COMMUNICATED TO THE COUNCIL AND THE MEMBERS OF THE LEAGUE.

LEAGUE OF NATIONS

Special Commission for the Preparation of a Draft Convention on the Private Manufacture of Arms and Ammunition and of Implements of War

REPORT OF THE SPECIAL COMMISSION TO THE COUNCIL ON THE WORK OF ITS FIRST SESSION

Held at Geneva, March 14th to April 25th, 1927.

Report of the Special Commission to the Council

Annex I. Preliminary Draft Convention submitted by the Special Commission to the Council

Sub-appendix to the Preliminary Convention

Annex II. Amendments and Observations submitted to the Drafting Committee:

1. Amendments proposed by the Representative of the British Empire
2. Observations of the Representative of the Netherlands
3. Observations of the Representative of Japan
4. Observations of the Representative of Belgium
5. Amendments proposed by the Representative of Italy
6. Observations of the Representative of the United States of America

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Publications of the League of Nations

IX. ARMAMENTS

1927. IX. 6.
REPORT OF THE SPECIAL COMMISSION TO THE COUNCIL.

The Special Commission appointed by decision of the Council dated December 9th, 1926, for the purpose of framing a final draft which would be used as a basis for discussion at an International Conference for the Supervision of the Private Manufacture of Arms and Ammunition and of Implements of War held its first session at Geneva from March 14th to April 25th, 1927.

The Commission appointed a Drafting Committee from among its members to examine the preliminary draft framed by the Committee of Enquiry of the Committee of the Council, and also the amendments, proposals and observations submitted by its own members. These amendments, proposals and observations are to be found annexed to the present report (Annex II).

As the result of its study, the Drafting Committee presented to the plenary Commission a report the text of which is as follows:

"At the meeting held on March 14th, 1927, the Special Commission requested the delegations to submit such observations as they might desire on the preliminary draft Convention which the Council had referred to it, and appointed a Drafting Committee to prepare, in the light of the amendments proposed, a new text which might serve as a basis for its discussions.

"Amendments were submitted by the American, Belgian, British, Italian, Japanese and Netherlands delegations. The Drafting Committee took note of them at its meetings on April 19th and 20th, 1927.

"It found that these amendments were based in the main on two different principles: in some cases on the principle set forth in paragraph 5 of Article 8 of the Covenant and in other cases on the principle formulated in paragraph 2 of the Final Act of the Conference for the Supervision of the International Trade in Arms and Ammunition and in Implements of War. The first group thus referred exclusively to the supervision of private manufacture and the other to publicity in regard to manufacture in general.

"The Drafting Committee was not able in every case to reconcile such different points of view. On the other hand, it did not feel authorised to choose between them. It has thus been obliged to submit to the Commission a preliminary draft (Annex I), which offers alternative texts for certain articles. It will be for the Commission itself either to choose between these or to find a new text which might meet with unanimous agreement.

"In regard to Article 1, certain members of the Committee pointed out that the lists which it provides for were imperfect and that the proposed Conference should have power to examine them and, if necessary, to revise them.

"In regard to Article 2, the Committee had to consider a British amendment framed as follows: 'After the words: "of which the State is not the sole proprietor", insert the phrase: "and which are mainly or to a large extent engaged in the manufacture of the said articles"'; and an Italian and Japanese amendment, the text of which is as follows: 'Insert after the article as it stands: "excluding in all cases manufacture on the order and behalf of the State"'. The Committee decided not to embody these amendments in its draft but to bring them to the notice of the Commission, as the latter alone has power to settle the important questions of principle involved.

"In Article 3, the Committee considered the Netherlands amendments concerning arms, ammunition and implements of war the use of which is prohibited in warfare. It was of opinion, however, that the full value of these new texts would only be obtained if the nature of the arms, ammunition and implements in question were stated. The Committee decided that it was not for it to specify them but that the matter should be left for the Commission to discuss.

"As regards Article 11, one member has pointed out that its maintenance would greatly facilitate ratification of the Convention by certain producing countries which, in the absence of such a text, could not bind themselves unless all the principal producing States assumed the same obligation. He thinks therefore that, if Article 11 were deleted, this would necessitate the insertion of a somewhat lengthy list in Article 18 and would thus make the entry into force of the Convention less probable.

"Lastly, as regards Article 18, the Committee did not consider itself competent to draw up the list of States whose ratification is required. It decided simply to lay before the Commission the British proposal, according to which the list would be drawn up as follows: "Austria, Belgium, Czechoslovakia, France, Germany, Great Britain, Italy, Japan, Netherlands, Russia, Spain, Sweden, United States of America."

1 "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."
During the examination of this report by the plenary Commission, the Roumanian
delegate, supported by the Polish delegate, showed the necessity for including in the draft
Convention to be drawn up an article similar to Article 29 of the Convention for the Supervision
of the International Trade in Arms and Ammunition and in Implements of War, of which the
text is as follows:

"The High Contracting Parties agree to accept reservations which may be made by
Estonia, Finland, Latvia, Poland and Roumania at the moment of their signature of the
present Convention and which shall suspend in respect of these States, until the accession
of Russia to the present Convention, the application of Articles 6 and 9, as regards both
export to and import into these countries by the High Contracting Parties. These
reservations shall not be interpreted as preventing the publication of statistics in accord-
ance with the laws and regulations in effect within the territory of any High Contracting
Party."

After considering this report, the plenary Commission unanimously declared that the
question the study of which had been entrusted to it was too closely bound up with the question
of the limitation and reduction of armaments for it to be possible to arrive at once at a unani-
mous text when no such text has yet been reached for a General Conference for the Limitation
and Reduction of Armaments. The Commission considers it its duty to report this situation
to the Council and to propose that the studies already begun should be continued pari passu
with the work of the Preparatory Commission for the Disarmament Conference concerning
the general Convention.

As regards the fixing of a date for an international conference to be convened with the
object of concluding a draft Convention, the Commission could not but note the above-
mentioned considerations relating to the connection between this question and the question
of the limitation and general reduction of armaments.

ANNEX I.

C. F. A. 9 (1).

Geneva, April 27th, 1927.

SPECIAL COMMISSION FOR THE PREPARATION OF A DRAFT CONVENTION ON THE PRIVATE
MANUFACTURE OF ARMS AND AMMUNITION AND OF IMPLEMENTS OF WAR.

PRELIMINARY DRAFT CONVENTION WITH REGARD TO THE SUPERVISION
OF THE PRIVATE MANUFACTURE AND PUBLICITY OF THE MANUFACTURE
OF ARMS AND AMMUNITION AND OF IMPLEMENTS OF WAR

submitted to the Council by the Special Commission.

PREAMBLE.

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, in accordance with the spirit
of Article 8 of the Covenant of the League of
Nations, the private manufacture of arms
and ammunition and of 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 the use 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).
(Under reservation by the Belgian delegation with regard to the advisability of a further study being made of these Categories, and under reservation by the German delegation, which declares itself against the inclusion of Category IV, in so far as civil aviation is concerned, in this Convention.)

SUPERVISION AND PUBLICITY.

Article 2.

For the purposes of the present Convention, private manufacture shall be considered to mean manufacture of items defined in Article 1 taking place in establishments of which the State is not the sole proprietor, and which are mainly or to a large extent engaged in the manufacture of the said articles, excluding in all cases manufacture on the order and behalf of the State.

Article 3.

The High Contracting Parties undertake not to permit, in the territory under their jurisdiction, the private manufacture as defined in Article 2 of the articles included in Categories I, II, III and IV, unless the manufacturers thereof are licensed by the Government to manufacture the articles referred to in this article.
This licence shall be valid for a period to be determined individually by each High Contracting Party, and shall be renewable for a further period at the discretion of the Government.

Article 4 (former Article 6 amended).

The High Contracting Parties undertake to transmit to the Secretary-General of the League of Nations, or to publish within six months after the close of each half-year terminating June 30th and December 31st, a list of the licences granted during that half-year, together with:
   (a) A description on general terms of the war material for which the licence is granted;
   (b) The name and address of the registered or head office of the licencees.

Article 5 (former 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 six months after the close of each half-year, a statistical return of the articles covered by Categories I, II and IV delivered or held in stock during that half-year.

Some members of the Commission declared themselves against the inclusion of Category IV in this article.
Some members of the Commission declared themselves against the inclusion of Category IV, in so far as civil aviation is concerned, in this article.
This return shall be drawn up in accordance with the specimen form contained in the Annex to the present Convention and shall show under each heading of the said categories in Article I 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 half-year beginning on the first day of January, or July 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 transmit to the Secretary-General of the League of Nations, or to publish, the text of the provisions of all statutes, orders or regulations in force within their territory dealing with articles covered by Categories I, II and IV. All provisions enacted for the purpose of carrying out the present Convention and all amendments and additions to such statutes, orders, regulations and provisions shall also be published, or transmitted to the Secretary-General of the League of Nations.

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

Article 6 (former Article 8).

The High Contracting Parties, in all cases covered by Category III, undertake to publish within six months after the close of each half-year a return for that half-year giving the information detailed below for each vessel of war constructed, in the course of construction, or to be constructed (i.e. for which the contract has been signed), 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 7 (former 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 8 (former Article 10).

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

Article 9 (former Article 12).

In time of war, the application of the present Convention shall be suspended until the restoration of peace as regards belligerents, and also as regards non-belligerents threatened by the war and whose supply of arms would become difficult as a result of the hostilities.

Neutral High Contracting Parties who avail themselves of this right shall duly notify the other High Contracting Parties.
Article 10 (former Article 13).

The present Convention shall not be deemed to affect any rights and obligations which may arise out of the provisions 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 concerning the manufacture of arms and ammunitions and of implements of war.

Article 11 (former 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 12 (former 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 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 13 (new article).

Any State signing or acceding to the present Convention may declare, at the moment of its signature, ratification or accession, that its acceptance of the present Convention does not apply to any or all of the overseas territories under its sovereignty, authority or jurisdiction, and may accede subsequently in accordance with the provisions of Article 14 on behalf of any territory so excluded. Denunciation may also be effected separately in respect of any such territory, and the provisions of Article 15 shall apply to any such denunciation.

Article 14 (former 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 15 (former 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 in the archives of the Government of the French Republic.

Article 16 (former Article 18).

A first proces-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:

[Here follows the list of the principal producing Powers, to be drawn up by the Conference.]

The Convention shall come into force four months after the date of the notification of this proces-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 by the Government of the French Republic to all signatory or acceding States.

Appendix.

MODEL STATISTICAL RETURN
(referred to in Articles 5 and 8, left-hand column)

Manufacture of articles covered by Categories I, II and IV
in (name of country) . . . . . . . . . . . . . . . . . . . . . . . . . . .
during . . . . . . . . . . . . . half-year ending 19...

<table>
<thead>
<tr>
<th>Particulars of arms, ammunition and implements of war, and also of aircraft and aircraft engines, in accordance with headings of Categories I, II and IV of the attached list ¹</th>
<th>Manufacture</th>
<th>Totals</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>State ²</td>
<td>Private ²</td>
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<tr>
<td></td>
<td>Number</td>
<td>Weight</td>
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<td></td>
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<tr>
<td>TOTALS</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

¹ Arms, ammunition and implements of war, as well as aircraft and aircraft engines covered by Category I, those covered by Category II and those covered by Category IV will be given separately.

² Private manufacture shall be considered to mean manufacture taking place in establishments of which the State is not the sole proprietor.

ANNEX II.

I. AMENDMENTS PROPOSED BY THE REPRESENTATIVE OF THE BRITISH EMPIRE.

Geneva, March 16th, 1927.

Article 1.

No change.

In place of Article 2 read:

"For the purposes of the present Convention, private manufacture shall be considered to mean manufacture of the items defined in Article I taking place in establishments of which the State is not the sole proprietor and which are mainly or largely engaged in the manufacture of such articles."

In place of Article 3 read:

"The High Contracting Parties undertake not to permit in the territory under their jurisdiction the private manufacture, as defined in Article 2, of the articles included in Categories I, II, III and paragraph I of Category V unless the manufacturers thereof are licensed by the Government to manufacture the articles referred to in this article.

"Such licence shall be valid for a period to be determined individually by each High Contracting Party, and shall, at the discretion of the Government, be renewable for a further period."

Delete Article 4.

Delete Article 5.

In place of Article 6 read:

"With a view to completing 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 transmit to the Secretary-General of the League of Nations, or to publish within six months after the close of each half-year terminating June 30th and December 31st, a list of the licences granted during that half-year, together with:

"(a) A description in general terms of the war material for which the licence is granted;

"(b) The name and address of the registered or head office of the licencees.

"The High Contracting Parties further undertake to transmit to the Secretary-General of the League of Nations or to publish annually a return showing the total production, in value, of the private manufacturers licensed in accordance with the provisions of Article 3 in respect of each of the twelve headings of Category I A, of the four headings of Category II A, and of the first heading of Category V set out in Article 1 of this Convention.

"The obligation laid down in the preceding paragraph shall not take effect unless and until the High Contracting Parties have accepted a corresponding obligation to transmit to the Secretary-General of the League of Nations or to publish a similar return relative to the production of the same articles in establishments of which the State is the sole proprietor."

In place of Article 7 read:

"The High Contracting Parties undertake to transmit to the Secretary-General of the League of Nations or to publish 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 Categories II and IV. All provisions enacted for the purpose of carrying out the present Convention and all amendments and additions to such statutes, orders, regulations and provisions shall also be published, or transmitted to the Secretary-General of the League of Nations."

Article 8.
Delete in paragraph 1 the words "or to be constructed" and the words "on behalf of the State".

Article 9.
No change.

General Provisions.

Article 10.
As no annex has been circulated, this article is regarded as meaningless.

Article 11.
No change.

Article 12.
No change.

Article 13.
No change.

Article 14.
No change.

Article 15.
No change.

It is proposed to insert an additional article as under between Article 15 and Article 16:

"Any State signing or acceding to the present Convention may declare, at the moment of its signature, ratification or accession, that its acceptance of the present Convention does not apply to any or all of the oversea territories under its sovereignty, authority or jurisdiction, and may accede subsequently, in accordance with the provisions of Article 14, on behalf of any territory so excluded. Denunciation may also be effected separately in respect of any such territory, and the provisions of Article 15 shall apply to any such denunciation."

Article 16.
No change.

Article 17.
No change.

Article 18.
No change.

The British delegate suggests that the following States should be included:
Austria, Belgium, Czechoslovakia, France, Germany, Great Britain, Italy, Japan, Netherlands, Russia, Spain, Sweden, United States of America.
2. OBSERVATIONS OF THE REPRESENTATIVE OF THE NETHERLANDS.

Geneva, March 17th, 1927.

With reference to the resolution adopted at the meeting on March 14th last by the Commission to draft a Convention on the Private Manufacture of Arms, the Netherlands representative on the Commission has the honour to transmit to the Chairman of the Drafting Committee appointed at that meeting the following observations on the preliminary draft Convention as set forth in document A.47.1926. These observations are not exhaustive, and the Netherlands representative reserves the right to make others when the Preliminary draft is discussed by the Commission in plenary session.

Article 3.

The Preamble of the preliminary draft declares that the manufacture of arms, etc., the use of which in war is prohibited ought not to be permitted for such purpose. It would perhaps be more in keeping with the spirit of this declaration, however, if the various articles of the Convention did not omit mention of the manufacture of prohibited arms not intended for use in war. If no supervision or publicity of any kind is required in regard to prohibited arms, etc., the result might be to allow unlimited quantities of these articles to be manufactured. It would be desirable, therefore, to add in the first paragraph of Article 3, after the words "of Category V", the words "or of the arms, ammunition and implements the use of which in war is prohibited by international law", and further to add a new paragraph to the same article worded as follows: "As regards arms, ammunition and implements the use of which in war is prohibited by international law, authorisation shall only be given in cases where it is established beyond doubt that such articles are to be manufactured for purposes other than war."

Article 4.

The words "who has advertised war material" are not at all precise; it is uncertain whether they cover tenders made by a firm verbally or by letter to a foreign Government. If they do, the prohibition laid down in the second paragraph of Article 4 would extend too far. The Governments of non-producing countries would fail to obtain information as to new discoveries or new uses of material in other countries, and a clause of this kind would thus unduly favour producing countries. Moreover, industries established in small countries would in practice be unable to find a sufficiently large market and would thus be handicapped as compared with industries in larger countries. In these circumstances, it would seem preferable to omit in the second paragraph the words "who has advertised war material covered by Categories I, II and III or" and in consequence to substitute the words "the categories mentioned in Article 1" for "Categories IV and V".

Article 5.

It would be more in keeping with the ideas underlying Article 5 not to limit the undertaking to the case of members of a legislature but to stipulate that no contract may be concluded with a private firm one or more of whose directors or managers are exercising political or administrative functions or are members of the legislature of that contracting party. In order to avoid any uncertainty on this point, it would be desirable to add the words "It is understood that this rule shall not apply to commissioners or delegates appointed by a Government to supervise a private or mixed undertaking and sitting for that purpose with the directors or managers of an undertaking".

Article 7.

In its discussion at the meeting on March 14th, the Commission dealt chiefly with the desire expressed in various quarters that the scope of the draft Convention should be enlarged by abolishing the restriction of its application to the national regulation of the manufacture of arms by private firms. The Netherlands representative agrees with this suggestion, which would render the Convention applicable to State undertakings.

Should this view not be taken by the Commission, the Netherlands representative proposes that the words "as far as possible" be deleted from the last paragraph of Article 7 in order that publication relating to establishments of which the State is the sole owner should not be left optional.

As regards the second paragraph of Article 7, it would seem desirable to define more precisely the nature of return which is to be drawn up by the High Contracting Parties by inserting after "Article 1" the words "and for each separate licence-holder". The words "and as regards all articles supplied, the names of the Governments, institutions or persons to whom they have been supplied" might also be added at the end of the first sentence.

Article 9.

As, according to Article 3, a licence is required for the manufacture of articles covered by paragraph 1 of Category V, and as Article 6 stipulates that all licences must be published, it seems hardly logical to say in Article 9 that articles covered by Category V shall only be subject to such publicity as may be prescribed by the national legislation. This rule should only apply to articles covered by paragraph 2 of Category V. It would therefore be better to substitute the words "the second paragraph of Category V" for "Category V".
Article 11.

While agreeing with the intention underlying Article 11, namely, that no advantage should be given to States which are not parties to the Convention, we venture to ask whether this rule ought not to be applied also to articles covered by Category IV. Although it is true that this category includes, *inter alia*, articles intended for non-military purposes — a circumstance which would seem to make the proposed rule hardly applicable to this category — it should be remembered that in its present form the article would place non-participating States in a privileged position as regards the sale of aircraft, etc. Moreover, if the scope of Article 11 were enlarged, the various States would have a further inducement to ratify the Convention or adhere to it.

Article 12.

In time of war, non-belligerent States might experience great difficulty in obtaining the arms, etc., they require. In all probability, some of the countries in which these States usually place their orders would be unable to execute them. It would therefore seem hardly justifiable to make the rules of the Convention apply to neutrals in such circumstances and to allow the belligerents to recover full freedom of action. If the legitimate interests of neutral countries are to be consulted, it would be better to draft Article 12 as follows:

"In time of war, the application of the present Convention shall be suspended until the restoration of peace as regards belligerents and also as regards neutrals whose supply of arms is threatened as a result of the hostilities."

A further question also arises, namely, whether this suspension should be limited to a time of war or whether any time of crisis or of menace of war should be regarded as equivalent to a time of war.

3. OBSERVATIONS OF THE REPRESENTATIVE OF JAPAN.


I. GENERAL OBSERVATIONS.

1. As the Japanese Government has already had the honour to state in its reply to the Council's questionnaire, arms and ammunition and implements of war are manufactured in Japan chiefly by Government establishments, and only to a small extent by factories belonging to private undertakings. Accordingly, industries concerned with the supply of arms and ammunition and implements of war are very differently situated in Japan from those of certain other countries where manufacture is mostly private. In the case of Japan, previous experience has not been such as to raise any serious objections to private manufacture as defined in the Covenant of the League of Nations. In these circumstances, the Imperial Government considers it expedient that the International Convention to be concluded should be limited to a number of general principles and that each State should be left to fix details itself. In this way the future convention will not impose upon the various contracting Governments any strict obligation to frame special laws which might unnecessarily hamper private manufacture.

2. The Imperial Government also desires to state that, in its opinion, the future Convention on the Supervision of the Manufacture of Arms and Ammunition and of Implements of War should be strictly limited to private manufacture as specified in the title of the draft Convention — which in this respect simply repeats the wording of the League Covenant. In any case, the Convention should not apply to State manufacture the supervision of which is fully guaranteed by the State itself. Moreover, the supervision of State manufacture would be bound to give rise to very difficult problems which, far from contributing to the success of the Convention, might be the cause of its failure.

II. SPECIAL REMARKS.

*Article 2.*

*Article 2* is open to certain objections which make it difficult for the Imperial Government to accept it in its present form. Thus, if the dangers of private manufacture are due to the fact that it may be carried out without the supervision of the State and to some extent outside its sphere of influence, it would seem reasonable to exclude from the future Convention manufactures executed in private establishments at the orders of the Government itself, which in this way exercises the necessary supervision. With regard to Japan at any rate, manufacture in a private establishment as the result of formal orders from the competent
Government authorities is carried out under strict Government supervision and may therefore be placed on exactly the same footing as State manufacture. For these reasons, the Imperial Government has the honour to propose the following addition to Article 2: “Except manufactures executed on the order and behalf of the State”.

Article 3.

As regards the first paragraph of this article, the Imperial Government considers that the phrase “and paragraph 1 of Category V” should be omitted, since the manufacture of ammunition for arms and implements of war is already subject to supervision by virtue of various sections of Categories I, II and III. In this case, the only substances concerned are powders and explosives which are of negligible military importance or are only used for laboratory experiments. In either case, there is no real advantage, and there are certain undeniable drawbacks, in retaining the words in question at the end of the first paragraph of Article 3, since in actual reality supervision would be very difficult in these cases.

Passing to the second paragraph of Article 3, the Imperial Government assumes that this article should be interpreted in the sense that each High Contracting Party will be able to fix freely and as circumstances demand the duration of validity of each individual licence. If this interpretation agrees with the intention of the authors of the draft Convention, the Imperial Government is satisfied; if not, it would like to modify the present wording.

Article 4.

With respect to the second paragraph of this article, the Imperial Government would like some information as to the exact meaning of the term “commercial propaganda”. If this expression is equivalent to “commercial publicity”, the Japanese Government has the honour to propose that the whole of this paragraph be deleted, as such a stipulation would involve excessive interference with individual activity.

Article 5.

The Imperial Government would like the whole of this article to be omitted, because in Japan there has never been any reason to suspect the heads of private firms engaged in the manufacture of arms, ammunition and implements of war of abusing their position. Moreover, as it is a question of fact, it is better to leave each Government to examine every particular case with a full knowledge of the circumstances. Finally, in the opinion of the Imperial Government, the question seems to fall rather within the internal administration of each State than within the scope of an international convention. Furthermore, the adoption of this article might in certain cases give rise to difficulties in regard to modifications of fundamental national laws.

Article 6.

The Government of Japan considers that part (c) of the first paragraph and the whole of paragraph 2 should be omitted, as these two clauses are very complicated and could hardly be applied in practice without violation of commercial secrecy — a consequence which might seriously injure perfectly legitimate commercial interests.

Article 7.

The Imperial Government would like the last paragraph of this article to be omitted, since it clearly lies outside the natural scope of a convention on private manufacture.

Article 8.

The Government of Japan has the honour to propose that the phrase “on behalf of the State” at the end of the fourth line of Article 8 be omitted, for the reasons already indicated in regard to Article 2.

Article 11.

This article is not concerned with the control of private manufacture but with that of the international trade in arms, ammunition and implements of war. It does not therefore come within the scope of the present draft Convention and should consequently be deleted.

Article 18.

In the opinion of the Imperial Government, the Convention ought not to come into force until after its ratification by the principal producing countries and after the ratification by the same Powers of the Convention on the Supervision of the Traffic in Arms, Ammunition and Implements of War. The Imperial Government considers this twofold ratification to be necessary on grounds both of logic and of equity.
4. OBSERVATIONS OF THE REPRESENTATIVE OF BELGIUM.

Geneva, March 29th, 1927.

Article 2.

The definition of private manufacture given in Article 2 is open to no objection. The Belgian delegate, however, would recall the fact that his Government has already expressed the wish that, as regards publicity, no distinction shall be made between State manufacture and private manufacture.

Article 4.

The efficacy of the ruling laid down in paragraph I is open to doubt. The delegate does not see how it could be applied in his country without a profound and scarcely practicable change in the organisation of companies and of the Press. Further, the delegate considers that it would be impossible to prohibit all commercial propaganda in regard to material covered by Categories I, II and III. He is particularly doubtful as regards material covered by Category II.

Article 11.

The delegate considers that the provisions of this article might be extended to Category IV.

Article 13.

The delegate desires to make certain reservations as to the expediency of the last words: "or of any other treaty, convention, agreement or engagement".

Finally, the delegate ventures to recall the following passage in the reply by the Belgian Government, dated July 26th, 1926, to the Questionnaire of the Committee of the Council:

"Lastly, the Belgian Government considers that the regulations should be confined to the immediate object in view, namely, the control of the manufacture of arms and implements of war. Accordingly, the proposed Convention should state clearly and unequivocally, leaving no possibility of arbitrary interpretation, what is meant by the term 'arms and implements of war'. The Belgian Government thinks that it would be desirable to revise the definition of June 17th, 1925, on the control of the traffic in arms".

5. AMENDMENTS PROPOSED BY THE REPRESENTATIVE OF ITALY.

Geneva, April 8th, 1927.

I. GENERAL OBSERVATIONS.

The Italian delegation declares that the draft should be confined to the supervision of the private manufacture of arms and ammunition and of implements of war and not include State manufacture.

II. SPECIAL REMARKS.

Preamble.

The Italian delegation proposes the deletion of the first two considerations and the amendment of the third as follows:

"Whereas, in accordance with the spirit of Article 8 of the Covenant of the League of Nations, the private manufacture of arms and ammunition and of implements of war should be subjected to a general and effective system of supervision and publicity".

Article 2.

The Italian delegation proposes the addition of the following words at the end of Article 2:

"And which are mainly or to a large extent engaged in the manufacture of the said articles, excluding manufacture on the order and behalf of the State".

Article 4.

The Italian delegation proposes its deletion.

Article 5.

The Italian delegation proposes its deletion.

Article 6.

The Italian delegation accepts the new text proposed by the British Government, except in regard to the last paragraph.
Article 7.
The Italian delegation accepts the new text proposed by the British Government.

Article 8.
The Italian delegation proposes the deletion of the words "or to be constructed" and "on behalf of the State".

Article 10.
The Italian delegation proposes its deletion.

Article 11.
The Italian delegation proposes its deletion.

Article 12.
The Italian delegation proposes the deletion of the words "as regards belligerents".

6. OBSERVATIONS OF THE REPRESENTATIVE OF THE UNITED STATES.

Geneva, April 20th, 1927.

Since the purpose of the proposed Convention is to supplement the provisions of the Convention concerning the Supervision of the International Trade in Arms and Ammunition and Implements of War which was signed at Geneva on June 17th, 1925, and since the avowed purpose of the proposed Convention concerns the international aspect of the manufacture of such arms and ammunition and implements of war as were considered in the Arms Traffic Convention, it is suggested that the Preamble of the draft Convention be shortened and assume the following form:

"The following countries...

"Whereas it is desirable that the international aspect of the manufacture of arms and ammunition and of implements of war should receive early consideration by the different Governments:

"Have decided to conclude a Convention and have accordingly appointed as their plenipotentiaries: .........", etc.

In regard to Article 1 of the draft Convention, it is believed that the categories as appearing in the Convention for the Supervision of the International Trade in Arms (document A.16.1925.IX) should be embodied in the proposed draft Convention without change, for the following reasons:

(a) The proposed Convention is supplementary to the Arms Traffic Convention.

(b) There appears to be no reason for any distinction in regard to publicity of statistics as to arms which are exported and those which are manufactured.

In regard to Article 2 of the proposed draft Convention, it is believed that this article should be deleted for the reason that it is unduly restrictive, and that any steps taken for the national supervision, control or publicity of the manufacture of arms and ammunition and of implements of war would serve no useful end toward the maintenance of peace and allaying international fear of aggression or war if applicable solely to private manufacture. The representative of the United States is of the opinion that the whole field of production of arms, both Governmental and private, must be submitted to the same degree of pitiless publicity if the avowed purposes of this Convention are to be attained.

The provisions of Article 3 of the draft Convention are not acceptable to the United States for the reason that the Government of the United States is powerless to prescribe or enforce a prohibition upon private manufacture which takes place under the jurisdiction of the States which form the Union of the Government of the United States. Federal authority in this respect extends only to the District of Columbia and the Federal territories and possessions. While the Government of the United States can exercise supervision or control of inter-State commerce, it has no authority over intra-State production.

Article 4 of the proposed draft Convention is unacceptable to the United States, not only for the reasons stated in the comments on Article 3 of the Draft Convention but also for the reason that the administration of Article 4 would appear to be almost impossible from a practical point of view. It is obvious that the most elaborate investigational machinery would be necessary to ascertain the connections, if any, of munitions manufacturers with the Press, and, even if this investigational machinery existed, it is not believed that its administration would serve any practical or useful purpose.
The provisions of Article 5, while plausible on first sight, are not acceptable to the Government of the United States. The war materials included in the categories of the Arms Traffic Convention are manufactured in many types of industrial plants, some of which, even under the broadest interpretation, could not be termed munitions factories. To endeavour to eliminate from consideration all manufacturing establishments capable of producing any of the articles included in the categories and in which plants members of the Senate of the House of Representatives might be directors or managers would, from the standpoint of the Government of the United States, be both unwise and impracticable.

In regard to Article 6, the Government of the United States, while opposing a licensing system, is well known as an exponent of the system of publicity for the manufacture of arms and ammunition and implements of war. It would appear, however, that a more appropriate system of publicity is provided for in Article 7, as noted below, than in Article 6. Eliminating the idea of licences from Article 6, there remain merely the provisions that the names, styles and addresses of the proprietor or proprietors, partners, managers or directors of munition plants be published and that the existence of all munitions contracts be made known along with the annual report of each munitions manufacturer. It is not perceived how the publication of this information would be of any great value to anyone save to the competitors of the manufacturers in question. It is believed that, in so far as the trade of individual plants with foreign countries is concerned, the Arms Traffic Convention provides adequate publicity. It would also appear that, in so far as production is concerned, similar provisions would provide adequate publicity for the purposes of the proposed Convention.

In regard to Article 7 of the proposed draft Convention, this article appears to be acceptable provided always that its provisions are extended to cover the production of Government as well as privately owned factories for the production of arms and ammunition and implements of war. It should be noted, however, that the quarterly collection and publication of statistics as provided for in this article might involve an unnecessary expense which would not be justified by the object sought to be attained. It is believed that an annual or a semi-annual publication of these statistics would be entirely adequate for the purposes of the proposed Convention.

In regard to Article 8 of the draft Convention, the Government of the United States is disposed to accept this article and desires to call attention to the fact that the terms of the first paragraph are all-inclusive and embrace not only the ships manufactured in private yards but also those constructed in Government yards.

The provisions of Article 9 of the proposed Convention appear to be acceptable to the Government of the United States.

In regard to Article 10 of the draft Convention, the Government of the United States finds it impossible to offer any comment or to accept the provisions until the Annex referred to therein is available for study.

In regard to Article 11 of the draft Convention, it appears that the object of this article is to force all countries to subscribe to the proposed Convention. It is believed that the inclusion of this article in its present form in the proposed Convention would operate as a strong deterrent to ratification on the part of many Governments which would probably desire to preserve their full liberty of action in regard to the purchase of arms and ammunition and implements of war, if and when necessary, in accordance with the demands placed upon those Governments by their own national emergencies.

The provisions of Article 12 of the draft Convention appear to be satisfactory, providing this article is interpreted in accordance with the spirit of the corresponding article in the Convention for the Supervision of the Trade in Arms and Ammunition and Implements of War.

In regard to Article 13 of the draft Convention, it is believed that this article is somewhat too loosely drafted and that phraseology similar to that employed in Article 34 of the Arms Traffic Convention would be preferable.

The Government of the United States offers no objection to or comment upon Articles 14, 15, 16 and 17.

In regard to Article 18, it is believed that, in the actual drafting of this article, the names of important producing States should be introduced in paragraph 1 in order that ratification by those States should be a pre-requisite for the treaty coming into effect.