

C.N. IX. 2. (17)

Official No.: **Conf. D./C. G. 171.**

Geneva, July 23rd 1934.

LEAGUE OF NATIONS

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

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

NOTE BY THE PRESIDENT OF THE CONFERENCE.

With reference to Part II, paragraph 3—“*Manufacture of and Trade in Arms*”—of the resolution adopted by the General Commission on June 8th, 1934 (document Conf.D./C.G. 168), the President of the Conference for the Reduction and Limitation of Armaments has the honour to forward herewith to the Members of the General Commission the following documents :

(a) Document Conf.D./C.C.F.47(1)—Report to the General Commission adopted by the Committee on July 2nd, 1934 ;

(b) Document Conf.D./C.C.F.48(1)—Draft Articles adopted by the Committee on July 2nd, 1934 ;

(c) Document Conf.D./C.C.F./P.V.17—Minutes of the meeting of the Committee held on July 2nd, 1934, when the above-mentioned report and draft articles were adopted.

The President of the Conference wishes particularly to call attention to paragraph 2 of the report to the General Commission (document Conf.D./C.C.F.47) (1) (a) above.

(a) REPORT TO THE GENERAL COMMISSION

*adopted on July 2nd, 1934, by the Committee for the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War.*¹

(Rapporteur : M. KOMARNICKI (Poland).)

I. On June 8th, 1934, the General Commission adopted the following resolution :

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

This resolution is the starting-point for the work undertaken by the rapporteur to the Conference on questions of manufacture of and trade in arms, who, with the authorisation of the President of the Conference, has had a series of consultations with several interested delegations who represent, in particular, the principal arms and implements of war producing countries, with a view to preparing the way for the resumption of the work of the Committee.

The rapporteur's work has been greatly facilitated by the generous initiative of the delegation of the United States of America, which, in developing the views expressed by Mr. Norman Davis at the meeting of the General Commission on May 29th last, has given details

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

of these views in a memorandum—annexed—put before several delegations on June 15th, 1934.

After a close discussion of this memorandum between several interested delegations—to whom were added all the other delegations who expressed the wish to be so added—the rapporteur prepared a draft text, which, after several alterations had been made in it, was put before the Sub-Committee on Manufacture on June 27th as basis of discussion.

At this meeting the Sub-Committee approved the draft text in its present form.

2. The text approved by the Sub-Committee contains a number of new ideas which have not been discussed by the General Commission. It should therefore be examined closely by all the Governments represented at the Conference. It would be highly desirable that, on the resumption of the Conference's work, all delegates be furnished with the necessary instructions so that the proposals may be usefully discussed either in the General Commission ; the Bureau, or the Committee for the Regulation of the Trade in and the Private and State Manufacture of Arms and Implements of War. The final form will depend, of course, on the decisions which will have been taken in regard to the other chapters of the Convention.

3. The full Committee consisted of the following delegations :

Afghanistan	Persia
Belgium	Poland
United Kingdom	Spain
Canada	Sweden
China	Switzerland
Czechoslovakia	Turkey
Denmark	Union of South Africa
France	United States of America
Japan	U.S.S.R.
Mexico	Venezuela

4. The Japanese delegation has requested that the following declaration be inserted in the report :

“ The Japanese delegation has not up to the present changed the position it has taken up on the question of the manufacture of and trade in arms during the Conference on the Reduction and Limitation of Armaments. As regards the work of the Committee, the Japanese delegate will limit himself to forwarding its results to his Government, who will not fail to study them and to make known its point of view if it considers this necessary.”

5. The Polish delegation has requested that the following declaration be inserted in the report :

“ In regard to Articles A and following of the draft, the Polish delegation has called the Committee's attention to the special situation of the Free City of Danzig. The manufacture of arms is forbidden in the territory of the Free City in virtue of Article 5 of the Danzig Constitution, which cannot be modified without the consent of the Council of the League of Nations. There might, however, be doubts as to certain aspects of the trade in arms. The territory of the Free City being included in the Polish Customs territory, the Polish delegation declares that it is in favour of the draft, and in particular of the principle set out in Articles A and following, while reserving the right to regulate the legal consequences of this adhesion in relation to the Free City by a direct agreement between Poland and the Free City.”

6. The system proposed in the text formulates a series of principles applicable both to manufacture and to international trade in arms and implements of war. However, it is the field of manufacture which has been the subject of more especial study, seeing that, as regards trade in arms, the adaptation of the Convention of 1925 to the needs of the Disarmament Convention has already been studied in the Sub-Committee on Trade (see its report—Conf. D./C.C.F.40 and 40(a)—dated May 27th and 30th, 1933—Annex 6 to document Conf.D.160).

7. The draft rests on the complete equality of treatment applied to private manufacture and to State manufacture. In all cases where this is not explicitly stated, the measures proposed will apply to these two kinds of manufacture, unless they be questions of procedure, which, by their very nature, can apply only to private manufacture.

8. There are certain provisions in the draft text which will, perhaps, when the definitive text of the Disarmament Convention is drafted, be covered by the more general provisions applicable to other chapters of the Convention (for example, Article B).

However, the Committee has considered it opportune to draw the attention of members of the Conference to several inevitable legal consequences arising from the acceptance of certain principles in regard to the manufacture of and trade in arms.

9. The Committee, not having to pronounce on a definitive text, has left in suspense the question of whether it should insert a special preamble before the articles.

It recalls here, however, paragraph 5 of the report of the Sub-Committee on Manufacture (document Conf.D./C.C.F.24, dated February 17th, 1933—Annex 4 to document Conf.D.160).

10. The Committee's text advocates the adoption of certain principles. All questions of procedure, either as regards publicity or supervision, will be the subject of subsequent study, which will have a definitely technical character. These questions of procedure will include,

in the first place, the application of the general principles of the chapters in the Convention on supervision and exchange of information to the special fields of manufacture of and trade in arms.

The Committee has not had to occupy itself with the question of the possible repercussions of certain provisions in the commercial field. The importance of this aspect of the problem has, however, been pointed out to it, more especially in regard to paragraph (c) of Article F (publicity of orders).

11. Several definite solutions will depend, of course, on the solutions which will be given to the problems regarding material.

This remark applies particularly to Article C, which deals with qualitative and quantitative limitations and the prohibitions which are the subject of other chapters of the Convention.

12. In regard to the exchange of information which is dealt with in Article F, it has been remarked that the list of information given in this article cannot be considered limitative. This is further implied by the expression "among other information" at the beginning of the article. It is only from the study of the questions of procedure that it will be possible to determine in the clearest manner what information will be necessary to ensure in this connection as wide a publicity as possible.

13. The new directives for the Technical Committee on Categories are the result of the acceptance of new principles of a kind to render supervision of the manufacture of and trade in arms more effective.

The French delegation recalls that it has already put forward proposals to the Technical Committee on Categories of Arms. These proposals tend to modify the categories laid down in 1929 by the Special Committee and are inspired by directing ideas which, in the opinion of this delegation, seem quite easily assimilable to the ideas behind the American memorandum (annexed).

The main idea was to set out the categories in the order of interest they present : first, from the point of view of their importance for the armament of modern armed forces and, secondly, from the point of view of the possibilities of supervision of the execution of a convention for limitation of armaments to which they lend themselves.

The French delegation therefore expresses the wish that the Technical Committee on Categories of Arms should resume, concurrently with the study of the American proposals, the study of the French proposals.

14. The French delegation has called the Committee's attention to the interest inherent in associating the supervision of expenditure with the direct supervision of manufacture. It considers that it would be interesting to obtain the publication, by categories of arms subject to limitation or to publicity :

(a) Of the amounts provided, either for the purchase of implements of war from private enterprises and from autonomous State establishments, or for manufacture in non-autonomous State establishments ;

(b) Of the amounts paid for these purchases or manufactures.

In the same way, it would be very useful to be able to verify in what measure industrial establishments manufacturing arms and implements of war benefit from State subsidies.

The whole question might be sent to the Technical Committee on Expenditure for reconsideration by it in the light of the principles adopted in the field of manufacture of and trade in arms, at the same time as the technical studies referred to in the preceding paragraphs will be undertaken.

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.

(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.¹

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.

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

Article D.

The High Contracting Parties undertake not to permit in the territories subject to their jurisdiction the manufacture of arms and implements of war unless the manufacturers have obtained a licence to manufacture issued by the Government.

The High Contracting Parties undertake in the same way not to permit in the territories under their jurisdiction the export or import of arms and implements of war without an export or import licence issued by the Government.

Article E.

The licence to manufacture will be valid for a period not exceeding . . . years and will be renewable, by decision of the Government, for a further period.

It will give, in particular :

(1) The name and address of the manufacturer, or the name and head office and principal works of the firm ;

(2) A description of the implements of war (categories of arms, arms, component parts) the manufacture of which is authorised.

The licence will state, further, that all orders received by the manufacturer are to be communicated immediately to the Government which has granted the licence.

Article F.

The High Contracting Parties will forward, among other information, to the Permanent Disarmament Commission :

(a) Within . . . months from the entry into force of the Convention, a list of State establishments with a description of the implements of war (categories of arms, arms, component parts) manufactured by each and, as they occur, any changes made in the list or description ;

(b) Copies of all licences to manufacture granted or renewed within . . . days following the grant or renewal of the licence ;

(c) A list of orders, from whatever source received, within . . . days following the receipt of these orders by the establishments holding licences and by the State establishments ;

(d) Copies of all import or export licences . . . days at least before the anticipated date of entry into or despatch from the territory of the arms and implements of war referred to in the said licences ;

(e) A statement of all manufactures, imports and exports effected (during the year . . .) within the . . . months following the close (of this year).

The Permanent Disarmament Commission will publish (with the minimum delay or at as short intervals as possible) all the information furnished in accordance with the preceding paragraphs.

Article G.

The High Contracting Parties undertake to execute any important replacement programme by stages, which will be notified in advance, at least as regards their yearly instalments, to the Permanent Disarmament Commission.

In the event of the Convention's recognising the right of certain countries to increase their armaments, the manufacture or the import of arms and implements of war resulting therefrom may only be carried out by stages and in accordance with a certain rate (to be determined).

Article H.

The High Contracting Parties undertake to conform to the measures of permanent and automatic supervision (of which the special methods will be laid down¹) 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.

¹ For example, processes and trade secrets and the actual financial administration of manufacturing concerns will be exempt from these measures of supervision.

To this end in particular :

- (1) It will carry out an examination of the information furnished by the publicity prescribed (in conditions to be laid down).
- (2) It will cause permanent and automatic inspections to be made.

Mandate for the Committee on the Categories of Arms.

The categories of arms drawn up in 1929 by the Special Committee (document A.30.1929. IX) and revised by the Technical Committee on Categories of Arms (document Conf.D./C.C.F. 38—May 5th, 1933—Annex 5, document Conf.D.160) should be reviewed and brought into harmony with the provisions of the Convention relating to material, taking into consideration the following points :

- (1) Simplification of the system so as to make supervision easier and more efficient.
- (2) The need for distinguishing between arms limited qualitatively, arms limited not qualitatively but quantitatively, and those which are not limited in any way, so as to permit of differentiation in the various measures of supervision.
- (3) Air material will be included in a special category.
- (4) Obsolete material and material for civil use, etc., will be dealt with in the same way.

(c) MINUTES OF THE SEVENTEENTH MEETING OF THE COMMITTEE FOR THE REGULATION OF THE TRADE IN AND PRIVATE AND STATE MANUFACTURE OF ARMS AND IMPLEMENTS OF WAR.

Held on Monday, July 2nd, 1934, at 3.30 p.m.

M. KOMARNICKI (Poland), Vice-Chairman and Rapporteur, in the Chair.

CONSIDERATION OF THE DRAFT REPORT AND DRAFT ARTICLES SUBMITTED BY THE SUB-COMMITTEE ON THE MANUFACTURE OF ARMS (documents Conf.D./C.C.F.47 and 48, Corrigendum).

The CHAIRMAN said that M. de Scavenius was unable to attend the meeting and had asked him to apologise to the Committee. He then went on briefly to explain the scope and meaning of the texts submitted by the Sub-Committee on Manufacture for the approval of the Committee. He was far from feeling any undue optimism. He was aware of the many difficulties which still remained to be overcome, nor did he forget those who were absent or those who, for reasons of their own, had abstained from taking part in the present work. He nevertheless hoped and believed that the text before the Committee, which had been drawn up in close co-operation with a number of countries, some of whom were the most important producers of arms and implements of war in the world, would represent a sound and valuable basis for the subsequent work.

In the course of its previous deliberations, the Committee had been greatly handicapped by the fact that the most vital questions of principle were still undecided and that it had thus found itself at a loss as to its ultimate objective. He need only remind the Committee of the report which he had submitted on its behalf to the General Commission on June 3rd, 1933 (document Conf.D.160) and in which the Committee had been obliged to recognise that it was powerless to draw up texts in default of agreement on certain of the most important principles connected with the manufacture of and trade in arms. He also recalled that, in the draft Convention submitted by the Prime Minister of the United Kingdom,¹ 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.

¹ See document Conf.D.157.

In describing the progress made in the past few weeks, he could not pass over in silence the magnificent contribution of the United States delegation, whose leader had made the following announcement at the General Commission's eighty-second meeting (May 29th, 1934) :

“ The United States Government was willing to go further and work out, by international agreement, an effective system for the regulation of the manufacture of and traffic in arms and munitions of war.”

This initiative on the part of the United States had been given concrete form in the memorandum drawn up by the United States delegation on June 15th¹ and communicated to certain delegations as a basis for discussion. It was entirely thanks to this action, all the more remarkable when it was realised that it came from one of the most important producing countries in the world, that it had been possible to make such noteworthy progress, and it was thanks to the atmosphere of understanding and mutual confidence that the co-operation of the countries which had consented to take an active part in the work had had such satisfactory results.

The texts submitted for the Committee's approval were based upon the following principles :

(a) The particularly controversial question of the abolition of private manufacture, which had divided the Committee into two opposing camps, had, for reasons of expediency, been reserved to a later date. But, for the purposes of the present stage of disarmament, the Committee had settled this question, at least by implication, by agreeing to the strictest possible regulation of private manufacture.

(b) The Committee recognised the principle of equality of treatment as between State and private manufacture. It was of course impossible to put an end to certain existing situations, but the main object had been to make it clear that the legal obligations were exactly the same in the case both of private and of State manufacture.

(c) The text recommended the system of complete internal supervision, together with certain forms of international supervision, the practical details of which still remained to be worked out.

(d) Though opinions had formerly differed as to whether licences should be national or international, the system now proposed was one of national licences in which were to be inserted a number of compulsory clauses. This system was sufficiently elastic and pointed the way to the unification of the licence system in all the countries parties to the Convention. It might even be possible at some future date to secure the adoption of an international standard licence.

(e) The texts proposed the adoption of a complete system of publicity ranging over not only licences, but also imports, exports and manufactures. The details of that system and the particulars to be supplied had, in large measure, been reserved for a later stage. At the same time, he drew the Committee's special attention to the new ideas embodied in draft Article F.

He considered that, read in the light of his report and of the explanations which he had just given verbally, the draft text was sufficiently clear and did not call for more detailed comment. He was, however, prepared to give any other explanations if desired. The next step was for the members of the Committee to explain the attitude of their respective delegations to the texts before the Committee.

M. AUBERT (France) said that, for the period of nearly two years during which the Committee had worked under the active chairmanship of M. Komarnicki, the questions raised by the President had remained for so long without a reply that it was desirable to-day to reply without delay to his invitation, as a new draft was now under discussion. Though of American inspiration, the draft before the Committee embodied a great many ideas familiar to the French delegation, which regarded it as marking a very important stage in the current work, having regard both to the past and to the future. To take the past first, the discussions on the subject of trade in and manufacture of arms had now been in progress at Geneva for ten years. The 1925 Convention and 1929 Draft had always met with insurmountable difficulties, all of which really grew out of one essential weakness : the texts in question did nothing to reduce either the inequalities existing between producing and non-producing countries, or those existing within producing countries between private factories and Government establishments. The French delegation considered that the present draft might make it possible to get over the difficulty.

But how ? Colonel Strong had very rightly remarked that two of the most important ideas on which the draft was based were the responsibility of each nation for manufacture and trade in the territories under its jurisdiction, and publicity through a system of licences. That was true, but, in M. Aubert's view, the essential principle which would make it possible to solve the difficulties that had been encountered for the last ten years was that of international supervision. Such supervision would project a light of equal intensity upon producing and non-producing countries, upon private factories and Government establishments. In other words, it did everything possible to reduce the inequalities of the present situation.

See page 3.

The principle of international supervision, however, was also a principle of the future, one that was really consonant with a general convention yet to be concluded, which would deal primarily with future armaments. Aggressive intentions or a threat of aggression would, in the majority of cases, take the form of increased orders and greater activity in the armaments industry, and it was highly probable that a system of international supervision directed by a permanent commission at Geneva—a system of permanent automatic supervision based upon both documentary evidence and local investigations—would detect such intentions or threats from their inception. The potentialities of this principle of international supervision as an element of security were therefore at once apparent.

In short, the draft afforded two advantages: it solved a difficulty which had been holding up progress for the last ten years, and it opened the way to a further advance.

Did that, however, mean that everything had been done? M. Aubert did not think so. There was still a number of highly important tasks to be done. The report indicated them in general terms. There was the need for a careful enquiry regarding the application of the general idea of international supervision to the special methods necessitated by trade in and manufacture of arms. The draft articles themselves no doubt contained certain indications on this point. Article F spoke of certain particulars which were required "among other information"; that implied that the enumeration was not restrictive.

The exact nature of the information and the methods of supervision would vary according to the material. Beginning with the most "obvious" armaments, those that were clearly of warlike character—for example, naval material—details regarding laying-down and completion, together with certain general characteristics as tonnage and calibre might be sufficient, combined with intermittent supervision. But, passing on to terrestrial armaments and from there to the armaments on the borderline between civilian and military life (aviation, explosives, chemical products, etc.), it would be clearly necessary to devise a supervisory system of increasing severity in which permanent supervision on the spot would play a more and more important part and which would establish closer supervision of programmes of manufacture and of the factories with which orders were placed either directly or indirectly. There was therefore still a wide field to be explored.

Another example: the report also said that supervision was to be confined within certain limits and, more especially, that the secrecy of manufacturing processes and of the accounts was to be duly safeguarded. It was no doubt necessary to protect both national defence secrets and the legitimate interests of private firms. But, unless the efficacy of the supervisory system was to be seriously compromised, it must not fail to include what might be called "stores accounts". Every manufacturing concern possessed one or more warehouses for this storing of raw materials and half-finished products for subsequent manufacture and also of finished articles from the time they left the works to the date of their despatch to consignees. Such warehouses kept records (or accounts) of incomings and outgoings and it would sometimes be necessary for the supervisory authority to have access to them. A further example was the supervision of expenditure which would have to be associated as far as possible with the direct supervision of manufacture. It would also be necessary later on to work out a system for the co-ordination of the various forms of supervision.

In the last place, the various categories would have to be revised in the light of two very simple considerations: first, the main thing was to include those classes of armament which were of the greatest importance for the convention and, secondly, supervision must be easy. The French delegation had submitted proposals on this point to the Technical Committee on categories of arms and there should apparently be no difficulty in reconciling them with the American proposals. The French delegation hoped that the Committee would give due consideration to both sets of proposals.

Such was the work which still remained to be done. For the present, the Committee should congratulate itself upon a success which was almost without precedent at the Disarmament Conference. The draft under consideration formulated new ideas in a logical form. The period of floundering was over. The draft marked out a route which led straight to a general convention.

M. ZUMETA (Venezuela) said, in the first place, that the Venezuelan delegation was gratified at the progress made, which would mark a memorable date in the history of the League of Nations.

In regard to paragraph 2 of the report, the Venezuelan delegation wished to be assured that the export licence mentioned in the second paragraph of Article D of the draft would only be delivered on production of the import licence granted by the Government of the country of destination.

Thus, it understood that the question was that of the maintenance and the strengthening of established principles, according to which a neutral State was obliged to do all in its power, in its own ports and waters, to prevent the export of arms and implements of war by persons not representing a sovereign entity.

That form of trade being contrary to international order and even capable of being considered, in certain cases, as a masked act of war, the Venezuelan delegation understood that the methods of procedure for the determination of damages and injuries caused by the violation of these principles should be clearly laid down as one of the legal consequences resulting from the juridical responsibility of each State.

Mr. STEVENSON (United Kingdom) said that the United Kingdom delegation greatly appreciated the indefatigable efforts which the Chairman of the Sub-Committee had made in preparing the present text. It cordially welcomed the initiative taken by the United States

delegation, which had enabled these definite proposals to be put forward. They were based (1) on the principle of national responsibility for the manufacture of and trade in arms and (2) on that of equality of treatment for private and State manufacture. With regard to the former, the United Kingdom delegate pointed out that for some years Government control over the export of arms and implements of war had existed in the United Kingdom. He was sure, therefore, that the United Kingdom would examine the present proposals with the greatest sympathy. As some of them were new, however, the United Kingdom delegation's approval of the report and draft articles should not be regarded as prejudging the attitude of the United Kingdom Government with regard to the proposals contained therein.

Mr. WILSON (United States of America) said that the United States delegation was very grateful for the Chairman's remarks. His observations had been reflected in the statements of other delegations, and Mr. Wilson thanked them cordially. The Chairman of the Sub-Committee was to be congratulated, as well as the members, who had shown a real community of ideas. That was one of the most satisfactory events in the history of the Conference. As the Chairman had said, one of the difficulties encountered in the past had been the great complexity of the problem and the multiplicity of suggestions for its solution. Much time had had to be devoted to finding a sound basis, not because the Governments had shown any reluctance to establish control or to admit that it was necessary, but because they had not been unanimous as to the means of achieving the desired results.

The Committee had before it a draft which was somewhat austere, surprisingly simple, and the United States representative greatly appreciated that feature. Thanks to it, the question would really be understood by the man in the street and it would be possible to create a public opinion able to press for the acceptance and operation of the draft articles in a practical spirit.

Apart from its other advantages, the draft would greatly contribute towards establishing that feeling of security which was so important to many States. The fact that what was happening in a neighbouring country with regard to the manufacture of arms was known and that any preparation for a surprise attack would certainly be disclosed would increase that feeling of security. In addition, the adoption of the draft articles would facilitate the work of the delegations in a more general sphere. There was no need for him to enter into details, but a number of technical difficulties would be solved once the draft articles were adopted.

Like M. Aubert, the representative of the United States felt that control should be stricter and that the various factors in control should be co-ordinated. He merely expressed the hope that the character of control and the complementary features it was desired to add to that idea would not modify and attenuate the strictness and striking simplicity of the draft articles. Lastly, he hoped that the States that had been unable to send representatives to the present discussions would regard the draft as acceptable and would feel able to support it.

For those reasons, Mr. Wilson had no hesitation in approving the Chairman's draft on behalf of the United States delegation.

General BURHARDT-BUKACKI (Poland) thought it necessary at so important a stage in the proceedings to confirm the Polish delegation's attitude as explained on many occasions in the General Commission, the Bureau and the present Committee. Its attitude had never altered : it was based mainly on two fundamental considerations.

In the first place, the Polish delegation had always felt that it would be impossible to find a reasonable solution for the problem of material without at the same time solving that of the manufacture of and trade in arms—that was to say, the question of the construction and renewal of material.

Secondly, the Polish delegation had never under-estimated the dangers arising out of the private manufacture of and trade in implements of war. It had even advocated the nationalisation of private arms factories. As some delegations had thought that solution went too far, it now desired, with the other members of the Committee, to devise an adequate instrument to deal with the control of private manufacture and trade.

It was obvious, in the light of these two considerations, that the Polish delegation had always been and still was prepared to go as far as the other delegations represented on the Committee. In any event, it felt that the regulation of the manufacture of and trade in arms—which was one of the Conference's principal tasks—must necessarily cover two factors : the recognition of State responsibility for everything that happened on its territory in that connection, and the acceptance of international control both over private manufacture and trade, and over manufacture, export and import on behalf of the State.

The text approved by the Sub-Committee on Manufacture was based on these two factors. The Polish delegation repeated what it had said in the Sub-Committee—namely, that the text met with its complete approval.

He desired to emphasise the importance of the fact that, except for a few general reservations of which everyone was aware, the Sub-Committee had unanimously accepted the text. It was the first time that had occurred in the history of the present Committee, which up to that time had always been torn between two opposing views that had sometimes seemed

irreconcilable. For the first time, it had been able to arrive at a common idea which he hoped would serve as a basis for the final text.

The satisfactory turn in the Committee's proceedings was due mainly to the courageous and important lead given by the United States Government, to which the Polish delegation addressed the most sincere and cordial thanks.

M. WESTMAN (Sweden) thanked M. Aubert for having, in the Sub-Committee debate, suggested that Sweden should be represented on the Committee and the Chairman for having invited him to co-operate in the present proceedings. The problems before the Committee were, in fact, of considerable interest to the Swedish Government. On several occasions, in the General Commission, the Swedish delegation had expressed the desire to go to very great lengths in the international regulation of the manufacture of, and trade in, arms. As it was the first time he had taken part in the Committee's work, he could not say definitely what attitude his Government would adopt towards the texts drafted, but from his knowledge of Swedish legislation and of the efforts that had sometimes been made to improve it, and from his familiarity with the general views of his Government, he thought he might say that the present text would be warmly welcomed. The subsequent study of that text in Sweden would tend only to facilitate and not to hamper the further pursuit, among the various Powers, of the work already started, with a view to arriving at practical solutions likely to secure the necessary acceptance. That would be the most effective tribute that could be paid to the happy initiative of the United States delegation.

Colonel FARSKY (Czechoslovakia) said that his delegation had no objection to make against the draft articles adopted by the Sub-Committee. It acknowledged, and this was moreover clear from the text, that the solution of the problem of the manufacture of, and trade in, arms had been brought very much nearer, and that such a solution, once embodied in a convention, would redound to the advantage of all countries when they accepted it. That was why the Czechoslovak delegation supported this text in the belief that it would constitute one of the soundest component parts of the future convention.

M. GORGÉ (Switzerland) had already stated in the Sub-Committee, where he had submitted his observations and criticisms on the various articles, his high appreciation of the draft as a whole. In the course of those discussions, he had submitted his observations and criticisms on the various articles. He had two special reasons for welcoming the result achieved. He was gratified in the first place because the Swiss delegation had been one of the first, at the beginning of the Conference, to urge the necessity for the importance of supervising, not only the trade in, but more especially the manufacture of, arms; and, in the second place, because the draft was simple, clear, precise and, he might add, practical, for it took the facts into account and eschewed all ideas that had not yet emerged from the Utopian stage, such, for instance, as the abolition pure and simple of private manufacture. The Swiss Government had not yet been able to examine the new text, but would study it with the greatest interest. M. Gorgé could only associate himself with the congratulations offered to the United States delegation. Their proposals had proved highly judicious, since they had made it possible to overcome the difficulties with which the Conference had been vainly contending for two years.

The Swiss delegate would reserve his right to submit later observations on or amendments to some technical points in the draft. He had already drawn attention to the difficulty of the question of orders, and to the dangers to commercial secrecy that might ensue therefrom. It would be advisable to look for a solution which, while meeting the needs for a strict and wide supervision, would not encourage in any way commercial espionage. He thanked the Chairman for having inserted in the report an observation on this question. Knowing as he did his Government's keen desire that results should be promptly achieved on an international basis, he could assure the Committee that it would certainly derive satisfaction from the subsequent co-operation of his country.

M. PALACIOS (Spain) concurred in the congratulations addressed to the Chairman, whose conscientious and persevering efforts had made it possible to foresee a definite success for the Conference in the matter of the manufacture of and trade in arms and implements of war. He congratulated the United States delegation also, which, in its memorandum of June 15th, had found a really satisfactory formula for the studies to be undertaken and had made agreement between the Governments possible. The Spanish Government appreciated this formula the more because it was not contrary to several of the principles which, in this connection, had been upheld by the Spanish delegates, and because it represented definite progress. M. Palacios desired to emphasise the great importance of M. Aubert's observations with regard to international control and the stages to be passed with a view to further successes.

With regard to the draft report, M. Palacios desired that the principle of the responsibility of States for the manufacture of and trade in arms and implements of war in the territories under their jurisdiction should be clearly enunciated in the text. In various paragraphs, in particular paragraphs 7 and 10, it was stated and repeated that all the measures proposed resulted from the acceptance of certain principles, complete equality of treatment applied to private manufacture and State manufacture being specially mentioned, as well as publicity and supervision. It would seem logical and fair also to mention, and even to mention first, the principle of responsibility, as to which most of the delegations had expressed their views, and which was formally mentioned in Article A of the draft.

With regard to this article, and in connection with paragraph 9 of the report, M. Palacios drew attention to what he had said in the Sub-Committee ; it was desirable, in the articles in laws, conventions and contracts to omit the considerations, which should rightfully be placed in the preamble that usually accompanied them, or left to commentators. The actual text of the articles should contain only the operative part of an instrument. That was why M. Palacios had proposed to make no specific reference to " public international order ", in Article A.

The CHAIRMAN thanked the delegates for their friendly remarks. As delegate of Poland, he was glad to have had an opportunity of presiding over such fruitful debates. In view of the importance of the statements that had been made, it would be advisable to append the Minutes of the meeting to the text to be transmitted to the President of the Conference for distribution to all the States taking part in the Conference.

Colonel Ali Khan RIAZI (Persia) paid a tribute to the breadth of outlook displayed by the United States delegation, whose bold suggestion had given a new impulse to the Conference. As representative of a country that imported arms, he was glad that the question of equality of treatment between producing and non-producing countries had been settled.

He asked, however, that the second sentence of paragraph 6 of the report might be amended as follows :

" It is the field of manufacture which has been the subject of more especial study, seeing that, as regards trade in arms, the text of the 1925 Convention, which it was decided during previous discussions to revise and adapt to the needs of the Disarmament Convention, has to some extent been amended in the Sub-Committee on Trade (see its report—documents Conf.D./C.C.F.40 and 40(a), May 27th and 30th, 1933) and that, as regards the definition of categories of arms, publicity and other restrictions on the trade in arms, the said Sub-Committee should await the result of the work of the Sub-Committee on Manufacture before establishing a final text for the Convention on the Trade in Arms."

The CHAIRMAN regretted that the Persian delegation had not handed in its amendment before the meeting. It would be very difficult to discuss it now. Perhaps it would suffice if the statement just made were recorded in the Minutes. Moreover, the present text did not in any way prejudice, either in a positive or negative sense, the question of the revision of the 1925 Convention. On the contrary, it stressed the fact that the re-drafting of that Convention had already been undertaken by the Sub-Committee on the Trade in Arms. All the questions reserved in its last report were still reserved.

Colonel Ali Khan RIAZI (Persia) said that he had been unable to hand in his amendment earlier, as he had only received the report at midday. The passage in paragraph 6 to which he objected read : "... seeing that there exists already the Convention of 1925, ratified by several States....."

This revision, which the League Assembly had referred to the Disarmament Conference, had been decided on the basis of the report of the Committee for the Regulation of the Trade in, and Private and State Manufacture of, Arms and Implements of War (document Conf.D. 145) which contained in its conclusions the following statement : " it is already agreed that the 1925 Convention concerning trade in arms will have to be revised ". In view of this decision, the part relating to land and sea zones had been examined in detail in this report, but the study of the categories of arms and publicity had been held over until the question of manufacture had been settled.

Since paragraph 6 did not mention this important decision, the Persian delegate could not approve it, especially as the Convention in question did not exist for Persia.

Necmeddin SADIK Bey (Turkey) supported the Persian delegate.

M. GORGÉ (Switzerland) thought that the Persian delegate might be given satisfaction by making a slight change in paragraph 6 of the report. It was perhaps a mistake to lay too much emphasis on the still-born Convention of 1925, which many of the signatory States—Switzerland, for example—would not ratify so long as there was no convention on manufacture. The Swiss delegate suggested the deletion of the words " there exists already the Convention of 1925—ratified by several States—and " ; the second sentence of paragraph 6 would then read as follows :

" However, it is the field of manufacture which has been the subject of more especial study, seeing that, as regards trade in arms, the adaptation of the Convention of 1925 to the needs of the Disarmament Conference has already been studied in the Sub-Committee on Trade (see its report—documents Conf.D./C.C.F.40 and 40(a), dated May 27th and 30th, 1933—Annex 6 to document Conf.D.160)."

In view of the Chairman's assurance that the questions left in suspense in the report of the Sub-Committee on Trade (documents Conf.D./C.C.F.40 and 40(a)), already approved by the plenary Committee and the General Commission, still remained in suspense in particular the



first paragraph of Section I of Article 29 of the aforesaid report, Colonel Ali Khan RIAZI (Persia) and Necmeddin SADIK Bey (Turkey) accepted the amendment proposed by the Swiss delegate.

The amendment was adopted.

M. AUBERT (France) suggested that the draft articles should be headed "Draft articles to be inserted in the General Convention".

The CHAIRMAN explained that he had intended to submit the text to the President of the Conference in the form of draft articles adopted by the Committee on Trade and Manufacture. To the draft articles would be appended the report, the United States delegation's memorandum and the Minutes of the present meeting. It was not for the Committee to decide what should be done with the text. The President of the Conference would decide, if need be, that the whole should be circulated to the delegations with a view to the proposed consultations.

M. AUBERT (France) said that, in that case, he would ask that it be recorded in the Minutes that his observations had been put forward with the idea that the draft articles were intended to be inserted in a general convention.

The CHAIRMAN took note of this statement.
