LEAGUE OF NATIONS

REDUCTION OF ARMAMENTS

SUPERVISION OF THE PRIVATE
MANUFACTURE OF ARMS AND AMMUNITION AND
OF IMPLEMENTS OF WAR.

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REPORT BY M. BENES.

Adopted by the Council on September 4th, 1926.

The Secretariat memorandum (see page 3) which you have before you contains the resolutions adopted by the Committee of the Council at its meeting of September 3rd, 1926, with regard to the control of the private manufacture of arms and ammunition and of implements of war.

This question was raised by the resolution adopted by the Assembly on September 25th, 1925, the text of which is as follows:

"The Assembly adopts the declaration inserted in its Final Act by the Conference for the Supervision of the International Trade in Arms and Ammunition and in Implements of War which met at Geneva in May and June 1925, declaring that the Convention concerning the Supervision of the International Trade in Arms and Ammunition and in Implements of War ‘must be considered as an important step towards a general system of international agreements regarding arms and ammunition and implements of war, and that it is desirable that the international aspect of the manufacture of such arms and ammunition and implements of war receive early consideration by the different Governments’;

"The Assembly invites the Council to continue the preliminary work on the subject of the control of the private manufacture of arms and ammunition and implements of war so that a draft Convention may be prepared as speedily as possible and that the Council may summon an international conference to consider it, if possible, before the next Assembly."

Acting upon this resolution, the Council entrusted the consideration of this question to the Committee of the Council, ‘drawing the attention of that Committee to the wish expressed by the sixth Assembly that a draft Convention should be prepared as speedily as possible so that the Council may be in a position to submit it to an international conference, to be convened if possible before the next Assembly’ and requesting it ‘to submit to it a report as to the steps to be taken to carry out the desire of the Assembly so that the question may be considered by the Council at its December session’.

The Committee of the Council, noting that a method of procedure had already been instituted consisting of sending a questionnaire to the Governments on the various questions raised by the problem of the private manufacture of arms, decided that it would be advisable to continue this procedure so as to promote the success of the future conference, while immediately undertaking preliminary investigations with a view to preparing a draft Convention. It drew up the text of the questionnaire to be sent to all the Governments and forwarded it to the Council accompanied by a report. At its meeting of December 12th, 1925, the Council endorsed its Committee's view and decided:

"To request the Secretary-General to communicate this questionnaire to the Governments Members and non-members of the League of Nations and to draw their attention to the importance of any replies they may wish to make reaching the Secretariat of the League of Nations before June 1st, 1926;

"To adopt the proposal submitted by the Committee of the Council to the effect that the Committee of Enquiry, consisting of M. Cobian, M. Guani and M. Veverka, should undertake forthwith the necessary preliminary investigations for drawing up a draft Convention on the Control of the Private Manufacture of Arms and Ammunition and of Implements of War;

"To entrust the study of this question to the Committee of the Council so that, when it considers that it is in possession of the necessary information, and particularly of the replies to the above-mentioned questionnaire, it may prepare a draft Convention to serve as a basis for the discussions of an international conference.’

In conformity with this resolution, the Secretary-General sent a questionnaire on January 9th, 1926, to all the States Members and non-members of the League of Nations.

Meeting on April 12th, 1926, under the chairmanship of M. Guani, the Committee of Enquiry drew up a preliminary draft Convention which it submitted to the Committee of the Council (see page 3). The latter considered it at its meeting of May 22nd, 1926, and decided that, as only a small number of replies had been received to the questionnaire, it was not in a position to submit a final report to the Council.

On the proposal of the Committee of the Council, the Council adopted the following resolution at its session of June 1926:

"The Council adopts the proposal submitted to it by the Committee of the Council, to the effect that the replies of the Governments to the questionnaire on the private manufacture of arms and ammunition and of implements of war, sent to them on January 9th, 1926, by the Secretary-General, should be referred to the Committee of Enquiry of the Committee of the Council, in order that the latter may make any alterations in the preliminary draft Convention which it considers advisable in the light of these replies, and that the preliminary draft, thus amended, should be considered by the Committee of the Council at a future session with a view to making a report to the Council.
"The Council draws the attention of the Governments to the importance it attaches to the official opinions of Governments on this subject, which it regards as the essential basis for drawing up an International Convention for the Control of the Private Manufacture of Arms and Ammunition and of Implements of War, and requests the Governments which have not already done so to communicate their replies to this questionnaire to the Secretariat as soon as possible."

This resolution was forwarded by the Secretary-General on June 24th, 1926, to the Governments which had not replied to the questionnaire.

In conformity with this resolution, the Committee of Enquiry, meeting in Paris on July 30th and 31st, 1926, considered it unnecessary to modify its preliminary draft, for the reasons stated in its report (Annex I), and sent this draft back to the Committee of the Council, which forwarded it to us accompanied by the resolution with which you are acquainted.

I think I can recommend my colleagues on the Council to endorse the view expressed by the Committee in this resolution, which I therefore propose that you should adopt in the following form:

"The Council,

"In view of the resolution of the Committee of the Council on the preliminary draft Convention on the Control of the Private Manufacture of Arms and Ammunition and of Implements of War prepared by the Committee of Enquiry;

"Taking into account the resolution of the Assembly dated September 25th, 1925;

"While reserving its ultimate opinion on this preliminary draft, the substance of which it is not at present in a position to examine;

"Decides to refer this preliminary draft, together with the reports of the Committee of Enquiry, to the Assembly for information only, drawing its attention to the connection which exists between this question and the general problem at present under investigation by the Preparatory Commission for the Disarmament Conference."

The Committee of the Council held a meeting at Geneva on September 3rd, 1926, to examine the Committee of Enquiry's report, attached to the present memorandum (see Annex I) on the preliminary draft Convention on the Control of the Private Manufacture of Arms and Ammunition and of Implements of War.

The Committee adopted the following resolution:

"The Committee of the Council, having received the report of its Committee of Enquiry on the preliminary draft Convention on the Control of the Private Manufacture of Arms and Ammunition and of Implements of War;

"Taking into account the resolution of the Assembly dated September 25th, 1925;

"Proposes that the Council should refer this preliminary draft (to which the Committee has not been able to give full consideration), together with the reports of the Committee of Enquiry, to the Assembly for information only, drawing its attention to the connection which exists between this question and the general problem at present under investigation by the Preparatory Commission for the Disarmament Conference."

MEMORANDUM BY THE SECRETARIAT

The following countries

Whereas the international trade in arms and ammunition and in implements of war is governed by the Convention concerning the Supervision of the International Trade in Arms and Ammunition and in Implements of War signed at Geneva on June 17th, 1925;

Whereas the International Conference which drew up the said Convention unanimously declared:

"That the Convention of to-day's date must be considered as an important step towards a general system of international agreements regarding arms and ammunition and implements of war, and that it is desirable that the international aspect of the manufacture of such arms, ammunition and implements of war should receive early consideration by the different Governments";

Whereas the international trade in arms and ammunition and in implements of war should be subjected to a general and effective system of supervision and publicity;
Whereas such a system is not provided by existing treaties and conventions in regard to manufacture;
Whereas the manufacture of arms, ammunition or implements of which in war is prohibited by international law ought not to be permitted for such purpose:
Have decided to conclude a Convention and have accordingly appointed as their plenipotentiaries:

[Here follow the names of the plenipotentiaries.]
Who, having communicated their full powers, found in good and due form, 
HAVE AGREED AS FOLLOWS:

CATEGORIES.

Article 1.

(Same as Chapter I of the Convention for the Supervision of the International Trade in Arms — document A.16.1925.IX, pages 5 and 6.)

SUPERVISION AND PUBLICITY.

Article 2.

For the purposes of the present Convention, private manufacture shall be considered to mean manufacture taking place in establishments of which the State is not the sole proprietor.

Article 3.

The High Contracting Parties undertake not to permit in the territory under their jurisdiction the private manufacture of the articles included in Categories I, II, III and IV and paragraph I of Category V without the written authorisation of the Government.

This authorisation shall be given in the form of a licence, which shall be valid for a period to be determined individually by each High Contracting Party and which shall be renewable for a further period.

Article 4.

The High Contracting Parties undertake not to grant a licence for the manufacture of the material referred to in Article 3 and to withdraw such licence if it has been granted to any firm which is in a position to influence a newspaper either because it holds a sufficient portion of its capital or because it conducts the management or any other part of its work, or because its directors, managers or high officials are in a position to exercise such influence.

The High Contracting Parties undertake to withdraw the licence of any holder who has advertised war material covered by Categories I, II and III or who has advertised war material covered by Categories IV and V in the special zones defined in Chapter III of the Convention concerning the Supervision of the International Trade in Arms and Ammunition and in Implements of War.

Article 5.

Each of the High Contracting Parties undertaking not to conclude any contracts for the supply of the kinds of war material enumerated in Article 3 with a private firm one or more of whose directors or managers are members of the legislature of that Contracting Party.

Article 6.

The High Contracting Parties undertake to publish within two months after the close of each quarter the licences granted during that quarter, together with the following particulars:

(a) The kind or kinds of war material which the holder of a licence is allowed to manufacture;
(b) The names, styles and addresses of the proprietor or proprietors in the case of enterprises belonging to a private individual or to the partners in a firm having a collective title, and those of the managers or directors in the case of enterprises organised as commercial companies;
(c) The names of all the enterprises with which the holder has concluded agreements or associations of any kind whatever, with a view to the production of the articles of war material for which the licence has been granted.

The High Contracting Parties also undertake to publish annually a report of each holder's operations relating to the manufacture of the material for which the licence has been granted, such report to be drawn up by the holder and verified by the High Contracting Parties.

Article 7.

To complete the general system of publicity for armaments, irrespective of their origin, provided for in the Convention for the Supervision of the International Trade in Arms signed at Geneva on June 17th, 1925, the High Contracting Parties undertake to publish within two months after the close of each quarter a statistical return of the articles covered by Categories I, II and IV delivered or held in stock during that quarter.
This return shall be drawn up in accordance with the specimen form contained in Annex 1 to the present Convention and shall show under each heading of the said categories in Article 1 the weight, the number and the value of the articles manufactured under a licence. The first statistical return to be published by each of the High Contracting Parties shall be for the quarter beginning on the first day of January, April, July or October subsequent to the date on which the present Convention comes into force with regard to the High Contracting Party concerned.

The High Contracting Parties undertake to publish as an annex to the above-mentioned return the text of the provisions of all statutes, orders or regulations in force within their territory dealing with the manufacture of war material covered by Article 1, and to include therein all provisions enacted for the purpose of carrying out the present Convention. Amendments and additions to these provisions shall be likewise published in annexes to subsequent quarterly returns.

The provisions of the present article shall also be applied as far as possible to articles manufactured in establishments of which the State is sole proprietor.

Article 8.

The High Contracting Parties, in all cases covered by Category III, undertake to publish within two months after the close of each quarter a return for that quarter, giving the information detailed below for each vessel of war constructed, in course of construction or to be constructed within their territorial jurisdiction on behalf of the State:

(a) The date of the signing of the contract for the construction of the vessel, and the following data:
   - Standard displacement in tons and metric tons;
   - The principal dimensions, namely: length at water-line, extreme beam at or below water-line, mean draft at standard displacement;

(b) The date of laying the keel and the following data:
   - Standard displacement in tons and metric tons;
   - The principal dimensions, namely: length at water-line, extreme beam at or below water-line, mean draft at standard displacement.

Article 9.

The articles covered by Category V shall only be subject to such publicity as may be prescribed by the national legislation.

General Provisions.

Article 10.

The provisions of the present Convention are completed by those of Annex 1 which have the same value and shall enter into force at the same time as the Convention itself.

Article 11.

The High Contracting Parties undertake to conclude no purchase contract for the supply of articles covered by Categories I, II and III in a State which is not a Contracting Party to the present Convention.

Article 12.

In time of war the application of the present Convention shall be suspended as regards belligerents until the restoration of peace.

Article 13.

The present Convention shall not be deemed to affect any rights and obligations which may arise out of the provisions either of the Covenant of the League of Nations, or of the Treaties of Peace signed in 1919 and 1920 at Versailles, Neuilly, St. Germain and Trianon, or of the Treaty limiting Naval Armaments signed at Washington on February 6th, 1922, or of any other treaty, convention, agreement or engagement.

Article 14.

The High Contracting Parties will use their best endeavours to secure the accession to the present Convention of other States. Each accession will be notified to the Government of the French Republic, and by the latter to all the signatory or acceding States. The instruments of accession shall remain deposited in the archives of the Government of the French Republic.

Article 15.

The present Convention may be denounced by any High Contracting Party thereto after the expiration of four years from the date when it came into force in respect of that Party. Denunciation shall be effected by notification in writing addressed to the Government of the

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1 This Annex has not yet been examined by the Committee of Enquiry.
French Republic, which will forthwith transmit copies of such notification to the other Contracting Parties, informing them of the date on which it was received.

A denunciation shall take effect one year after the date of the receipt of the notification thereof by the Government of the French Republic, and shall operate only in respect of the notifying States.

Should the Convention be denounced by one of the Powers whose ratification is a condition of its entry into force, any other High Contracting Party may also, within a period of one year from the date of such denunciation, denounce the Convention without waiting for the expiration of the period of four years mentioned above, and may require that its denunciation shall take effect at the same date as the first-mentioned denunciation.

Article 16.

The High Contracting Parties agree that, at the conclusion of a period of three years from the coming into force of the present Convention under the terms of Article 18, this Convention shall be subject to revision upon the request of one-third of the said High Contracting Parties, which request shall be addressed to the Government of the French Republic.

Article 17.

The present Convention, of which the French and English texts are both authentic, is subject to ratification. It shall bear to-day’s date.

Each Power shall address its ratification to the Government of the French Republic, which will at once notify the deposit of such ratification to each of the other signatory Powers.

The instruments of ratification will remain deposited in the archives of the Government of the French Republic.

Article 18.

A first procès-verbal of the deposit of ratifications shall be drawn up by the Government of the French Republic as soon as the present Convention shall have been ratified by the following Powers:

AUSTRIA - NETHERLANDS
BELGIUM - NORWAY
BULGARIA - POLAND
CUBA - ROMANIA
CZECHOSLOVAKIA - SOUTH AFRICA
EGYPT - SWEDEN
ENGLAND - TURKEY
GREECE - UNION OF SOCIALIST SOVIET REPUBLICS
ITALY - UNITED STATES OF AMERICA
JAPAN
LATVIA

The Convention shall come into force four months after the date of the notification of this procès-verbal by the Government of the French Republic to all signatory Powers.

Subsequently, the Convention will come into force in respect of each High Contracting Party four months after the date on which its ratification or accession shall have been notified to the Government of the French Republic to all signatory or acceding States.

Annex

REPORT OF THE COMMITTEE OF ENQUIRY TO THE COMMITTEE OF THE COUNCIL.

In pursuance of the Council resolution of June 10th, 1926, the Committee of Enquiry of the Committee of the Council appointed to draw up a preliminary draft Convention on the Supervision of the Private Manufacture of Arms and Ammunition and of Implements of War met in Paris on July 30th and 31st, for the purpose of reconsidering the preliminary draft which it had prepared and submitted to the Committee of the Council in the light of the replies of Governments to the questionnaires sent to them on the subject.

M. Cobian informed the Committee that he was unable to take part in its work, but expressed his personal wish that his absence should not be regarded as an obstacle to the holding of the meeting.

The Committee of Enquiry had before it the replies of the following countries:

Australia - Netherlands
Austria - New Zealand
Belgium - Norway
Bulgaria - Poland
Cuba - Romania
Czechoslovakia - South Africa
Egypt - Sweden
Great Britain - Turkey
Greece - Union of Socialist Soviet Republics
Italy - United States of America
Japan - Venezuela
Latvia

The United States of America, Turkey and the Union of Socialist Soviet Republics did not reply to the questions, for various general reasons which their Governments explained in their replies to the Secretariat.

1 Since the meeting of the Committee of Enquiry, the following Governments have forwarded their replies to the Secretariat: Colombia, France.
With regard to the opinions given by the remaining Governments, the Committee’s conclusions are as follows:

A certain number of Governments expressed the opinion:

**Question 1.** — That the private manufacture of arms and ammunition and of implements of war was open to grave objections of the kind contemplated in the report of the Temporary Mixed Commission (document A. 16. 1924. IX) (replies of Belgium, Bulgaria, Cuba, Egypt, Norway and Poland). Others of the countries consulted also put forward certain special objections (replies of South Africa and Latvia). Five Governments stated that, to the best of their knowledge, there were no grave objections to the system of private manufacture in their respective countries (replies of Australia, Great Britain, Italy, Japan, and Sweden).

**Question 2.** — It appears from the replies of Governments to this question that the private manufacture of arms is already regulated in varying degrees under the licensing system, which is indeed the basis of the draft Convention prepared by the Committee. This is the case in Belgium, Egypt, Great Britain, Italy, Japan, the Netherlands, Czechoslovakia and Poland.

**Question 3.** — In regard to the obstacles which the constitutions of the various countries might present to the conclusion of international agreements on the control of the private manufacture of arms and ammunition and of implements of war, the Committee finds that no obstacles are mentioned in the replies received, and that the majority of the Governments state that the constitutions of their respective countries present no such obstacles.

**Questions 4 and 5.** — The Committee regards most of the suggestions and proposals put forward by Governments in the replies submitted to it as being already embodied in the draft Convention. The Committee notes, however, the following suggestions:

(a) Certain Governments (Great Britain and Japan) pronounce in favour of the principle of national control and dismiss the idea of international control. Others would wish that an organisation — international, of course — should be established to compile and publish the information received from the various countries (Polish reply), and that this organisation should also be empowered to demand further particulars from any country which it might consider to have furnished insufficient information (Netherlands reply). Others, again, would wish that both the manufacture of arms and the trade in arms should be supervised by League organisations (Bulgarian, Greek and Latvian replies).

The conflict between the principle of national control and the principle of international control will doubtless lose much of its importance if the international aspect of control is reduced to nothing more than the provision of publicity for measures of national control, which should be as uniform as possible. The Committee is of opinion that this solution, which it has recommended for the draft Convention on the analogy of the solution adopted in the Convention for the supervision of the international trade in arms (1925), represents a compromise which could be accepted both by the supporters of national and by those of international control. The Committee would point out that the arguments which were successfully maintained against the proposal to entrust a League organisation with the control of the international trade in arms under the Convention of May-June 1925 apply with at least equal force to the draft Convention on Private Manufacture. The Committee, however, takes this opportunity of emphasising the importance that must be attached to publicity as a system of control by extending that publicity, as it has done in its draft, to State manufactures. In the opinion of the Committee, full publicity in regard to manufactures even now constitutes a strict legal obligation upon all Members of the League of Nations, in virtue of the last paragraph of Article 8 of the Covenant, which says: “The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programmes and the condition of such of their industries as are adaptable to war-like purposes.”

(b) The Greek Government suggests that the measures to be taken to supervise and restrict the manufacture of arms should be extended to raw materials, including chemical substances which, by a process of conversion or manufacture, may become an instrument of war. The Committee did not see fit to modify the preliminary draft in this sense, since the Greek Government’s suggestion seemed unduly to extend obligations which in any event should be confined to the minimum compatible with the highest interest of peace and mutual confidence.

(c) Two Governments (Greek and Roumanian replies) proposed that supervision should be exercised over both private and State undertakings.

The Committee has already explained its views on this question in its report of April 19th, and it sees no occasion to modify them in the light of the replies received. The Committee considers that it went as far as possible in the direction suggested by these two Governments when, in Article 2 of the preliminary draft, it defined private manufacture as “manufacture taking place in establishments of which the State is not the sole proprietor”. Moreover, the Committee, fully aware that the draft to be prepared must be based both on Article 8 of the Covenant and on the declaration in the Final Act of the Convention of May-June 1925 — of which the one refers to the grave objections to manufacture by private enterprises and the other to equality between producing and non-producing States — framed its draft on the basis of a limitation of the licence to private manufacture, but of an extension of publicity to all manufactures, whether private or State.

This solution would seem to satisfy all points of view.
The Committee did not see its way to retaining the suggestion by the Greek Government to fix the maximum quantities of arms and implements of war which States would be free to acquire. There does not seem a sufficiently direct and inevitable connection between this suggestion, the value of which the Committee recognises, and the precise aim of the draft Convention which it was instructed to examine.

The suggestion of the Polish Government that the Convention should contain no restriction as regards the purchase of products from the private manufacture of arms in its territory, and also the right to expropriate, subject to compensation, any licences, models, patents, designs and methods of manufacture belonging to individuals, appears to be fully met by the draft Convention as framed. Accordingly, the Committee, which entirely agrees with the opinion expressed by the Polish Government, saw no reason to modify the existing preliminary draft in this respect.

Another suggestion of the Polish Government that each Government should have a preferential right as regards the purchase of products from the private manufacture of arms in its territory, and also the right to expropriate, subject to compensation, any licences, models, patents, designs and methods of manufacture belonging to individuals, seems to the Committee to be too exclusively national a question to form part of a draft international Convention.

The suggestion of the British Government that the Convention should be based on the principles of the British Fire-arms Act of 1920 is one that should be considered. That law organises the national supervision of private manufacture. The Committee is of opinion that its preliminary draft is in accordance with the general principles of the law in question and, consequently, with the suggestion put forward by the British Government.

Three Governments point out the close connection, from the point of view of application and coming into force, between the Convention under consideration and that of May-June 1925 on the supervision of the international trade in arms. The Committee is entirely of this opinion, which was indeed frequently expressed both during the Conference of May-June 1925 and at the sixth Assembly.

The Committee has not thought it desirable to change the ratification clauses in this respect, the final drafting of these clauses seeming, at the present stage of work, to be somewhat premature. Moreover, experience shows that they can only be given their final wording by the Conference which is entrusted with the conclusion of the Convention.

In conclusion, the Committee does not see its way to introducing any modifications in the preliminary draft which it had prepared, and it again submits the said draft to the Committee of the Council with the request that, in examining it, it will take into account not only the foregoing considerations, but also the report dated April 19th, 1926, annexed to the preliminary draft (Annex II).

REPORT BY THE COMMITTEE OF ENQUIRY TO THE COMMITTEE OF THE COUNCIL.

The duties of the Committee of Enquiry were determined by the Council resolution of December 12th, 1925, in which it was decided:

"to adopt the proposal submitted by the Committee of the Council to the effect that the Committee of Enquiry, consisting of M. Cobian, M. Guani and M. Veverka, should undertake forthwith the necessary preliminary investigations for drawing up a draft Convention on the Control of the Private Manufacture of Arms and Ammunition and of Implements of War;"

The Committee accordingly met in Paris on April 12th, 1926, under the chairmanship of M. Guani. It took as a basis for its discussions a preliminary draft Convention prepared by M. Veverka.

Discussion showed that the Committee was in a position to submit forthwith a preliminary draft Convention capable of furnishing a basis for subsequent discussion by the Committee of the Council, and it therefore drew up the draft which is attached to the present report (see page 3).

The Committee of Enquiry is of opinion that the establishment of this preliminary draft does not exceed the scope of the preliminary investigations for which it was appointed, and it realises that the draft will require amendment according to the replies to the questionnaire sent out to Governments. The Committee of Enquiry desires at the outset to draw the attention of the Committee of the Council to a point of procedure. According to the last paragraph of the Council resolution above quoted, it is for the Committee of the Council to establish "a draft Convention to serve as a basis for the discussions of an international conference".
The Committee of Enquiry would like to know whether it will be asked, before the Committee of the Council draws up the final draft to be submitted to the Council and Assembly of the League for reference to an international conference, to revise its own preliminary draft in the light of the replies to the questionnaire and to submit it in a fresh form, or whether the Committee of the Council will feel that it has sufficient information to prepare a final draft itself without a further meeting of the Committee of Enquiry. As replies to the questionnaire have to reach the Secretariat before June 1st, it is important, in view of the imminence of the Assembly, that any subsequent meetings of the Committee of Enquiry which may have to be held should take place as soon as possible after June 1st, 1926. The Committee of Enquiry suggests that the Committee of the Council should settle this point of procedure and fix the programme of work at a meeting, to be held perhaps during the session of the Preparatory Commission on Disarmament, which opens at Geneva on May 18th next.

In preparing this draft, the Committee of Enquiry was prompted by two considerations. In the first place, it had to be remembered that the work of the League on the question of private manufacture originated in the following paragraph in Article 8 of the Covenant:

"The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being paid to the interests of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety."

In the second place, it had to take account of the following declaration, embodied in the Final Act of the Conference which met at Geneva in May-June 1925 to draw up a Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War:

"... That the Convention of to-day's date must be considered as an important step towards a general system of international agreements regarding arms and ammunition and implements of war, and that it is desirable that the international aspect of the manufacture of such arms and ammunition and implements of war should receive early consideration by the different Governments."

This twofold object had already been indicated by M. Benes in his report, adopted by the Council on September 26th, 1925, which contains the following passage:

"The Council has taken note of the resolution adopted by the sixth Assembly on the supervision of the manufacture of arms and ammunition and of implements of war. The Council is aware, as pointed out in M. Guerrero's report, which was adopted by the Assembly, that this resolution was prompted by two currents of opinion. On the one hand, all the Assemblies have shown a desire to put into operation the provisions of Article 8 of the Covenant with regard to the supervision of the private manufacture of arms and ammunition and of implements of war. On the other hand, at the Conference of May-June 1925 on the Supervision of the International Trade in Arms and Ammunition and in Implements of War, there was a strong tendency to assert the equality of non-producing and producing States. The non-producing States pointed out that, as the Convention for the Supervision of International Trade subjected the purchase of arms to the regime of publicity, the producing States must, in order to re-establish equality, accept the same principle of publicity by concluding a Convention on the supervision of manufacture."

The Committee has endeavoured to show by the title given to the draft Convention that the aim is: (1) to supervise private manufacture; (2) to establish a regime of publicity for all manufactured armaments of whatever kind. This title may subsequently be simplified, but it seemed necessary to make it absolutely clear.

1. Supervision of Private Manufacture.

In this part of its work the Committee of Enquiry has, of course, drawn freely upon the previous work done on this question by various League of Nations Commissions, and in particular by the Temporary Mixed Commission. Supervision is based on a system of licences. Any private firm desiring to manufacture implements of war must obtain from its Government a licence, which is only granted on certain conditions. All licences thus granted are published.

2. Publicity of Manufactured Armaments.

The Committee has been influenced not only by the declaration quoted above from the Final Act of the Conference for the Supervision of the Trade in Arms but also by the opinions expressed by a number of Governments at the Conference. After laying down the principle of equality of treatment between producing and non-producing States, the Committee finds it difficult to avoid drawing the logical conclusion, and it accordingly proposes that publicity should be given to all armaments manufactured by private or State undertakings on the same conditions as those fixed for the export of similar armaments by the Convention on the Trade in Arms. At the same time, it has been careful not to impose heavier obligations upon producers than upon non-producers.
It is mainly in order to permit of readier comparison between the stipulations of the two Conventions with regard to the same armaments that the Committee has decided to maintain as far as possible a certain parallelism between the two Conventions.

For this reason, for example, the draft preserves the division of arms into five categories, although Categories I and II are subject to exactly the same regime and could therefore be combined in one.

The Committee of Enquiry desires to emphasise the fact that it has based its conclusions mainly upon the principle of publicity laid down in the Convention on the Supervision of Trade. It is of opinion that such publicity can only be given by the Governments themselves, without the intervention of any body outside the High Contracting Parties. This regime of publicity under governmental responsibility, which was adopted for the international trade in arms, seems to be still more clearly indicated for manufacture, which only affects the relations between Governments and their own nationals.

The Committee of Enquiry has been anxious to apply this system of publicity as strictly and as fully as possible, and has made a point of drafting the clauses of the Convention in the form of precise obligations. For this reason, it has found it impossible to maintain in the preliminary draft stipulations such as the following, contained in a draft adopted by the Temporary Mixed Commission:

"The Government of a State issuing a licence shall have the right to inspect the works of the applicant before and after the issue of the licence and during the period of the licence. The Government reserves, in dealing with a licence-holder, prior claim to the purchase and use of any patent and process and method and composition and any other like thing pertaining to the manufacture of war material."

These two paragraphs sanction the exercise of a right which may be reserved to each Government in virtue of its national legislation. The Committee of Enquiry considers that the exercise of such a right cannot properly be embodied in an obligation imposed by an international convention.

The preliminary draft may appear somewhat illogical in its treatment of the material mentioned in paragraph 1 of Category V. Although the material itself is not subject to publicity of any kind, the manufacturers of this material are nevertheless required to obtain a licence. The Committee thinks that, even though the export of this material is not made subject to a regime of publicity owing to technical difficulties, and though equality of treatment therefore necessitates the exemption of producers from any publicity, it still remains a fact that the private manufacture of such material might involve the same "evil effects" as the manufacture of material included in the other categories.

Nevertheless, in view of the fact that the greater part of the material included in Categories IV and V, paragraph 1, is not intended for use in war, the Committee of Enquiry has seen fit to relax the system of licences in favour of private undertakings manufacturing this material, particularly as regards commercial propaganda. This attitude is based on the principle that commercial propaganda can only be restricted to the same extent as the trade itself, and the stipulations regarding such propaganda have therefore been brought into line with those contained in the Convention on the Supervision of Trade. Commercial publicity is accordingly authorised for material included in Categories IV and V except in the special zones where the trade in this material is restricted.

As regards the general provisions, the Committee of Enquiry has based its work, mutatis mutandis, on the corresponding articles in the Convention on the Supervision of the Trade in Arms. At the same time, it desires to draw attention to Article 11, which has no equivalent in the Convention on the Trade in Arms, and the aim of which is to avoid conferring a premium on States which are not parties to the Convention. It should further be noted that this article must be considered in conjunction with Article 18, which relates to the entry into force of the Convention. These two articles raise problems of some complexity which the Committee of Enquiry does not think it necessary at the present stage to consider in detail. Nevertheless, it is the opinion of the Committee that the list of States to be enumerated in Article 18 ought to include a specified number of the principal producing Powers.