and would no doubt be invaluable to the Committee of Experts. Nevertheless, some of the
statements made on the previous day indicated that certain concrete proposals were necessary
if ambiguity and uncertainty were to be avoided. In 1914, thirty noxious gases were known,
while at the present time more than one thousand were known. It was no doubt important
to establish a system of supervision, but the main thing was to give a State which had been
attacked the certainty that the whole of humanity would back it up by inflicting on the
aggressor State effective sanctions which could be applied immediately without any delay
or restriction. Poland had signed the Protocol without the condition of reciprocity, but hoped
that a complete solution of the problem under discussion would be found by the Conference.

Mr. Wilson (United States of America) said that the criticism of the Rapporteur and the
observations of various members of the Bureau had given to the debate a scope and a depth
which he had not, at the start, anticipated. Having had the benefit of expressions of opinion
by his colleagues, which gave greater clarity to the problem of sanctions, both particular
and general, his delegation agreed with those speakers who believed that there must be an
establishment of the fact of violation. It agreed also that that establishment must take place,
to be efficacious, with the utmost rapidity. He had some doubts as to exactly the procedure to
be followed to establish that fact, and feared that the text proposed might prove to be an
inviolable burden upon the freedom of the diplomatic corps, particularly if he were the
representative of a small neutral country lying next to one of the great belligerents.
The method, although a detail, was, however, of high importance and must be worked out in the
light of the general Convention. All the members were agreed that there must be the
establishment of the fact of violation and that such establishment must take place with a high
degree of rapidity. That that establishment of fact should be followed up by a consultation
of the signatory Powers seemed to him to be a reasonable and natural corollary to Article 52
of the draft Convention, which dealt with peace-time complaints. It would appear that a
complaint made during a war should be followed by similar procedure, always taking into
account the immensely increased urgency of action. His Government's views would be
necessarily influenced by the final form of Article 52 and analogous provisions.

Beyond that point, he confessed that his ideas were not fixed. It seemed to him that the
debate had shown clearly the vastness of the field which the Bureau was now investigating,
and the difficulty for anyone at that moment to say clearly what his final attitude might be
on that highly important but very delicate problem. In approaching any problem which
endeavoured to cover future events, and which was not the application of a mathematical
formula applied to the facts as they were, there was an inevitable difference of method between
those whose training was based on the Code Napoleon, and those whose training was based on the
evolutionary processes of common law. The tendency of the former school was to build a
series of steps based on often irrefutable logic which endeavoured to provide machinery for the
future, and prescribed in considerable detail its action. The latter school endeavoured to
set up a machine to which it gave the greatest possible power, but which it bound as little as
possible on detail, trusting to evolution and to the momentum which that machine would gain
as it functioned in the future and established precedents.

It was an interesting speculation whether some notion of that contrast was not in the mind of
M. Paul-Boncour when he envisaged concentric circles capable of moving even in different
directions without upsetting the harmony of the whole. It was perhaps with the thought of
conciliating those divergent philosophies that he made use of the simile. Naturally, Mr.
Wilson, with his training, found more sympathetic the second school of thought and was
inclined to leave to the future the development of the task of the Permanent Disarmament
Commission. He realised that those who thought differently had an equal right to their
conceptions and he hoped that some method of harmonising the two would be found.

He had not anticipated that the discussion would take on such breadth, and had assumed
that it would be possible to examine the problem of chemical warfare as one piece of a broad
mosaic into the pattern of which it could be fitted. He had not thought that at that moment
it was essential to extend the conception of what should be the sanction set up by the treaty
to the breadth which had been suggested, a breadth which, to his mind, it would only be right
to discuss when the treaty was considered as a whole. He wondered whether, in concentrating
upon that particular problem, the Bureau was not failing to see the wood for the trees. Either
the Bureau or the General Commission must enter shortly into a discussion of that broad and
harmonious whole?
Mr. Wilson then offered an observation on the Chairman's suggestion that mention of retaliation in kind should be eliminated from the text under discussion. He was obliged to go back to his original conception of a rule of international law of universal application. He felt sure, as he listened to the debate, that the thoughts of the members of the Bureau were running more and more in the direction of such application. If such were the case, and they were not contemplating a renunciation of limited scope, but an application of universal scope, then it would seem to him wise to follow the Chairman's suggestion and to eliminate, at least provisionally, mention of retaliation in kind.

Mr. Wilson added that that observation was a personal one, and his Government had not yet expressed itself on the subject.

M. Westman (Sweden) stated that the Swedish delegation was in favour of the suppression of the right of retaliation. The admission of the right of retaliation by the use of chemical weapons would be a backward step from the position already taken up by the Conference in its resolution of July 23rd, 1932.

Before taking a definite decision, however, the Swedish delegation would be glad to see further progress in the direction of the mutual assistance suggested in M. Pilotti's report. The idea that the attacked State would be able to obtain immediate assistance from the other States was of the very greatest importance for small countries, particularly those whose chemical industry was undeveloped. M. Westman was glad to see from the draft questionnaire that it was proposed to ask a special committee to make suggestions regarding the sanctions to be applied to a State which infringed the prohibition of the use of chemical arms. He was also glad to see from the observations on Chapter IV, Section I, of his report that the Rapporteur had already contemplated a body entrusted with the task of establishing infringements of this prohibition. This was, in his opinion, a matter worthy of the most careful study. The idea seemed to him so good that it should be retained with a view to its extension to other spheres; and efforts should be made to entrust this special body with other duties than those suggested in the present text of the report.

M. Pilotti (Italy), Rapporteur, leaving on one side the question of the establishment of infringement of the Convention by the use of gas, which had been raised afresh by Mr. Wilson and by the Swedish delegate, gave the reasons which had led him to suggest that the victim of an infringement should apply to the doyen of the corps diplomatique in the country in question in order to secure the establishment of this infringement. The point was to find someone of importance with whom the State attacked might be able to get into touch without loss of time. There might be certain disadvantages in the system which he had suggested, but it had the advantage of enabling action to be taken for an enquiry on the spot, in the hospitals and on the front, by the doyen of the corps diplomatique, who was always at the disposal of the Government in the very capital of the State which alleged that it had been the victim of a gas attack.

On the question of retaliation by the use of chemical weapons, M. Pilotti fully realised the importance of Mr. Wilson's remarks; but thought it possible, in view of his own Italian and Romanist legal education, to find some common ground between the two legal schools to which the United States delegate had referred. Looking at the question in the form raised by the Chairman at the conclusion of the previous meeting, he wondered whether it might be possible to drop the right of retaliation and to introduce into the Convention certain provisions dealing with the individual action open to the signatory States, and the common action which might be taken by all the States for the purpose of bringing chemical warfare to an end. With this object in view, he had drawn up the following alternative text for Section II of Conclusion No. 4 in his report:

"II. The declaration of the Permanent Disarmament Commission establishing the fact of the use of chemical, incendiary or bacteriological weapons shall have the following effects:

1. The State against which chemical, incendiary or bacteriological weapons have been employed shall in no circumstances retaliate by the use of the same weapons.

2. It shall be the right and duty of third States individually to bring pressure to bear upon the State which has used the chemical, incendiary or bacteriological weapons to induce it to give up the use of the said weapons or to deprive it of the possibility of continuing to use them.

3. A consultation shall be held among third States at the earliest possible moment to determine what joint steps shall be taken, to decide if necessary on the joint punitive action of every description to be taken and to address injunctions or recommendations to the States at war.

4. Third States situated in a given region may further undertake to undertake jointly, and as rapidly as possible, severe punitive action against the delinquent State, and for this purpose to create beforehand a joint police force."

The conclusion of the report might be improved by the proposal put forward by M. Pedros, and for that reason he would be glad if that suggestion might also be distributed to the members of the Bureau. He would also be glad if the Chairman could appoint a

1 See below.
sub-committee which, on the basis of the various texts already drawn up, would endeavour to define the question of sanctions starting from the fundamental principle that the right of retaliation was not admitted. The draft questionnaire to be submitted to the sub-committee should finally be examined by the Bureau and forwarded as soon as possible to the delegations. It was not impossible that an agreement might be reached without much difficulty, once the conclusions of the Co-ordination Committee which he proposed were known.

The Chairman shared the views of the Rapporteur, and proposed that the suggested sub-committee should be composed as follows: M. Politis, as Chairman, and the delegates of the following countries: Austria, Belgium, United Kingdom, France, Italy, Spain and Sweden. The two points of view would thus be represented. The sub-committee would be requested to report on Monday, November 14th. This proposal was adopted.

32. PROHIBITION, AND SUPERVISION OF THE PROHIBITION, OF THE PREPARATION OF CHEMICAL, INCENDIARY AND BACTERIOLOGICAL WARFARE: CASE OF A BREACH OF THE PROHIBITION TO USE CHEMICAL, INCENDIARY AND BACTERIOLOGICAL WEAPONS AGAINST AN OPPONENT:

DRAFT QUESTIONNAIRE PROPOSED BY M. PILOTTI (ITALY).

M. PILOTTI (Italy), Rapporteur, presented the following draft questionnaire:

"A. Prohibition of the Preparation of Chemical, Incendiary and Bacteriological Warfare.

I. Defensive Material.

1. Should the preparation of material intended for individual protection (masks, protective clothing, etc.) be prohibited?

"(a) To the Governments, under international control?

"(b) Or to an international body (for example, the Disarmament Commission)?

2. Should the preparation of collective protection be prohibited? If not, should this preparation be regulated (for example, that of underground shelters)? Should it be carried out under international supervision?

3. Does the testing of protective material necessitate the use of poisonous substances?

"If so, what measures should be taken to prevent this giving rise to abuses?

"Should it be made compulsory to declare the quantities of poisonous substances produced with a view to testing protective material? Should these quantities be restricted? Should the results of the tests be made public?

4. Should the preparation of the treatment of victims of chemical warfare be prohibited?

"Should the specialisation of hospitals with a view to the treatment of victims of chemical warfare be prohibited?

"If not, how should the work of doctors, attendants and rescuers and their training be regulated?

II. Offensive Material.

1. How can the preparation of bacteriological warfare be prevented?

2. Is it practicable to prohibit the manufacture, importation, exportation and possession of implements and substances exclusively suitable for use in chemical and incendiary warfare:

"(a) Are there such implements and substances?

"(b) What are they?

"(c) Are they of genuine importance? If the above-mentioned prohibition can be pronounced, would this constitute an effective obstacle to the preparation of chemical warfare?

3. Is it practicable to prohibit the manufacture, importation, exportation or possession of implements and substances capable both of pacific and military utilisation?

"If not, can the armed forces be forbidden to possess certain stocks of these substances or implements, or can States be obliged to declare these stocks?

4. Can the training of armed forces in the use of chemical weapons be prohibited?

"What would be the practical effect of this prohibition?

5. Can the Committee suggest other practical forms of prohibiting the preparation of chemical, bacteriological and incendiary warfare?

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1 See below.
Appendix.

Special case of lachrymatory substances.

1. Can the production and possession of lachrymatory substances be authorised for police purposes?

2. Should lachrymatory substances be included in the category of substances exclusively suitable for use in chemical warfare?

3. If so, should they be treated separately?
   a. Should the quantities capable of being produced, imported or possessed be limited?
   b. Should any other form of regulation be introduced?
   c. Is the application of a special treatment to lachrymatory substances liable to lead to abuse?

B. Supervision of the Prohibition to make Preparations for Chemical, Incendiary and Bacteriological Warfare.

(1) (a) Can the prohibition of such preparations be supervised by consulting commercial statistics of the movements of chemical industries in all countries?

(b) Can this supervision be exercised by entrusting to national bodies the inspection of chemical factories and by having the following data published:
   a. The nature of the products manufactured therein?
   b. The existing stocks of manufactured products?
   c. The output capacity of the factories?

Is it sufficient to do this for certain factories?

(c) Should this supervision be entrusted to an international body? If such supervision is introduced, what will be its practical effect?

(2) From what facts will it be possible to deduce that the prohibition to make preparations has been violated?

First system: Supervision based on the existence of regulations concerning production.

(a) Limitation of the chemical output capacity of States, or, at any rate, of a certain number of States, so that the chemical warfare potential of certain States should not be too unequal (quotas, industrial agreements, etc.).

(b) Limitation of the quantities of chemical products in stock.

Practical value of this system?

Second system: The freedom of manufactures, imports and stocks is, in principle, complete, but the intention of using these substances for chemical warfare is alone prohibited.

From what facts can this intention be deduced?

(a) From the character of Government intervention in the management of production?

(b) From abnormally large outputs?

(c) From abnormal stocks?

(d) From other facts?

Practical value of this system?

(3) Can the Committee suggest other practical forms of supervision?

C. Case of a Breach of the Prohibition to use Chemical, Incendiary and Bacteriological Weapons against an Opponent.

Determination of such a Breach.

How should the determination of a breach be technically organised?

Who should determine such a breach? Should specialised experts be compulsorily attached to the authority responsible for determining the breach?

Should these experts be designated in advance?

Should two expert investigations be provided for—viz., by the experts of the country attacked and by international experts appointed in advance?

How should the determination of the breach be organised so that it should take place as rapidly as possible?

Penalties.

Has the Technical Committee any suggestions to make as regards the penalties to be applied to a State committing a breach of the Convention?

M. Pilotti added that, in drawing up the questionnaire, he had requested the assistance of certain members of the Special Committee. The questions were to be examined by that Committee from a purely technical point of view, and it was not asked in any way to anticipate the decisions of the Commission or to adumbrate any general solution extending beyond the sphere of chemical warfare.
The questions had been drawn up in very detailed form in order that the Committee might be able to reply as far as possible by a simple “Yes” or “No”. Several questions might seem unnecessary in so far as the reply could be foreseen. M. Pilotti had thought it well, nevertheless, that these questions should appear in the questionnaire, which would thus be complete and would make it possible to quote the opinion of competent experts on the whole question. The draft questionnaire followed the same lines as the reports. It was based upon the distinction between offensive and defensive material, and followed as far as possible the discussion which had taken place on the subject.

A. Prohibition of the Preparations for Chemical, Incendiary and Bacteriological Warfare.

I. Defensive Material.

M. PILOTTI (Italy), Rapporteur, explained that it had originally been proposed to entrust the Red Cross, in the capacity of an international body provided for in paragraph 1 (b), with the preparation of material for individual protection. There had been certain objections to this proposal, particularly on the part of the Red Cross itself, which was not sufficiently equipped to undertake this manufacture. The Committee might consider the possibility of providing for enquiry by an international body acting in the interests of humanity.

With reference to Question No. 2, he emphasised that States could scarcely be expected to carry the abandonment of the right of retaliation to the length of giving up the construction of shelters. It would be for the Special Committee to say whether such constructions might possibly give rise to abuse.

Questions 3 and 4 were of greater importance, as, in order to ascertain whether masks were efficient, it was necessary to produce gas, and certain delegations declared themselves for this reason opposed even to the manufacture of defensive appliances.

Mr. EDEN (United Kingdom) shared the opinion already expressed that the questions submitted to the Special Committee should be as precise as possible in order that the replies to them might be such as only experts were able to give. Some of the questions suggested by M. Pilotti seemed to him to go beyond the limits of a strictly technical enquiry. There were certain questions to which the Bureau should reply itself. Question No. 1, paragraph 1, for instance, would have to be settled by the Bureau in the light of information supplied by the technical experts. Mr. Eden would prefer that, in this case, they should merely be asked: Is there any material intended exclusively for protection against gas? If it is possible to exercise international supervision over the manufacture of this material or to centralise such manufacture, how could this be brought about?

He thought that the wording of Question 2 should also be modified. In his opinion, the experts should merely be asked whether there was any method of collective protection, whether this method had been adopted in the various countries and what developments might be expected from it. The remaining points were for the Bureau to deal with.

He had no criticisms to make on Question 3, but, with regard to Question 4, he remarked that it could not be the Bureau’s intention to ask the Special Committee whether prohibition should extend to preparations for the care of the victims of chemical warfare, as it was not possible to think of forbidding care of the injured.

Mr. Eden therefore strongly urged that all questions of a political character should be reserved for the Bureau.

M. PILOTTI (Italy), Rapporteur, admitted that the formulae employed in the draft questionnaire showed some signs of haste and were in some cases rather elliptical in nature. He wished to avoid any misunderstanding. In paragraph 1 (a), for instance, the question which he intended to ask was, in fact, the following: Is it possible not to make advance preparations for chemical warfare and not to possess masks for the protection of individuals? The possibility of an infringement of the Convention must always be borne in mind, and the technical experts should say whether they considered it necessary to keep a stock of gas masks for the protection of the population in the case of such infringement; the final conclusion would, of course, belong to the Conference. He wished to emphasise that there was no question of handing over to the Special Committee the responsibilities of the Bureau. The Committee would decide whether the advance preparation of masks was necessary, or whether such preventive preparation was entirely useless owing to the impossibility of saying what gas would be used for the attack. In the light of the Special Committee's replies, the Bureau would decide what articles it would propose for insertion in the Convention.

Question No. 2 referred to the utility of shelters and not to the right to construct them. The Special Committee would advise on the usefulness and advantages of shelters, but not on the relation of their construction to international law and agreements. It would say, for instance, whether it was impossible to provide defence without the construction of shelters or whether, on the other hand, it was possible to do without them.

Similarly, Question 4 was to be read in the light of the discussions which had taken place in the Bureau regarding research into defence material, research which might possibly be used for the preparation of an attack. On the other hand, there could obviously be no thought of prohibiting the training of doctors and nurses in the treatment of victims of chemical attack, but it must be considered whether such preparation could not be regarded as having a double purpose.

M. Pilotti was anxious to emphasise that there was no question of prejudging in any way the right of the Bureau, and of the Governments themselves, to decide such matters.
M. Bourquin (Belgium) had no doubt that the Rapporteur’s replies would relieve Mr. Eden’s anxieties. In view of the value of M. Pilotti’s statement as an interpretation, he requested that an extract from the Minutes might be distributed to the members of the Bureau. M. Bourquin’s proposal was adopted.

M. Massigli (France) stated that, if M. Pilotti’s reply meant that, in every case in which the Special Technical Committee was asked to deal with a general question which exceeded its competence, the Committee should merely supply purely technical information enabling the Bureau to take a decision, with full knowledge of the facts, he was in entire agreement with the Rapporteur.

II. Offensive Material.

M. Pilotti (Italy), Rapporteur, explained, in connection with Question I, that the doctors on the Special Committee had given it as their unanimous opinion that there was no method of preventing bacteriological warfare. M. Pilotti had nevertheless put this question in order to ascertain whether any other developments were possible, more particularly in the sphere of protection.

Question No. 2 dealt particularly with incendiary and chemical warfare. He had been informed by specialists that there existed special appliances for carrying on warfare of this nature, and the question to be solved by the Special Committee was whether the prohibition of the employment of such appliances and material would help to prevent chemical and incendiary warfare.

There had been a long discussion in the Special Committee on Question 3, which dealt with the possibility of preparing in advance appliances and materials capable both of pacific and military utilisation.

Question No. 4 called for no comment, and on Question 5, which was general in character, the Special Committee was requested to say whether it could make any further practical suggestions.

The Chairman requested delegations desiring to propose amendments to the questionnaire to forward their suggestions to the Rapporteur direct. He understood the Bureau to agree that the questionnaire should be referred in its entirety to the Special Committee. Agreed.

Mr. Eden (United Kingdom) said that he was ready to submit his suggestions to M. Pilotti and added that, in his opinion, the work of the Special Committee would be considerably lightened if the questions addressed to it were drawn up in a purely technical form.

M. Pilotti (Italy), Rapporteur, agreed on this point.

The Chairman added that, if, in the opinion of the Rapporteur, the questionnaire was best drawn up in a purely technical form, the Bureau would accept his decision on that matter.

TWENTY-SEVENTH MEETING (PUBLIC)

Held on Saturday, November 12th, 1932, at 11 a.m.

Chairman: Mr. Henderson.

33. Prohibition of Chemical Warfare and Violations of the Prohibition to Use Chemical, Bacteriological and Incendiary Weapons (continuation).

IV. Sanctions in the Event of the Use of Chemical, Bacteriological and Incendiary Weapons: Text proposed by the Drafting Committee.

The Chairman invited M. Politis, as Chairman of the Drafting Committee appointed on the previous day, to report on the work of the Committee.

M. Politis (Greece) said that the Drafting Committee, appointed to reconsider the text of Section II of Conclusion No. 4 of M. Pilotti’s report (document Conf.D.142), had met on the previous evening and agreed in principle on the following new text:

"II. The declaration of the Permanent Disarmament Commission establishing the fact of the use of chemical, incendiary or bacteriological weapons shall have the following effects:

1. Third States shall individually be under an obligation to bring pressure to bear, chosen according to circumstances, and notably according to the special situation in which they are placed in relation to the belligerents, upon the State which has used the chemical, incendiary or bacteriological weapons to induce it to give up the use of the said weapons or to deprive it of the possibility of continuing to use them."
At any rate be bound to respect such action, and not to obstruct the measures decided on and to be taken. These decisions shall be taken by a majority vote (character of the majority to be decided by the General Commission). The minority shall not be bound, but it shall be under an obligation not to hinder the action of the majority.

The Permanent Disarmament Commission shall be entitled to take in advance all preparatory measures with a view to the possible application of the decisions referred to in the foregoing paragraph.

" 3. Third States situated in a given region may further pledge themselves to undertake jointly and as rapidly as possible severe punitive action against the delinquent State and, for this purpose, to create beforehand a joint police force.

" 4. The State against which chemical, incendiary or bacteriological weapons have been employed shall in no circumstances retaliate by the use of the same weapons."

This new text was on the same lines as the old, and began with the same sentence—that was to say, it presupposed the establishment by the Permanent Commission of the use of the prohibited weapons. The Drafting Committee had not been called upon to reconsider the procedure by which the use of the weapons in question was to be established: but it had been led to take into consideration the capital importance of such procedure from the standpoint of the rapidity and certainty of results, and it thought that the Bureau might usefully draw the General Commission's attention to the possibility of speeding up the procedure for the establishment of the use of these weapons laid down in Section I of Conclusion No. 4 of the Rapporteur.

The object, therefore, of the new text, as of the old text, was to determine the effects of the Permanent Commission's finding when once that step had been taken. The Drafting Committee was unanimous in proposing that the power to retaliate by the same weapons should be prohibited, and that there should be a formal statement of such prohibition. The Committee proposed to insert such a statement as paragraph No. 4. It seemed desirable to place this statement at the end in order more clearly to indicate that the absolute prohibition of reprisals had its justification in the system of sanctions described in the three preceding paragraphs.

The sanctions proposed were of three kinds: individual sanctions, general collective sanctions and regional collective sanctions.

In the first place, it was recommended that what were called "third States"—he did not think the expression "third States" was a very happy one; it might be desirable later to find some other expression—should be under the obligation individually to take suitable action, each on its own account, in relation to the guilty State, with a view to inducing the latter to forgo the use of the prohibited weapons or to make it impossible for it to continue their use. What measures were possible in this sense? The answer was to be found in the text. The Drafting Committee had thought it desirable to enumerate the various individual measures to be taken by the States; but it was understood (and the Drafting Committee thought it desirable to say, it presupposed the establishment by the Permanent Commission of the use of the prohibited weapons. The Drafting Committee had not been called upon to reconsider the

Thus the second sub-paragraph of paragraph 2 of the new text stated that the decisions were to be taken by a "majority". The minority was not to be bound by a decision—that was to say, it would not be bound to join in the action taken by the majority; but it would at any rate be bound to respect such action, and not to obstruct the measures decided on and
undertaken by the majority. What majority was to be required? The text did not say. It merely indicated that the character of the majority would have to be decided by the General Commission. It was possible to waver between different systems—a simple majority of all the members of the Permanent Commission present or absent, or a qualified majority if only the votes of those present were to be taken into account. The Drafting Committee had felt that the question was too complicated, and that it would be necessary to take time to consider the various concrete situations that might arise. Accordingly, it merely pronounced for majority decisions in principle, leaving the character of the majority to be decided by the General Commission. Consequently, it would be necessary in the General Commission to undertake a thorough examination of the different hypothetical situations which might arise with a view to settling the question with full knowledge of the facts.

The final sub-paragraph of paragraph 2 referred to the power of the Permanent Commission to take in advance all possible preparatory measures with a view to facilitating the application of such collective sanctions as might ultimately be decided. What preparatory measures? Such measures might take different forms. It had been pointed out in the Drafting Committee that the Permanent Commission would have to consider at leisure in peace-time the hypothetical situations which might arise, and have in readiness different systems of sanctions to be applied as and when required. In the event of violation of the Covenant and application of collective sanctions, the Permanent Commission would then not be taken unawares, its discussions would not involve any delay, and it would have a system of sanctions for application ready to hand.

The general collective sanctions contemplated in paragraph 2 might be supplemented by regional sanctions. Accordingly, paragraph 3 conferred power on the so-called third States of a given region to agree to undertake rigorous repressive action in common, as an urgency measure, against a guilty State, thus constituting a collective police force operating in advance.

The Drafting Committee had endeavoured to reconcile the different tendencies which became apparent during the discussion of this delicate subject, and believed it had succeeded. The solutions proposed in the text submitted to the Bureau were not final in character; they would have to be reconsidered and amended and supplemented on more than one point. Such as they were, he thought they might be accepted by the Bureau, whose object (it would be remembered) was to provide the General Commission with a rough draft for the latter to complete.

General BURHARDT-BUKACKI (Poland) said that the Polish delegation had warmly welcomed the definite prohibition embodied in paragraph 4 of the Drafting Committee's text. He felt that it would be essential later to define in greater detail the terms of the preceding paragraphs which formed a counterpart to that provision, since the Powers signatories to the Convention would thereby assume a very great moral responsibility towards the State which was a victim of an aggression of that nature. The question would no doubt be further elucidated by the work of the Special Committee and would then be examined by the General Commission. Such an examination was necessary in view of the very special importance of that aspect of the problem. Paragraphs 1, 2 and 3, in particular, as the Chairman of the Drafting Committee had emphasised, would have to be further defined and specially strengthened.

M. PILOTTI (Italy), Rapporteur, said that, as Rapporteur, he thought that he had exhausted the question in his report. He would simply add that it was a matter of gratification that further progress had been achieved in the direction of prohibiting the chemical weapon, since the conclusions now submitted to the Bureau—subject to what he was about to say—constituted an improvement on those which appeared in his own report.

Speaking then in his capacity as delegate of Italy, he stated that what concerned him was the paragraph 3 of the new proposal regarding regional agreements. It preoccupied him for several reasons. In the first place, as he had said on the previous day, when submitting his alternative text for Section II of Conclusion No. 4, in a matter such as this, which aroused universal repudiation and called for the proclamation of a principle of international law valid alike for the signatory Powers and against non-signatory States, it seemed to him somewhat questionable to talk of sanctions of a regional character. He doubted very much whether such a provision would add anything to the general punitive measures and even felt that it might tend to diminish their effect. It seemed to him that a meeting of all the States in the world, convened to take joint action against international crime, would be somewhat chilled by the fact that there was already a regional agreement providing for special intervention, which had been deemed more effective. He felt doubtful, moreover, as regards its efficacy, as he thought that really universal action, such as a blockade by all the States in the world, would be far more powerful than a demonstration of force on the part of any one group of States. His doubts became even stronger, when he went on to consider a further aspect of the problem. It had already been stated that sanctions would be applied against non-signatory States.

He felt that that was a very limited hypothesis, and hoped most earnestly that the Convention would be signed by all the States in the world. At the same time, it must be anticipated that there would be non-signatory States. What action was contemplated against them? The reaction of conscience in all the other States. There was no objection to that, and it was what was required when a principle of international criminal law was proclaimed. A regional agreement, however, backed up by the proposed police force only constituted in reality an alliance against a State which was not a party to that agreement. There could be no
question of a pact of mutual assistance, since the action contemplated would be taken against a third party; it was simply an alliance and a characteristic form of alliance, a state of affairs which made the Italian delegation hesitate somewhat. It would have understood a proposal to which Mr. Eden and Mr. Wilson referred, as a declaration that there was a possibility of regional agreements being recommended, that there might be something in it and that several delegations, or indeed practically all the delegations, would give the suggestion a sympathetic welcome. He could not quite understand, however, that such a suggestion should appear in the form of a conclusion to be submitted to the General Commission. But since that was the case, he found himself unable to accept it on behalf of his delegation—for a very simple reason. The provision raised a problem of an essentially general character, far exceeding the scope of chemical warfare. The idea of regional pacts was perhaps a good one. It had been put forward for other quite general purposes at the present Conference. It might perhaps afford a solution of many difficulties which had hitherto proved a stumbling-block, but he saw no reason to allude to it or to recommend it in a special case such as that of chemical warfare.

The idea of regional agreements must be examined as a whole and with reference to all its possible applications. As put forward, however, in the present case, it was conditioned by the previous certainty of the existence of a police force. It did not really imply that addition. Mention had first been made of "third States"—that was to say, States other than the parties to the dispute. He was quite prepared to admit that third States should meet when the conflict had broken out, that they might act more rapidly than the Permanent Commission and arrive at constructive and more effective solutions, but that possibility was already implicit in Section I of his conclusion. If it were desired to state it more explicitly, he would have no objection, but in paragraph 3 of Section II there was a reference to third States situated in a given region. Such States then were no longer third States properly spoken, but States which regarded themselves as belonging to a given region and which thought it expedient to provide for the hypothesis of some other State employing chemical warfare against a State belonging to their group. That was prejudging the question of the expediency of constituting an international force. Incidentally, he did not care for the expression "joint police force", since a police force would be incapable of arresting the use of gas on a large scale by countries possessing a powerful chemical industry. He would not stress the point; it was only a question of words.

The idea of setting up an international force was worthy of consideration and would have to be examined, with all its consequences and all its possibilities, but he saw no purpose at the moment in considering it or speculating as to its future fate. The provision in question no doubt simply suggested a possibility rather than an obligation, since no State would be bound to become a party to a regional agreement, but there was no point in mentioning that possibility at the present juncture, when it must obviously constitute one of the chief points to be discussed in the later phases of disarmament. He would have agreed to a reference being made in the report, but he could not agree to the provision in question appearing as one of the conclusions to be submitted to the General Commission.

Mr. WILSON (United States of America) asked that M. Politis’s lucid explanations might be reported in full in the Minutes of the meeting. As regards the text proposed by the Drafting Committee he observed, as he had already done on the previous day, that the discussion had assumed proportions which had not originally been anticipated. He desired accordingly to submit a general reservation, on his Government’s behalf.

Mr. EDEN (United Kingdom) said that he was in the same position as the United States delegate. The document submitted by M. Politis was the result of strenuous work on the part of the Drafting Committee, and Mr. Eden was convinced that all his colleagues would realise its importance. Before expressing a definite opinion, he would be obliged to consult his Government.

M. DOVGALESKI (Union of Soviet Socialist Republics) observed that that was the first time that the principle of punitive action had been quite so definitely raised at the Conference. The Italian delegate had made one capital objection to one of the points in the document. M. Dovgalesski was inclined to share the view expressed on the previous day by his United States colleague; if he had understood Mr. Wilson aright, the question of punitive action ought not to form the subject of a partial discussion—that was to say, it ought not to be settled in connection with the prohibition of the use of chemical weapons. It constituted a problem which would have to be examined in all its complexity. The Conference would certainly have an opportunity of expressing its views on prohibitions regarding other weapons the use of which might appear incompatible with the objects of the Conference. As that was the first occasion on which the principle of sanctions had come up, it was impossible for the Soviet delegation to express a definite and final opinion at the moment; it would have to refer to its Government.

M. MASSIGLI (France) said that, after the conciliatory efforts made both in the Bureau and in the Drafting Committee with the object of preparing a text on which agreement could be reached, he would have refrained from speaking, had not the reservations made obliged him in his turn to submit one. In the question under discussion, the French Government had always considered that the only means of abolishing chemical warfare was to impress in advance upon possible violators of the prohibition the certainty that they would be made to expiate the breaking of their word. That was why the French delegation had always considered that a system of automatic sanctions was necessary in that particular case; this method, moreover,
appeared to it to be in conformity with the resolution adopted by the General Commission of July 23rd, 1932, in which it enunciated the principle of special sanctions in case of recourse to chemical warfare.

In the various negotiations and conversations which had preceded that resolution, it had been recognised that absolute prohibition, excluding the right of reprisal by the use of the same weapon, was only possible if the States felt sure that collective sanctions would take the place of individual sanctions. It was plain, however, that the text which was the outcome of the Drafting Committee's deliberations whatever the progress it represented, failed to give that certainty. The text provided only for mere possibilities, and the very principle of consultation contradicted that of automatic sanctions. If the French delegation was able to support the text, it was due to the additional paragraph admitting, on a regional basis, the application of a more rigid system which, moreover, would only be binding on States desiring to become parties to such agreements. In view of the declarations which had just been made, it was impossible to say what the fate of this provision would be. If the principles embodied in the text gave rise to reservations making the agreement inoperative, the position it had been desired to avoid would arise.

Could the right of reprisal be abolished without giving the State victim of the unlawful action the moral certainty that it would have the collective support of the other States? Until that point was settled, the French delegation would have to reserve its attitude.

For the time being, only provisional decisions could be taken. Chapters II and III had been referred to the Special Committee, which was also dealing with the question of establishing the fact of a violation. The French delegate declared categorically that this system was not sufficiently worked out, either in M. Piloti's report or in the new text, to function rapidly or effectively; it would have to be examined afresh by the General Commission, or, rather, by the Bureau, when the latter had received the Special Committee's report. In any event, M. Massigli could not express an opinion without having a clear idea of the proposals as a whole.

M. Bourquin (Belgium) said that he had intended to make the same suggestion as the French delegate. The problem of chemical warfare was at the same time the simplest and the most complicated with which the Bureau had to deal. At first sight, it had appeared to be extremely easy to settle, since all were agreed in condemning the use of chemical weapons. The Bureau had next considered the necessity of condemning preparations, and it followed logically that a State must be prohibited from retaliating, in case of need, by the use of the chemical arm. It was realised then how serious such an undertaking was and how essential it was not to act lightly, since, if war broke out one day and a belligerent employed the chemical weapon, there would arise in the country victim of the aggression a movement of indignation so strong that the Government would find it hard to stand out against it. The suggestion now was that States should be asked to declare in advance that they would renounce the use of the chemical weapon, in any eventuality, as a means of reprisal. The Belgian delegate did not say that that should not be done, and thought, indeed, that it should be, as a logical corollary to the principle which had been adopted. It was necessary to recognise, however, the fundamental gravity of such an undertaking and the fact that it could not be conscientiously entered into without the certainty of being protected by other means.

What was the position at the moment? It would be misleading to disguise it. Agreement had not been reached on the question of guaranteeing the victim of an aggression the necessary means of protection. Doubts, hesitation and divergent tendencies were apparent. On the previous day, great efforts had been made in the direction of conciliation. A text, in the nature of a compromise, had now been submitted to the Bureau, but it could only be adopted subject to reservations which would weaken it. Before deciding, then, delegates must have further time for reflection. The Special Committee had been convened to examine a series of special points. The problem would thus come before the Bureau again. In the meantime, delegates would have time to consult their Governments, to think over the matter, to hold conversations with one another, and he hoped that, when the moment came for discussion, everybody's views would be clearer, and that a joint solution could be reached.

The Chairman thought that, in view of the reservations put forward at the meeting, it would be well to adjourn any further discussion on the Drafting Committee's report until the report of the Special Committee had been received. The whole problem thus remained open for discussion. As the Belgian delegate had said, every delegation would have an opportunity of consulting its Government. The Chairman felt sure that M. Piloti would do his best to see that the Special Committee concluded its work as soon as possible, so as to submit its report to the Bureau without delay. The question was one of capital importance and, as he had said on a previous occasion, it would be deplorable if the final result were to adopt a measure which would be equivalent to taking back with one hand what it had been agreed to give with the other. He accordingly urged that the question should be regarded as remaining open until the Special Committee's report had been received.

The continuation of the discussion was adjourned to a later meeting.
TWENTY-EIGHTH MEETING

Held on Tuesday, November 15th, 1932, at 3.30 p.m.

Chairman: Mr. HENDERSON.

34. HEAVY ARTILLERY AND TANKS: STATEMENT BY M. BUERO (URUGUAY).

The following statement by M. Buero was read:

“By its resolution of September 22nd last concerning heavy artillery and tanks, the Bureau instructed me, as Chairman of the Land Commission, to ‘get into touch with the various delegations in order to ascertain whether they had any definite proposals to make which might be used as a basis for the decisions of the Bureau and for fixing the figures’.

“Since then, and in pursuance of these instructions, I have had an opportunity to consult the representatives of a large number of delegations, with a view to ascertaining whether they had proposals to put forward for the fixing of the figures relating to heavy artillery and tanks and whether such proposals were likely to be accepted unanimously, or at all events, to meet with the support of a large majority of the delegations represented at the Conference.

“I could, no doubt, have addressed myself direct to the delegations and have asked them to inform me in writing of any proposals that they might wish to submit, and I could then have compared those proposals and drawn the necessary conclusions. I preferred to adopt a less rigid method and one which, in my opinion, offered obvious advantages. It seemed to me that personal conversations would permit of a fuller comprehension of the various existing points of view and the possibility of an evolution in the attitude adopted by certain delegations.

“Further, I do not think that my work of ascertaining and comparing these various points of view has advanced far enough for me to be able to submit definite conclusions to the Bureau at this stage.

“For the moment then I can only express the hope that certain divergencies which had become manifest in the course of my conversations will disappear as a result of fresh negotiations which have already begun. I hope that it will be possible for me very shortly to submit a report containing definite, practical conclusions.

“I will not disguise from you the fact that the difficulties I encountered in the fulfilment of my task are closely bound up with the solution of the two political problems of capital importance now engaging the serious attention of the Conference: the question of security and that of equality.

“I venture to proclaim here and now my firm conviction that the Conference can at present successfully solve these two questions, and that their solution will have a decisive effect in facilitating the difficult task with which you have entrusted me.

“I shall, I think, be interpreting the feelings of those of my colleagues whom I have consulted up to the present if I inform the Bureau that at the present stage of the negotiations it would be expedient, for the time being, to adjourn the examination of the questions relating to heavy artillery material and tanks.

“This short delay will, moreover, enable me to submit my definite conclusions on the subject at a later date.”

M. BUERO (Uruguay), Rapporteur, said that he did not think that it was necessary to comment on his statement. The Bureau had had the impression that, at the present stage and in view of the negotiations opened with the object of providing, if not new, at all events more up-to-date bases for the guidance of the Conference, it would not be possible, for the time being, to come to an agreement on numerical data such as were mentioned in the General Commission’s resolution of July 23rd, 1932. He had felt, after consulting the heads of delegations, that, if he were obliged to propose figures at that juncture, he would be unable to satisfy the majority of the delegates, and that was bound to create an impression of disappointment. He thought then that it would be well to let things take their course. If the Bureau would be guided by his experience, he would ask it not to open a discussion on the substance of the question, but to wait for the proposals which he hoped to be able to submit at an early date.

The suggestion of the Rapporteur was approved.

The CHAIRMAN hoped that the Rapporteur would keep in touch with the delegations, in order that the final report might be drawn up and discussed as soon as possible.

35. SUPERVISION: EXAMINATION OF THE SECOND REPORT BY M. BOURQUIN (BELGIUM). 1

M. BOURQUIN (Belgium), Rapporteur, explained that the new report simply reproduced the resolutions adopted by the Bureau, except as regards certain points to which he proposed to draw attention. He would read the document in question paragraph by paragraph, so as to make sure that he had rightly interpreted his colleagues’ opinion.

I. Permanent Disarmament Commission.

No observation.

II. Functions of the Permanent Commission.

M. Bourquin (Belgium), Rapporteur, explained that paragraphs 1, 2 and 3 were a reproduction of similar articles in the Preparatory Commission's draft, and that Note 2 to paragraph 2 had been inserted in deference to an observation by M. Motta. Paragraph 4 had been reserved; paragraph 5 corresponded to a resolution adopted by the Bureau.

In reply to an observation by Mr. Eden, on the use in the English text of the words "investigate" and "investigations" in a sense other than that of "carrying out an enquiry on the spot", the Rapporteur agreed that it was important to distinguish clearly between the examination of the case and the investigations on the spot which were incidental to that examination.

M. Pedroso (Spain) asked that paragraph 5 (a) should read: "such executive agreements and preparatory measures as may be thought necessary to ensure the practical, complete and loyal application of the Convention", on the ground that during a period of discussion in the Disarmament Commission it might be necessary to take preparatory measures which would not actually be executive measures.

M. Bourquin (Belgium), Rapporteur, understood that the suggestion was to establish a distinction between executive agreements which had been ratified by Governments and which were legally binding on those signatory Governments and preparatory measures which did not possess the same binding character and would only acquire it when Governments decided to employ them. The idea was simply to prepare a scheme that could be used when required. Such being the case, he agreed to M. Pedroso's suggestion.

The amendment proposed by M. Pedroso was adopted.

III. Means of Supervision.

M. Bourquin (Belgium), Rapporteur, pointed out that, after the second paragraph of Chapter III, should be inserted two other paragraphs which had been accidentally omitted (document Conf.D./Bureau 36 (a)), so that the paragraphs following would have to be renumbered accordingly.

The first four paragraphs simply reproduced Articles 49 and 46 of the draft Convention. Paragraph 5 concerned the resolution, adopted by the Bureau, that the Permanent Commission, at the request of one or more members, might decide to conduct local investigations, that decision being taken by a qualified majority. Two questions had been left pending. Would the procedure of investigation be instituted as the result of a complaint, and further what would be the majority required? After conversations with various delegations, he had thought it expedient to propose the following more definite formula: "At the request of one or more members of the Commission acting in the name of their Government. . . ."

In order to avoid any misunderstanding, he proposed to say that a decision would be taken by a two-thirds majority of the members present at the meeting, abstentions being regarded as negative votes. Instead of the word "complaint", which might appear somewhat irritating, he had preferred to use "request". Such a request would necessarily proceed from one or more Governments, since all the members of the Commission would be Government representatives.

The formula which he was proposing seemed to him to admit of agreement being reached between the two contrary currents of opinion that had appeared in the discussions.

Paragraph 6 took into account the suggestion put forward by the United States delegation. Since, in that particular case, it was not a question of a decision taken by the Commission on its own initiative, but rather of the exercise of a right recognised for all the contracting States, the Commission would be obliged to accede to the request.

Paragraph 7 took into account the discussions of the Bureau. Paragraph 8 raised a principle accepted by the Bureau which would require to be worked out from a legal standpoint before admitting of practical application.

M. Ito (Japan) asked that the Japanese delegation's reservations on the question of local investigations, which the Rapporteur had mentioned in Note 1 to paragraph 7, might be interpreted in the light of the statement made by M. Sato at the twenty-second meeting of the Bureau.

He further emphasised the Rapporteur's remark as to the necessity of legal details regarding the principle of protecting from all repressive measures persons denouncing violations of the provisions of the Disarmament Convention. The Japanese delegation would not express an opinion on that point until it had all the facts before it and the legal details had been duly given; the question was indeed a delicate one, in view of the close connection between it and the penal law of the individual countries.
M. Rosso (Italy) desired to submit two observations, one of them in support of what M. Ito had said.

During the preliminary discussion, the Italian delegation, along with certain others, had put forward an express reservation in regard to the principle of immunity, on the grounds that it raised a very delicate problem of internal legislation. For the moment then he desired to associate himself entirely with the text of paragraph 8 of the report.

In connection with the fixing of the requisite majority at two-thirds of the members present, he observed that at the meeting on November 7th the Italian delegate had stressed the considerable variations which might occur according to the standpoint from which this two-thirds majority was considered. If the quorum were two-thirds of the acceding States and the majority required was two-thirds of those present, the proportion would be two-thirds of two-thirds, that is to say, four-ninths—a very low figure. The Rapporteur had left the question unsettled, but if the quorum were maintained at two-thirds, it would be necessary to increase the majority required, which might otherwise be less than one-half of the members acceding to the Convention. M. Rosso would propose that the question should be approached from a different angle; he did not think that in so doing there was any risk of hindering the system of local investigations, such enquiries being of necessity invariably proposed in particular serious cases. It would be more prudent, in his view, to fix a majority such as to guarantee that any decision to institute an enquiry would be adopted in a really serious spirit; he asked that the question of fixing the quorum and the majority be left open, the last-named point being conditional on the decision taken in regard to the first one.

Mr. Eden (United Kingdom) wondered whether the wording of paragraph 2 was not more comprehensive than that adopted by the Bureau during the discussion on the original report. The report seemed to contemplate the possibility of the Commission inviting all the contracting parties to give it supplementary information in addition to what they would be morally bound to supply under their treaty obligations. According to the present text of paragraph 2, however, the Commission, it appeared, would be entitled to request the States acceding to the Convention for explanations regarding the observance of any part of the Convention. He proposed, accordingly, that paragraph 2 be drafted as follows:

"The Commission will be entitled to request the contracting parties to furnish 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."

Like the Italian delegate, he had been glad to have it stated in paragraph 3 that members of the Commission would be acting on behalf of their Government.

Paragraph 8 raised further difficulties. True, the Rapporteur had reserved the question of further legal details that might be necessary for the application of the principle thus admitted. Though not a legal expert, Mr. Eden felt sure that a considerable number of legal details would be necessary. He felt sure also that no Government would agree to relinquish the right to take proceedings against a person making a denunciation which subsequently proved to be incorrect. He desired to reserve his Government's decision on that point.

M. Bourquin (Belgium), Rapporteur, wished to point out that the text which he had introduced in paragraph 8 of his report was not a new proposal. It was the text on which the Bureau had already decided. It had been observed, during the discussion, that the practical application of the principle of immunity in a text capable of being incorporated in the Convention implied the previous settlement of a whole series of points. The Bureau had accepted the principle but subject to a subsequent agreement on the text, designed to make that principle a practical possibility. To discuss it would be to go back on a decision provisionally adopted by the Bureau. Moreover, the wording proposed by the Rapporteur reserved every possibility. The Bureau was simply indicating a tendency, subject to subsequent agreement concerning the details of application.

As regards the amended text proposed by Mr. Eden for paragraph 2, the Rapporteur said that he would have no difficulty in accepting it, since it corresponded exactly to his own ideas and to the idea on which the Bureau's agreement had been based. In the first version of the report, the following sentence would be found in paragraph 25: "Subject to drafting, the proposal which thus emerges aims at the incorporation in the text of a provision authorising the Permanent Commission to request the contracting countries to furnish it, either in writing or orally, with any additional explanations which it may require within the limits of the obligations which they assumed by signing the Convention". That was exactly in keeping with Mr. Eden's observation.

As regards the majority required for the Commission to be able to decide on local investigations, the Rapporteur recalled that the formula proposed was two-thirds of the numbers present. M. Rosso had directed attention to the importance of the quorum in fixing that majority. There was thus the double problem: could the Commission pass decisions whatever the number of members present and, if not, what was the minimum number required? The Rapporteur had not settled the question in paragraph 3 of Part III of his report, as it was dealt with in Part IV of the report relating to the operation of the
M. Motta (Switzerland) said that as regards the various points discussed, the explanations given by the Rapporteur had satisfied him. The question of the protection of persons denouncing their Government's violation of the provisions of the Convention was particularly delicate and extremely important. He did not share the fears of those of his colleagues who felt that they would be binding themselves unduly by accepting the text proposed by t. e. Rapporteur. It seemed to him indeed that the introductory words: "Subject to an agreement as to the legal details . . ." should allay all apprehensions, since no final step would be taken pending such an agreement. The question of the conditions for the application of the principle thus remained open. All the Bureau had to do was to state the general trend of its opinion. States should not be allowed to institute judicial proceedings against any of their nationals who might tell the truth about armaments. He quite understood the fears expressed, which were all the more legitimate in the case of a new principle that was difficult of application. He thought, however, that the Bureau could accept a text which simply constituted the affirmation of a principle.

M. Rosso (Italy) thanked M. Bourquin for his explanations, but was not yet altogether convinced. On referring to the Minutes of previous meetings of the Bureau he had found nothing justifying the assertion that the members of the Bureau had formally agreed on the principle of immunity from all repressive measures for persons denouncing violations of the Disarmament Convention. On the contrary, a formal reservation on the point had been made by the Italian delegate on October 19th in the Committee on Trade in and Private Manufacture of Arms. The Rapporteur had said that all the Bureau was asked to do was to assert a tendency. M. Rosso agreed that it would be inadmissible for a Government to take repressive measures against someone who told the truth about armaments. But this principle raised a whole series of questions of law and jurisdiction which had not yet been settled by the Italian Government. He did not know whether the Italian delegate had tacitly accepted the principle in question, but he for his part was obliged to enter a reservation.

The question of the quorum, he gathered, was to be left open so long as that of the majority was not settled: but he wondered whether it would not be desirable to proceed in the opposite way, and to begin by determining the quorum, leaving the question of the majority open, so as to avoid the whole question being held over without solution. In this particularly difficult matter it was desirable that Governments which were prepared to accept supervision should have an assurance that supervision would only be exercised in a strictly legitimate manner, and that they should be certain that no attempt would be made to exploit the right of enquiry. The demand for a majority of more than two-thirds would not in any way diminish the possibilities of exercising supervision, while it would strengthen the guarantee regarded as indispensable. If, however, the question was to be left open, he had no objection to accepting M. Bourquin's report.

Mr. Wilson (United States of America) agreed with M. Motta in regard to paragraph 8. All the members of the Bureau were perfectly ready to admit that an honest man denouncing a violation of the Disarmament Convention and endeavouring to do his duty and watch out for any infringement of the law as established by the Convention deserved to be protected; but it was also necessary to guard against espionage. Accordingly he proposed to draft the end of paragraph 8 as follows:

"... The Bureau declares in favour of immunity for persons denouncing violations of the Disarmament Convention from all repressive measures arising from the act of denunciation."

M. Buero (Uruguay) agreed with M. Motta and Mr. Wilson as to the principle involved. It would be well to reach an agreement at once as to the guiding principle, subject to such legal definitions as might later be made. It would be possible to enunciate the principle in such a form as to mitigate the apprehensions of the United Kingdom and Japanese delegations. For example, he suggested adding at the end of paragraph 8 the words:

"... in circumstances to be determined later."

On the question of fact raised by M. Bourquin in connection with the decision of the Bureau, he pointed out that at the end of the meeting M. Bourquin had referred to the subject of incompatibilities and denunciations. The latter point was regarded as being settled in a general way, since no one had any observations to make on the subject, though it had not been thoroughly discussed.
leaving the communities unprotected against possible abuses. He would leave it to the
The object was to protect persons of good faith against victimisation, without at the same time
its application difficulties arose: Was it necessary, above all, to protect those who had made
by his Government of the provisions of the Convention should be protected from repressive
action. This was a new principle, the importance of which could not be contested. As regards
its application difficulties arose: Was it necessary, above all, to protect those who had made
the boundary. What was the duty of the Committee of Jurists? Was it necessary to make a distinction
between persons denouncing violations of the Convention who were of good faith and those who were not. He was grateful
putting the definition into its final shape. It would be enough for the Bureau to assert its
conception, and to indicate that it desired to make a distinction between persons denouncing
violations of the Convention who were of good faith and those who were not. He was grateful
to M. Buero for his account of the circumstances in which the decision of the Bureau was
reached on the principle of immunity at the end of a previous meeting. He added that the
Italian delegation's reservations were not formulated in the Bureau, but in another Committee
-namely, the Committee on Trade in and Private Manufacture of Arms.

Mr. Eden (United Kingdom) agreed with every word of what M. Massigli had said. The object was to protect persons of good faith against victimisation, without at the same time
leaving the communities unprotected against possible abuses. He would leave it to the
Rapporteur to give a clear exposition of the ideas of the Bureau on the point.

M. Bourquin (Belgium), Rapporteur, agreed with M. Massigli and Mr. Eden. The Bureau
concerned with a principle, in connection with which it would be dangerous to embark
upon improvisations, in view of the reservations, distinctions and points of precision to which
the principle gave rise. It would be for the Committee of Jurists to do the difficult work of
putting the definition into its final shape. It would be enough for the Bureau to assert its
creation, and to indicate that it desired to make a distinction between persons denouncing
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reached on the principle of immunity at the end of a previous meeting. He added that the
Italian delegation's reservations were not formulated in the Bureau, but in another Committee
-namely, the Committee on Trade in and Private Manufacture of Arms.

M. Moresco (Netherlands) thought there was no occasion for a hasty settlement of the
difficult question of the majority required. It had been suggested that the question of the majority
should be settled in connection with the question of the quorum. He did not think it
was desirable to associate the two. The Disarmament Commission would have a whole
series of questions to settle, some of which would be of little importance. It was not necessary
to have a large quorum for decisions on the latter. He was inclined to have two standards.

M. Massigli (France) was anxious that the real object of the discussion should not be
forgotten. He did not think that M. Moresco's formula should be accepted. The Bureau
must make practical suggestions and to that end it was desirable to read paragraphs 5 and 6
in relation with one another. Under paragraph 6 the enquiry would be held if a State asked
for one to be conducted on its own territory. Supposing in the course of a discussion of the
Permanent Commission one or two members called for the institution of an enquiry
in a particular country. If that State was of good faith, it would desire to justify itself as
rapidly as possible, and would accordingly ask for an enquiry to be held. The question of
a majority would not arise in such a case, the State called in question exercising a right
belonging to it. If, on the other hand, the State called in question put difficulties in the way
of the admission to its territory of those who were to conduct the enquiry, that would be
because its conscience was not clear. The question therefore was whether it was desirable
to put States of good faith in a position to establish their good faith as rapidly as possible,
or to allow a State of bad faith to object to light being thrown on the facts which had given
rise to anxiety. The choice between the two courses must be made, and the French
delegation for its part had made its choice. The Bureau was in process of enunciating a universal
principle applicable to all States. All States were accepting a new limitation of their sovereignty.
It was only logical not to put too many difficulties in the way of the establishment of enquiries.
If restrictions were carried too far, enquiries would in most cases be impossible and the suspicion
aroused would persist. The Convention, instead of improving relations between the peoples,
would merely envenom them. He urged therefore that the Bureau should adhere to the principle
of the two-thirds majority.

M. Massigli (France) wondered if it was wise to embark on improvisations in the text
on so important a subject, and, if that were done, whether the task of the Rapporteur would
not be made more difficult. For the moment, the Bureau merely had to say exactly what it
wanted, and, in consequence, to state clearly its desire that those who denounced a violation
by his Government of the provisions of the Convention should be protected from repressive
action. This was a new principle, the importance of which could not be contested. As regards
its application difficulties arose: Was it necessary, above all, to protect those who had made
it possible to ascertain the truth or, in general, all denunciators of good faith? The question
deserved to be examined. The Bureau might ask the Rapporteur to outline the problem in his
report and leave it to the Committee of Jurists to agree upon a text.

Mr. Eden (United Kingdom) agreed with every word of what M. Massigli had said. The object was to protect persons of good faith against victimisation, without at the same time
leaving the communities unprotected against possible abuses. He would leave it to the
Rapporteur to give a clear exposition of the ideas of the Bureau on the point.

M. Bourquin (Belgium), Rapporteur, agreed with M. Massigli and Mr. Eden. The Bureau
concerned with a principle, in connection with which it would be dangerous to embark
upon improvisations, in view of the reservations, distinctions and points of precision to which
the principle gave rise. It would be for the Committee of Jurists to do the difficult work of
putting the definition into its final shape. It would be enough for the Bureau to assert its
creation, and to indicate that it desired to make a distinction between persons denouncing
violations of the Convention who were of good faith and those who were not. He was grateful
to M. Buero for his account of the circumstances in which the decision of the Bureau was
reached on the principle of immunity at the end of a previous meeting. He added that the
Italian delegation's reservations were not formulated in the Bureau, but in another Committee
-namely, the Committee on Trade in and Private Manufacture of Arms.
In the third paragraph of Article 41 it was provided that the Commission was to meet, if summoned by its President, in extraordinary session in the cases provided for by the Convention and whenever an application to that effect was made by another contracting party. This formula was well enough in the case of a small Commission such as the draft had contemplated; but it was otherwise in the case of a Commission of Government delegates. He therefore suggested that it should be left to the Bureau of the Commission to decide what action to take on applications for the summoning of the Commission in extraordinary session.

He had also made good an omission in the draft of the Preparatory Commission by a provision to the effect that the Permanent Commission should also be summoned in extraordinary session on application by the Council of the League of Nations.

It was desired that the Commission should have as much elasticity as possible. He had had this in view in leaving it to the Commission to settle its own rules and regulations. The proposal for a two-thirds quorum, which was again before the Bureau, was reasonable in the case of a small Commission; but it was too much to ask in the case of a Commission of some sixty delegates. He thought, however, it was preferable not to settle the question for the moment, but to wait until all the powers to be conferred by the Conference on the Commission were known. It was possible that the Conference would not lay down a single rule, but a number of rules to cover special cases. It was therefore preferable to hold the question over for the present.

He proposed to alter the second paragraph of Article 45 of the draft to read 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."

Two questions which had not been settled by the Preparatory Commission would have to be regulated by the Convention. The first was that of the organisation which should form the secretariat of the Permanent Commission. There was every reason to suppose that this task should be entrusted to the Secretariat of the League.

The second question was that of the expenses. He had indicated in his report three fundamental principles for the reimbursement of the expenses of the delegates and the general expenses of the Commission.

M. Rosso (Italy) asked for an explanation with regard to the form of reimbursements of travelling and hotel expenses of delegates. According to the wording of paragraph 5 (a) it would seem that all delegates' expenses were to be at the charge of the Governments they represented. But the Bureau should also have in view the cost of enquiries on the spot. Was it admissible that in such cases the expenses of each member should be at the charge of his Government?

M. BOURQUIN (Belgium), Rapporteur, was glad M. Rosso had raised the question. Paragraph 5 (a) only dealt with the normal travelling and hotel expenses of delegates. According to the wording of paragraph 5 (a) it would seem that all delegates' expenses were to be at the charge of the Governments they represented. But the Bureau should also have in view the cost of enquiries on the spot. Was it admissible that in such cases the expenses of each member should be at the charge of his Government?

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Similarly, the question of regional agreements for the organisation of an automatic system of enquiries could not be settled offhand. He had confined himself therefore to laying down simple principles on which the members of the Bureau could arrive at immediate agreement. There was no question for the moment of covering all possibilities. Difficulties would be settled as and when they arose.

The CHAIRMAN noted that M. Bourquin's report had been accepted as a whole by the Bureau.

36. APPOINTMENT OF A DRAFTING COMMITTEE.

The CHAIRMAN observed that the Bureau seemed now to be called upon to take a decision as to how it proposed to deal with the other questions entrusted to it by the Conference in its decision of July 23rd, 1932, in which

"the Conference requests the Bureau to continue its work during the period of adjournment of the General Commission, with a view to framing, with the collaboration (if necessary) of a Drafting Committee, the draft texts concerning the questions on which agreement has already been reached. Such texts will be communicated to all delegations as soon as they are drafted, and will then be submitted to the Commission."

Agreement having been reached on a certain number of points, the Bureau had arrived at a stage at which it was desirable to appoint the Drafting Committee contemplated. It was preferable not to overwhelm the latter with work at the outset. It might be anticipated that it would shortly receive also the report on the prohibition of chemical warfare and on violations
of the prohibition of the use of chemical, bacteriological and incendiary weapons, as soon as the latter had been reconsidered by the Bureau in the light of the information furnished by the Special Committee.

He proposed that the Drafting Committee should be composed of jurists belonging to the delegations of France, the United Kingdom, Austria and the Netherlands, together with the Rapporteur, M. Bourquin.

He suggested that the Drafting Committee should draw up the texts on which it decided in a form suitable for insertion in the Convention itself. The texts should be submitted to the Bureau before being laid before the General Commission for its acceptance.

The Chairman's proposals were adopted.

TWENTY-NINTH MEETING (PUBLIC)

Held on Thursday, November 17th, 1932, at 10.30 a.m.

Chairman: Mr. HENDERSON.

37. GENERAL STATEMENT BY THE DELEGATE OF THE UNITED KINGDOM.

Sir John Simon (United Kingdom) spoke as follows. — I must begin by tendering my warm thanks to you, Mr. Henderson, and to my colleagues in the Bureau, for affording to the spokesman of the United Kingdom Government this opportunity of making a statement on more general lines than the immediate programme of our discussions would normally permit.

This method has been usefully employed in earlier instances—for example, the speech made to the General Commission by Mr. Gibson on behalf of the United States expounding the striking proposals of President Hoover, and again the other day when M. Paul-Boncour outlined the French plan, details of which have now been circulated in a document 1 which is receiving, as it is entitled and bound to receive, the closest consideration from all of us.

I would make one observation in passing on the French proposals. The French proposals are of so elaborate and closely articulated a character as to make comment at short notice not only imprudent but impossible. They merit the closest study from every point of view, but it is no part of my purpose to deal with them to-day. I should like, however, at once to pay my tribute and the tribute of my Government to the thoroughness and sincerity with which the French Government has made its contribution to the solution of our problem. I think I may say that we all appreciate the spirit in which it has approached its task and we are truly grateful for it.

I must make plain at the outset the character of the contribution which the United Kingdom Government is seeking to make. We are not at this moment producing some further plan of our own in competition with or in comparison with detailed plans already submitted from other sources. We hope, however, that what we are putting forward may be helpful, in combination with suggestions already made by other Governments, in achieving the main purpose of the Disarmament Conference, which is the reaching of an international agreement to disarm. But our immediate concern is with a preliminary matter which, as it seems to us, must be effectively dealt with as a condition precedent to the adoption of any detailed plans. Our preoccupation is to find, if we can, the basis on which the claim to equality of rights can be dealt with. For it is this claim which is holding up the work of the Conference and we believe that the declaration which I am authorised on behalf of His Majesty's Government in the United Kingdom to make should help to clear away this preliminary difficulty and restore a situation in which all the members of the Conference may work out together a concrete scheme of international disarmament on a mutually satisfactory basis.

Let us face squarely the immediate problem and consider its objective elements. Its objective elements may be summarised under four propositions (for simplicity of statement, I will confine myself to the case of Germany, though, of course, corresponding considerations arise in the case of Austria, Hungary and Bulgaria).

What are these four propositions which I put forward as an objective analysis of the actual situation?

1 See document Conf. D. 146.
concerned mainly with the articles with regard to disarmament and with the promotion of that confidence in the world which makes disarmament possible. Indeed, it will be the supreme test of international statesmanship that adjustments in regard to these matters should be reached by mutual goodwill and by common consent. It is worth noting in passing that the French plan (which I am not discussing to-day) in fact contains a proposal—that relating to the method of recruitment of continental armies—which would involve a modification of one of the clauses of Part V and which itself aims at applying the principle of equality. That is the first of the four propositions for which I ask your consideration and acceptance.

(2) On the other hand, the Preamble to Part V of the Treaty and M. Clemenceau's contemporaneous explanation on behalf of the Allies, unquestionably involve this, that the disarmament imposed upon Germany was intended to be and declared to be the precursor of a substantial measure of general disarmament. (I am not discussing legal niceties, which, as the British note of September insisted, do not go to the heart of the question; I am speaking of the broad intentions to be deduced from what was said and signed in 1919.) That is my second objective proposition.

(3) While I am far from underrating the extent of unilateral disarmament achieved by certain States since the Armistice—for example, my own country in recent years has effected immense reductions and cannot go further without general agreement—the facts remain (a) that while Germany continues under the perpetual restrictions of the Treaty of Peace, other nations of the world are as yet under no mutual contractual obligation to limit or reduce their armaments, save in the extremely important area covered by the Naval Treaties of Washington and London, and (b) other nations still permit themselves weapons of war which are prohibited by Treaty to Germany.

My colleagues will see that I am endeavouring to state the facts as they are in all their simplicity in order that we may examine the situation with which we have to deal.

(4) Meanwhile, Germany has become a full Member of the League of Nations and has, of course, the undisputed right to take her place as an equal here. Any hesitation as to what should be agreed upon does not proceed from any desire to impose or to imply an inferiority of status; it proceeds—and let me speak quite plainly—from anxiety as to the use which might be made of the new situation and from fear of the resulting dangers which might threaten the tranquillity of Europe. That consideration is directly relevant to the Disarmament Conference, for disarmament is not pursued as an end in itself it is pursued as a means to an end. The main purpose of disarmament is to help to achieve a lasting and secure peace.

Here, then, are four objective propositions in which I have attempted to sum up the actual situation. It does not seem to me that any of them could be disputed in any quarter.

But if these four propositions are fairly stated and squarely faced, certain results follow, which His Majesty's Government outlined before the House of Commons last Thursday, and which I now formulate on its behalf for the consideration of the Conference. I formulate them, let me repeat, not as a rival plan but as the basic conditions by fulfilment of which the problem raised by the claim to equality of status can be solved.

These results, at which His Majesty's Government have arrived, can again be best expressed under four heads:

First, we advance this proposition—that all European States should join in a solemn affirmation that they will not in any circumstances attempt to resolve any present or future differences between them by resort to force.

It may be said that this would be nothing more than a reaffirmation of the Pact of Paris. Even if it were reiteration, it would in this connection be far from being vain repetition. Even though it goes without saying, it may be much better to say it. The barrier to further disarmament in Europe is fear, and Europe is entitled to ask that this fear should be assuaged by the most positive and precise declaration, not from one State alone, but from all the States of Europe in reference to all matters of controversy with their neighbours.

What the United Kingdom Government proposes is not in the least designed to exclude or to limit the use of methods of peaceful adjustment—by diplomatic means, or under Article 19 of the Covenant, or otherwise. But what we propose is designed to secure a formal repudiation of recourse to force, and that expression "recourse to force" is deliberately used to avoid controversy hereafter as to whether what might be done amounts to an actual state of war. We wholly repudiate the view that such an assurance solemnly given in these circumstances would be a worthless promise. The condemnation of the whole world would follow if it were disregarded. We cannot believe that the peaceful intentions which animate all who sincerely seek disarmament could be so belied as to cause any State to hesitate in giving such an assurance. The acknowledgment of the moral right to parity of treatment entails upon Germany, along with others, the acceptance of this corresponding obligation.
Secondly, the limitations on Germany's armaments to be arrived at as the result of our discussions should be contained in the same Disarmament Convention as that which will define the limitations on the armaments of others.

Our conception is that the limits imposed upon each State in the new Convention will be limits accepted by that State after negotiation with and in agreement with the other signatories. Thus, the articles in Part V of the Treaty of Versailles which at present limit Germany's arms and armed forces would be superseded, and Germany's limitations would be arrived at by the same process and expressed in the same document as those of all other countries.

Thirdly, the newly-expressed limitations in the case of Germany would last for the same period, and be subject to the same methods of revision as those of all other countries.

My colleagues will note that this will be a very far-reaching and very significant change. At present, the disarmament clauses of the Treaty of Versailles have an operation which is unlimited in point of time, whereas (except for the extremely important provisions of the Naval Treaties), no contractual limitations, even for a short period, restrict the armaments of other States. Now, we are trying to frame an international Convention for the limitation and reduction of armaments to be signed by all the States of the world. The principle of equality in status requires that there should be no distinction between States as to the period over which the Convention will apply. What that period should be is manifestly a matter for discussion hereafter, in which all the members of the Conference should have the opportunity of taking part. Neither am I now discussing what is to happen when that period comes to an end, for it is easy to conceive that, before this occurs, new arrangements will have been made at a subsequent conference. Or, again, clauses may be now negotiated which will provide for methods of revision hereafter. All this is for subsequent consideration. But, if we confine ourselves to the matter of principle, that principle must involve, as it seems to the United Kingdom Government, equality in regard to duration. And all the signatories to the new Convention must stand in the same position in regard to revision.

Fourthly, there remains the question of the list of arms. Germany has declared that she has no intention of re-arming, but that she desires that the principle should be acknowledged that the kinds of arms permitted to other countries ought not to be prohibited to herself. It is, of course, understood that in this connection I am speaking of kinds of arms and not of amounts, for this latter question must be separately and subsequently treated. If equality of status is to be conceded, the principle of qualitative equality must be acknowledged, and the United Kingdom Government declares its willingness, in co-operation with other members of the Disarmament Conference, to see this principle embodied in the new Convention. By what means and by what stages this principle can be applied must be the subject of detailed discussion hereafter, in which it is essential that Germany should join. The United Kingdom Government thinks it well to emphasise that it would be opposed to the premature discussion of these details, important as they are, for it considers that these matters can only be properly discussed and agreed upon by use of the machinery of the Conference.

In the meantime, the United Kingdom Government wishes to emphasise two points. First, the object of the Disarmament Conference—and we must never forget it—is to bring about the maximum of positive disarmament that can be generally agreed—not to authorise in the name of equality the increase of armed strength. Secondly, the full realisation, in practice, of the principle of equality cannot be achieved all at once, and for this reason it depends upon confidence. Confidence in the further application of the principle will grow as it is seen that the peace of the world has been made more secure by taking the first step. The United Kingdom Government, therefore, conceives that what is needed is a practical programme of stages, each subsequent step being justified and prepared for by the proved consequences of what has gone before. These are the four points which it is my duty to bring to the direct attention of the Conference.

Similar principles, as I have already said, should be applied and similar methods should be adopted for arriving at and expressing the limitations which will apply to the armaments of Austria, Hungary and Bulgaria.

While insisting that what is now needed is agreement upon the matters of principle already stated, and that the detailed application of these principles and the material content of the Convention to be based upon them are for future discussion and decision, the United Kingdom Government has authorised me to add something by way of explanation as to the way in which the suggestions it has made might work out. The completion in its entirety of such a scheme must necessarily occupy some time. Both practical and political considerations are involved. The conditions of the different nations in the matter of armaments vary widely according to their geographical situation and the responsibilities in respect of which their armed forces are required. For example, the needs of a nation with world-wide oversea responsibilities
must differ considerably from those of a self-contained continental Power. To equate these varying circumstances is no easy task. Moreover, economic considerations cannot be disregarded. Following the precedent of the Naval Treaties, time must be allowed to spread the cost of replacement where a nation’s armaments have to be adjusted to a lower qualitative standard. The final result, therefore, can only be reached by stages. The immediate task of the Disarmament Conference is to settle the actual programme of the first stage, and, if possible, to establish the main outlines of the second stage, in order that nations may adjust their programmes thereto in the interval. So far as the political difficulties are concerned, a few years of good-neighbourly conduct during this interval will do much to prepare the way for the second stage.

In the light of these observations, His Majesty’s Government considers that the following methods might be applied in the first stage:

A. Qualitative Disarmament.

1. Naval Armaments.

(a) His Majesty’s Government is at present engaged in seeking agreement with the leading Naval Powers for substantial reduction in the size of the guns and tonnage of the capital ship and of the whole naval tonnage, and the principle of according to Germany equality of rights demands that Germany should be permitted to build ships of a type similar to that upon which the great naval Powers shall finally agree. Exhaustive investigation has shown that the arbitrary figure of 10,000 tons as the limit of a capital ship would fail to command general acceptance. The principle, however, that the reorganisation of Germany’s fighting forces must be carried out in such a way as not to conflict with the limitation and reduction of armaments requires that any construction undertaken by Germany shall, subject to minor adjustments, not increase the total tonnage in any category to which her navy is at present restricted.

(b) His Majesty’s Government has already expressed its willingness to limit cruisers to vessels of 7,000 tons, mounting 6-inch guns, a limit it may be noticed closely approximating to the limit now imposed upon Germany.

(c) His Majesty’s Government has repeatedly urged that the submarine should be wholly abolished. It regards this as one of the greatest contributions that can be made to disarmament and world peace, and incidentally as the best way of meeting Germany’s claims to equality of treatment in regard to this weapon.

2. Land Armaments.

(a) Tanks. — The large tanks which were used in the war were unquestionably offensive weapons—that is to say, their primary purpose was to break down and force a way through elaborately prepared positions. His Majesty’s Government is in entire agreement with the proposals recently made on behalf of the United States Government in desiring that specifically offensive weapons should be prohibited. But we are bound to add this: the modern tank of a lighter type performs an essentially different function and cannot be regarded as an offensive weapon. Its comparatively light armour and its reduced capacity for crossing trenches render it unsuitable for the assault of highly organised defences. It furnishes an absolutely necessary protection against machine-gun fire and automatic rifle fire and, in a small voluntarily enlisted army like our own, constitutes an essential compensation for lack of numbers and a protection to human life which it would be impossible to surrender. Indeed a universal prohibition would inevitably involve, as far as the United Kingdom is concerned in view of its world-wide responsibilities, an increase in its present land forces in terms of man-power and would thus, as a measure of disarmament, tend to defeat its own ends. His Majesty’s Government would therefore propose that—at any rate, as a first stage—all tanks should be abolished above a given weight, and that the weight should be fixed with a view to prohibiting those tanks which are specially suitable for offensive employment in battle. The admission of equal treatment would make it impossible to deny, in principle, to Germany the right to possess a limited number of such weapons, but the question whether this should be so in practice, and, if so, what number would be sufficient, depends upon a consideration of the purposes to be served by each national army. In any case, the point is one for negotiation and not for decision in advance of discussions at Geneva in which Germany would take part.

(b) Large Mobile Land Guns. — Under the Treaty of Versailles, the maximum calibre of large mobile guns permitted to Germany is 105 millimetres. This figure is obviously intended to limit these guns to a type which is suited for operations of defence. Examples of this type vary slightly in different armies—for example, the British 4.5 inch gun, which just exceeds 105 millimetres in diameter, is of the same type. The obvious way of according Germany equality of treatment in regard to this weapon, while at the same time making a great advance in disarmament, is to press for a general reduction to this figure. Discussions at Geneva on the limitation in size of mobile land guns have tended to revolve round the higher figure
of 155 millimetres. If, however, a maximum of about 105 millimetres were fixed by international convention for the future, it would secure that any replacement or new construction of guns should fall within the lower limit.

3. Air Armaments.

His Majesty's Government has already made it known that there is no aspect of international disarmament more vitally urgent than the adoption without delay of the most effective measures to preserve the civilian population from the fearful horrors of bombardment from the air. The Government of the United Kingdom has already stated that it would be prepared to go to any length, in agreement with other Powers, to achieve this object. In the House of Commons last week, my colleague, Mr. Baldwin, made a speech on this subject which not only riveted the attention of his hearers, but impressed the world. He pointed out the reality of the danger which threatens future civilisation and the impossibility of warding off this danger by half-hearted steps. I will not attempt to repeat Mr. Baldwin's description, which I hope everybody here has read, and which brought home so vividly what is in store for humanity if humanity cannot find a way of controlling the misuse of the instrument which, when peacefully applied, can contribute so much to the convenience of mankind.

Let me add a few words to indicate the full ambit of the problem. The proposal that all bombing-machines should be abolished has been made from several quarters, and it has been claimed that the world-wide adoption of this proposal would, in itself, guarantee the final abolition of bombing. This, however, is not the case; for machines not actually designed for bombing—any machine with sufficient lift and range—may nevertheless be adapted and used for that purpose. What would be involved, therefore, is the entire abolition, by international agreement, of military and naval machines and of bombing (apart from the use of such machines as are necessary for police purposes in outlying places), combined with an effective international control of civil aviation. It is no use disguising that the difficulties to be surmounted in achieving, by international agreement, such a programme are evidently very great, but His Majesty's Government is anxious to co-operate with the other chief air Powers in a thorough examination into the practicability of so extensive a scheme.

We are bound to face the immediate question that presents itself while the full examination of these wider conceptions is proceeding. Take the case of the United Kingdom Government. In spite of world-wide responsibilities, the Air Force of the United Kingdom has been reduced until it stands only fifth in size to-day, but His Majesty's Government is, nevertheless, prepared, if other countries will reduce their air forces, to go still further, and it suggests as a practical and immediate measure of disarmament (1) the immediate reduction of the air forces of the leading Powers to the level of those of the United Kingdom; (2) a cut of 33 1/3 per cent all round in the air forces of the world thus reduced, the United Kingdom included; (3) a limitation of the unladen weight of military aircraft to the lowest figure upon which general agreement can be obtained. The United Kingdom Government proposes that the figures thus arrived at should be subject to a further reduction at a subsequent stage so as to apply to air disarmament the principle of limitation by stages. Pending the examination of the more far-reaching proposals to which I have already referred and in which Germany, I hope, would take part, His Majesty's Government thinks it is not unreasonable that Germany should refrain from making any claim to possess military or naval aircraft.

B. Quantitative Disarmament.

The question of quantitative disarmament is one which will require long and detailed negotiations. I content myself at the moment with an observation on the subject of effectives. Here the admission in principle of Germany's claim to equality of treatment and freedom to readjust her fighting forces should be governed by the condition that readjustment is carried out in such a way as not to conflict with the principle of limitation and reduction of armaments. That is to say, if Germany wishes, for instance, to be free from the prohibition against compulsory military service at present incumbent on her, the numbers of men annually compulsorily given a militia training in Germany must be deducted, at a ratio to be agreed on, from the numbers of her long-service troops. Again, the reduction of the term of service of these long-service troops, from twelve to six years, if agreed to, would be conditional on the number of long-service reserves not being augmented—that is to say, in that case, the number of long-service troops with the colours must then be reduced from 100,000 to 50,000. Elaborate calculations as to the proper ratios would be required, but the guiding principle must remain—that is to say, reorganisation of the German forces or others must not involve an increase of Germany's powers of military aggression.

His Majesty's Government in the United Kingdom is favourably impressed by the Hoover proposals in regard to military effectives, and is prepared to accept them in principle as constituting a basis for discussion.
C. Disarmament Control and Supervision.

His Majesty's Government accepts in principle the resolution adopted by the General Commission of the Disarmament Conference on July 23rd, 1932, on the subject of supervision—that is to say:

"There shall be set up a Permanent Disarmament Commission, with a constitution, rights and duties generally as outlined in Part VI of the draft Convention submitted by the Preparatory Commission for the Disarmament Conference, with such extension of its powers as may be deemed by the Conference necessary to enable the Convention to be effectively applied."

His Majesty's Government is convinced that it is essential to the working of the Disarmament Convention that effective supervision should be provided for, subject to agreed conditions to be accepted by all States represented at Geneva.

I believe that we have reached a turning point of the Conference. The mechanical pursuit of the details of disarmament will produce no effective result without the spirit which makes for peace. We are engaged in the planning of an edifice—the first of its kind in the history of the world—in which all the peoples of the earth may shelter against the dangers and the horrors of war. This vast edifice which we are planning will need to be buttressed by assurances and pacts of many kinds, but it will only be solidly built so as to withstand the strains that may be put upon it hereafter if it is based upon the firm and equal foundation of international goodwill.

38. Equality of Status: General Discussion.

The Chairman. — The Bureau will agree, I am sure, that the proposals which Sir John Simon has made on behalf of the Government of the United Kingdom are an important contribution to the pool of ideas already before the Conference. I was particularly glad to note that Sir John Simon made it clear—as M. Paul-Boncour made it clear a few days ago with regard to the French plan—that these proposals are not put forward as a rival to those of any other delegation, but that they are intended to indicate the kind of basis upon which it is hoped that the Conference may now pursue its work. The spirit thus shown must clearly make the task of co-ordinating the proposals much less difficult than it would otherwise have been, and I am sure that the Bureau will be grateful to them. When the various proposals are considered together, with a view to a co-ordinated plan, there should be, in every domain of our work, an ample basis for arriving at a comprehensive and far-reaching agreement.

The Bureau will agree with me that this work of co-ordinating and of drafting the new Convention would be facilitated if Germany were to resume her seat at our Conference table. It is because I am sure the Bureau takes this view that I now venture to make some further observations with regard to the German claim for equality of right.

There will be, in my opinion, very great difficulty in bringing the Conference to any satisfactory and useful result unless the important question of equality of status is solved, and there cannot be any doubt in the mind of any member of the Bureau that the time has come for devoting all our energies to finding a solution of this question. I do not suggest that the Conference has ever refused to deal with it; on the contrary, every delegation has always recognised that at some stage of our work it would be essential to find a solution for the problem which the German and other delegations have frequently brought to our notice. Moreover, every delegation has recognised that the restrictions imposed upon Germany and her late allies by the Treaty of Versailles were intended to prepare the way for a general reduction of armaments.

This morning and in recent days there have been Government statements, especially those of the French and Italian Prime Ministers, of the utmost importance in this connection. Sir John Simon has told us to-day that, on the assumption that every European Government is willing to declare in a solemn affirmation that it will not attempt in any circumstances to resolve any present or future differences by resort to force, the Government of the United Kingdom is prepared to recognise in the fullest way the principle of Germany's claim of equality of right.

Similarly, in the memorandum which the French Government circulated to us a day or two ago we are assured that that Government is fully confident that the proposals which it has put forward should enable us to give an equitable solution to the problem of equality of rights, by the progressive equalisation of military status and by an equal participation of all the European signatory States in the burdens and the advantages of the organisation of common action for the maintenance of peace.

1 See document Conf. D. 146.
M. Rosso (Italy).—To keep within the limits suggested by the Chairman, I will confine myself to a brief statement with a few additional remarks in explanation.

It was, Mr. Chairman, with the keenest interest that I listened to the speech which you have just made. You summed up the situation with the utmost clarity and your conclusions were in complete harmony with the views and feelings of my own delegation. I can, therefore, associate myself at once with your remarks.

We are indebted to the representative of the United Kingdom and also to our Chairman for having this morning reminded us of the question of equality of status, while at the same time suggesting a possible solution such as may hasten the return of the German delegation to this Conference.

On this second point, I cannot see how we could fail to be in unanimous agreement. To imagine that, in the absence of Germany, we can usefully examine the highly important problems already before the Conference, together with those which have been raised in the last few days, and successfully solve them, would, in my opinion, be an idle and perhaps dangerous illusion.

As regards the question of equality of status, the remarks and proposals put forward a few moments ago by the eminent representative of the United Kingdom are of unusual interest. I was able to note that they were actuated by principles and prompted by motives which are shared by my own Government. It is for that reason that I can wholeheartedly associate myself with the inferences drawn by the Chairman from Sir John Simon’s remarks as well as from the evidence of goodwill on the part of other Governments. Among the latter, I too am gratified to single out that which is to be found in the Preamble to the French delegation’s memorandum dated the 14th of this month.

Mr. Henderson alluded a moment ago to the opinion publicly expressed by the head of my Government last September when he stated that the Italian Government was prepared to recognise the principle of equality of rights claimed by Germany in regard to armaments. On that occasion, M. Mussolini was careful to make it clear that, in his view, it was through disarmament that that principle should receive practical application—that is to say, through lowering the level of armaments in the most highly armed countries and not by the rearmament of the others. He also stated that this equitable process of adjustment should be carried out—or at least that every effort should be made to carry it out—here at Geneva and if necessary by stages. He expressed the hope that this might be pursued in a spirit of justice on the one side and moderation on the other, and that all should endeavour to avoid any action which might further disturb the international atmosphere.

I am authorised to confirm these same ideas to-day and am thus able to give my support to Sir John Simon’s suggestions, while at the same time associating myself most cordially with the hope expressed by our Chairman that this difficulty might soon be solved.

When that has been done, our first concern must be to urge the Conference’s work along the path of practical achievement, I mean towards a conclusion.

We have been working latterly on the basis of the American scheme with which Italy was happy unreservedly to associate herself. Three days ago, we received the French plan, a far-reaching project which the Italian delegation is engaged in studying with all the attention, interest and objectivity which its authors are entitled to expect from us. This morning Sir John Simon has put forward a number of highly interesting ideas and suggestions which undoubtedly merit the fullest consideration.

We have been told that these various plans are not mutually antagonistic but complementary, which is most gratifying. The material for examination has, however, become so voluminous that I think that, in order to facilitate the progress of our work, an attempt at co-ordination is indispensable; I consider that this task should be undertaken at the earliest possible moment.

M. Massigli (France).—Without straying beyond the limits set for us in the present discussion by our Chairman, I hope I may be permitted to say, in the first place, with what interest I listened to the important statement made by Sir John Simon. I need hardly say...
that the United Kingdom Government's declaration will be studied by my own Government with all the attention and goodwill which the author and those in whose name he speaks have the right to expect.

You will also allow me to thank Sir John Simon and M. Rosso for the terms in which they alluded to the plan laid before you by my Government on November 14th 1 and also for the tribute which they paid to both the sincerity and value of the effort thus made towards the organisation of peace.

Mr. Chairman, after hearing your own remarks of a few moments ago I may perhaps be permitted to make a brief statement. In a detailed memorandum dated September 10th and again quite recently in a most explicit document dated November 14th, the French Government made known its opinion on the questions before the Conference and more especially on that of equality of status.

As I have the honour to speak here in the name of the Government of the Republic, it is only natural that I should confine myself to confirming these texts in which its conceptions are publicly set forth and to which I may refer you.

At the end of your statement, Mr. Chairman, you voiced a hope and with that hope I beg to associate myself.

Mr. Norman Davis (United States of America). — I do not rise to comment on the very interesting and important statements made by the British Minister for Foreign Affairs, nor do I take this occasion to discuss the significant statement made by M. Paul-Boncour at a recent meeting of the Bureau. I merely rise now, Mr. Chairman, to associate the United States delegation wholeheartedly with the analysis which you have made of the problems that face this Conference.

We must not lose sight of the fact that this Conference was called for the express purpose of reducing and placing a limit on armaments. It is now almost ten months since the Conference opened. During that time, many technical questions have been threshed out, many differences of opinion have been reconciled, and agreements have been reached on some most important questions of principle. It has been agreed in principle that there must be a substantial reduction and limitation in all branches of armaments and yet we have not reached the point of the actual drafting of the general treaty giving concrete effect to the principles that are recognised.

It is generally recognised that the only legitimate and useful purpose for which a nation should maintain armaments is self-defence. It is also recognised that armaments may reach a point where they cease to give security. Instead they may create political tensions which promote insecurity. It is therefore evident that one of the most essential factors to genuine security is that the burden and menace of armaments shall be reduced.

When this Conference met, the depression from which the entire world is suffering seemed to be at its height. Unfortunately, there has been no appreciable improvement during all the months we have been here, and in some respects the economic difficulties have become more intense. While it cannot be said that the burden and menace of armaments were the primary cause of this depression, it is becoming increasingly evident that they were a contributing cause of conditions which brought on the depression and that a reduction and limitation of armaments would contribute tremendously to recovery from the depression.

In spite of the fact that Germany, Austria, Hungary and Bulgaria were to a large extent disarmed after the world war, the expenditure on armaments is greater to-day than before the war. The time has come, not only to call a halt, but to make substantial reductions. Although armaments may not have been the direct cause of all the misery in the world to-day, caused by the unbearable burden of public and private debt, the stagnation of trade and commerce and the unparalleled unemployment, we are not going to pull very far out of this depression unless we reduce armaments and make a genuine success of this Conference. If this depression from which every nation is suffering to-day is not cured, it will soon bring upon each and every nation further social, financial and economic difficulties which will be more of a menace to national safety and welfare than any fear to external military aggression.

The world is not in a condition nor are the people in a state of mind to stand a failure of this Conference. There is no nation that would not suffer from such a failure.

Preparations are now being made for calling a World Monetary and Economic Conference. It is important to have such a Conference, but its success will depend largely upon that of this Conference, and the world cannot wait much longer for this success.

While the United States of America are not disturbed by any danger of invasion nor so directly concerned as are many other nations in the removal of the dangers of armaments, we have a genuine and vital interest in the peace and prosperity of the world. We have accordingly worked conscientiously for the success of this Conference and expect to continue.

1 See document Conf. D. 146.
patiently and earnestly in such efforts in collaboration with all the other nations so long as there is reason to hope for success.

The plan presented some months ago by the President of the United States, that of the French Government, which we have just received, and the pronouncement made to-day by Sir John Simon, are all inspired by the determination to effect a substantial reduction in armaments. They have all helped to bring the Conference face to face with the real issues before us. With the impetus thus given to our work, it is doubly incumbent upon us to take advantage of this situation and to take the steps which are necessary to accomplish as rapidly as possible that progressive reduction of armaments to which we stand pledged in principle and which we must now put into practice. It is obvious that the successful accomplishment of this task will require the close collaboration of all nations and we trust that this will be so generally recognised as to facilitate regaining the co-operation of the representatives of Germany in this task in which they, in common with all nations, have such a legitimate and vital interest.

General Burhardt-Buracki (Poland). — The Polish Government associates itself wholeheartedly with the statements which have been made to-day and in accordance with which we shall shortly proceed to discuss the important problem of equality of status—so ably propounded by Sir John Simon—in close conjunction with other problems concerning the organisation of peace.

The Polish Government will be happy to co-operate in the quest of solutions taking due account of the legitimate interests of all Powers with a view to ensuring international peace and co-operation.

M. Bourquin (Belgium). — I should like simply and briefly to associate myself with the remarks made by the previous speakers and to say that we too are most eager to see the Conference resume its activities at full strength.

The suggestions and proposals put forward by Sir John Simon in the name of the Government of the United Kingdom are most interesting. They will require to be examined thoroughly, but this we are not called upon to do at the present moment. I should, however, like to say at once that our first impression is that these proposals contain a series of promising ideas which, in conjunction with others, may lead us to the goal we all desire to attain. In this connection, I should like more especially to draw the Bureau's attention to the United Kingdom representative's remarks with regard to the organisation of peace. In this respect, I hope that we shall discover formulae capable of winning general approval.

M. Dovgalevsky (Union of Soviet Socialist Republics). — It was with the keenest attention that the Soviet delegation listened to the appeal made by the Chairman in the course of his remarkable speech. I was gratified to note the effort which is being made to induce Germany to return to the Disarmament Conference through recognition of the principle of equality of status. My Government has always been convinced that disarmament can only be achieved through the co-operation of all countries. It is indeed plain that the more unmistakable the proofs which the Conference gives of its determination to achieve disarmament—or at least a substantial reduction of armaments—the greater will be the prospects that the German delegation will return. I should like to remind you that, at the Bureau's meeting of September 21st, the head of the Soviet delegation, M. Litvinoff, stressed that opinion in clear and definite terms. It is in this spirit that I associate myself with the remarks of our Chairman and of the various speakers who have preceded me.

M. Motta (Switzerland). — Owing to the conditions in which I was given a seat on the Bureau it is impossible for me to speak in the name of a delegation. I should nevertheless like to say, like all those who have preceded me, that we have listened with unfailing interest first to the speech of the Secretary of State for Foreign Affairs of the United Kingdom and secondly to the various other speeches which have been made this morning.

It was my impression that the central problem dealt with in all these speeches was that of equality of treatment in regard to armaments. I have always had the profound conviction that this question could only be solved during discussions at which Germany and the other countries in the same position would be present as members of the Conference. I thought I noted in Sir John Simon's speech, not merely a hope, but a hope which at one moment seemed to win general approval. I hope that we shall discover formulae capable of winning general approval.

M. Künzl-Jizersky (Czechoslovakia). — Being most anxious to see the Disarmament Conference achieve tangible results, Czechoslovakia is most gratified at the atmosphere created by to-day's speeches and sincerely supports the hope expressed by the previous speakers.

M. Leitmaier (Austria). — My purpose in rising to speak is certainly not that of voicing my Government's desire to see Germany resume her place in this Conference. This desire is so natural that I hardly need give it expression. The object of my remarks is merely to thank, in the first place, the Secretary of State for Foreign Affairs of the United Kingdom and, in the second place, the various other speakers for the spirit of justice which has dominated the discussion to which we have just listened.

M. KOMARNICKI (Poland), Rapporteur, thanked the Chairman for having devoted a meeting of the Bureau to the examination of the report for the Regulation of the Trade in, and Private and State Manufacture of, Arms and Implements of War (document Conf.D.145), and having thus enabled the Rapporteur to put before the Bureau the chief questions as to which the members of the Committee still differed in their opinions and on which they desired to be enlightened by a body possessing more extensive powers and possibilities than the Committee itself.

He then quoted the following passage from paragraph 3 of his report:

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

This passage showed that the Committee, after a preliminary discussion of the questions of the trade in and manufacture of arms, did not consider that it had at its disposal all the data which would enable it to ascertain the intentions and programmes in these matters of the various delegations represented at the Conference. This particularly delicate situation in which the Committee was placed was due to the fact that the Conference had not so far had an opportunity of discussing those questions in the light of the experience gained and the progress made during the last ten months.

The Committee accordingly requested the Bureau, on the one hand, to approve the procedure adopted by it for its future work and, on the other hand, to enlighten it as to the intentions of the various delegations concerning the problems which the Rapporteur would mention later.

Question of procedure: the Committee had decided to divide its task between two sub-committees. Was it expedient for these two sub-committees to get to work as quickly as possible for the purpose of examining the various aspects of the complex problems of the manufacture of and trade in arms? He thought that the Bureau of the Conference, which was directing the whole of the work of the various Commissions, might be asked to state what it considered should be the duties both of the Committee and of its two Sub-Committees in liaison with the work of other Commissions and Committees of the Conference.

Taking as a basis the Committee's report, he defined the principal questions which might be discussed by the members of the Bureau as follows:

(1) First, there were the important questions of the abolition and internationalisation of the private manufacture of arms and munitions of war. He would refer to the passage in the report (paragraph 2) which stated that:

"These delegations were not prepared to accept the radical proposals submitted, but were not opposed to their discussion in due course; they also considered that the General Commission should take certain decisions of principle before the questions of manufacture and trade in arms could be usefully studied by the Committee."

The Bureau of the Conference would therefore be called upon to state its views as to the best method of procedure, after considering, in accordance with the wishes of certain members of the Committee, whether the time had already come to broach these grave problems of principle and in what form they could most usefully be discussed with due regard for certain other decisions of principle which the Conference would have to take.

(2) Another problem on which divergent opinions were still held by the members of the Committee was that of supervision. In this connection the Rapporteur drew the Bureau's...
attention to paragraph 20 of his report. Without going into the details of a discussion which had at times been of a technical nature in view of the very special aspect of the problem of supervision in this domain, he would like to stress the following passage :

"Certain members were anxious to deal at once with the question of supervision which they regarded as their principal task, and pointed out that this procedure would be in conformity with the view expressed by M. Bourquin in reply to a letter on the subject from the Chairman of the Committee.

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

In the conclusions of the report, it was stated that it was desirable that the Committee should, before the resumption of its work, be in possession of :

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

Since the approval of his report by the Committee for the Regulation of the Trade in and the Manufacture of Arms, the Bureau had approved M. Bourquin's report (document Conf. D.148), paragraph 9 of Chapter III of which contained the following observation :

"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."

Personally, he agreed with the Chairman that the questions of supervision and the prohibition of chemical weapons were sufficiently advanced to make it unnecessary to hold up the work of the Committee on the Trade in and Manufacture of Arms. He had, nevertheless, considered it his duty to draw the Bureau's attention to the serious differences of opinion on this matter among the members of the Committee; certain delegations might possibly consider this question sufficiently ripe to enable certain aspects of the problem to be discussed by the Bureau itself.

(3) Opinions also differed as to the question of publicity, which presented several points of analogy with that of supervision (see paragraph 18 of the report).

M. Komarnicki concluded his general observations by drawing attention to the question of the connection which might be established between the provisions relating to the trade in and manufacture of arms and the future General Convention for the Limitation and Reduction of Armaments. This question had arisen several times during the deliberations of the Committee. It was a question, not only of the form of the legal instrument to be drawn up, but also of the unification of the methods to be applied to the various aspects of the problems connected with armaments. The Bureau might possibly consider it premature to deal with these questions at the present time, but it was the Rapporteur's duty to point out that certain important decisions would have to be taken by the Conference before the Committee could usefully complete its work on the regulation of the trade in, and private and State manufacture of, arms and implements of war. It was also his duty, without, however, taking a pessimistic view, to draw the Bureau's attention to the main difficulties which would have to be overcome in order to arrive at the necessary compromise between the different interests concerned, in an atmosphere of confidence and collaboration.

M. Westman (Sweden) said that Sweden was one of those States which possessed a rather important private armaments industry. Consequently, the problems with which the Bureau was at present dealing affected his country very closely. Sweden was conscious of her responsibilities, the gravity of which she did not overlook. Those responsibilities and those obligations were set forth in Articles 8 and 23 of the League Covenant, which constituted the starting-point of all the enquiries and discussions that had taken place in the League for many years past. As long ago as 1921, a report had been submitted by a Special Commission, in which the charges laid against the armaments industry were summarised. It could hardly be denied, after all that had been divulged since then, that the armaments industry of certain countries exercised, or endeavoured to exercise, at difficult moments a fatal influence on world events.

However, when efforts had been made to find the means of supervising private vested interests and to prevent the armaments industry from attempting to influence the policy of the various States, opinions had differed to a very marked degree. The report of the Special Committee, which the Bureau had before it, afforded a further proof of this. On various sides
opposition had been raised to the proposals to implement the stipulations of the Covenant by means of the nationalisation of the private armaments industry or by other effective methods of supervision. The armaments industry played an important part in the economic life of several countries and that industry had found to its satisfaction that its sales remained unaffected and plentiful even during periods of great economic depression.

It was true that, in 1925, it had been possible to draw up a Convention concerning the trade in arms. For lack of a sufficient number of ratifications it had never come into force. Sweden, however, had not waited for the entry into force of that Convention to carry out its provisions as far as she was concerned. A licensing system was, in fact, being applied in Sweden, which was in accordance with the stipulations of that Convention and which made it possible to exercise a certain supervision over exports of war material.

In this respect it was well to remember that the connection between the problem of the trade in arms and that of the manufacture of arms had already been affirmed in a formal declaration by the Conference which drew up the Convention. It had stated that the Convention concerning the trade in arms should be followed by another Convention providing for the supervision of the production of war material and for publicity in relation thereto. This latter Convention had never been signed.

In its resolution of July 23rd, 1932, the General Commission had decided to resume—through the Special Committee—the examination of the regulations to be applied to the trade in, and private and State manufacture of, arms and implements of war.

The report submitted to the Bureau explained the position of the work so far accomplished by that Committee. Many difficulties had arisen and the Committee had considered it advisable to bring the matter before the Bureau, to enable Governments not represented on the Committee to submit observations and suggestions, should they so desire.

He would like to point out that his Government had recently defined its attitude towards the manufacture of armaments. A few days ago the Swedish Government had decided to undertake a close study of the problems relating to the manufacture of arms and, in this connection, had made a declaration to the effect that Sweden was prepared to co-operate wholeheartedly in the attempts to establish an effective system for the supervision of the armaments industry on an international basis. If satisfactory proposals were submitted during the present Disarmament Conference, Sweden would support them. The Swedish Government had considered it advisable to take suitable measures without delay to enable the State to exercise complete supervision over the production of war material in Sweden. The fact that such measures might affect private interests should not be regarded as a decisive argument against the adoption of the measures required by a pacific policy consistently pursued.

The Swedish Government thought that the time had come to entrust the study of the problems connected with the manufacture of arms to a committee of experts. It would be the duty of those experts to consider to what extent and by what means the limitation of private production, which was desirable from the point of view of supervision, could be imposed. In this respect they should give special attention to the possibility and manner of establishing a Government monopoly. The enquiry should also cover the problem whether production with a view to export should not be limited for reasons of international policy—apart from the possible establishment of a Government monopoly. It was obvious that, in carrying out their work, the experts would bear in mind the importance from the point of view of national defence, of the production of war material in the country itself.

The declaration of which M. Westman had just given a summary showed that the Swedish Government had not thought fit to await the result of the present work of the Disarmament Conference in order to prepare the ground and to seek, as far as it was concerned, the means of carrying out in the most effective manner and without unnecessary delay the decisions to which the discussions in regard to the manufacture of arms, which had lasted too long, might eventually lead.

Mr. WILSON (United States of America) congratulated the Rapporteur on the way in which he had managed to throw light on a particularly difficult question. He reminded the Bureau that, up to the present, the United States Government had made reservations in regard to the first four articles of the draft Convention for constitutional reasons. Those reservations had now been withdrawn.

He proposed therefore now to explain in a little more detail the views of his Government regarding Articles 3 and 4 of the draft Convention of 1929. His Government was prepared favourably to consider similar provisions for the control of private manufacture of arms on the condition that like measures be established for the control and supervision of State manufacture and on condition that substantial measures of reduction were inserted in the Geneva Convention.

The suggestions made with regard to chemical warfare had shown the difficulty of first considering proposals for control and supervision based upon a single factor. This question should first be discussed as a whole by the Bureau or the General Commission, and, when the main outlines of a system of control had been defined, special provisions, if any were considered necessary, could then be discussed.

He would like to give an example to prove the necessity for more accurate publicity in regard to the trade in arms. Arms exports for 1932 had been put at 64 million dollars as
against imports amounting to only 52 millions, while exports in 1932 had been given as 55 million dollars and imports had been shown as only 49 millions. There was, therefore, a discrepancy of 20 per cent between the estimated exports and the estimated imports, showing a large degree of evaporation between the countries of origin and destination.

Mr. Eden (United Kingdom) also referred to the difficulty of the Rapporteur’s task. The question of the regulation of the trade in, and private and State manufacture of, arms and implements of war was one of the first importance, and he welcomed the opportunity which the presentation by M. Komarnicki of the Committee’s report gave for its discussion by the Bureau. He would like to make a few comments upon the general attitude of the United Kingdom Government on this matter.

He agreed in principle with the statements made by the delegate of the United States of America. Successive United Kingdom Governments had consistently maintained that, in any action which might be decided upon, it would be unjust to draw any distinction between the private and State manufacture of war material. The attitude of the United Kingdom Government had not changed in that respect; both must be treated alike. There were many reasons for this; the reason of equity was particularly clear. He would merely refer to the widely varying conditions, of which the members of the Bureau were aware, governing the manufacture of arms in different States. In some States the greater proportion—and this applied particularly to the United Kingdom—was private. In others the greater proportion was State manufacture. Yet other States had no resources whatever for the manufacture of war material and had to import their requirements from abroad. If there was to be regulation, and the United Kingdom delegation was of opinion this should exist, it was obvious that it could only be just and effective if it were applied to State and private manufacture alike.

The United Kingdom Government agreed emphatically in principle that private and State manufacture should be properly regulated. It had already on its own initiative taken certain important and, as it believed, effective measures, to secure the supervision of private manufacture. In 1920, as the result of certain experiences during the war and having in mind the reference made in Article 8 of the League Covenant to the private manufacture of arms, the United Kingdom Government had passed a Firearms Act (1920). The principal provisions of this Act as affecting arms manufacture were as follows:

(a) No one may manufacture, sell, repair or test firearms or ammunition unless he has been registered as authorised to do so.

(b) The Act provides for inspection of stocks and statutory registers by certain specified Government officials.

(c) Registration may be withdrawn under certain circumstances.

(d) A magistrate may order search, seizure and arrest and examination of books on sufficient occasion arising.

(e) The manufacture, sale or possession of any weapons designed for the discharge of any noxious liquid, gas, etc., is prohibited without Government authority.

In addition to the above provisions of the Firearms Act, it should be noted that, under the Board of Trade Regulations, firearms or ammunition could only be exported on licence, and such licences might be refused on any grounds which might seem sufficient to the Board of Trade.

He doubted whether any other country in the world—except possibly Sweden, according to the statement which had just been made—possessed at the present time regulations in the matter as elaborate as those from which he had quoted. The Bureau might possibly be interested to learn that these regulations had worked satisfactorily in all respects, and he ventured to suggest that they might be found useful as the basis of similar legislation elsewhere.

The United Kingdom Government had also been happy to assist in the drafting of the 1929 Convention, and, if it was generally accepted, they would be glad to see it applied. It was an important advantage of the 1929 Convention that it involved full publicity of private and State manufacture.

What was the work which the Special Committee might most usefully perform in the near future? In this connection it should, he thought, be remembered that a regime of full publicity for both private and State manufacture, combined with published statistics of exports and imports of arms, amounted in fact to full publicity for war material of all kinds. The Preparatory Commission for the Disarmament Conference had never been able to agree upon this. It might well be, however, that the Conference itself would, in the course of its deliberations, be able to reach an agreement which would modify the situation. He therefore suggested that it might be best to wait the outcome of the work of the Conference in this respect before seeking to make further progress with this particular branch of the Committee’s work.
There remained the question of trade in arms, to which the United Kingdom Government attached some importance. It had signed the 1925 Convention and would be prepared to consider the possibility of its improvement. Although it had signed that Convention, the United Kingdom Government had quite frankly made its ratification dependent upon ratification by the principal manufacturing countries. It had to be recognised, however, that, even if all those manufacturing countries did ratify, it would be impossible at the present time to secure the adherence of a large number of non-manufacturing countries which, with some justification, maintained that they would not submit their purchases of war material to full publicity whilst those of manufacturing States escaped such publicity. How, then, was it possible to meet that situation so that the 1925 Convention might come into force? It was partly in an attempt to meet this difficulty that the 1929 Convention had been drafted. If agreement on the lines of the 1929 Convention could be secured, as the United Kingdom delegation wished to see it secured, the special apprehensions of the smaller States would be allayed, and progress could perhaps be made. But it seemed that agreement on the lines of the 1925 Convention could not be achieved before the Conference had come to a decision as to full publicity for war materials of all kinds. The members of the Bureau would, he felt sure, agree that the Conference would not have fully completed its work until it had reached a satisfactory solution for the regulation of the trade in, and private and State manufacture of, arms.

M. Aubert (France) made the following remarks regarding the methods to be adopted.

On the question of the competence of the Special Committee, some delegations held the view that the Committee’s task should be confined to modifying as little as possible the 1925 and 1929 Conventions. Others were of opinion that these Conventions represented the maximum obtainable at the time when they were drawn up, but no longer corresponded to State as well as to private manufacture. It was difficult to imagine a State exercising super­vision over its own manufactures. Since that time the idea of international supervision had arisen, and progress could perhaps be made. But it seemed that agreement on the lines of the 1929 Convention could not be achieved before the Conference had come to a decision as to full publicity for war materials of all kinds. The members of the Bureau would, he felt sure, agree that the Conference would not have fully completed its work until it had reached a satisfactory solution for the regulation of the trade in, and private and State manufacture of, arms.

On the subject of supervision, certain delegations, among which was the French delegation, emphasised the fact that the axis of the whole machine was the supervision of the manufacture of arms. Other delegations had observed that this question had been submitted to the Bureau and the General Commission, and that it was therefore necessary for the Special Committee to await the decision of those bodies before examining it. It followed that certain methods of control which involved technical considerations had been regarded as unsuited for discussion by the Committee pending the decisions of the Bureau and the General Commission. This opinion had been supported by the delegations of the United States and the United Kingdom.

M. Aubert referred to the remark following in the second report submitted by M. Bourquin on November 14th, regarding supervision (document Conf.D.148):

"There is nothing . . . 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."

It would, he thought, be very difficult for the General Commission to take an effective decision on the general question of supervision, until it was acquainted with all the special requirements arising out of the individual methods of control suggested by the Technical Committees, since not all the various materials were equally susceptible of supervision. Supervision was not an end in itself, and would only be accepted by sovereign States if absolutely necessary and quite unavoidable. It was therefore important to urge the Special Committees to attack the problem at its heart and to consider it as a whole from the technical point of view.
M. Aubert therefore asked that the question should be sent back to the Special Committee as soon as possible, with a statement that this Committee should not regard itself as limited in any way by previous schemes which had been drawn up in entirely different circumstances.

M. Pedroso (Spain) gave his entire support to the French delegate’s statement, which was in agreement with that made by the representative of Spain on the Special Committee. M. Pedroso further wished to associate himself with the congratulations addressed to the Rapporteur, who had managed to make up a report out of nothing. The meetings of the Committee were, in his opinion, accurately described in the following passage of the report (document Conf.D.145):

“Other delegations, on the contrary, considered that it would be inexpedient to digress unduly from the texts of the Convention and of the draft Convention already framed after long effort. These delegations were not prepared to accept the radical proposals submitted, but were not opposed to their discussion in due course; they also considered that the General Commission should take certain decisions of principle before the questions of manufacture and trade in arms could be usefully studied by the Committee.”

It might be concluded that the question had not, in fact, been discussed by the Special Committee. The Committee’s terms of reference were, however, very wide. The General Commission’s resolution of July 23rd, 1932, stated that:

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

Nevertheless, the Committee now came before the Bureau with empty hands, saying that it had not sufficient powers to deal with the question. It was therefore clear that a mistake as regards method had been made at the very beginning, in taking as a basis for discussion the Conventions of 1925 and 1929, which was a sure means of achieving nothing. The 1929 Convention was more than modest; all it did was to provide for the granting of licences by Governments to their private arms manufacturers, and for the publicity of such manufactures. It could, moreover, be denounced. The Spanish delegation had in its proposals (document Conf.D.74) already expressed its opinion on this point, and its views were further set out in the minority report of 1924 quoted in the proposals submitted by M. de Zulueta at the Disarmament Conference. The Spanish delegation considered that the 1929 Convention was inadequate, because the supervision provided for therein was not international and did not extend to all manufacture of arms. Nor did it meet the requirements of the principle of limitation of manufacture and supervision of stocks. Should a producing State find it possible to evade the limitation provisions, the whole system erected by the Convention fell to the ground. The 1929 Convention was also inadequate in that the supervision which it set up was incomplete.

M. Pedroso concluded that the Bureau should take account of the 1924 minority report of the Preparatory Commission, which expressed the idea that the supervision of the manufacture of arms necessitated enquiry into the special problems associated therewith, and that these problems should be clearly defined. He supported the French delegate’s suggestion that the Bureau should not attempt to take any decision on this question in advance, but should, on the contrary, request the Special Committee to resume work as soon as possible, in order to be able to submit suggestions on which the Bureau would be able to base its decision.

General Burhardt-Bukacki (Poland) considered it his duty to contribute on behalf of his delegation to this important discussion. He hoped that it would bring to light certain common ideas which would help to guide the Committee on Trade in and Manufacture of Arms in its deliberations. All those present would recognise the great importance of the questions referred to this Committee for examination and would realise the dangers of unregulated trade in and manufacture of arms from both the moral and political points of view. It was therefore superfluous to seek arguments in favour of international action in this sphere, as members were already unanimous on the subject.

Differences of opinion immediately began to emerge when an attempt was made to ascertain the means by which the international community might effectively take action for the elimination of the dangers inherent in such trade and manufacture. To judge by the Committee’s report, certain delegations would prefer cautious and moderate measures intended to circumscribe the evil without causing any radical alteration in the present state of affairs. General Burhardt-Bukacki did not consider that such a course would be sufficiently effective. The evil was so serious and so pregnant with danger that the Polish delegation felt bound to support those delegations that were pronouncing measures which, though unquestionably more thoroughgoing, at least made it possible to look forward to palpable results. In his opinion, the least hazardous method of action, and the safeguarding of international order and peace. In this question of manufacture, and especially private manufacture, of arms, as in that of trade in arms, it was in his opinion peace itself which was at stake. There should therefore be no hesitation. The Conference must act, and act energetically.

Proposals had been made for the total eradication of the evil by the abolition of private manufacture. The Polish delegation had, from the beginning, supported this suggestion, which would afford the most complete solution of the problem. If, however, it could not for the
moment win unanimous approval, if it could only be applied by stages, Poland would support the most stringent measures for the international regulation of the trade and manufacture in question. Regulation should, of course, also apply to State manufacture; it might, however, be stricter in the case of private trade and industry.

It would also appear that the system of regulation applied to trade in arms should resemble that to be applied to manufacture. This would be the only means of lessening the inequality which, in fact, existed between manufacturing countries and importing countries. If the importation of arms was to be subject to strict international supervision, manufacture should be supervised to the same extent as, in certain countries, the part played by the importation of arms in the scheme of national defence was comparable to that of manufacture in others. Both, indeed, allowed of the constitution and renewal of the stocks which were indispensable for the purpose of preparing national defence against foreign aggression. There would, therefore, be no justification for not treating importing and manufacturing countries on a footing of complete equality.

In this connection, General Burhardt-Bukacki added, in reply to Mr. Wilson’s remarks on the striking discrepancies in the statistics for the export and import of arms, that such discrepancies were due to the fact that exporting countries were better organised than the importing countries, and were therefore able to supply fuller statistics.

The statement that manufacture of and trade in arms played an important part in the constitution and renewal of stocks led him to stress the close connection between the Convention on the Limitation and Reduction of Armaments and the international instruments regulating the manufacture of and trade in arms. This connection was so obvious and so close that he could not conceive how any system of conventions and agreements could issue from the Conference unless it included also an agreement on this particular question. The Polish delegation considered that the regulation of trade in and manufacture of arms should form an integral part of the Disarmament Conference’s work.

It was, he thought, unnecessary to dwell upon the fact that publicity would not in itself suffice to ensure effective regulation. It must necessarily be reinforced by strict international supervision, which was the only means of eliminating risks. After the important discussions which had taken place in the Bureau on M. Bourquin’s report, the adoption of effective measures of supervision in regard to trade in and manufacture of arms could scarcely be expected to encounter serious difficulties. The Bureau had unanimously acknowledged the value of international supervision of armaments and the measures which it proposed for the practical operation of such supervision were very far-reaching. It would be sufficient that these general measures should be extended to the subject under consideration, provided that they were supplemented, if necessary, by other measures appropriate to the special conditions of trade in and manufacture of arms. Without going into details, General Burhardt-Bukacki drew attention, in passing, to the possibility of taking advantage in this connection of the local investigations of which the Bureau had approved as a means of general supervision.

The Polish delegation supported the suggestion put forward by various other delegations that, in the Conventions on trade in and manufacture of arms, a special section should be devoted to chemical weapons. As the use of such weapons was prohibited, it would appear impossible to deny the necessity of subjecting trade in and manufacture of all preparations and appliances capable of use in chemical warfare to international supervision.

A further problem which deserved consideration by the Bureau was whether the convention on trade in and manufacture of arms should not be suspended in favour of any State victim of an aggression and all States prepared to assist it. This question should be carefully examined in connection, of course, with the more general problem of security.

In order to leave no doubt as to his delegation’s attitude regarding the methods to be employed in dealing with trade in and manufacture of arms, General Burhardt-Bukacki added that he favoured taking as a basis for discussion the various texts already in existence—that was to say, the 1925 Convention on Trade and the 1929 draft Convention on Manufacture. These texts, however, should be remodelled and reinforced by measures of a more radical and more effective character than those—notoriously inadequate—for which the two agreements at present provided.

Captain RUSPOLI (Italy) stated that, in general, the Italian delegation agreed with what had been said by the representatives of the United States of America and the United Kingdom. The question of the regulation of trade in, and private and State manufacture of, arms and implements of war had been under consideration for fourteen years. In 1919, it had been dealt with in the Convention of St. Germain. In 1925, a new Convention had been elaborated, but had not obtained the number of ratifications required for its entry into force, as the non-producing countries were unwilling to place themselves in a position of inferiority as compared with producing countries in respect of the publicity to be given to purchases of war material.

In 1929, a draft Convention had been prepared for the supervision of private manufacture and publicity in regard to the manufacture of arms, ammunition and implements of war. Nothing, however, had come of it for the reasons explained in connection with Article 5 of the 1929 draft Convention, where it is stated that “the Czechoslovak, French, Italian, Polish and Roumanian delegations could not accept the second paragraph of Article 5 (relative to the extension of publicity to material manufactured in State establishments). They consider, together with the Belgian delegation, that publicity in regard to State manufacture could only be determined in connection with the decisions to be taken by the Preparatory Commission for
the Disarmament Conference concerning publicity of material in pursuance of its resolution of May 4th, 1929." The Special Committee's report had been examined on May 20th, 1931, by the League Council, which had taken the following decision:

"The Council,
In consideration of the reasons set forth in the present report:
Decides to request the President of the Special Commission to defer convening that Commission until after the settlement of the question of publicity in regard to implements of war by the General Disarmament Conference."

The reason why these fourteen years of endeavour had yielded no results appeared to Captain Ruspoli to be that the cart had been placed before the horse and that an endeavour had been made to deal with secondary questions before solving the main problem. That was why the Italian delegation supported the view expressed by the United States and United Kingdom delegations regarding procedure. The 1925 Convention as it stood would have, indeed, sufficed to secure the application of Articles 23 and 8 of the Covenant, but any provisions regulating the question of supervision of trade in, and private and State manufacture of, arms and implements of war must be complementary to a general Disarmament Convention. Such being the case, the only effective method was to wait until the Conference had reached a stage in which the application of quantitative and qualitative measures of limitation to all classes of armaments could be regarded as assured. At the present stage, the division of armaments into categories and sub-categories had been prompted more especially by Customs considerations and not by considerations of armament limitation. If a different system of limitation were to be applied to the different categories, the various numerical specifications relating thereto would have to appear in the text of the Convention itself.

The Italian delegation therefore considered that it would be prudent to defer the final drafting of those articles of the Convention which dealt with trade in and manufacture of arms, pending the General Commission's decision on all the related problems at present under discussion.

M. Leitmaier (Austria) said that, in regard to armaments, Austria was one of the countries bound by the Peace Treaties. The question which she had to consider was whether effects a decision by the Conference to grant legal equality to such countries would produce on the trade in and manufacture of arms. In the absence of instructions from his Government on this subject—and M. Leitmaier did not think it had as yet examined the question—he would prefer to reserve Austria's right to state her point of view at some later stage in the proceedings.

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M. Sato (Japan) said that, in principle, the Japanese delegation accepted the conclusions submitted by the Rapporteur. He felt bound, however, to stress paragraph III(c) of the Rapporteur's conclusions, which stated:

"...that it was already clear that the proposals which the Committee would have to submit regarding the regulation of the manufacture of arms would differ from the draft Convention framed by the Special Commission in 1929."

He realised that, in certain respects, the 1929 draft was incomplete. The Special Committee could, however, examine it and consider possible ways of modifying or improving it. M. Sato would accept such a procedure. It might, on the other hand, be wondered whether the paragraph which he had just read meant that the 1929 draft should be condemned offhand. That was a view which M. Sato would find it somewhat difficult to share. Moreover, he was unwilling to believe that such was the opinion of the Rapporteur and of the Bureau. In spite of its imperfections, the 1929 draft, which had been drawn up as the outcome of several years' arduous preparation, represented the utmost that a Convention could achieve. Hence M. Sato's insistence that this draft should be taken as a basis of discussion and should not be scrapped in advance. It only needed supplementing.

The same objections had been raised against the 1925 Convention. M. Sato hardly felt able to dwell on that point, since Japan, though it had signed the 1925 Convention, had not ratified it. That meant that it was indifferent as to whether the Conference decided to revise it. In this connection, M. Sato thought it his duty to point out that Japan would never rank among the great arms-exporting countries, a fact which made its attitude of indifference on this point still more comprehensible. Should the Conference think fit to bring the Conventions relative to trade in arms and private manufacture into harmony with one another, he would accept such a suggestion in advance.

The question of equality of treatment between State and private manufacture appeared to him extremely complicated, especially if an attempt were made to ensure equality of treatment between producing and non-producing countries. He was still of opinion that State manufacture differed from private manufacture and that, in consequence, it should not be subject to the same treatment. That point of view had been frequently expressed at the 1929 Conference, at which M. Sato had himself been present. As at the present Conference, Japan had always been of opinion that, in the very nature of things, State manufacture was already subjected to effective supervision. It was, indeed, given full consideration during the framing of budgets and during the budgetary discussions in Parliaments, etc. There was nothing at all comparable in respect of private manufacture, and it was for that reason that the issue of licences, publicity in regard to manufacture, etc., had been contemplated. The only result of insistence upon equality of treatment would be to add to these objections. There were, moreover, in this connection, essential differences between the various countries. Some
possessed only private manufactures; others only State factories; while in others, again, both systems were practised. Japan was one of those countries where the manufacture of arms was exclusively in the hands of the State. If the arguments in regard to supervision were to be carried to their logical conclusion, he would be entitled to request that regulation of manufacture should be confined to private manufacture. M. Sato would not lay undue emphasis on this point; he even declared himself in favour of a certain measure of regulation of State manufacture.

As opinions were divided on this point, and as these opinions made it clear that it was impossible to contemplate subjecting State manufacture to supervision as strict as that to be applied to private manufacture, M. Sato stated that, if the Conference were to pronounce in favour of equality of treatment, he would support a system of regulation giving due weight to special circumstances and so conceived that States would be able to submit to it.

Finally, M. Sato assured the Rapporteur that Japan would wholeheartedly co-operate in the work of the Sub-Committees of the Committee for the Regulation of the Trade in, and Private and State Manufacture of, Arms and Implements of War; it would sincerely strive to discover a basis for agreement which would make it possible to apply a system of regulation both to State and private manufacture, provided always that State manufacture was not subjected to any undue limitation or supervision.

The CHAIRMAN drew the Rapporteur's attention to the statements made by certain delegates regarding the precedence taken by general interests—in this case, the State—over private interests; that was to say, private manufacturers. He further drew attention to the provisions of Article 8 of the Covenant, which he read. He added that it would appear that this article should be taken by the Committee as the guiding principle in its work.

As regards publicity, State manufacture should, in his opinion, be placed upon the same footing as private manufacture. Incomplete armament statistics would militate against any Convention designed to bring about disarmament. It would, on the other hand, be unjust to subject non-producing States to a system of publicity from which the producing States would be exempt.

The Chairman finally reminded the Rapporteur that the members of the Special Committee were free to submit any proposal—however bold in appearance—within their terms of reference, and that, in consequence, they should not allow themselves to be limited by the 1925 and 1929 Conventions.

The Bureau appeared to be of opinion that any agreement on trade in and manufacture of arms should form part of the General Convention and be incorporated in the same instrument.

The Chairman expressed the hope that the Special Committee would soon be in a position to put forward proposals. He urged the Rapporteur to remind the Committee that it was entirely free to propose any measures of supervision it thought desirable.

The Chairman further proposed that the Rapporteur should distribute to the members of the Bureau a summary of the points on which the Special Committee was to be consulted. The Bureau would examine this document at its next meeting on Tuesday, November 22nd.

THIRTY-FIRST MEETING

Held on Tuesday, November 22nd, 1932, at 4 p.m.

Chairman: Mr. HENDERSON.

40. Regulation of the Trade in, and Private and State Manufacture of, Arms and Implements of War: Examination and Adoption of the Draft Resolution submitted by M. Komarnicki (Poland).

M. Komarnicki (Poland), Rapporteur, thanked his colleagues for their appreciative references to his report (document Conf.D.145). At the Bureau's previous meeting, he had been glad to hear several important statements with regard to the work of the Committee for the Regulation of the Trade in, and Private and State Manufacture of, Arms and Implements of War. Nothing in his opinion could be more harmful to the work of disarmament than silence, and the Committee of which he was Rapporteur had suffered a great deal therefrom.

From the different statements made on November 18th, M. Komarnicki had found it possible to pick out certain points which he ventured to submit to the Bureau's approval in the form of a resolution. This draft resolution aimed at creating a more solid basis for the forthcoming discussions of the Committee and Sub-Committees. This had been rendered possible by the statements made before the Bureau, of which the resolution was merely a synthesis. It simply...
contained a few guiding principles for the Committee and left the delegations free to pronounce on the results achieved by the Committee as its work progressed. The draft resolution read as follows:

"The Bureau of the Conference,

"Having taken cognisance of the report of the Rapporteur of the Committee for the Regulation of the Trade in, and Private and State Manufacture of, Arms and Implements of War and having heard the proposals and comments made by the various delegations at the Bureau's meeting on November 18th:

"Approves the Committee's report and the methods of work adopted by it;

"(1) Requests the Committee and its Sub-Committees to resume work as quickly as possible in order that the Bureau may at the earliest possible moment have at its disposal all the necessary factors to enable it to submit to the Conference the proposals provided for in the General Commission's resolution of July 23rd;

"(2) Considers that the Committee has been entrusted with the examination of all the aspects of the problem of the regulation of the trade in and manufacture of arms, but that it must choose a practical method of work on the basis of the declarations made at the Bureau's meeting on November 18th;

"(3) Considers that it is already agreed that the provisions relating to the trade in and manufacture of arms and implements of war shall be included in the same legal instrument as the Convention for the Reduction and Limitation of Armaments;

"(4) Requests the Committee to examine in what conditions equality of treatment may be attained:

"(a) Between producing and non-producing countries;

"(b) Between the different contracting countries, special zones, etc.;

"(c) Between State manufacture and private manufacture.

"(5) In accordance with M. Bourquin's report approved by the Bureau, the latter invites the Committee to examine the technical procedure required for the application of international supervision to the trade in and manufacture of arms.

"(6) As regards the Committee's conclusions concerning the questions of the limitation of, and publicity in regard to, war material, the Bureau considers that any final decision as regards these questions should be postponed until appropriate solutions have been reached by the competent organs of the Conference.

"(7) The Bureau draws the Committee's attention to the desirability of collecting the necessary documentation with regard to the licence systems adopted by the different countries and of studying the possibility of framing an international licence system."

M. Komarnicki commented briefly on the text of the resolution. It contained first an invitation to the Committee and its organs to resume work as quickly as possible. The Bureau here recognised the importance of the Committee's task within the framework of the Conference's work. This circumstance was still more emphasised by the decision contained in paragraph 3, according to which "it is already agreed that the provisions relating to the trade in and manufacture of arms and implements of war shall be included in the same legal instrument as the Convention for the Reduction and Limitation of Armaments."

Paragraph 2 of the draft resolution dispelled certain doubts which might have arisen as regards the Committee's terms of reference. The Committee was at the same time recommended to adopt a practical method of work, since it was called upon to examine only concrete proposals connected with the manufacture of and trade in arms and must not lose time over general considerations.

Paragraph 4 referred to the problem of equality of treatment. This paragraph raised a whole series of particularly delicate questions, and the orientation of the Committee's work would depend on decisions taken by the higher organs of the Conference. The particular question of equality between producing and non-producing countries could not be dealt with independently of the measures which would be adopted as regards the different aspects of the problem of manufacture and trade. In connection with point (c) of paragraph 4, the Rapporteur wished to recall paragraph 7 of the Committee's report, which contained the following passage:

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

The positions of the different delegations still remained the same, and it would be necessary in the course of the technical work, to find certain formulae taking into account the legitimate interests of all the Powers.

As regards paragraph 5 the word "supervision" should be interpreted in the widest possible sense, and delegations could here discuss all forms of supervision, provided that they did so from the point of view of practical solutions.
The Rapporteur appreciated the preoccupations of those delegations which had proposed certain methods in regard to the examination of the limitation of, and publicity in regard to, war material. For practical reasons, in order not to delay the Committee’s work, it had been decided "that any final decision as regards these questions should be postponed until appropriate solutions have been reached by the competent organs of the Conference."

During the discussion, very interesting statements had been heard with regard to the licence systems adopted by different countries. The Rapporteur thought that it would perhaps be useful, in accordance with the suggestions which had been made, to study these different licence systems and then to examine, in the light of the experience acquired by certain countries, the possibility of framing an international licence system so insistently demanded by certain delegations.

The Rapporteur’s aim had been to find a ground for agreement and to encourage the Committee’s work by a few decisions based on the statements made by the delegations on November 18th. It would no doubt be remarked that the resolution related rather to questions of method and procedure than to the essence of the problem. As M. Komarnicki had said in his previous speech, certain important decisions would have to be taken by the Conference before the Committee could usefully close its work on the regulation of trade in, and private manufacture of, arms and implements of war. He had emphasised in this connection how much easier it was to secure a solution.

It was possible that circumstances would make it necessary to frame separate conventions. Moreover, circumstances would make it necessary to frame separate conventions. Therefore, it was possible that circumstances would make it necessary to frame separate conventions. The Rapporteur thought that it would perhaps be admissible to agree to this decision. He had certain doubts, however, as regards paragraph 3. The idea embodied therein was an admissible one, but he did not remember its having been discussed thoroughly in the Bureau or any decision having been taken such as that recorded by the Rapporteur. It was possible that circumstances would make it necessary to frame separate conventions. He therefore hoped that the decision contemplated in paragraph 3 was not absolute and that the Bureau could reserve the possibility of framing special conventions for the trade in arms and implements of war. The time had perhaps not yet come to define the attitude of each delegation as regards the substance of the problem. It was consequently to be anticipated that the Committee would again be obliged in the course of its work to lay before the Bureau or the General Commission certain questions requiring a solution.

Mr. Cadogan (United Kingdom) had no objection to the draft resolution submitted by the Rapporteur. He had certain doubts, however, as regards paragraph 3. The idea embodied therein was an admissible one, but he did not remember its having been discussed thoroughly in the Bureau or any decision having been taken such as that recorded by the Rapporteur. It was possible that circumstances would make it necessary to frame separate conventions. He therefore hoped that the decision contemplated in paragraph 3 was not absolute and that the Bureau could reserve the possibility of framing special conventions for the trade in arms and implements of war. He therefore hoped that the decision contemplated in paragraph 3 was not absolute and that the Bureau could reserve the possibility of framing special conventions.

Apart from this remark, the Italian delegation had no difficulty in accepting the draft resolution submitted by the Rapporteur, who had succeeded in reconciling the different opinions very skilfully.

M. De Madariaga (Spain) associated himself with the tribute paid to M. Komarnicki’s draft resolution, but regretted that this draft was perhaps not all that might have been hoped for at such an advanced stage of the Conference, especially if it were considered that the question had been under discussion for ten years.

Mr. Cadogan’s and M. Rosso’s observations related to a question of substance. Mr. Cadogan asked that the clause contained in paragraph 3 should be made less absolute, while M. Rosso asked that paragraph 5 of the draft resolution entirely fitted in with the idea of M. Bourquin’s report. He thought that this paragraph prejudged the substance of the question. He would have preferred to say:

"... invites the Committee to examine whether, for the application of international supervision to the trade in and manufacture of arms, it would be advisable to consider other procedures better suited to the technical characteristics of the subject."

Apart from this remark, the Italian delegation had no difficulty in accepting the draft resolution submitted by the Rapporteur, who had succeeded in reconciling the different opinions very skilfully.

If it were proposed to have two conventions and to modify the general system of supervision in the case of the trade in and manufacture of arms, it was to be feared that such supervision would not yield the advantages expected of it, advantages which arose partly from the fact that the whole matter would be concentrated in the same hands. Such a provision would weaken the instrument itself, for it was essential that all supervision should be in the hands of the Disarmament Commission, it being understood that the latter’s procedure would be adapted to the different objects of supervision.
In M. Bourquin's report it was also stated in paragraph 38 that:

"The means of supervision which have just been reviewed, and on which the Bureau will have to pronounce without delay, do not necessarily exhaust the possibilities. It is, indeed, quite conceivable that the examination of a special question such as that of chemical and bacteriological warfare, that of the manufacture of and trade in arms, that of limitation of national defence expenditure, etc., will subsequently reveal the desirability of resorting in such matters to other methods of verification more in keeping with their special technical aspects.

"It would appear essential that, when coming to a decision on the suggestions at present before it, the Bureau should make due provision for such a possibility."

M. de Madariaga hoped that it was agreed that, while special methods of supervision might always be provided for, the general system of supervision would be preserved intact, and he asked whether Mr. Cadogan and M. Rosso could not see their way to accept M. Komarnicki's draft resolution as it stood; it did not perhaps satisfy everybody, but, in regard to it, the spirit of mutual concession by which the whole Disarmament Conference was guided was equally necessary.

M. Rosso (Italy) agreed with M. de Madariaga that the intention was to retain the greatest possible unity in the general system of supervision. He nevertheless pointed out that, in his report, M. Bourquin had adumbrated the possibility of introducing special forms of supervision, and the suggestion which M. Rosso had made with regard to the drafting of paragraph 5 aimed at securing a more accurate representation of the facts. The question whether it would be necessary to resort to special forms of supervision remained an open one, and it must not be prejudged. It was possible that an agreement might be reached on a general form of supervision, but it might also be found necessary to provide for special forms in order to adjust supervision to the technical characteristics of the subject. There was therefore only a shade of difference between his view and M. de Madariaga's.

M. DE MADARIAGA (Spain) did not think it possible, without breaking the unity of supervision, to provide for other procedures than those envisaged by the Rapporteur of the Committee on Supervision. He proposed the following wording for paragraph 5 of the draft resolution:

"... consider whether, within the general framework of supervision already adopted by the Bureau, it is necessary to provide a technical procedure better adapted to the international supervision of the trade in and manufacture of arms."

M. KOMARNICKI (Poland), Rapporteur, replying first to Mr. Cadogan, said that the provision contained in paragraph 3, which he had criticised, in no way prejudged the ultimate decision of the Bureau and the General Commission. He had wished to make it clear that the agreements regarding the supervision of the trade in and manufacture of arms and implements of war would form a whole together with the General Convention for the Reduction and Limitation of Armaments—that was to say, that all these texts would be prepared by the Disarmament Conference.

As regards paragraph 5, he recalled a passage in his speech in which he had recognised that any delegation could discuss the methods of the supervision to be exercised, provided a practical standpoint was adopted. In his opinion, there was not much difference between the points of view of M. de Madariaga and M. Rosso; for his part, he would accept the formula proposed by M. de Madariaga and he hoped that M. Rosso also would accept it.

Mr. CADOGAN (United Kingdom) had not intended to raise any objection against the draft resolution submitted by the Rapporteur. He stated that, in the light of the remarks made by the Chairman and the Rapporteur, he did not wish to press the point.

The draft resolution was approved, with the amendment suggested by M. de Madariaga.

41. Air Forces: Examination and Adoption of the Report submitted by M. de Madariaga (Spain).

M. DE MADARIAGA (Spain), Rapporteur, said that, while he had associated himself with pleasure with the tributes paid to the Rapporteur on the previous question, he would have some hesitation, as delegate of Spain, in congratulating the Rapporteur on the question of air forces.

Personally, he was not very pleased with his report (document Conf.D.141), which bore traces of the concessions he had had to make in a spirit of conciliation. Taking the strict point of view of peace and disarmament, he did not think that any other formula was possible than the complete abolition of military aviation and air bombardment. The report, however, did not go so far as he would have wished, for reasons which were easy to understand.

M. de Madariaga then referred to the contents of the resolution adopted by the General Commission on July 23rd, 1932, and said that, after various consultations, he had been led to propose a procedure differing from that which had hitherto been followed, and which had shown itself to be rather cumbersome, having been made still more cumbersome by the
knowledge, sometimes excessive, of the experts. He therefore suggested that the Air Committee, which it was proposed to create, should be composed of persons with political responsibilities and not of experts, in order that some such conclusions as that proposed in his report might be reached.

Experience had shown that, in this sphere, everything was possible, given the will to do it. It was therefore essential to examine and decide what it was intended to do and to open negotiations to that end. The Conference had already had several laid before it, notably the very complete plan submitted by the French delegation, and M. de Madariaga wondered if it would not be preferable, before summoning an Air Committee, to decide in the Bureau either by negotiation or by discussion, what exactly it was desired to do, without, however, going into details. The Bureau would merely decide what it thought it possible to accomplish, leaving it to the Committee to work out the details.

Mr. Wilson (United States of America) drew attention to a difference in the use of the word "characteristics" in the General Commission's resolution of July 23rd, and in M. de Madariaga's report, which was liable to create a certain ambiguity.

He also pointed out that the resolution of July 23rd provided for a regional regulation of civil aviation in certain cases, a point which the Rapporteur seemed to have omitted in his report.

M. De Madariaga (Spain), Rapporteur, said that the difference mentioned by Mr. Wilson did not exist in the French text, and could therefore be easily rectified.

As regards the regional regulation of civil aviation referred to as a possibility in sub-paragraph (b) of the paragraph of the General Commission's resolution of July 23rd, relating to air forces, he had omitted to mention it through inadvertence, and the report could be altered so as to take it into account. He added that, when reference was made to "certain aircraft", this naturally referred to certain categories of aircraft to which the international regime would not apply in the few regions where this regime was not suitable.

M. de Madariaga's report was approved, subject to the amendments which the Rapporteur had mentioned.

The Chairman requested the members of the Bureau to inform him of the names of the delegates they wished to sit on the Air Committee. This Committee would report to the Bureau.

THIRTY-SECOND MEETING (PRIVATE)

Held on Tuesday, December 13th, 1932, at 10.30 a.m.

Chairman: Mr. Henderson.


The Chairman explained that, in accordance with precedent, he had, after consulting the officers of the Bureau, thought it preferable to keep strictly private the present meeting at which the questions relating to the resumption of the discussions of the Conference were to be discussed.

He would, however, first read the text of the agreement arrived at between the representatives of the German, United Kingdom, French, Italian and the United States Governments, as a result of the conversations which had taken place between them the previous week under the presidency of Mr. Macdonald:

"I. The Governments of the United Kingdom, France and Italy have declared that one of the principles that should guide the Conference for the Reduction and Limitation of Armaments should be the grant to Germany, and to the other Powers disarmed by Treaty, of equality of rights in a system which would provide security for all nations, and that this principle should find itself embodied in the Convention containing the conclusions of the Conference for the Reduction and Limitation of Armaments.

"This Declaration implies that the respective limitations of the armaments of all States should be included in the proposed Disarmament Convention. It is clearly understood that the methods of application of such equality of rights will be discussed by the Conference."
2. On the basis of this Declaration, Germany has signified its willingness to resume its place at the Conference for the Reduction and Limitation of Armaments.

3. The Governments of the United Kingdom, France, Germany and Italy are ready to join in a solemn reaffirmation to be made by all European States that they will not in any circumstances attempt to resolve any present or future differences between the signatories by resort to force. This shall be done without prejudice to fuller discussions on the question of security.

4. The five Governments of the United States of America, the United Kingdom, France, Germany and Italy declare that they are resolved to co-operate in the Conference with the other States there represented in seeking without delay to work out a Convention which shall effect a substantial reduction and a limitation of armaments, with provision for future revision with a view to further reduction.”

On Sunday last at noon, he had been invited to meet those who had been taking part in the conversations. The British Prime Minister, as Chairman of the conversations, then handed to him the original English text of the agreement which he had just read. This text, which bore the signatures of the representatives of the five countries, was officially before the Conference, and the original English copy of it was deposited with the Registry of the League of Nations. That agreement would have to be taken into consideration in determining the future work of the Conference.

The Chairman stated further that, when handing him the document in question, Mr. Macdonald had informed him that the representatives of the Powers participating in the conversations were unanimously of opinion that the President of the Conference should be associated with their subsequent conversations. Mr. Henderson had replied that, subject to the approval of the Bureaux, he was prepared to accept that invitation, and he hoped he would have the approval of his colleagues.

The above suggestion was approved.

The Chairman discussed the attitude which, in view of the Five-Power Agreement, should be adopted at the meeting of the General Commission to be held the next day. He proposed to submit the following draft resolution to the General Commission:

“The General Commission of the Conference for the Reduction and Limitation of Armaments, taking note of the conclusions reached in the conversations of the Five Powers as stated in the document handed by the British Prime Minister to the President of the Conference and reported to this Commission to-day:

“(1) Expresses its thanks to the British Prime Minister and his co-signatories for the success of their efforts, which have resulted in a notable contribution to the work of the Conference;

“(2) Welcomes the declaration that the five Powers are resolved to co-operate in the Conference with the other States represented in seeking without delay to work out a Convention which shall effect a substantial reduction and a limitation of armaments with provision for future revision with a view to further reduction.”

The Chairman thought that, after the meeting of the General Commission on the following day, it would be possible to break off the work of the Bureaux until January 23rd, 1933. The reports of certain Committees were not yet terminated—in particular, that of the National Defence Expenditure Commission. The report of the Committee on Supervision and most likely the report of the Committee on Chemical and Bacterial Warfare might be examined by the Bureaux when it resumed work. The report of the Committee on the Trade in and Manufacture of Arms could probably be examined next. As for the Committee on Effectives, he did not think that it would be able to advance much without receiving from the Bureaux fresh instructions based on the Five-Power Agreement just read. He hoped it would also be possible shortly to resume the discussion on the report of the Air Commission, which had been suspended for reasons known to all members of the Bureaux. He concluded that the Bureaux would have enough material completed to be able to resume its discussions on January 23rd, which would permit the General Commission to meet a week later, on January 31st, 1933. He was persuaded that all the members of the Bureaux were, like himself, convinced of the necessity of finding the most effective and rapid method of arriving at last at the actual drafting of the Convention. The material was there; what still had to be found was some method of co-ordinating that material into articles suitable for incorporation in the Convention. That was the object which members must bear in mind, if they did not wish the Conference to follow the example of the Preparatory Commission and to spend years on the preparation of a text.

M. MASSIGLI (France) said he was perfectly prepared to agree to the decisions which the majority of the Bureaux would take, but desired to point out that the dates suggested by the Chairman for the convocation of the Bureaux and the General Commission seemed to him rather far off. He understood that many of the members of Governments participating in
the Conference found it necessary to return home and spend some time there at that season of the year. He wondered, however, whether, by adjourning the resumption of the Bureau's work until January 23rd, there was not a risk of seriously retarding the meetings of the General Commission.

The Bureau was now faced with a double task—the termination of the enquiries made on the strength of the resolution of January 23rd, 1932, and the adoption of measures calculated to give to the Conference a new impetus, the need of which had been emphasised by the Chairman. The various reports from the Committees must therefore be examined first, and he was not sure that this work could be finished in a week.

The French Government would like to know as soon as possible what reception the Conference would give to the plan it had submitted on November 14th, 1932, and which, in the French delegation's view, was connected with the signature affixed by the French representative to the document read by the Chairman at the beginning of the meeting. As the examination by the Bureau of the reports of the Committees would be protracted, there was some reason to fear that, if the first task of the General Commission was to take a decision on those reports, the French plan would not be discussed by the General Commission for several days after its convocation.

There was, therefore, a risk that this discussion would be adjourned until the middle of February, which, in M. Massigli's opinion, was rather late, if it were desired to speed up the Conference's work. For that reason, while quite ready to fall in with the decision taken by the majority of his colleagues, he requested that the Bureau should resume work before January 23rd.

The CHAIRMAN said that M. Massigli would considerably assist the members of the Bureau and himself in coming to an opinion, if he would explain exactly what kind of discussion of the French plan was desired by the French Government. Was it a discussion similar to that of the Hoover plan in the General Commission, or a discussion chapter by chapter? There was a considerable difference between the two procedures.

M. MASSIGLI (France) replied that his Government desired, in the first place, to be able, during a general discussion, to give the necessary explanations on certain points in the French plan which had been misunderstood and to give occasion for requests for explanations on other points. Later, and when it had seen what reception the French memorandum would receive in the General Commission, it would like agreement to be reached as to the best procedure for the discussion of the various parts of the plan.

The CHAIRMAN thanked M. Massigli for his explanations, which enabled him to form an opinion as to the procedure desired by the French Government. With regard to the fears expressed by M. Massigli, he pointed out that the agenda of the General Commission was prepared by the Bureau. He saw nothing to prevent the discussion of the French plan being placed on the agenda of the General Commission's first meeting.

The most advanced report at present was that of the Committee on Supervision. On several occasions the Conference had been accused of putting the cart before the horse and of contemplating supervision and control without knowing what methods would be adopted for ensuring them. He saw no objection to postponing the examination of that report until after the discussion of the French plan. After the examination of the report on chemical and bacterial warfare, the texts adopted would have to be referred to the Legal Committee to be entrusted with the preparation of a final text for embodiment in the Convention. He did not regard the examination of that report as so urgent as to debar acceptance of M. Massigli's request.

M. MASSIGLI (France) said that the Chairman's explanations satisfied him, as they gave him the assurance that the discussion of the French plan would not be postponed. He had feared lest the postponement of that discussion might involve fresh delays in the Conference's work, which could not progress until the memorandum had been discussed in the General Commission.

M. DE MADARIAGA (Spain), speaking as Rapporteur of the Air Commission, said that he thought it desirable that, during the period preceding the resumption of the work of the Conference, the countries primarily interested in air questions should get into touch with one another with a view to arriving at an agreement which would allow of the resumption, as soon as possible, of the examination of those questions which were inevitably held up in the absence of agreements of principle between the nations mainly concerned with regard to the questions stressed by him in his report.

The CHAIRMAN explained that the Bureau was not fixing the dates of the meetings of the various Committees. It was leaving that to the Chairmen of the respective Committees. He would only ask the Bureau to fix the date of its next meeting and of the next meeting of the General Commission, but it was still possible for the various Committees to continue to meet after the Bureau had terminated its work for the year and to resume their meetings before the Bureau met again. That would help considerably to speed up the work.