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

REPORT ON PROGRESS OF WORK

Rapporteur: M. Komarnicki (Poland).

1. In conformity with the General Commission's resolution of July 23rd, which contains inter alia the following passage:

"The Bureau will set up a special Committee to submit proposals to the Conference, immediately on the resumption of its work, in regard to the regulations to be applied to the trade in, and private and State manufacture of, arms and implements of war,"

the Bureau of the Conference, on September 22nd, constituted the "Committee for the Regulation of the Trade in, and Private and State Manufacture of, Arms and Implements of War", and invited the following countries to send representatives to sit on that Committee: the Union of South Africa, Belgium, the United Kingdom, China, Denmark, France, Italy, Japan, Mexico, Persia, Poland, Spain, Turkey, the Union of Soviet Socialist Republics, the United States of America.

The Committee sat from October 4th to 19th; it elected as Chairman M. De Scavenius (Denmark) and as Rapporteur, M. Titus Komarnicki (Poland).

It has the honour to submit the following preliminary report concerning the progress and present position of its work. The report does not include the arguments for and against the suggestions made—these arguments will be found in the Minutes of the Committee's meetings. The report is based upon the discussions in the Committee and the information supplied by the delegations.

2. The Committee began by a general discussion covering the trade in and manufacture of arms.

Two currents of opinion soon became apparent; several delegations were of opinion that radical measures should be taken regarding the manufacture of and also the traffic in arms. In the opinion of these delegations, the work already done on these subjects—i.e., the Convention on Trade in Arms of 1925, and particularly the draft Convention of the Special Commission for the Manufacture of Arms of 1929—no longer corresponds to present-day requirements, as they do not take account of the new facts and ideas which have come into existence since 1929. The important and even radical proposals submitted by these delegations aim at taking account of these developments and at providing appropriate means for regulating the manufacture of and trade in arms. It was also suggested that these radical proposals should supplement the stipulations of the Convention and draft Convention which, in principle, they were anxious to maintain.

Other delegations, on the contrary, considered that it would be inexpedient to digress unduly from the texts of the Convention and of the draft Convention already framed after long effort. These delegations were not prepared to accept the radical proposals submitted, but were not opposed to their discussion in due course; they also considered that the General Commission should take certain decisions of principle before the questions of manufacture and trade in arms could be usefully studied by the Committee.
3. In view of this divergence of opinion, the Committee noted that it would not be possible for it to submit forthwith concrete proposals for regulating the manufacture of and trade in arms; it decided accordingly to confine itself during the first phase of its work to a discussion of all the questions coming within its terms of reference and the proposals relating thereto.

It considered it desirable, furthermore, to draw up the present report in order to facilitate its future work and to inform the Bureau of the Conference of the difficulties which it had encountered, the problems for which a preliminary solution was desirable and the questions regarding which it desired further directions. The Committee trusts that this report will assist delegations in defining their point of view on the subject of trade in and manufacture of arms, so that members of the Committee may be in a position to discuss the various questions with full knowledge of all the factors in the case when the Committee meets again, and that the Governments whose delegations are not participating in the Committee's work may have an opportunity of submitting observations, should they so desire, and, if need be, new proposals.

4. Some delegations who consider that it would be useless and even unfair to attempt to control the traffic in arms, unless effective measures are also taken for the supervision of both private and State manufacture of arms, stated that they would be unable to accept any sort of measure of supervision for the traffic in arms so long as manufacture was not effectively controlled.

The Committee noted that the existing differences between producing and non-producing States could not be abolished but merely modified by stipulations in connection with the trade in and manufacture of arms. The principle of equality of treatment would, in particular, apply to the publicity and supervision of both private and State manufacture and of the export of arms from producing countries as well as their import into non-producing countries.

5. Some delegations considered that the proposals to be submitted by the Committee for regulating trade in and manufacture of arms should be in the form of a special Convention for these two questions; others were in favour of separate Conventions; certain delegations also thought that the stipulations regarding manufacture of and trade in arms might form an integral part of the general Convention for the limitation and reduction of armaments. The greater number of delegations thought that, in any case, the stipulations regarding the trade in and manufacture of arms should be connected as closely as possible with the future Convention; it was, however, decided to adjourn the question of the legal form in which the Committee should submit its proposals until it has defined the proposals themselves.

6. After the general discussion referred to above, the Committee agreed that it would be useful to examine first the question of the manufacture of arms and then that of trade in arms.

A. MANUFACTURE OF ARMS AND IMPLEMENTS OF WAR.

7. Questions relating to the private manufacture of arms and those relating to State manufacture were studied together. Several delegations asked that private and State manufacture be treated on an equal footing. Some thought that private manufacture should be subject to a stricter supervision than that provided for State manufacture. The discussion was adjourned without any formal decision having been taken on this point, and certain delegations accordingly reserved the right to revert to this question during the second stage of the work.

8. The Danish delegation had proposed to the Committee that a questionnaire be sent to delegations with the object of obtaining information on certain questions relating to the private manufacture of arms, and had submitted a draft questionnaire on the subject.

The Committee first applied to the Secretariat, in order to ascertain whether the statistics which it possessed and the answers to the questionnaire which had been sent in 1926 to the different Governments regarding the private manufacture of arms offered an adequate reply to the questions raised by the Danish delegation. Having found that that was not the case, the Committee referred the question of the framing of a questionnaire to a Drafting Committee. The latter decided to divide the questions raised by the Danish delegation's questionnaire into two categories, the first concerning in particular the laws on the manufacture of arms, the proportion of exports in relation to the home market and particulars of private and State factories of arms and implements of war, while the second category concerns special questions regarding private industry. In conformity with the Drafting Committee's suggestion, the Committee, through its Chairman, referred to the President of the Conference the questions belonging to the first category, together with an extract from the Minutes in which those questions were dealt with, giving the necessary explanations regarding the revised questionnaire. The questionnaire, together with the relevant Minutes, was sent to the Governments by the President of the Conference (document Conf.D./C.L.5).
9. As regards the special questions relating to private manufacture, the Committee felt that it could not take the responsibility of including them in the questionnaire to be addressed to Governments, since all the Governments had not the necessary powers to obtain definite and accurate information concerning those questions without amending their laws. As, however, the Danish delegation, supported by several other delegations, stressed the importance of the special questions raised by its proposal, the Committee examined them along with a proposal of the Soviet delegation (document Conf.D./Bureau.10) to the effect that Governments should be requested to furnish particulars of the private capital invested in the armaments industry. In conformity with the Drafting Committee's views, the Danish delegation slightly amended the special questions relating to private manufacture, and the Committee decided that the Danish proposal should be inserted in the report, as in the opinion of several members of the Committee it seemed likely to assist the delegations in examining the question of the abolition, internationalisation or regulation of the private manufacture of arms.

The Danish delegation proposes that the delegations should obtain information on the following points:

1. In the case of undertakings exploited, subsidised, under concession or under supervision by the State, or entirely private undertakings, what is the amount of the private capital invested in these undertakings and what are its annual dividends?

2. Do commercial agreements (cartels, etc.) exist relating to prices or the distribution of production or profits, etc., between the said undertakings or between any one of them and establishments of the same kind abroad?

3. What is the number of persons employed in each establishment?

10. Several delegations were of opinion that the best solution of the question of the private manufacture of arms would be to abolish private manufacture altogether, in view of the undesirable results which it produced. Other delegations were of opinion that the Committee was called upon to submit proposals for the regulation and not for the abolition of private manufacture, and they were not prepared as yet to agree to such abolition. After obtaining an opinion from the Legal Section of the Secretariat to the effect that the Committee was not precluded by its terms of reference from recommending the abolition of the private manufacture of arms, the Committee decided to continue its discussion on the subject. The enquiry into this question has been provisionally adjourned.

11. Some delegations had proposed the internationalisation of all arms factories, regarding this as the best solution in order that non-producing States might be placed on an equal footing with producing States. The examination of this question was also adjourned.

12. The Committee studied all the questions—with the exception of the questions of abolition and internationalisation already mentioned—within the framework of the 1929 draft Convention concerning the Supervision of the Private Manufacture and Publicity of the Manufacture of Arms and Ammunition and Implements of War, including the various proposals submitted during the Conference. Several delegations having said that the provisions of this draft Convention seemed to them inadequate or incomplete and not in keeping with the general tendencies of the Conference, it was pointed out that the draft Convention would simply serve as a guide for the discussions, without prejudice to the final proposals that the Committee might have to submit to the Conference.

The Committee has not yet discussed the legal form of the stipulations (see paragraph 5 above), the title of the instrument, the preamble or the general provisions.

The present report mentions only those articles of the draft Convention concerning which proposals have been submitted, together with proposals whose adoption would imply the insertion of new articles in the future Convention.

13. The Committee agreed that as little change as possible should be made in the list of categories of arms drawn up for the Convention on Trade in Arms in 1925, that list being reproduced with a few amendments in Article 1 of the 1929 draft Convention on the manufacture of arms.

Certain changes were, however, suggested, though the Committee could not take a decision in regard to them, as they all bear some relation to other aspects of the work of the Conference. A proposal that civil aircraft be excluded from category IV may be discussed when the Conference has taken a decision regarding civil aviation. Another proposal to add to the list of arms a sixth category comprising chemical and bacteriological weapons will be studied when the Conference has passed a definite decision regarding such arms and means of warfare. As regards arms affected by qualitative disarmament, account has been taken of the possible necessity of forming a special category for arms whose manufacture is prohibited. It is proposed further, for practical reasons, to simplify the rubrics of the various categories.

The Committee is of opinion that the same categories should be established for the manufacture of arms as for trade in arms; on the other hand, it was urged that these categories must also correspond to those to be adopted for the limitation and publicity of arms and material in service and in stock, a question which has not yet been settled by the Conference.
was suggested that the Permanent Disarmament Commission should be informed of orders for
the manufacture of prohibited weapons and of the building of vessels of war and the manufacture of artillery exceeding the tonnage and calibre that might be authorised by the Convention. Stipulations similar to the last-named provisions appear in the Treaties of Washington (Articles V, IX, XI) and London (Article 7) and in the draft Convention framed by the Preparatory Commission (Article 17).

18. Article 5 of the draft Convention concerns publicity; it provides that the total private manufacture of arms and implements of war shall be published in value, number and weight in respect of each of the headings of the principal categories. In this connection, it was pointed out, on the one hand, that the report of the experts on budgetary questions might be interpreted as proof of the impracticability of the criterion of value, and, on the other hand, that the whole question had been taken up afresh by the National Defence Expenditure Commission, which had not yet completed its enquiry.

The second paragraph of Article 5 states that this publicity shall also apply to the material manufactured in establishments of which the State is the sole proprietor, or in any other establishment on behalf of the State. Several delegations had stated in the Special Commission (document Conf.D.77) and to the minority proposals contained therein, and suggested that, in conformity with that report, measures should be taken to prevent arms manufacturers from influencing newspapers and standing for parliament. All the members of the Committee have not yet had an opportunity of expressing their views on this proposal.

15. Certain delegations directed the Committee’s attention to the 1924 report of the Temporary Mixed Commission (document Conf.D.77) and to the minority proposals contained therein, and suggested that, in conformity with that report, measures should be taken to prevent arms manufacturers from influencing newspapers and standing for parliament. All the members of the Committee have not yet had an opportunity of expressing their views on this proposal.

16. The Soviet delegation had submitted to the National Defence Expenditure Commission a proposal that private capital invested in the armament industry or auxiliary industries should be limited and reduced (Conf.D./Bureau.10). The Committee has not yet taken a decision on this proposal.

17. Certain members of the Committee proposed the explicit prohibition of the manufacture of prohibited weapons and of the building of vessels of war and the manufacture of artillery exceeding the tonnage and calibre that might be authorised by the Convention. Stipulations similar to the last-named provisions appear in the Treaties of Washington (Articles V, IX, XI) and London (Article 7) and in the draft Convention framed by the Preparatory Commission (Article 17).

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The second paragraph of Article 5 states that this publicity shall also apply to the material manufactured in establishments of which the State is the sole proprietor, or in any other establishment on behalf of the State. Several delegations had stated in the Special Commission that they could not accept this last clause as long as the question of publicity of material remained unsettled.

This last-named question not having yet been settled by the Conference, the Committee found itself in the same difficulty. In conformity with their declaration of principle, several members asked that publicity shall be the same in the case of State manufacture as in that of private manufacture. The question has not yet been solved by the Committee. It was also claimed that manufactured material should receive the same publicity as material in service and in stock.

Several members were in favour of publicity and suggested that, with this object, the Governments should submit periodic reports to the Permanent Disarmament Commission. It was suggested that the Commission might publish the reports and statistics which it received, so that public opinion might be duly informed.

On the other hand, it was urged that publicity should in any case be confined to the value of the material manufactured.

Several members considered that publicity could not be regarded as an adequate means of supervision with a view to ensuring the observance of the provisions regarding the manufacture of arms.

19. Certain delegates directed the Committee’s attention to the desirability of redrafting—in conformity with the Treaty of London and Article 34 of the draft Convention—Article 6, which concerns publicity in regard to the construction of vessels of war.

20. The draft Convention framed by the Special Commission does not refer to supervision, since it recognises that this will be carried out adequately by the States issuing licences and by means of publicity concerning the production of arms. On the other hand, the draft Convention framed by the Preparatory Commission provides for international supervision in regard to the reduction and limitation of armaments, and the General Commission of the Conference decided, by its resolution of July 23rd, that a Permanent Disarmament Commission should be set up.

Several members expressed themselves in favour of strict and effective international supervision, that being in their view essential in order to ensure the enforcement of the provisions of the Convention. Certain members of the Committee were of opinion that supervision was a question of capital importance from the standpoint of regulation in general, since the question of how far a draft Convention could be framed in detail would depend on the degree of supervision that States were prepared to accept. In order to ensure supervision, it was suggested that the Permanent Disarmament Commission should be informed of orders for

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arms and of the expenditure attaching thereto, and that it should have the right of supervision over manufacture on the basis of documentary evidence and, if necessary, on the spot.

Certain members of the Committee proposed that supervision should be further carried out by the workers' organisations whose members are employed in the manufacture of arms. The same members were anxious to deal at once with the question of supervision which they regarded as their principal task, and pointed out that this procedure would be in conformity with the view expressed by M. Bourquin in reply to a letter on the subject from the Chairman of the Committee.

At the same time, other members of the Committee pointed out that the question of international supervision over the manufacture of arms was a particularly delicate matter, as it encroached on the domain of domestic legislation and that therefore it would be necessary to be content with supervision carried out by the States. Several members of the Committee asked also, as regards supervision, that the same rules should be laid down for State and for private manufacture; moreover, emphasis was laid on the necessity of establishing similar supervision for manufactured material in service and in stock.

Some members of the Committee stated that they must wait until the general principles of supervision have been established by the Conference before examining the methods of its application to the manufacture of arms, while other members, as mentioned above, were anxious to examine these methods immediately.

The Committee finally agreed to adjourn consideration of the question of supervision until it is in possession of the report to be submitted to the Bureau on the question of supervision in general.

21. Article 8 of the draft Convention provides that the application of the Convention shall be suspended as regards belligerents in time of war. Some delegations are in favour of this stipulation being extended and conferring the same rights on neutrals, as in the case of the 1925 Convention on Trade in Arms, while other delegations ask that the regulations shall apply to all the contracting parties both in time of war and in time of peace.

22. It is clear from the foregoing that the final proposals that the Committee will have to submit for the regulation of arms will differ from the draft Convention framed by the Special Commission in 1929, but it is impossible to say yet to what extent this will be the case.

23. In order to facilitate the examination of the question of the manufacture of arms, the Committee set up a Sub-Committee composed of representatives of the following States: Belgium, the United Kingdom, Denmark, France, Italy, Japan, Poland, Spain, Turkey and the United States of America.

This Sub-Committee, all the members of which are participating in the work of the General Commission, while most of them are also participating in the work of the Bureau of the Conference, will meet as soon as circumstances permit.

B. Trade in Arms and Implements of War.

24. Although the Committee had decided that it would first examine the question of the manufacture of arms, it felt it desirable to hold a preliminary discussion also on trade in arms. The Committee has agreed in principle to recommend the revision of the 1925 Convention, but to limit the amendments to the minimum strictly required.

25. Various proposals which would have the effect of modifying the 1925 Convention were submitted. Most of them are on the lines of similar proposals relating to the manufacture of arms; the suggestion is to amend the categories of arms, to limit exports and imports to the requirements of non-producing States, to provide for licences and special documents which would be issued by the Permanent Disarmament Commission, to ensure effective international control, to bring the naval stipulations into harmony with those of the Washington and London Treaties, etc.

As regards the suspension of the Convention in time of war (Article 33), a suggestion was submitted to the Committee to the effect that, in the event of armed conflicts not preceded by a declaration of war, the suspension of the provisions of the Convention should be effected only in favour of the contracting party that is recognised as possessing the right of legitimate defence.

26. The Persian delegation made a special declaration recalling the fact that Persia protests against the 1925 Convention on the grounds that the latter includes in the special zones the only sea which gives her access to other continents.

In order to meet this objection, which in the Persian delegation's view implies a discrimination not in keeping with the Covenant of the League, it will be necessary to amend certain provisions of the Convention relating to special zones (Articles 12 and 20).

The Committee, recognising the Persian Government's difficulty, stated that it was prepared to take the Persian proposal into consideration when the Convention comes to be examined with a view to its revision.
27. Questions concerning trade in arms will be studied by a special Sub-Committee. This Sub-Committee for trade in arms, consisting of representatives of the United Kingdom, China, France, Italy, Japan, Persia, Spain and the United States of America, will work in close collaboration with the Sub-Committee for the Manufacture of Arms.

28. When proposing supervision by the workers (see paragraph 20, third Sub-paragraph), the delegate of Spain and the delegate of France agreed that it would be desirable to make provision for the protection of persons or organisations denouncing breaches of the Convention which the Conference is engaged in framing. The delegate of Spain suggested that the powers of the Permanent Court of International Justice might be extended to allow of that tribunal protecting and defending denunciators.

Certain members of the Committee stated that they were unable to support this suggestion.

CONCLUSIONS.

I. During the first phase of its work, the Committee passed in review all the questions raised in regard to trade in and manufacture of arms.

II. The problems with which the Committee dealt during these first discussions are brought to the knowledge of the Conference in the present report.

III. It appears from this report:

(a) That the Committee is not yet in a position to submit concrete proposals for regulating the trade in and manufacture of arms;¹

(b) That such proposals will be so framed *inter alia* as to place producing and non-producing States as far as possible on a footing of equality;²

(c) That it is already clear that the proposals which the Committee will have to submit regarding the regulation of the manufacture of arms will differ from the draft Convention framed by the Special Commission in 1929;³

(d) That it is already agreed that the 1925 Convention concerning trade in arms will have to be revised.⁴

IV. The Committee set up:

(a) A Sub-Committee on the manufacture of arms, consisting of the representatives of the following States: Belgium, the United Kingdom, Denmark, France, Italy, Japan, Poland, Spain, Turkey and the United States of America;⁵

(b) A Sub-Committee on trade in arms, consisting of representatives of the following States: the United Kingdom, China, France, Italy, Japan, Persia, Poland, Spain and the United States of America;⁶

(c) It will be the duty of these two Sub-Committees to prepare as rapidly as possible the second phase of the Committee's work;

(d) The plenary meetings of the Committee are provisionally postponed.

V. Before the resumption of the Committee's work, members will, as far as possible, obtain information on certain questions relating to private manufacture in regard to which the Danish delegation has submitted a special questionnaire.⁷

VI. It is desirable that the Committee should, before the resumption of its work, be in possession of:

(a) The replies to the questionnaire which the Committee requested should be sent to Governments concerning the manufacture of arms;⁸

(b) The decisions of principle, and if possible regarding details, that the Conference may take regarding limitation and publicity of war material;

(c) The reports on the question of supervision and the question of chemical, incendiary and bacteriological weapons and the resolutions that the Bureau and the General Commission may pass on the subject.

¹ See above, paragraph 3.
² See paragraph 4.
³ See paragraph 22.
⁴ See paragraph 24.
⁵ See paragraph 23.
⁶ See paragraph 27.
⁷ See paragraph 9.
⁸ See paragraph 8.
⁹ See paragraph 13.
¹⁰ See paragraphs 13 and 18.
¹¹ See paragraph 20.
¹² See paragraph 13.