LEAGUE OF NATIONS

CONFERENCE FOR THE REDUCTION AND LIMITATION OF ARMAMENTS

SECOND REPORT ON THE QUESTION OF SUPERVISION

Approved by the Bureau on November 15th, 1932.

Rapporteur: M. Bourquin (Belgium).

After discussing the preliminary report which I had the honour to submit to it (document Conf.D.140), the Bureau has decided to propose to the General Commission a settlement of the question of supervision based on the following principles.¹

I. PERMANENT DISARMAMENT COMMISSION.

1. In accordance with the resolution adopted by the General Commission on July 23rd, 1932, a Permanent Disarmament Commission shall be set up.

2. This Commission shall be composed of Government delegates. Every contracting Power shall have a representative, accompanied by substitutes.

3. The Commission shall itself decide, if it thinks fit, to appoint a panel of experts whose assistance it may secure.

4. The Commission shall be sub-divided into sub-committees, to which the preparation of the work will be entrusted, so that the Commission itself in plenary session will have only to pronounce upon the proposals of the sub-committees.²

5. The question whether, side by side with the Permanent Commission, there should be set up a small committee of independent persons having, in general, the powers defined in No. 47 of the preliminary report has been reserved by the Bureau, which accordingly merely calls the attention of the General Commission to this point.

II. FUNCTIONS OF THE PERMANENT COMMISSION.

1. The Commission will be appointed to "follow the execution" of the Disarmament Convention.

2. On this subject, it will draw up reports at least once a year, which will be conveyed to the Council of the League of Nations³ and to each of the contracting parties, and will also be made public.

¹ The Soviet delegation reserved its final attitude in regard to the conclusions set out in the present report. It considers that the question of supervision cannot be satisfactorily settled until the methods and the extent of the reduction of armaments are known. It further points out that the provisions regarding supervision which it proposed in its own draft of 1928, which was again brought forward in the Disarmament Conference, form an integral part of that draft and cannot possess their full value except within the system of disarmament in which they are embodied.

² The Austrian delegation reserves the right to submit to the General Commission concrete proposals designed to secure the equal participation of all the contracting parties in the proceedings of the Commission and its Sub-Committees.

³ To avoid any misunderstanding, it should be noted that, although only the Council of the League is mentioned here, this does not imply any desire to restrict the powers of the Assembly. The object of the decision taken is simply to determine to which body the Permanent Commission will address its reports.
3. Subject to drafting, the Bureau has endorsed the principles adopted by the Preparatory Commission for the procedure regarding complaints (Articles 52 and 53 of the draft Convention). It has accordingly assumed that, in such cases, the Permanent Commission, to whose attention the matter would be brought through the Secretary-General of the League, would be instructed to investigate the matter and report on the results of its investigation; the reports it would adopt in this special case would, like the others, be communicated, with a full record of the proceedings, to the Council of the League and the contracting parties, and would be published as soon as possible.

4. The Bureau refrained from taking up any definite position in regard to the action of the Permanent Commission as contemplated by the draft Convention in the case of derogations (Article 50) and revision (Articles 58 and 59). It felt that they could not without risk be isolated from the much wider problem of which they form only one element—a problem which exceeds the present powers of the Bureau and will have to be considered later as a whole (see preliminary report, Nos. 12 and 13).

5. In addition to the functions mentioned above, which were already entrusted to it by the draft Convention, the Permanent Commission will be entrusted with the preparations for:
   (a) Such executive agreements and preparatory measures as may be thought necessary to ensure the practical, complete and loyal application of the Convention;
   (b) The revisions to which the Convention will be periodically subjected.

III. MEANS OF SUPERVISION.

1. In accordance with Article 49 of the draft Convention, the Permanent Commission will "receive all the information supplied by the High Contracting Parties to the Secretary-General of the League in pursuance of their international obligations in this regard". The efficacy of this rule will depend essentially on the provisions that will be embodied in the chapter of the Convention dealing with the "Exchange of Information" (Chapter IV of the Preparatory Commission's draft). As, however, such provisions cannot be decided upon until the actual details of the reduction and limitation of armaments are known, the Bureau must, for the present, be content to make a formal reference to this highly important aspect of the question.

2. The Commission will be entitled to request the contracting parties to supply it with any particulars it may consider necessary to complete the information which they have undertaken to give in virtue of their contractual obligations, or to furnish explanations regarding particulars already supplied if these should be the subject of any doubt or question.

3. In accordance with Article 49, paragraph 2, of the draft Convention, the Commission may make use of "any other information that may reach it from a responsible source and that it may consider worth attention".

4. In accordance with Article 46 of the said draft, "each Member of the Commission shall be entitled on his own responsibility to have any person heard or consulted who is in a position to throw any light on the question which is being examined by the Commission".

5. At the request of one or more members of the Commission acting in the name of their Governments, the Commission may decide to conduct local investigations. This decision, which will define the subject of the investigation, shall be taken by a two-thirds majority of the members present at the meeting, abstentions being regarded as negative votes.

6. Any contracting party shall be entitled to request that investigations be conducted in his territory. On receiving such a request, the Commission shall accede to it and arrange for the investigation requested.

7. The regulations indicated under (3) and (4) above will be applicable to all the States signatories of the General Disarmament Convention. There will be further provisions, open to the accession of these States, for a system of periodical investigations, operating automatically under conditions to be laid down, in those States which agree thereto.

8. Subject to an agreement as to the legal details involved in the application of such a principle, the Bureau has declared in favour of immunity for persons denouncing violations of the Disarmament Convention from all repressive measures.

9. There is nothing in what precedes to prevent the Convention, in special cases, from adding to the means of supervision enumerated above other machinery better adapted to the special technical features of such cases. The question remains open, and it is desirable that the competent Committees should give it their attention.

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1 The Japanese delegation, while agreeing to the provisional adoption of these principles, states that it is not in a position finally to determine its attitude in regard to them until later, when all the legal and technical conditions of the problem are known.

2 It will have to be considered later whether these provisions should appear as optional clauses in the General Disarmament Convention, or whether they should be inserted in a regional Convention. The question cannot be settled until the general structure of the instruments prepared by the Conference is known.
IV. OPERATION OF THE PERMANENT COMMISSION.

The Bureau has not up to the present discussed this aspect of the question, and it has not officially before it any proposal for modification of the articles in the draft Convention relating to it, with the possible exception of the Soviet draft (document Conf.D.87), which leaves the entire settlement of the problem to an additional Convention (Article 46).

The Rapporteur ventures to submit the following proposals to the Bureau:

1. Generally speaking, and subject to such changes, omissions and additions as will be indicated below, the provisions of the Preparatory Commission's draft on the subject to be maintained.

These provisions—with the exception of those which have already been approved incidentally by the Bureau in connection with other aspects of the problem—are contained in Articles 41, 42, 43, 45 and 47 of the draft.

2. Paragraph 3 of Article 41, which lays down the cases where the Commission is to be summoned in extraordinary session, to be modified in certain respects:

(a) Provision to be made for it to be summoned in extraordinary session if the Council of the League of Nations so requests;

(b) At the same time, in view of the fact that the Commission, consisting as it will of representatives of all the signatory States, will be a much larger and more complicated institution than the small Commission which the authors of the draft had in mind, the question arises whether it would not be going too far to make its summoning in extraordinary session obligatory on the request of a single contracting party.

It would perhaps be wiser in such case to leave it to the Bureau of the Commission to settle what action to take in response to such a demand.

That part of the provision which makes the extraordinary summoning of the Commission obligatory "in the cases provided for in the present Convention" would, of course, remain and would operate, for example, in the case of a complaint brought by one State against another (Article 52 of the draft).

3. Article 43, which requires a quorum of at least two-thirds of the members of the Commission, was quite in place in an arrangement under which the Commission was a small organisation containing at most some twenty members. It is less in place, and might even become regrettably inconvenient, under the arrangement which the Bureau has accepted for a universally representative Commission.

It would seem desirable, if not to abolish this provision, at least to render it more elastic. But the Bureau will no doubt feel that, before settling this question definitely, it is preferable to wait until all the powers to be entrusted by the Convention to the Commission are known.

4. The second paragraph of Article 45 of the draft would be amended as follows:

"All decisions of the Commission shall be taken by a majority of the votes of the members present at the meeting, save in the cases specially provided for in the Convention."

5. All delegations will undoubtedly agree to leave it to the Secretariat of the League (whose admirable organisation and valuable assistance have once more been evinced in the course of the present Conference) to provide the Secretariat for the Permanent Commission.

This was no doubt intended by the authors of the draft Convention; but it seemed to them so much a matter of course that they omitted to make any formal provision to that effect in the text, and it is desirable that some such a provision should be inserted.

6. Lastly, it will be desirable to add to the draft Convention one or more provisions with regard to the expenditure of the Commission.

Such provisions might perhaps be based on the following principles:

(a) Travelling and hotel expenses of delegates, deputies, and, generally speaking, all the different members of delegations, to be at the charge of the Government they represent;

(b) General expenses (Secretariat, sessions of the Commission and its sub-committees, etc.) to be included as a special chapter in the budget of the League;

(c) An agreement to be reached with a view to arrangements for the inclusion of States non-members amongst those contributing to defray the expenditure arising.

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Various delegations have pointed out on several occasions the close connection between the question of supervision on the one hand and the question of disarmament on the other, and the impossibility of pronouncing definitively with regard to the former without knowledge of the nature and scope of the solutions to be adopted in the case of the latter. These delegations have accordingly placed on record that their assent to certain of the principles formulated above was governed by their desire to facilitate the adoption of an effective system of disarmament, and remains subject to the realisation of their hopes in this respect.