly state that both the Rapporteur and myself will be pleased to furnish any additional information concerning these texts which may be requested by the members of the Bureau or the General Commission.

Lastly, may I add for your information that the Committee had expected to consider in the first fortnight of December the question of the co-operation of the Press in the work of moral disarmament, and the question of the adaptation of municipal laws to meet the present stage of development of international life. In view of the adjournment of the Bureau and of the General Commission, I believe that the Committee might profitably meet at the time when the Bureau is in a position to proceed to the preparation of texts for the second reading of the draft Convention in the General Commission.

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Official No. : Conf.D./Bureau 56.

Geneva, April 10th, 1934.

#### LIST OF MEMBERS OF THE BUREAU (FIFTY-FIFTH MEETING) (April 10th, 1934.)

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*President of the Conference :*

Mr. Arthur HENDERSON (United Kingdom).

*Honorary President :*

M. G. MOTTA (Switzerland).



*Vice-Presidents of the Conference :*

*United States of America :*

Mr. H. R. WILSON.

*Argentine Republic :*

Dr. E. RUIZ GUIÑAZÚ.

*Austria :*

M. E. PFLÜGL.

*Belgium :*

Count CARTON DE WIART.

M. M. BOURQUIN.

*United Kingdom of Great Britain and Northern Ireland :*

Mr. A. EDEN.

*Czechoslovakia :*

M. E. BENEŠ.

*France :*

M. R. MASSIGLI.

*Italy :*

Marquis A. MELI LUPI DI SORAGNA.

*Japan :*

M. N. SATO.

*Poland :*

Count E. RACZYŃSKI.

Brigadier-General S. BURHARDT-BUKACKI.

*Spain :*

M. LÓPEZ OLIVÁN.

*Sweden :*

M. SANDLER.

M. K. I. WESTMAN.

*Union of Soviet Socialist Republics :*

M. Boris STEIN.

*Presidents of Commissions:*

*Land :*

*Naval :*

M. E. MORESCO (Netherlands).

*Air :*

*National Defence Expenditure :*

Dr. A. DE VASCONCELLOS (Portugal).

*Vice-President of the General Commission :*

M. N. POLITIS (Greece).

Official No. : Conf.D./Bureau 58.

Geneva, April 23rd, 1934.

## COMMUNICATION BY THE PRESIDENT REGARDING MEETINGS OF THE BUREAU AND OF THE GENERAL COMMISSION

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Referring to the decisions taken by the Bureau on April 10th in respect of the meetings of the Bureau and of the General Commission respectively on April 30th and May 23rd, the President of the Conference has the honour to inform the members of the Bureau that, in view of recent developments, it has been considered that no useful purpose could be achieved by the Bureau meeting at the date referred to above.

It has also been suggested that, if any meeting of the Bureau be considered necessary, it should be held on the eve of the meeting of the General Commission or even on the same day.

The President would be grateful to the members of the Bureau if they could let him know by telegram (addressed to the League of Nations Secretariat in Geneva) if they would agree to hold the meeting of the Bureau at 10.30 in the morning of May 29th and the meeting of the General Commission in the afternoon of the same day.

The suggested change as regards the date of the meeting of the General Commission will make it possible for certain delegates to attend the meeting in person, which they would be prevented from doing if the date of the 23rd were adhered to.

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Official No. : Conf.D./Bureau 60.

Geneva, May 28th, 1934.

## LIST OF MEMBERS OF THE BUREAU (FIFTY-SIXTH TO SIXTY-FIRST MEETINGS)

(May 28th to June 11th, 1934.)

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### *President of the Conference :*

Mr. Arthur HENDERSON (United Kingdom).

### *Honorary President :*

M. G. MOTTA (Switzerland).

### *Vice-Presidents of the Conference :*

#### *United States of America :*

Mr. Norman DAVIS.

#### *Argentine Republic :*

Dr. E. RUIZ GUIÑAZÚ.

#### *Austria :*

M. E. PFLÜGL.

#### *Belgium :*

M. P. HYMANS.

#### *United Kingdom of Great Britain and Northern Ireland :*

Sir John SIMON.

Mr. A. EDEN.

#### *Czechoslovakia :*

M. E. BENEŠ.

#### *France :*

M. L. BARTHOU.

#### *Italy :*

Baron P. ALOISI.

Marquis A. MELI LUPI DI SORAGNA.



*Japan :*

M. N. SATO.

*Poland :*

M. BECK.

Count E. RACZYŃSKI.

*Spain :*

M. S. DE MADARIAGA.

*Sweden :*

M. SANDLER.

*Union of Soviet Socialist Republics :*

M. M. LITVINOFF.

*Presidents of Commissions :*

*Land :*

M. E. BUERO (Uruguay).

*Naval :*

M. E. MORESCO (Netherlands).

*Air :*

Dr. C. L. LANGE (Norway), Rapporteur.

*National Defence Expenditure :*

Dr. A. DE VASCONCELLOS (Portugal).

*Vice-President of the General Commission :*

M. N. POLITIS (Greece).

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*Official No. : Conf.D./Bureau 63.*

Geneva, June 6th, 1934.

## **DRAFT RESOLUTION SUBMITTED BY THE FRENCH DELEGATION**

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The General Commission,

Taking into consideration the resolutions submitted to it respectively by the delegations of six Powers, the Turkish delegation and the delegation of the Union of Soviet Socialist Republics ;

Convinced of the necessity of the Conference continuing its work with a view to arriving at a General Convention for the Reduction and Limitation of Armaments ;

Resolved to continue without delay the investigations already undertaken, without prejudice to any private negotiations into which Governments may wish to enter in order to promote final success :

### **I.**

Having regard to the peculiar importance attaching to the prompt solution of certain problems to which attention was drawn at the beginning of the general discussion :

Takes the following decisions :

#### **(1) Security.**

(a) Since the results of the Conference's earlier investigations have enabled certain regional security agreements to be concluded in Europe during the past year, the General Commission requests the Political Commission to resume those investigations forthwith by such procedure as it may consider appropriate, with a view to the conclusion of further agreements of the same nature and in order to determine their relationship, if any, to the General Convention.

(b) The General Commission further requests the Political Commission to supplement if necessary the provisions adopted in the matter of supervision, and to proceed to devise guarantees of execution, the study of which has hitherto been held over.

(2) *Air Forces.*

The General Commission instructs its Air Committee to resume forthwith the study of the questions set down in its resolution of July 23rd, 1932, under the heading “(1) Air Forces” (internationalisation of civil aviation, abolition of bombardment from the air, reduction of military air forces, etc.).

(3) *Manufacture of and Trade in Arms.*

The General Commission requests its special Committee on questions relating to the manufacture of and trade in arms to resume its work forthwith and, in the light of the statements made by the United States delegate at the meeting of May 30th, to report to it as early as possible on the solutions it recommends.

These three Commissions will carry on their work on parallel lines, and it will be co-ordinated by the Bureau.

II.

Having thus defined the most urgent tasks, the General Commission leaves it to the Bureau of the Conference to take the necessary steps at the proper time to ensure that, when the President convenes the General Commission, it will have before it as far as possible a complete draft Convention.

III.

Being anxious that the new elements contributed to its efforts by the proposal of the delegation of the Union of Soviet Socialist Republics—that the Conference be declared a permanent institution under the title of the Peace Conference—should not be lost, the General Commission requests the President to submit that proposal (document Conf.D./C.G.163) to the Governments.

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*Official No. : Conf.D./Bureau 69.*

Geneva, November 20th, 1934.

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**LIST OF MEMBERS OF THE BUREAU (SIXTY-SECOND MEETING)**  
**(November 20th, 1934.)**

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*President of the Conference :*

Mr. Arthur HENDERSON (United Kingdom).

*Honorary President :*

M. G. MOTTA (Switzerland).

*Vice-Presidents of the Conference :*

*United States of America :*

Mr. H. R. WILSON.

*Argentine Republic :*

Dr. E. RUIZ GUIÑAZÚ.

*Austria :*

M. E. PFLÜGL.

*Belgium :*

M. M. BOURQUIN.

*United Kingdom of Great Britain and Northern Ireland :*

Mr. A. EDEN.

*Czechoslovakia :*

M. E. BENEŠ.



*France :*

M. P. LAVAL.  
M. R. MASSIGLI.

*Italy :*

Marquis A. MELI LUPI DI SORAGNA.

*Japan :*

M. YOKOYAMA.

*Poland :*

M. BECK.  
Count E. RACZYŃSKI.

*Spain :*

M. S. DE MADARIAGA.

*Sweden :*

M. O. UNDÉN.  
M. WESTMAN.

*Union of Soviet Socialist Republics :*

M. M. LITVINOFF.

*Presidents of Commissions :*

*Land :*

*Naval :*

M. E. MORESCO (Netherlands).

*Air :*

*National Defence Expenditure :*

Dr. A. DE VASCONCELLOS (Portugal).

*Vice-President of the General Commission :*

M. N. POLITIS (Greece).

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(4) Air Service  
The General Commission is to be composed of representatives of the various countries concerned in the air service. It is to be composed of representatives of the various countries concerned in the air service. It is to be composed of representatives of the various countries concerned in the air service.

(5) Manufacture of and Trade in Arms  
The General Commission is to be composed of representatives of the various countries concerned in the manufacture of and trade in arms. It is to be composed of representatives of the various countries concerned in the manufacture of and trade in arms. It is to be composed of representatives of the various countries concerned in the manufacture of and trade in arms.

(6) Manufacture of and Trade in Explosives  
The General Commission is to be composed of representatives of the various countries concerned in the manufacture of and trade in explosives. It is to be composed of representatives of the various countries concerned in the manufacture of and trade in explosives. It is to be composed of representatives of the various countries concerned in the manufacture of and trade in explosives.

(7) Manufacture of and Trade in Chemicals  
The General Commission is to be composed of representatives of the various countries concerned in the manufacture of and trade in chemicals. It is to be composed of representatives of the various countries concerned in the manufacture of and trade in chemicals. It is to be composed of representatives of the various countries concerned in the manufacture of and trade in chemicals.

(8) Manufacture of and Trade in Electrical Apparatus  
The General Commission is to be composed of representatives of the various countries concerned in the manufacture of and trade in electrical apparatus. It is to be composed of representatives of the various countries concerned in the manufacture of and trade in electrical apparatus. It is to be composed of representatives of the various countries concerned in the manufacture of and trade in electrical apparatus.

LIST OF MEMBERS OF THE BUREAU OF THE CONFERENCE (1924-1925)

- President of the Conference:  
Mr. Woodrow Wilson (United States)
- Honorary President:  
Mr. G. B. Shaw (England)
- Vice-Presidents of the Conference:  
United States of America:  
Mr. H. R. Wilson.  
Argentina Republic:  
Dr. E. R. G. G. G.  
Australia:  
Mr. B. P. P.  
Belgium:  
Mr. M. B. B.  
British Empire and Northern Ireland:  
Mr. A. B. B.  
Canada:  
Mr. C. C. C.











