to keep up the level of armaments. The United States Government was not unaware of the
difficulties which lay in the way of the reduction in armaments at the present Conference. It was
its very detachment from that situation which gave it hope that it might exert a helpful
influence towards the realisation of the common objective. But it was prepared to aid in
other ways than through exerting its influence, and Mr. Davis would take the present oppor-
tunity to show what the United States of America were prepared to do.

As regarded the level of armaments, the United States were prepared to go as far as the
other States in the way of reduction. His Government felt that the ultimate objective should be
to reduce armaments approximately to the level established by the peace treaties—that was
to say, to bring armaments as soon as possible through successive stages down to the basis of a
domestic police force.

As emphasised by President Roosevelt, the United States of America were prepared to join
other nations in abolishing weapons of an aggressive character which were not only the most
costly to construct and maintain, but at the same time those most likely to lead to a sudden
breach of the peace. To cut the power of offence and remove the threat of surprise attack would
do more than anything else to lessen the danger of a war. Almost a year ago, the United States
Government had submitted a proposal along those lines. That proposal, which had received
the approval of a large number of States, was not acceptable to certain States and was not therefore
adopted. A few weeks ago the Prime Minister of the United Kingdom had submitted a detailed
proposal which embodied many of the features of the United States plan of last year. As
the United Kingdom proposal represented a real measure of disarmament, the United States
Government accepted it wholeheartedly as a definite and excellent step toward the ultimate
objective. It was therefore prepared to give its full support to the adoption of that plan.

In addition, Mr. Davis wished to make it clear that his country was ready, not only to
do its part toward the substantive reduction of armaments, but, if this were effected by general
international agreement, it was also prepared to contribute in other ways to the organisation
of peace. In particular, it was willing to consult with other States in case of a threat to peace,
with a view of averting conflict. Further than that, in the event that the States, in conference,
determined that a State had been guilty of a breach of the peace in violation of its international
obligations and took measures against the violator, then, if the United States concurred in the
judgment rendered as to the responsible and guilty party, it would refrain from any action
tending to defeat such collective effort which the States might thus make to restore peace.

Finally, the United States delegation believed that a system of adequate supervision should be
formulated, to ensure the effective and faithful carrying-out of any measures of disarmament.
It was prepared to assist in this formulation and to participate in this supervision. It
was heartily in sympathy with the idea that means of effective, automatic and continuous
supervision should be found whereby nations would be able to rest assured that, as long as they
respected their obligations with regard to armaments, the corresponding obligations of their
neighbours would be carried out in the same scrupulous manner.

The Disarmament Conference had already formulated measures for the establishment of
a Permanent Disarmament Commission. The powers now proposed for that Commission
might well be reinforced. The Commission would have many important duties, but none more
essential than that of effectively supervising the fulfilment of the treaty.

The United States delegation recognised that the ultimate objective in disarmament must be attained by stages, but it believed that the time for the next and decisive step was long
overdue and could not be further postponed.

Virtually all the nations of the world had entered into the solemn obligation of the Briand-
Kellogg Pact to renounce war as an instrument of national policy and to settle their disputes
only by pacific means. If they were to keep faith with these obligations, they must definitely
make up their minds to settle their disputes around a conference table instead of preparing
to settle them on the battlefield. It was with such a thought that the United States President
had proposed an undertaking by the nations that, subject to existing treaty rights, armed forces
should not be sent across national frontiers. In the long run, the conclusion might be reached
that the simplest and most accurate definition of an aggressor was one whose armed forces
were found on alien soil in violation of treaties.

There had been two obstacles to disarmament. One was the apprehension that Germany
proposed to rearm; the other the reluctance of the armed Powers of Europe, in the present
state of the world, to take a real step in disarmament.

If, at the present decisive point, any nation should fail to give conclusive evidence of its
pecific intentions and insist upon the right to rearm, even though the other Powers took
effective and substantial steps toward disarmament, then the burden of responsibility for the
failure of the Disarmament Conference, with the incalculable consequences of such a failure,
would rest on the shoulders of that nation. The problem with which the Conference was faced
could not be solved if one nation insisted on rearming while the others disarmed. The result
inevitably would be another race in armaments.

As regarded the action of the other Powers, people were not unaware in the United States
of the political difficulties which still lay in the way of the reduction of European armaments.
They recognised the legitimate claim which any State had to safeguard its security. But they
were firmly convinced that, in the long run, that security could best be achieved through a controlled disarmament by which the military strength of the most heavily armed nations was progressively reduced to a level such as that provided for in the peace treaties. To the extent that armaments created political tension they in themselves constituted a menace to peace and might jeopardise the security of the very nations which maintained them.

If the Conference were to take a long step in the direction of disarmament to-day, and agree by stages to achieve its ultimate objective, it could meet any legitimate claim of the Powers bound by the peace treaties and at the same time effectively help to ensure peace. A few days ago the Conference had met a serious obstacle to further progress in its detailed examination of the United Kingdom plan. Since then there had been an appreciable change. The recent speech by the German Chancellor before the Reichstag, clarifying the German attitude and policy with regard to disarmament and endorsing the proposal of President Roosevelt, had been most helpful. This and also the subsequent announcement made in the General Commission by Herr Nadolny of Germany's acceptance of the United Kingdom plan as the basis for the future Convention had so altered the situation as to justify the assumption that the Commission could now resume consideration of the plan with real hope of agreement. The Commission's present agenda was a consideration of the chapters on war material. It had been understood that other related subjects might be introduced and Mr. Davis's colleagues might feel that he had made wide use of the latitude thus given him. But, to bring the discussion back to the concrete question before the Commission, he desired to state that the United States delegation accepted the chapter on material and expressed the hope that the other delegations would join in this acceptance and that the way might thus be cleared for an immediate decision on the concrete proposals in that chapter.

The present Conference was not only a disarmament conference, it was an emergency conference of a world in a state of political uncertainty and economic depression. The next weeks would bring the decisive test. It would require courage and statesmanship to meet that test, but the failure to do so would go far to shatter any hope of world organisation for peace. As far as the United States was concerned, its ability and its incentive to collaborate wholeheartedly in the continuing task of helping to maintain world peace depended in large measure upon the results achieved at Geneva in disarmament. President Roosevelt's message was a clear indication of the fact that the United States would exert its full power and influence and accept its just share of responsibility to make the results in disarmament definite, prompt and effective. Success here and now would bring benefits beyond all calculation. It would give new confidence and hope—confidence that Governments could still govern and leaders lead; hope that, a definite step in disarmament having at last been taken, economic recovery would be hastened and the millions in all countries who were only asking for the opportunity to work would have restored to them the possibility of living in peace and of earning their daily bread. If by a great act of faith each and every nation would now summon the courage to take a decisive step in general disarmament, conditions throughout the world would so improve that the nations could henceforth face the future with a real feeling of security and confidence. With the alternatives to success in mind, the delegations could not afford to allow themselves to fail.

Baron ALOISI (Italy) said that he brought with him to Geneva an impression of the satisfaction felt by all classes in his country at America's highly important contribution, through President Roosevelt's message, to the cause of disarmament. Moreover, Mr. Norman Davis had now justly elucidated the contents of the message, clearly and strikingly developing its guiding principles. The Royal Government of Italy had already informed President Roosevelt that it most cordially supported his ideals. Baron Aloisi, referring to Mr. Davis's speech, ventured to point out that, apart from general grounds, the Italian Government had found special cause for satisfaction in the American message—that was to say, the remarkable identity of method and aim between the action recommended by the President of the United States of America and the principles which had always guided the Italian delegation throughout its participation in the work of the Conference.

The Italian delegation had, indeed, felt that the importance attributed to qualitative disarmament, either in view of its direct technical consequences or of its beneficial influence on security, as well as the distinction drawn between offensive and defensive arms, was one of the most noteworthy features of the message. It was that very same fundamental principle of disarmament and security which the Italian delegation had proclaimed on February 10th, 1932. The abolition of offensive weapons was, in fact, the most effective and practical guarantee of the inviolability of frontiers, the first and most radical of the preventive measures which States could adopt to prevent aggression.

A similar identity of aim and principle was to be found in the United Kingdom plan, the adoption of which was recommended in Mr. Roosevelt's message. The Italian Government, while aware that it would have to agree to certain very heavy sacrifices if the plan were adopted...
integrially, had nevertheless instructed its delegation, in order to show its devotion to the cause of disarmament, to accede fully to the plan on the sole condition that the other Governments followed the same course. It was true that the discussions had not given the impression that its example had been understood or followed as the Italian Government had hoped. Although the Italian Government regarded the bases and principles of the plan as something fundamental which it would continue, if necessary, to defend against any change, it would perhaps be obliged, as a result of the amendments of other delegations, to put forward at a suitable moment certain reservations as regards detail which it had hitherto been content to notify to the President.

Baron Aloisi declared that, in any event, the practical identity of principles and fundamental factors in connection with the problem of disarmament brought into special relief his Government's desire to collaborate with the United States Government, which he had the honour, on behalf of his Government and delegation, to proclaim to the Conference.

This continuous community of aim and principle was, at the same time, strong confirmation of the Italian Government's faith in the excellence of the course it had hitherto followed at Geneva, and not only at Geneva, for, in all fields of international diplomatic activity it had always kept, and would always keep, one single aim before it—to conciliate and unify the admirable, but not always harmonious, desires of those who were sincerely seeking in peace, and through peace, the general advancement and well-being of Europe and the world.

Sir John Simon (United Kingdom) wished, on behalf of the United Kingdom Government, to express to Mr. Norman Davis and the United States delegation his warm and sincere appreciation of the contribution made at the beginning of the present meeting.

He would take the opportunity briefly to present one or two reflections, which occurred to him and which he placed before the General Commission for its consideration, based upon the valuable contribution just made in the name of the United States Government.

He would at the same time say how grateful his country was for the consistent support which the Italian Government had been good enough to give and which had never faltered since the United Kingdom Prime Minister first put before the General Commission the scheme of a Disarmament Convention.

In the course of his speech, Mr. Norman Davis had apologised for the use he had made of the latitude allowed in dealing with the subject-matter at present under consideration. Sir John Simon was sure that all his colleagues agreed that there had been no reason for the United States delegate to ask for forgiveness.

No part of Mr. Norman Davis's speech would have been received with warmer approval by the General Commission than the passage in which he had declared that it was not enough to make what he called theoretic declarations of good intention and that the Commission had in his judgment reached, after long months of discussion, the time when what was needed was a series of definite decisions.

Speaking for the United Kingdom Government, Sir John Simon would say that that Government too was most anxious that these definite decisions should now be taken without further unnecessary delay. It was more than two months since Mr. MacDonald had presented to the General Commission what had gone by the name of the United Kingdom draft Convention. Sir John Simon would recall that, in the course of the ensuing debate, he had disclaimed any idea that the draft Convention was an exclusively British product. It was not. The draft Convention which had been put forward was a combination of proposals drawn from different quarters, from the previous plans of the United States of America, France, Italy, and other countries. It was a combination of proposals put forward with a view to presenting to the Commission, in a detailed, co-ordinated and more or less complete form, different propositions on every aspect of disarmament, which, taken together, seemed to the United Kingdom delegation to be most likely so secure general assent.

As after the most valuable contributions made from so many other quarters, including those presented quite recently and at the present meeting, Sir John Simon would submit that his delegation's hopes as to the general acceptability of the draft Convention were justified. In addition to the general expressions of acceptance given in the debate two months ago, there had been the resolution proposed by M. Benes, the Commission's invaluable Rapporteur, that the United Kingdom draft Convention should be taken as the basis for subsequent discussions. That proposal had been unanimously accepted. True, there had been setbacks here and there, but quite recently there had been President Roosevelt's notable declaration that he would favour the broad outlines of the United Kingdom draft Convention as the first definite step towards disarmament. There had been the announcements of the views of the German Government, indicated by the Chancellor of the Reich, and elaborated by M. Nadolny in the General Commission last Friday. Sir John Simon reminded his colleagues that M. Nadolny had then declared that the United Kingdom plan not only constituted a basis of disarmament. There had been the announcements of the views of the United States delegate to ask for forgiveness.

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postponing standardisation for a decision by the Permanent Disarmament Commission after the Convention itself had been signed. Sir John Simon did not hesitate to say that that proposition might have had a shattering effect upon the scheme of the Convention.

Lastly, the Commission had had the pleasure of hearing from Mr. Norman Davis a very notable declaration in which he had proclaimed on behalf of the United States Government that the draft Convention before the Commission was one which it accepted wholeheartedly as a definite and excellent step towards the ultimate objective. Mr. Norman Davis had added that the United States of America was therefore prepared to give its full support to the adoption of the plan that had been taken.

Sir John Simon had ventured to make the foregoing short review of statements and assurances in order to invite his colleagues to consider one point. The discussion of the draft Convention, as all delegates knew, had encountered certain delays and difficulties during the past few weeks. It now received these very encouraging declarations of support, and he thought that on balance the prospects were very much improved. He therefore invited an answer to the following question: Was not the way now open to a detailed, rapid consideration of what remained in order that the Conference might take a decision and obtain, he hoped, an acceptance of at any rate the greater part of the articles of the Convention?

He might perhaps be permitted to emphasise a very obvious but a very necessary proposition. The Commission might talk to the end of time about its work with a view to arriving at an agreed Convention, but it would never do so until it had agreed, article by article, upon what was to go into the Convention. It seemed to Sir John Simon that the Commission could not too soon discuss and decide what articles were to go into the Convention, what parts of the latter were to stand as they were, what was the nature of the changes that must be made in other places, and what substitutions should be effected.

His sole object in speaking, apart from offering his sincere thanks for what had been said at the present meeting on behalf of the United States and Italian Governments, was to direct the attention of all to the extreme importance of devoting themselves, under the President's wise direction, to what really was the only remaining essential task—to cash the cheques they had drawn, to condescend to the necessary practical details and, article by article, to get the business successfully finished.

M. PAUL-BONCOUR (France) said that his remarks would deal with two very different classes of ideas, the direct connection between which was nevertheless to be found in the statement made by Mr. Norman Davis at the beginning of the present meeting.

M. Paul-Boncour desired first to express his appreciation of President Roosevelt's message. This being the first occasion on which he had taken his place in the General Commission since that message had been broadcast to the world, M. Paul-Boncour felt that he would be falling short of his duty and of the sentiments with which his country had welcomed the message if he did not associate himself with the tributes already paid to it.

Mr. Norman Davis had, in his statement, given to President Roosevelt's message a cohesion which only added to the great interest it already possessed, and it was at that point that the link between the two very different subjects with which M. Paul-Boncour proposed to deal became apparent.

Among the additional information he had given, Mr. Norman Davis had defined the limits of the contribution which the great country he represented could make in the case of a conflict and of a proved aggression.

Sir John Simon had pointed out—and this was the reason for which M. Paul-Boncour wished to say at once that he entirely approved his remarks—that, at the present juncture, the best method for the General Commission to adopt would be to take article by article the draft Convention which Sir John Simon had had the good grace, the modesty, the friendliness in all instances to present not merely as a text emanating from his country alone, but—and that, moreover, was fundamentally true—as a text in which an endeavour had been made to reproduce from other proposals, and, in particular, the French proposals, a good deal of their contents. It was, therefore, an admirable text as a precise basis of discussion, and that was why the General Commission had previously found it expedient to take it as a basis of discussion and to examine it article by article.

It was at that point that this proposal as to method became germane to the very important declaration made by the United States delegate. The United Kingdom plan accepted as a basis of discussion contained a first part relative to the guarantees as to security which would make more easy important reductions in armaments. Part I itself covered two matters which differed in extent and in detail. There was, on the one hand, the general world agreement which was to be brought into existence in order to confer on the pact for the renunciation of war, the Pact of Paris, greater exactitude in scope, thus affording a better guarantee of mutual security. There was, on the other, the more precise pact, mentioned in Article 6, which was to be concluded—this idea was a fundamental in the French plan, reproduced in the United Kingdom plan—between neighbouring countries which felt a more urgent need for a more exact measure of security. When, however, the logical order of the articles had led the Commission to discuss these questions of security which governed the whole debate, several delegates, in particular the Spanish representative, had very pertinently pointed out that this narrower and more precise section could not be considered with advantage until it was known of what the more comprehensive part of these undertakings would consist.

The United States of America had to-day stated what they could do and the view they took of this part of the plan, relating to the security system which it was desired to establish.
There was now therefore nothing to prevent the nations, and more especially the European nations directly concerned, from explaining very frankly to one another their views as to the practical prospects of setting up a mutual security system which would be more precise and, at the same time, more circumscribed in space. The articles composing Part I of the United Kingdom plan could now, therefore, form the subject of discussions which bordered very closely on the problem which the General Commission was called upon to solve. That was the chronological order of the United Kingdom plan. It was the most expedient method of discussion. Furthermore, it met certain preoccupations which had assuredly been felt by a very large number of delegations. The somewhat special technical aspect inevitable in discussions of this nature must not cause the General Commission to forget the political atmosphere in which it was deliberating and which was indeed the essential factor. There could be no doubt that the results that could be achieved with regard to Part I of the United Kingdom plan, and which, in the French delegation's view, should be achieved, were precisely of a nature, in view of events in Europe, to provide the assurances which were needed before the Conference could go further into the details of possible armaments reductions.

M. Castillo Najera (Mexico) said that Mexico felt great satisfaction at being permitted to express its views on the present occasion. In its previous interventions, the Mexican delegation had emphasised its keen desire to see the disarmament problem solved in a way which, while giving satisfaction to the legitimate aspirations of the peoples, would be capable of ensuring the peace of the world.

There was, therefore, no cause for surprise that the President of the Mexican Republic, voicing the feelings of the entire nation, should have expressed, in his reply to President Roosevelt's message, his sympathy with the proposals contemplated, and should have promised Mexico's assistance.

The Mexican delegation welcomed with the keenest satisfaction President Roosevelt's message and Mr. Norman Davis's explanations. It was prepared to co-operate, modestly but very sincerely, in this contribution on the part of the people of the United States of North America towards the establishment of the future work of peace and universal brotherhood.

Following on the important observations by the delegates of the United Kingdom and France, the General Commission had before it a proposal concerning procedure which was entirely acceptable, since it was in accordance with those made by President Roosevelt.

The Mexican delegation therefore supported President Roosevelt's message in its main lines, and would await any concrete proposals that might be made and give them its support in the present Conference.

This expression of Mexico's sympathy was a further proof of the mutual confidence and goodwill uniting two neighbouring republics, the good understanding between whom was growing stronger every day, thus strengthening the ties of cordial friendship and of a desire to co-operate in the common work of world solidarity and progress.

The President said that he had reached the end of the list of speakers.

The Commission had heard the very important suggestion on procedure put forward by M. Paul-Boncour, and the President desired to consult the Commission as to whether it was prepared to accept the French delegate's suggestion to begin the next day the consideration of Part I of the United Kingdom draft article by article. It seemed to the President that the sooner the Commission did that the better. The atmosphere had, he thought, become very much clearer, and it would be a good response to the suggestion and appeal made by Mr. Norman Davis that the Commission should get on quickly with the work. He hoped, therefore, that the Commission would agree to begin the next day with Part I, Article 2, since Article 1 had already been deleted from the draft by a decision of the Commission.  

M. de Madariaga (Spain) had hoped that the Spanish Minister for Foreign Affairs, who was, however, detained at Madrid by official duties, would himself have had the pleasure of expressing the Spanish Government's appreciation of the message from the President of the United States of America. As the President of the General Commission had announced that the list of speakers was exhausted, silence on the part of the Spanish delegation might have caused an erroneous impression. M. de Madariaga, acting as deputy for his chief, desired, therefore, to inform the General Commission that his Government—as the President of the United States had been informed by a direct message from the President of the Spanish Republic—entirely shared the feelings and ideas expressed in President Roosevelt's message and also, M. de Madariaga felt sure, the sentiments expressed by Mr. Norman Davis at the present meeting.

All those who were acquainted with the question would have been able to appreciate at their true value Mr. Norman Davis's words, which were full of political matter that must have impressed all delegates. The fact that the great Republic of the United States of America was prepared to bring so important a measure of co-operation to the organisation of peace was bound to have a considerable influence on the Conference's work.

1 See Minutes of the fifty-second meeting of the General Commission.
M. de Madariaga did not think he was mistaken in saying that this was the first time he had heard on the lips of an American delegate the words “organisation of peace”, which, in his view, was the true object of the Conference, since, in the last resort, the technical problem of disarmament was identical with the organisation of peace.

From the fact that that great country was prepared to co-operate in the work of organising peace, there was ground for predicting that the success of the Disarmament Conference was well-nigh assured. This first step taken by the United States might even be regarded as one of those which would make it possible to apply all the articles of the Covenant in the most rigorous manner.

It must be plain to all that the principal difficulty which had been encountered in connection with the application of Article 8 was due to the fact that that article in reality formed part of a whole which had only been divided up into articles for convenience of reference. In substance, that whole comprised a system embracing all the articles between 8 and 20, which could not be dissociated from one another, and it was that whole which it was desired to strengthen. Now that Mr. Norman Davis’s statement gave ground for hoping that henceforward the Conference’s work would develop in the direction desired by all, that of strengthening the Covenant, M. de Madariaga trusted that all the articles—and he would not mention them all because susceptibilities might be aroused in connection with some—between Nos. 8 and 20 would be strengthened. If they were, the first to benefit would certainly be Article 8, which had been put first (although in reality it should logically come last), no doubt owing to the fact that, in legal compositions of this kind, the various elements were not always arranged in their logical order or order of time.

In these circumstances, M. de Madariaga supported M. Paul-Boncour’s proposal that the Commission should begin with Part I of the United Kingdom plan. Like all other Governments, among them, moreover, the German Government, the Spanish Government considered that the plan was an excellent basis, not only of discussion, but also for the Convention. There would be every advantage in beginning with Part I. He would, nevertheless, utter a warning against excessive optimism. In his view, there would be every advantage in making sure, when the discussion of Part I began, that adequate conversations had been initiated between those specially concerned in the success of the Convention, so that, thanks to the mutual concessions obtained, which constituted the basis of the Conference’s diplomatic work, the results which might be obtainable in regard to Part I might not be held up owing to doubts as to the results obtainable in regard to Part II or Part III or IV.

Advantage should be taken of the time remaining before the opening of the debate to proceed to the necessary exchanges of views with the object of achieving speedy agreement on Part I, because there was ground for hoping that agreement would already have been reached on Parts II and III.

In this connection, M. de Madariaga wished to state plainly to his distinguished colleague from the United Kingdom that, in so far as Spain—and, no doubt, other countries too—were concerned, the naval chapter in the draft Convention appeared to be quite inadequate. Being desirous, however, of achieving results as promptly as possible, the Spanish Government would probably have no serious difficulty in accepting it en bloc, with one or two verbal amendments, subject to one fundamental condition: it would be agreed, in a clause to be embodied in the Convention, that the naval part of that document was to remain valid for only a very short period of time, because it was quite inadequate for the countries which were not among the first rank of naval Powers. The difference between the average strength of the naval armaments of the five great naval Powers and that of the other Powers was so considerable that the Spanish Government could never accept as final a text specifying that the margin between these averages should be even approximately maintained. A very appreciable modification would have to be contemplated.

With this sole reservation, which was due to a desire for complete and absolute sincerity, M. de Madariaga said that Spain would co-operate in the forthcoming general discussion. On behalf of his Government, he expressed the hope that, following the method suggested by the French delegation, the General Commission would achieve results as soon as possible.

Mr. Norman Davis (United States of America), referring to M. Paul-Boncour’s proposal, thought that to turn back to Part I of the draft was a serious question. Some time was needed to consider it. He had supposed that the statement he had made would clear up the situation so far as the attitude of the United States was concerned with regard to Part I, so that not too much time need be lost considering this section of the draft. He could, of course, see the advantage of the continental Powers getting together to organise security, and he would therefore suggest that the question be discussed at a meeting of the Bureau, since it meant reversing the decision which the Commission had taken upon entering into a discussion of Part II.

The President noted that there was no objection to Mr. Norman Davis’s suggestion. He would therefore call a meeting of the Bureau for 11 o’clock the next day, and the General Commission would meet again at 3.30 p.m. in the afternoon.
SIXTY-SECOND MEETING

Held on Tuesday, May 23rd, 1933, at 3.30 p.m.

President: The Right Honourable A. HENDERSON.

II6. PROPOSAL BY THE BUREAU FOR THE EXAMINATION CONCURRENTLY BY THE GENERAL COMMISSION OF PART I (SECURITY) AND PART II, SECTION II (MATERIAL) OF THE DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION.¹

The President reminded the General Commission that at the previous meeting the French delegation had proposed that the Commission should retrace its steps and discuss Part I, Security, of the United Kingdom draft Convention, while the United States delegate had been very anxious to discuss Part II, Section II, Material. The President had felt it necessary to consult with the heads of the delegations responsible for these suggestions, the authors of the plan upon which the General Commission's discussion was based, and the representatives of Germany and Italy. They had discussed the matter at very great length, and, he was happy to say, in a very good spirit. They had eventually adopted unanimously a suggestion he himself had made to the effect that the General Commission should continue its discussion on Part II, Section II, Material, at the present meeting, and on the following afternoon should begin the discussion of Part I, Security. The two subjects would then be taken at alternate meetings, unless common sense showed that two consecutive meetings were required for the same question.

Material, of course, was covered in part by Articles 19 to 22, and the President desired to make it quite clear that these articles would be discussed in first reading only. It might be found advisable to continue the same method of discussion further, but it was not necessary to deal with this matter for the moment.

Article I had already been deleted from Part I, Security, but Articles 3 to 5 had still to be discussed. Article 6 was closely connected with the work of the Committee for Security Questions, presided over by M. Politis, which was considering what should be included in Annexes X and Y. He understood from the statement made by M. Politis to the Bureau that morning² that the reports of the Security Committee would be distributed partly during the current afternoon and partly on the evening of the next day.

The President hoped that the first reading of the articles on material would be brief. That also applied to the discussions on security. As much time as possible must be left for the second reading, when decisions of supreme importance would be taken.

The Bureau had accepted that morning the foregoing suggestions and had requested the President to recommend them, in its name, to the General Commission.

The proposals of the Bureau were adopted.

The President added that he had been informed by Sir John Simon that the latter would immediately examine the articles forming Part I of the United Kingdom draft Convention in the light of President Roosevelt's important statement and Mr. Norman Davis's speech of the previous day. If any consultations were necessary, Sir John Simon would see that they were carried through in the hope that he would be able to present a revised draft Convention to the General Commission, if necessary, without delay.

II7. DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION.¹ — PART II : DISARMAMENT (continuation).

SECTION II : MATERIAL. — CHAPTER I : LAND ARMAMENTS.

"Article 19.

"The maximum limit for the calibre of mobile land guns for the future shall be 105 mm. Existing mobile land guns up to 155 mm. may be retained, but all replacement or new construction of guns shall be within the maximum limit of 105 mm."

"For the purpose of this section, a gun of 4.5 inches calibre shall be regarded as equivalent to one of 105 mm. in the case of countries whose standard gun is of the former calibre."

"The maximum limit for the calibre of coast defence guns shall be 406 mm."

¹ Document Conf.D.I57 and addendum.
² See Minutes of the forty-fourth meeting of the Bureau.
Amendment submitted by the United Kingdom Delegation.

Mr. Eden (United Kingdom) asked leave to submit an amendment to Article 19, which was largely of a technical character and intended to meet some criticism which had very rightly been made against the form in which the article stood at present. The second paragraph as drafted read as though the United Kingdom, measuring its guns in inches, wished to retain a larger calibre of guns than countries measuring their guns otherwise. That, of course, had not been the United Kingdom delegation's intention, and to meet that situation Mr. Eden would suggest that the second paragraph be omitted and that the first paragraph read as follows:

"The maximum limit for the calibre of mobile land guns for the future shall be 115 mm. (the exact mathematical equivalent of 4.5 inches). Existing mobile land guns up to 155 mm. may be retained, but all replacement or new construction of guns shall be within the maximum limit of 115 mm."

The last paragraph would remain as at present drafted.

Amendment submitted by the German Delegation.

M. Nadolny (Germany) recalled that in the letter which he had sent to the President of the Conference a few days ago he had stated that the German delegation would, at the subsequent negotiations, intimate its attitude with regard to its amendments to the United Kingdom plan.

The German amendments to Section II of the plan involved the fixing of the maximum calibre for mobile guns at 105 mm., the maximum calibre for fixed land guns at 210 mm. and that of fixed coast guns at 406 mm., and the complete prohibition of tanks and the destruction of the whole of the prohibited material within three years.

The German delegation was still of opinion that the complete abolition and destruction of heavy land arms would be eminently desirable in the interests of effective disarmament. If the Conference decided to go further than the United Kingdom plan in that respect, such an attitude would be clearly in accordance with the idea expressed in President Roosevelt's message—namely, to weaken the means of attack and strengthen the possibilities of defence. With this end in view, the German delegation would give its support, during the deliberations of the Conference, to any improvements in the provisions of the United Kingdom plan relating to land material which had a chance of finding general acceptance, as it was of opinion that such modification would not alter in any way the broad outlines of the plan. Nevertheless, it would no longer press for the discussion of its own amendments to that chapter.

It would not therefore oppose the adoption of Articles 19 to 21, unless they were essentially changed by means of amendments or additions submitted subsequently.

The German delegation attached particular importance to Article 22 governing the question of the destruction of prohibited land material, as the abolition of the categories of arms specified would only represent a really effective measure of disarmament if the existing material were actually destroyed within the periods laid down, which must not be too long.

For that reason, the German delegation intended to submit an amendment to Article 22, which would take that idea into account, not only by specifying a period for the destruction of guns above 155 mm., but also a period for the replacement and destruction of guns between 115 mm. (the new figure fixed by the United Kingdom delegation, which did not essentially alter the plan) and 155 mm., and at the same time forbidding the future use of the prohibited categories of arms.

Before discussing the details of the destruction of the prohibited arms, the Conference should, he thought, decide whether it wished to accept the decisions in the United Kingdom

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3 See Minutes of the sixty-first meeting of the General Commission.
plan regarding the maximum calibre for heavy guns and the maximum tonnage for tanks, or if it wished to go further than the plan. The present discussion, while only a first reading, would no doubt help to clear up that point.

M. Nadolny also pointed out that Part II of the United Kingdom plan, and in particular the chapter on material, should be considered as forming an indivisible whole.

The President noted that M. Nadolny withdrew all the German amendments to Articles 19 to 22, but reserved the right to deposit a new amendment to Article 22 when the Commission reached that article.

M. Nadolny (Germany) agreed with the President’s interpretation.

**Amendment submitted by the Turkish Delegation.**

After paragraph 1 of Article 19, add the following paragraph:

"As existing guns shall only be regarded those for which orders were placed before the submission of the United Kingdom draft to the Conference."

In the second paragraph of the same article delete the following words: "in the case of countries whose standard gun is of the former calibre".

Tevfik Rüstü Bey (Turkey) said that his delegation’s amendment to paragraph 2 of Article 19 no longer had any justification after the explanations furnished by the United Kingdom delegation.

The other amendment proposed by the Turkish delegation related to the first part of Article 19. The Turkish delegation was prepared to accept Article 19, on the understanding that it was interpreted in the above sense.

Mr. Eden (United Kingdom) thought that there would be general agreement upon the addition proposed by the Turkish delegation. He would, however, like to study it further, and suggested that, unless any delegate had any objection to offer to it at the present stage, it could perhaps be incorporated at the second reading.

*The proposal of the United Kingdom delegate was adopted.***

**Amendment submitted by the Chinese Delegation.**

"Article 19 should limit the number as well as the calibre of mobile land guns and coast defence guns. This would require a table analogous to that provided in Article 13."

Dr. Wellington Koo (China) said that his delegation’s amendment to Article 19 was that the number as well as the calibre of mobile land guns should be limited. The amendment was inspired by the Chinese Government’s desire that reduction of armaments should be pushed as far as could be generally agreed.

It would be recalled that the principle of quantitative as well as qualitative limitation had been proposed by a number of delegations, and the Chinese delegation would therefore like to see mobile land guns of such powerful calibre as that stated in the article limited by number.

Should the Conference be unable to agree to a quantitative reduction of the number of guns of this calibre, it was conceivable that there would be a race in their manufacture, and it was known that with the present development of manufacturing skill and the facilities for mass production large numbers of these powerful guns could easily be produced.

Dr. Wellington Koo realised, however, that disarmament could not be achieved in one step, or even in a few steps, and, if it were the general desire of delegations to consider his delegation’s amendment as to the limitation of the number of mobile land guns, he hoped that it might be taken up at the second reading.

M. Rutgers (Netherlands) did not wish to start a discussion on the question of the quantitative limitation of artillery, which he would only mention as having been accepted by the General Commission which, on July 23rd, 1932, approved a resolution providing that "all heavy land artillery of calibres between any maximum limit as determined in the succeeding paragraph and a lower limit to be defined shall be limited in number".

M. Rutgers had drawn a parallel (admitted in the case of effectives) between the limitation of the land forces and that of sea forces. The Preparatory Commission had already expressed the opinion that, if land effectives were limited and naval effectives left untouched, there was a risk that such limitation might remain ineffective, as soldiers might be attached to the sea forces. Those forces were called coastal defence or naval reserve forces, etc. The limitation of land forces therefore implied the limitation of naval forces, and the draft Convention contained, after Article 13, not only a Table I entitled " Table of average daily effectives which are not to be exceeded in the land armed forces ", but also a Table II entitled " Table of average daily effectives which are not to be exceeded in sea armed forces ". That heading was followed by the words: " The figures will have to be related to the naval material allowed to each Party ".

The fact that the average daily effectives of the sea armed forces were related to the naval material implied that, for the purposes of the Convention, the coastal defence force was regarded as a land force and not as a sea force.

As regards the limitation of material, if the Commission decided to prohibit guns having a calibre exceeding 155 mm., a prohibition to which the Netherlands delegation gladly agreed, and if the third paragraph of Article 19 providing that " the maximum limit for the calibre of coast defence guns shall be 406 mm. " were allowed to stand, that paragraph applying not only to immobile coast defence guns but also to mobile guns, it would be possible for the States which preferred to retain guns above 155 mm. to allot them for purposes of coastal defence. In this way, the effect of the prohibition would be nil, as it would not only be possible to use the existing guns above 155 mm. for coastal defence, but the States would be free indefinitely to increase the number of guns of a calibre not exceeding 406 mm., on condition that those new guns were used for coastal defence, which did not necessarily mean that they could not be used for purposes other than coastal defence.

That question was a very serious one: Article 19 as it stood would, for instance, enable the countries which had an extensive coast-line to defend to keep for that purpose any guns which they did not wish to relinquish.

A second question was that of naval guns. If the question of the limitation of naval staff must be dealt with side by side with that of land staff, was it not necessary also to deal with the limitation of naval guns side by side with that of land guns? It appeared that any States which possessed a navy would be able to retain or accumulate any number of guns of a calibre above 155 mm. on condition that they were regarded as " naval reserves ". The question of naval reserves had already been brought up. Mention had been made on several occasions of auxiliary cruisers, of merchant vessels with reinforced bridges for carrying guns. In peace time, those guns were not to be found on merchant vessels but were probably to be found elsewhere. Naval reserves were no doubt legitimate, but if Article 19 remained silent on the point it would be possible for a State to possess as a naval reserve all the guns forbidden elsewhere in the said article.

The limitation embodied in Article 19 would not be effective if the countries were left entirely free to possess for coastal defence any number of guns of a calibre exceeding 155 mm., and at the same time to possess any number of guns above 155 mm. provided that they were called " naval reserves ".

The solution of the latter difficulty was not on the agenda of the day. The solution of the first was to be found in the application of the General Commission's resolution of July 23rd, 1932. All heavy land artillery of calibre between certain dimensions would be limited in number. Without prejudice to the general question of quantitative limitation, M. Rutgers was of the opinion that the number of mobile land guns should be limited.

Mr. Eden (United Kingdom) hastened to assure M. Rutgers that the United Kingdom delegation had had no intention whatever of going back on the July resolution. On the contrary, it had had that resolution in mind when drafting Article 19, and the conclusion to which it had come, and which he felt convinced on further examination had been the correct one, was that, if the article were approved, the Conference would be going a considerable distance beyond the July resolution. The July resolution had contemplated the numerical limitation of heavy guns; the article under discussion ensured not the numerical limitation but the destruction of those guns down to a calibre below that which Mr. Eden understood had been intended by the resolution. Actually he thought that Article 19 presented a considerable advance on that resolution, even when the fact was taken into account that there would be no new construction of guns between 115 mm. and 155 mm. He did not know if the desire was that there should be numerical limitation of the guns to be retained between 155 mm. and 115 mm., but if there was to be no new construction, he would not have thought that such numerical limitation would serve any useful purpose.

There was, he thought, strength in the argument as to the need for considering the numerical limitation of coast defence guns. That would seem to be a loophole, though he would tell the Commission at once that other loopholes would be found as it went through the draft Convention. It was quite impossible to fill them all, but he would be very happy to see what could be done, between the present and the second readings, towards filling this particular loophole.
M. Sandler (Sweden) did not think that Mr. Eden’s explanations had completely removed the entirely justified misgivings revealed in M. Rutgers’ remarks, which M. Sandler supported. He hoped that the question would be examined more closely in order to see whether it would not be possible, in the way suggested by M. Rutgers, to meet the unquestionable danger he had pointed out.

The President asked whether M. Rutgers was in a position to submit a text expressing his ideas.

M. Rutgers (Netherlands) said that the Netherlands delegation had not considered it necessary to submit a text, as it thought that the amendments submitted would form the subject of discussion and perhaps even of private conversation and that the question might be settled in that way. The method suggested by Mr. Eden would, no doubt, lead to a result, and M. Rutgers would take an opportunity to submit to Mr. Eden a text on the matter.

In reply to Mr. Eden, M. Rutgers desired to say that he had had no intention of suggesting that the United Kingdom delegation had gone less far than the resolution of July 23rd, 1932. On the contrary, he gladly admitted that the United Kingdom draft represented a great step forward, and he had merely drawn attention to the resolution because it contained a technical procedure that was calculated to meet the danger to which he had drawn attention. His reference to the resolution of July 23rd, 1932, had been purely technical and not political in character.

The President understood that M. Rutgers and Mr. Eden had made arrangements to talk over this matter before the second reading.

**Amendment submitted by the Afghan Delegation.**

The text of Article 19 to be drawn up as follows:

"The limit for the calibre of mobile land guns shall be 105 mm."

Mohamed Omer Khan (Afghanistan) said, on behalf of his delegation, that, in view of the Turkish delegation’s suggestion, he supported the Turkish delegate’s declaration and withdrew his amendment to this article until the second reading.

**Amendment submitted by the Hungarian Delegation.**

*Draft* the article to read as follows:

"The maximum limit for the calibre of mobile land guns shall be 105 mm."

The question of coast defence guns can be better treated separately from mobile guns in a special article, since this question is closely bound up with other questions, such as guns for warships, fixed guns for land fortifications, etc., questions which call for detailed particulars.

General Tanczos (Hungary) observed, with regard to his amendment to Article 19, that he accepted the change suggested by the United Kingdom delegation to substitute the figure 115 mm. for 105 mm. The Hungarian amendment could be considered as modified accordingly.

As regards the second sentence of the first paragraph of the United Kingdom draft beginning "Existing mobile land guns . . . .", General Tanczos considered that guns over 115 mm. should be destroyed as soon as possible; but, if the majority of the Commission held that a certain interval would be needed for their destruction, he would accept that view, on condition, however, that the time allowed for destruction did not exceed five years, and in that case he would therefore be unable to express a final opinion as to Article 19 until after the discussion of Article 22.

With regard to the note following the Hungarian amendment to Article 19, the Hungarian delegation agreed—and it had already made this proposal in the Land Commission—that the maximum calibre for mobile land artillery should be fixed at 115 mm., but that maximum should be applied, upon the coming into force of the Convention, to all the contracting parties and not merely to those whose artillery did not at present exceed 115 mm.

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The de facto equality existing between all the contracting parties ruled out this distinction, which would be to the disadvantage of certain States.

As to fixed guns, the Hungarian delegation thought that limitation in their case could not be restricted to coast defence guns, but should cover also fixed guns in land fortifications. As this point had not yet been sufficiently elucidated, the Hungarian delegation suggested in its proposal that it should be dealt with separately from that of mobile guns, in a special article. In this connection, General Tánkó was in much the same position as the delegates of the Netherlands and Sweden, in whose opinion he concurred.

The Turkish delegation had studied the United Kingdom draft from this three-fold point of view and had carefully followed the discussions on the subject. After examining at the first reading Section I of Part II concerning effectives, the General Commission was now taking up the discussion of material in close connection with the other parts of the draft. In this way it would have conducted an all-round survey which Tevfik Rüştü Bey desired to complete by a statement of the problems of vital importance to Turkey which arose in this connection.

Upon noticing in the United Kingdom draft a tendency towards a spirit of equalitarian treatment, a spirit which found its expression, in particular, in the abolition of the military clauses of the peace treaties, Turkey’s first impression had been a feeling of keen satisfaction. Turkey had taken every opportunity to uphold equality of treatment, which she regarded as a fundamental and primary principle. Faithful to this idea, which it had defended and would always continue to defend, the Turkish Government felt bound to complete it by the addition to the draft of the clauses relative to the military regime governing the Straits and Thrace. This was the more necessary because, upon studying, on the basis of its conception of disarmament, the formula contained in the United Kingdom plan, the Turkish Government was within its rights in enquiring whether, as a whole and in all its details, the plan would bring about an effective measure of disarmament, whether the general means of defence would be adequately ensured and whether the security of Turkey’s national territory was diminished or, on the other hand, consolidated by the draft. The Turkish Government had further taken into account the observance of the undertakings relative to the opening of the Straits. In this way the Turkish Government had been led to put forward a request in connection with the demilitarised zones mentioned in the Treaty of Lausanne. There could be no doubt that the adoption of the clauses in the United Kingdom draft Convention limiting land and air armaments and, in particular, Article 19, would bring about a radical change in the status of the Straits which, under the Treaty of Lausanne, were subject to a special regime. The abolition of heavy field guns and the limitation of air armaments would mean that the Straits would be in a position of greater insecurity than at present.

As the object of the military clauses in the Treaty of Lausanne was not to disarm Turkey in the face of any possible aggression, and as the means of defence which she possessed and which she was authorised to possess would be diminished, whereas the general situation existing previously would have changed completely, the Turkish Government’s first duty was to seek immediately for an offset by asking for the removal of these clauses. Instead of seeking for this offset in any special measures or of asking for an exception in favour of Turkey in regard to heavy field artillery, the Turkish delegation was simply asking for the suppression of the relevant military clauses which were, moreover, incompatible with the right of legitimate defence. It confined itself to asking that the use of the guns which in the United Kingdom draft were excepted in the case of coast defence, including of course the Straits, should be extended to all countries without exception.

The Turkish delegation took the view that the object—a quite legitimate object—of the special clause in favour of heavy coast defence guns was to ensure a balance of strength between the coast defences and the heavily armed ships by which the former might be attacked. What it was asking was that this coast defence might be extended to the cities of the Straits, thus ensuring the defence of the national territory and at the same time ensuring that no fleet would be able to block the free passage of the Straits as guaranteed by Turkey to the ships of Europe and the entire world. All those who were anxious to uphold this regime of freedom could not take umbrage at a principle, or a system, which was designed to preserve it intact.
In the present assembly, where it might be said that all the organised forces of mankind were united, the Turkish delegation asked only for equality of treatment and the right to defend the national territory while respecting its international engagements. Was it necessary to say that, if effective disarmament reached a degree at which no fleet whatever would be able to attack the Straits and block their passage, Turkey would have no need to put forward a request the sole object of which was the achievement of this aim, which was essential to her and to all countries alike? It was superfluous to add that Turkey was an eminently pacific country, and that, as such, she had already concluded pacts of non-aggression and neutrality with all her neighbours, that she was prepared to sign with each State desiring it conventions which would remove all possibility of mutual aggression and, lastly, to co-operate in any measure aiming at the maintenance of peace and the observance of the undertaking for the opening of the Straits.

Turkey was not seeking to increase her armaments by roundabout methods. On the contrary, she was entirely prepared to reduce pari passu with all other States her effective and material to any limit that might be fixed. What she was asking was simply to be allowed to use, on the coasts of the Straits, such coast defence guns as she at present possessed and as she would be entitled to possess under the provisions of the forthcoming Disarmament Convention.

Nothing was more natural than the gradual abolition of all restrictions that conflicted with the principle of equality of treatment. In regard to the Straits, moreover, the military clauses had lost practically the whole of their raison d'être.

In conclusion, Tevfik Rüstü Bey said that he had had conversations on this point with all the signatories of the Lausanne Treaty and, in particular, on that same day with the United Kingdom Secretary of State for Foreign Affairs. Thus, before going on to discuss the other parts of the draft adopted by the General Commission as the basis of discussion and as the basis of the future Convention, the Turkish delegation proposed, in order to facilitate the discussion and expedite the work of the Conference, that a Committee should be set up consisting of all the riparian States of the Black Sea and the Mediterranean and of the United States of America and Japan. To this effect he placed the following draft resolution on the table of the Commission:

"The General Commission decides to set up a special committee, composed of representatives of Mediterranean and Black Sea riparian States, together with representatives of the United States of America and Japan, to consider the situation of the Straits (Dardanelles and Bosphorus) as put forward by the Turkish delegation."

Mr. Eden (United Kingdom) said that, during a conversation with the Turkish Foreign Minister that afternoon, Sir John Simon had undertaken carefully to consider the position to which Tevfik Rüstü Bey had referred. In the circumstances, and since the matter was one of considerable complexity, Mr. Eden would be grateful if the Turkish delegation could defer its further consideration and discussion at least until the second reading of the draft Convention.

M. Paul-Boncour (France) reminded the Commission that a few days previously he had had the honour to sign, with the Turkish representative in Paris, a treaty of arbitration and friendship, which would be registered with the League of Nations. In drawing attention to this agreement, he desired to make it clear that he was anxious to say nothing that might possibly cause resentment to Tevfik Rüstü Bey, but, apart from the extremely important special case which merited the Commission's attention, there was, he thought, some risk, in mentioning it, of raising a question of a more general order, on which M. Paul-Boncour thought it expedient to intimate his views.

The question to which he referred was not the particular case which Tevfik Rüstü Bey had explained but a matter of principle which the Turkish delegate's request seemed to imply and which was nothing less than that of the revision of the treaties. In M. Paul-Boncour's view, there would be the most serious objection if a question of that nature were superimposed upon the questions with which the Conference was called upon to deal and which were already complex and difficult enough. Furthermore, this matter was covered by Article 19 of the Covenant, and the only procedure for the revision of treaties which the French delegation could accept was that provided for in that article.

Tevfik Rüstü Bey (Turkey) fully appreciated the preoccupations of all the countries concerned at the complex nature of the problem he had raised. He thanked M. Paul-Boncour for the interest he had displayed in regard to Turkey, and he supported the United Kingdom delegate's very timely suggestion. He desired, however, to make it clear at once that the case he had raised was an entirely special one, which should be studied by the Commission with a view to finding a solution. There was no question of laying down a general rule or creating a precedent for the study of general questions. The Turkish delegation could certainly not be accused of intransigence if it urged that the Commission should consider all possible solutions that were calculated to enhance both the security of the Turkish coasts and the guarantee of the freedom of the Straits. This matter therefore could be examined in all its aspects. He accordingly accepted with pleasure the proposal to postpone the discussion of his draft resolution until the second reading.

To allay M. Paul-Boncour's doubts, he would say that there was no question of treaty revision; it was purely a matter which came, like that of reparations, within the sphere of the military clauses mentioned in the final article of the Convention. This question should therefore be examined in accordance with the same procedure as that applied to the military clauses.

The Commission decided to defer to the second reading, the discussion of the draft resolution submitted by the Turkish delegation.

"Article 20.

"For the purposes of the present Convention, a tank is defined as follows:

"A tank is a fully armoured, armed, self-propelled vehicle designed to cross broken ground, usually by means of tracks, and to overcome obstacles encountered on the battlefield."

Amendment proposed by the Afghan Delegation. ¹

The text of Article 20 to be drawn up as follows:

"Tanks of all categories shall be abolished."

with the addition of the definition already given in this article:

"A tank . . ."

The President observed that the Afghan delegation's amendment would be considered later, together with a number of similar amendments to Article 21. The Commission might therefore consider Article 20 as having passed the first reading.

M. Nadolny (Germany) proposed that, as there was no opposition to Article 20, the General Commission should follow the same method as that adopted for other chapters and take an immediate vote on the article.

The President desired it to be understood that it was impossible to treat one article in a different way from another. Article 20 therefore stood until the Commission came to the second reading. If at that time an amendment were submitted, it would be subject to the same treatment as other articles and a vote would have to be taken on the amendment. If there were no amendment, the article would still stand in the draft Convention.

M. Nadolny (Germany) bowed to the President's ruling, but observed that the procedure followed for Section II was different from that followed for Section I.

The President replied that, if M. Nadolny's last remark was to be taken as challenging the President's ruling, all he could say was that the German delegate was entirely wrong. The President was following exactly the same procedure in regard to all the articles of the draft. Where there was no amendment the article stood, and the same would be the case on second reading if there was no amendment. The article would then become part of the Convention.

"Article 21.

"The maximum limit for the weight of tanks shall be 16 tons.

"(Note. — It will be observed that one important aspect of land war material is not here fully dealt with. No proposals are here submitted for tanks under the 16-ton weight limit. In its proposals of November 17th last, the United Kingdom Government drew attention to the different characteristics of the heavy and the light tank. The problem created by the latter evidently requires further international examination, and the question is therefore left open for negotiation in order that agreement may be reached upon the future of this important modern weapon.)"

Amendment submitted by the German Delegation.¹

Delete Article 21.

M. NADOLNY (Germany) withdrew this amendment.

Amendment submitted by the Afghan Delegation.²

Delete Article 21.

The President asked whether the Afghan delegation pressed this amendment.

Mohamed OMER Khan (Afghanistan) said that his delegation felt very strongly that tanks of all classes were markedly offensive in character. That was the reason why he had submitted an amendment for the total abolition of all tanks. He would therefore press his amendment once again.

Amendment submitted by the United Kingdom Delegation.³

Mr. EDEN (United Kingdom) drew attention to the note concerning the incomplete state of the article; it might be of assistance to the General Commission if he tried to fill this gap, which concerned tanks of less than 16 tons.

The United Kingdom Government had carefully considered the problem of tanks under 16 tons and was willing to accept, for the period of the duration of this Convention, a system of numerical limitation. Mr. Eden presumed that that limitation could find its expression in a table such as already figured in the Convention for other purposes, and perhaps the preparation of this table might form the subject of negotiation between the first and second readings of Article 21.

He would suggest, as a basis for discussion, that the article might read as follows:³

"The maximum limit for the unladen weight of a tank shall be 16 tons. The definition of 'unladen weight' is given in Annex 1."

"The number of tanks in the possession of each High Contracting Party shall not exceed the figure shown for such party in the table annexed to this chapter."

As regards the definition of "unladen weight", Mr. Eden would propose the following text:⁴

"Annex 1 (to be inserted after Article 22).

"Definition of the Unladen Weight of a Tank.

"The unladen weight of a tank includes the shell, with tracks, engine and transmission machinery, but without guns and mountings, crew, fuel, oil, engine-cooling water, ammunition, wireless or military equipment."

Amendment submitted by the Turkish Delegation.⁵

Article 21 shall read as follows:

"Tanks shall be totally abolished."

Amendment submitted by the Chinese Delegation.⁶

Article 21 shall read as follows:

"The High Contracting Parties agree to destroy all tanks in their possession and to build no new tanks."

Amendment submitted by the Hungarian Delegation.⁷

Replace the present text by the following text:

"All tanks shall be abolished."

The President said that, if the delegations which had submitted the above amendments desired to speak in support of the Afghan amendment to Article 20, this was the moment for them to do so.

General Tánzos (Hungary) observed that, in the Land Commission, twenty-three States, among them Hungary, had pronounced in favour of the total abolition of tanks. Opposition to this proposal had been offered by a small minority only.

The Hungarian delegation's present proposal, therefore, merely reflected the position already taken up by a large number of countries. Consequently, General Tánzos maintained his amendment in principle, but would come to a final decision when Mr. Eden had submitted the table to which he had referred.

M. Wellington Koo (China) said that, in his delegation's opinion, the tank, whether of light or heavy tonnage, was a particularly offensive weapon. It was a weapon which was having a great effect in China in the present situation. His country therefore strongly desired to see all tanks of whatever tonnage abolished. China believed that the abolition of all aggressive weapons, to which President Roosevelt had lately given eloquent expression, was one of the essential steps towards the effective organisation and maintenance of peace. Such a policy would undoubtedly increase the sense of general security. Moreover, the abolition of tanks would increase the sense of security, not only for those Powers which did not possess them, but also as between the Powers which did possess them. The Chinese delegation therefore trusted that agreement would be reached on this point.

M. Nadolny (Germany) reminded the Commission of the statement he had made at the beginning of the meeting, and laid stress on the fact that his country was anxious for as complete a measure of disarmament as possible. Consequently, he supported the Hungarian proposal, which he hoped would be accepted at the second reading.

Mr. Eden (United Kingdom), replying to General Tánzos' remarks, feared that it would not be possible for the United Kingdom delegation to produce tables for other countries; but, if other delegations would be good enough to follow an example already given and state the figures which they would require, Mr. Eden might be able to produce the table more easily for the second reading.

M. Stein (Union of Soviet Socialist Republics) said that the object of the Soviet delegation in not presenting any amendments to Articles 19 to 21 was to avoid making any change in the general structure of the United Kingdom plan. That, however, did not mean that the Soviet delegation opposed or would oppose any measure going further than the United Kingdom proposals concerning heavy artillery, tanks, etc. On the contrary, the Soviet delegation was prepared to accept any amendments going further than the draft which served as a basis of discussion, and hoped that, at the second reading, the Conference would support the amendments of this class after a thorough discussion of the questions involved.

M. Lange (Norway) observed that the question of tanks was different from that of artillery, which had already been discussed and on which it had not been possible to take a decision. He wondered, therefore, whether the same procedure should be adopted for tanks as had been adopted for artillery. Tanks were a relatively modern weapon and had not yet been acquired by all States. As M. Lange had already pointed out, there was a danger of infection, since certain countries would find it necessary to acquire this new arm if the present situation remained unaltered. Under Article 21 of the United Kingdom draft it certainly appeared that there would be no change in regard to the number, or even the tonnage, of tanks. That was an extremely dangerous position, to which M. Lange drew the careful attention of the delegations particularly concerned in the matter.

The President took it that the delegations which had proposed amendments were willing to allow the matter to stand over until the second reading, when, if the amendments were pressed, a division would have to be taken.

"Article 22.

"All mobile land guns above 155 mm. and all tanks above 16 tons shall be destroyed in the following stages:

"One-third within twelve months of the coming into force of the Convention.

"Two-thirds within three years of the coming into force of the Convention.

"All guns above 105 mm. shall be destroyed so soon as they are replaced by new guns of or below 105 mm."
Amendments submitted by the German Delegation.¹

Amend Article 22 as follows:

"All guns exceeding the maximum calibre and figures fixed in Article 19 and in the table annexed to the present chapter, in service or in reserve, and all tanks, in service or in reserve, shall be destroyed within the following time-limits:

"One-half within twelve months of the coming into force of the Convention;
"The remainder before the expiry of the following year."

M. NADOLNY (Germany) said that the German delegation, after withdrawing the above amendment, now wished to propose a new one. According to the text of Article 22, the question at issue was merely that of the destruction, within a certain period, of land guns above 155 mm. and tanks above 16 tons, while guns above 115 mm. would be destroyed as soon as they were replaced by new guns of 115 mm. or less, no time-limit being specified. The German delegation considered that, in the latter case also, it would be necessary to fix a time-limit, which it agreed with the Hungarian delegation should be five years. He therefore proposed to add at the end of Article 22 the words:

"... and at the latest within five years of the coming into force of the Convention".

It was also necessary expressly to prohibit in future the use of the arms prohibited in the said article, and that should be expressly stated in the text. The German delegation therefore proposed to add to Article 22 a new paragraph to read as follows:

"After the expiration of the time-limits specified at the end of paragraphs 1 and 2 of the present article, the use of the categories of arms specified therein shall be absolutely prohibited."

Count RACZYŃSKI (Poland) said that the Polish delegation had no reservations to make with regard to Section II, but would nevertheless like to supplement the provisions of the plan with a few indispensable measures in accordance with the resolution adopted by the General Commission on July 23rd, 1932, and with the following principles:

"(1) Acceptance of strict and rigorous supervision on the spot and in detail;

"(2) Abolition of the private manufacture of arms and ammunition, and in any case international supervision of the private and State manufacture of arms and implements of war, and the establishment of quotas for manufacture or importation in proportion to the effective allotments to the various States;

"(3) The maintenance in force without reservation of the previous international undertakings with regard to disarmament, no measure of re-arming being accepted by the Conference for the Reduction and Limitation of Armaments.

"Furthermore, it is essential to include in the Convention rules fixing the time-limit within which war material must be standardised and a provision expressly prohibiting the introduction of improvements in the types of existing armaments authorised by the Conference (document Conf.D./C.G.50)."

The position had developed considerably since the Polish amendment was submitted: point 1, and more especially point 3, had received what appeared to be almost universal support. President Roosevelt’s important message and the statement made by Mr. Norman Davis yesterday had given the Polish delegation the hope that the idea expressed in point 3 of its proposals—namely, no re-arming—might be incorporated in toto in the final text. That view also seemed to be corroborated by M. Paul-Boncour’s speech at the present meeting. The question relating to private and State manufacture of war arms and ammunition and that of the progressive standardisation of war material should be specially examined by the General Commission. That was, indeed, the intention of the Bureau, and those questions constituted too important a part of the problem of war material to be omitted from the final text.

M. PAUL-BONCOUR (France) said he did not wish to disturb the unanimity with which the General Commission seemed disposed to accept the various articles which had just been read, and laid stress on the fact that France earnestly desired to be able to associate herself with that unanimity, provided it were maintained when the time came for taking decisions and voting the articles.

France did more than desire that; she had made it clear in her plan that standardisation of material should follow the standardisation of types of armies, the inclusion of para-military formations and the corresponding qualitative and quantitative reductions of effective; and, as she had at the same time pointed out that the Convention could in no case be allowed to result in any re-armament whatever, it was clear that she had not only accepted, but had herself proposed, that that standardisation should be carried out by the progressive reduction of calibres and tonnages.

But in the French plan, as in the United Kingdom plan, the authors of which had been good enough to take over some of the essential proposals in the French plan, that standardisation of material by progressive reduction was bound up with decisions which, in the opinion of the French delegation, should logically have preceded that examination. He was referring to Part I, which related to the organisation of international security, and also to international supervision.

If those various points were satisfactorily settled, the way would be clear, as far as the French delegation was concerned, for the reductions contemplated. The French delegation might perhaps wish to make certain reservations with regard to the calculation of this or that calibre or tonnage, as it considered that the choices made were perhaps somewhat arbitrary and that, in order to avoid making the distinctions drawn between the various tonnages and calibres depend on the facile conception that nations naturally wanted to keep what they had and take away from others what they themselves had not—and he was sure they all agreed there—it was preferable to take as a basis a constructive idea which they could then seek to apply—namely, what arms were really most suitable for aggressive purposes and what were indispensable for defence?

In connection with that last point, laborious and lengthy discussions had been held by the technical Committees of the Conference. Like most of the technical work, those discussions had not led to agreements; nevertheless, they contained extremely useful indications, and it might be possible to make better use of them when that rapid examination—that work of exploration—had been concluded and the time came for each nation to state clearly what it could accept and what it could give up.

Subject to the above reservations, France desired once more to express the sincere hope that she would be able to associate herself with the reductions which had been proposed and which corresponded to the system of standardisation of material which she had herself suggested.

The fact that France had nothing more definite to say to-day to the Conference—it was her custom to speak frankly, and she regarded that as the highest service she could render to the work of the Conference—was due, she would repeat, to the fact that those reductions depended, in her opinion, on the adoption or rejection of measures of international security and upon international supervision; of these the former preceded the chapter of the United Kingdom plan which the General Commission had just examined, while the second followed it.

The French delegation sincerely hoped that, after the statements of the United States representative, the Conference was in a position, if it really desired to do so, to draw definite conclusions from those statements with regard to Europe and to proceed to organise peace on a solid basis, thus realising one of the conditions which, in the opinion of the French delegation, must accompany the considerable reductions to which it might agree.

He personally would have wished the General Commission to draw such definite conclusions as soon as possible, if only as a just tribute to the declarations made by the United States representative. He would willingly agree that there should be a delay of twenty-four hours and that the General Commission should broach the subject on the following day.

Another series of measures, which were no less important in the eyes of the French delegation and were of such a nature as clearly to show the close relation of cause and effect existing between their adoption and the quantitative and qualitative reductions in material which might be conceded, consisted of international control, its methods and its sanctions. France desired to say quite frankly that, the moment they began to deal with qualitative reduction, supervision should be much more definite and much stricter than it had been possible to contemplate, for instance, at the time of the discussions of the Preparatory Commission, when they were considering fairly general provisions without analysing the material. The forms of control should be still more definite and still stricter than those proposed in the United Kingdom plan—not that it was indispensable to extend those more definite and permanent forms (permanency being an essential factor in the opinion of the French delegation) to all States, but they should certainly be agreed upon as between States which, in their relations with one another, were to carry out that standardisation by progressive and considerable reductions in land armaments, as those forms were the only ones which could prove effective and could guarantee that supervision, far from being a threat suspended over a State, and consequently difficult to execute—as was shown by what had happened since the war—was something mutual, permanent and automatic, with a real chance of fulfilling its purpose, which was to know exactly what was happening in each country in order to dissipate all mutual suspicion and distrust.

During the first reading, M. Paul-Boncour was confining himself to giving certain indications of a general character, and had refrained from proposing any definite amendment or from making a statement on any specific article. As, however, the qualitative side of the question
had been taken up, he would add that there was one particular aspect of supervision which
had not even been mentioned in the plan submitted to the General Commission and in regard
to which the French delegation would very shortly bring forward definite proposals—namely,
the supervision of the manufacture, and more particularly the private manufacture, of arms.

The French delegation frankly stated that it could not accept the measures of limitation
and abolition recommended in the articles just read if, while the various States were deprived
of these arms, private industry were left free to manufacture them on behalf of the same States.
There must therefore be permanent and automatic supervision of the manufacture of arms
also.

Such were the questions in regard to which the French delegation would require definite
answers before it would be in a position to specify the qualitative reductions to which France
could consent and which, M. Paul-Boncour again emphasised, were also bound up with the
standardisation of army types in accordance with methods which would include in the
limitations all para-military formations.

A few moments ago he had pronounced the word abolition, and in certain cases he did not
rule that principle out of consideration. He would, however, have failed to make his position
entirely clear if he did not add that when the time came to take the decisions which France
was eagerly awaiting, when the time came to conclude the work of general examination and
when each must face his own respective responsibilities, the French delegation, as it had frequen-
tly stated before the General Commission, would emphatically maintain that, in its view, the
destruction of all the more powerful categories of arms would be nothing less than an abdication,
than a desertion of the League of Nations, and that if the latter were really desirous of organis-
ing mutual assistance, which was the very basis of international security, it would be peculiarly
illogical and dangerous if, instead of taking over and assuming responsibility for the arms
already in existence, it were to doom them to destruction, with the probable result that, at
some later date, it would be obliged to have them manufactured—with the financial assistance
provided for in a previous Convention—for the benefit of some State which might be unjustly
attacked.

The French delegation wished to state frankly and at once that, when the time came, it
would make a great effort to prevent the League relinquishing the material means of execution
which could be placed at its disposal and which, as they were already in being, would cost
it nothing. All that was required to achieve that end was that certain States should be prepared
to make a gift of such arms—as was France—and that the League should be prepared to use
them against any party desiring to have recourse to war in spite of all the prohibitions to
which it had subscribed.

Amendment submitted by the Hungarian Delegation.¹

Replace the present text by the following text :

"All mobile land guns above 105 mm. and all tanks shall be destroyed within twelve
months of the coming into force of the Convention."

General Tánczos (Hungary) withdrew his amendment to Article 22 in order to expedite
the discussions of the General Commission, and in principle gave his support to the
amendment proposed by the German delegation. At the same time, he reserved his right to
take up points of detail during the second reading.

Mr. Eden (United Kingdom) observed that the matter raised in Article 22 was of very
great importance and that the destruction of war material could probably best be arranged
pari passu with the transformation of the armies referred to in the relevant part of the
Convention.

Further, in the last paragraph of the article, the words 105 mm. should now read 115 mm.

M. Sato (Japan) explained that, though the Japanese delegation had hitherto taken no
part in the discussion, that did not mean that it was indifferent to the question of material.
On the contrary, it had followed the whole discussion with close attention. It would give the
most careful consideration to the statements made that afternoon and, if it considered it
necessary to make any remarks on these points, it would do so during the second reading.

The President thought that it was not possible to carry the discussion on Article 22
further at present. The new amendment submitted by the German delegation must be
circulated and the whole question would come up again at the second reading.

Before closing the meeting he would like to say that, if the work could be continued as it
had been at the present meeting, it would not, he thought, be long before the Commission
would be retracing its steps and taking important decisions, for it must take the decisions at
the second reading.

SIXTY-THIRD MEETING

Held on Wednesday, May 24th, 1933, at 3.30 p.m.

President: The Right Honourable A. HENDERSON.

118. DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION. — PART I: SECURITY (continuation).

Articles 1 to 5: Revised Text proposed by the United Kingdom Delegation.

"Article 1. — In the event of a breach or threat of breach of the Pact of Paris, either the Council or Assembly of the League of Nations or one of the parties to the present Convention who are not Members of the League of Nations may propose immediate consultation between the Council or Assembly and any of the said parties to the present Convention.

"Article 2. — It shall be the object of such consultation, (a) in the event of a threat of a breach of the Pact to exchange views for the purpose of preserving the peace and averting a conflict; (b) in the event of a breach of the Pact to use good offices for the restoration of peace; and, (c) in the event that it proves impossible thus to restore the peace, then to determine which party or parties to the dispute are to be held responsible.

"Article 3. — The provisions of the above article do not in any way prejudice the rights and obligations of the Members of the League, nor conflict with nor limit the powers and duties of the Assembly and Council under the Covenant."

The President proposed to call upon Sir John Simon to make a statement on the three new articles, and he would be pleased to have the names of any delegations wishing to speak on the articles generally. The Commission would then proceed to a first reading of the articles, leaving it open for any delegation to submit amendments which would come up at the second reading.

Sir John Simon (United Kingdom) said that, after the declaration made by Mr. Norman Davis on behalf of the United States Government a few days ago, all delegations had felt greatly encouraged to try to put Part I of the draft Convention into the best possible form. It had been evident that Part I would have to be to some extent re-cast in the light of what Mr. Norman Davis had been authorised to say as to the new contribution which the United States of America would be prepared to make in certain eventualities. Consequently, it had fallen to Sir John Simon's lot, as representing the Government which had put forward the draft Convention, to consider what would be the changes in Part I which this new situation required, and the President had announced that Sir John Simon had undertaken to do his best in the matter. He had done his best, with the assistance of very valued colleagues, and he had been able to consult some of the other delegations.

The articles he was putting forward at the moment were tentative, and, as the President had said, came before the Commission only for a first reading.

He desired briefly to explain the nature of the new document, which contained three articles, and how it might, he hoped, be found to meet the new and encouraging situation which had arisen from the declaration of Mr. Norman Davis.

He would first make clear that, whereas Part I of the draft Convention consisted of six articles, the present proposal dealt with the first five only—that was to say, Article 6, which treated of special regional agreements, stood.

The scheme of the new draft was as follows. Whereas the old draft would have bound all the contracting parties to agree in advance to meet at the request of any five of them, the new draft dealt with the situation in which the Conference now found itself by substituting for the provision in the new Article 1, which was in the nature of an invitation or proposal to meet and not in the form of an undertaking to meet.

Everybody appreciated that what the Conference was at present trying to devise was what had been called the outermost circle of security, that embracing the whole world. For that purpose, the new draft proposed that, in the event of a breach or of a threat of a breach of the

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2 Document Conf.D./C.G.110
3 See Minutes of the sixty-first meeting of the General Commission.
Pact of Paris, an invitation to meet in consultation might issue either from the body representing the Members of the League to non-members, or from non-members to the organs of the League itself. It would then rest with the invited party to consider whether or not it would accept the invitation. Sir John Simon recalled with very great pleasure the following declaration which Mr. Norman Davis had made in his speech:

"In particular, it was willing to consult with other States in case of a threat to peace with a view to averting conflict."

It might, Sir John Simon thought, be assumed that, in appropriate cases, the invitation to meet in consultation might well be accepted, and provision would thus have been made for the method of consultation to which Mr. Norman Davis had referred.

Article 2 of the new draft declared what would be the object of the consultation if it took place, and the Commission would notice that the United Kingdom delegation had thought it convenient to state three cases. In doing so, the United Kingdom delegation had in mind the explanation so clearly given by the United States delegation the other day, in which there was the assurance "if the United States Government concurred in the judgment rendered as to the responsible and guilty party, it would refrain from any action tending to defeat such collective effort which the States might thus make to restore peace". There was manifestly an effort in that eventuality to modify the strict regard for the law of neutrality, the importance of which everybody recognised and in respect of which the United Kingdom Government tendered its best thanks to the United States of America.

Article 3 was new. It applied only to Members of the League, and made quite clear that nothing proposed in Part I of the draft in the least qualified their obligations under the Covenant. Those obligations stood as they had been before.

Sir John Simon would like briefly to summarise what he hoped would be the effect of this new proposition. It was put forward in order that Part I in its new shape might provide a suitable foundation for any subsequent co-operation between Members and non-members of the League. He trusted it might be found to be in a form which would not run contrary to Mr. Norman Davis's declaration, and he would venture the speculation that in fact it did not run contrary to what Mr. Norman Davis had indicated. Sir John Simon understood that what the United States Government contemplated in respect of Part I in place of the ordinary signature was a unilateral declaration along the lines which the United States delegate had indicated, and Sir John Simon had drafted his new articles in the hope and with the purpose that they should go along the same line as that proposed in the United States declaration.

There was one other matter which was quite independent. A criticism had been addressed to the articles in Part I of the original United Kingdom draft to the effect that their object might be very good, but that they involved a duplication of machinery. There were, indeed, rules of machinery, which everyone understood, in the Covenant requiring the Council to act in unanimity, but, at the same time, giving to a single Member of the League of Nations the right to put the machinery in motion. It had been said that the United Kingdom draft appeared to set up, side by side with that, a complicated and rival machinery which talked about the necessity of the consent of five Powers, and so on. Speaking for himself, Sir John Simon had felt the force of that criticism, and one of the advantages, as it appeared to him, of the new draft was that it avoided that criticism, because it relied upon the machinery and rules of the Council or Assembly, as the case might be, and therefore there was no duplication of machinery involved.

As the President had said, the Commission was engaged at present merely upon the first reading of the new articles. Sir John Simon could well believe that they would need close examination from various points of view, but on one thing he was most anxious to be reassured. He would indeed be glad if it were considered that, with the help of its friends in different quarters, the United Kingdom delegation had succeeded in putting forward a proposal in respect of Part I, "Security", which followed lines that would enable that co-operation to be given which the United States of America had been good enough to indicate two days previously.

Mr. Norman Davis (United States of America) said that, although he had not had time to give full consideration to the revised text which Sir John Simon had submitted to the General Commission, his impression was that the United Kingdom delegation had done an excellent piece of work and, far as Mr. Norman Davis could see, the machinery and the provisions for consultation were in harmony with the declaration he had made with regard to the position of the United States of America. He hoped, therefore, that this new draft might facilitate the machinery in motion. It had been said that the United Kingdom draft appeared to set up, side by side with that, a complicated and rival machinery which talked about the necessity of the consent of five Powers, and so on. Speaking for himself, Sir John Simon had felt the force of that criticism, and one of the advantages, as it appeared to him, of the new draft was that it avoided that criticism, because it relied upon the machinery and rules of the Council or Assembly, as the case might be, and therefore there was no duplication of machinery involved.

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of Part I of the Disarmament Convention. In the event that a decision is taken by a conference of the Powers in consultation in determining the aggressor with which, on the basis of its independent judgment, the Government of the United States agreed, the Government of the United States will undertake to refrain from any action and to withhold protection from its citizens if engaged in activities which would tend to defeat the collective effort which the States in consultation might have decided upon against the aggressor."

This declaration would be drafted in final form previous to signature of the Disarmament Convention, and would be made at the time of the United States' deposit of ratification of that Convention.

M. PAUL-BONCOUR (France) thanked Sir John Simon and Mr. Norman Davis for their statements. Like the eminent lawyer he was, Sir John Simon had promptly worked out a text which, it seemed, very successfully brought into harmony the declarations made by the United States of America and the first part of the original text of the United Kingdom proposal. Furthermore, Mr. Norman Davis had just made publicly a very valuable contribution to the discussion, one that rounded off with the greatest possible exactitude the statement he had made the other day.

When to these extremely important events there was added the fact that another great country not a Member of the League, the Union of Soviet Socialist Republics, had taken the initiative in submitting a definition of the aggressor, which had been incorporated in the report of the Committee presided over by M. Politis, that went to confirm the view expressed by the French delegation, immediately on hearing the American statement, that the Conference was now in a position to bring into being an organisation for mutual security which would be of such a nature as to create a very favourable atmosphere for the second reading.

Count RACZYNSKI (Poland) wished to express his heartfelt thanks to Sir John Simon for his very interesting speech. The Polish delegation was not in a position to say definitely whether it could accept the new text as it stood, but it was of opinion that that text went very far towards removing the misgivings it had felt when studying the first text presented to the Commission. The Polish delegation had presented on March 18th certain amendments to the first text, and, at the meeting on April 25th,1 Count Raczynski had been in the rather difficult situation of having to accept his own amendments. He had at that time expressed the hope that the members of the Conference, and in particular the United States delegation, would welcome that proposal. The conversation he had had on the same day with the United States delegate, Mr. Norman Davis, had given him the hope that in the end his wish would be fulfilled.

The Polish delegation noted with satisfaction that the proposal put forward by the United Kingdom delegation at the present meeting went very far on some points and that some passages were nearly identical to the Polish amendments. But there was a saying: "C'est le ton qui fait la chanson." The song had been sung to-day by a very great artist.

It had been very well received by the speakers who had preceded Count Raczynski, and that confirmed his hope that the above words would be accepted in a very friendly spirit by the Conference as a whole.

M. TITULESCO (Roumania) pointed out that the States of the Petite Entente had naturally not yet had time to study thoroughly the new texts submitted by the United Kingdom delegation. Even after a cursory perusal of them, they were nevertheless able to convey to the United Kingdom delegation the genuine sympathy with which they viewed this new achievement, which represented a real advance on the first draft of the chapter on security. It need only be recalled that, under the terms of the original text, a State attacked contrary to the Pact of Paris could only secure justice if it had the good fortune to find five other States willing to sing the same song and if, more especially, one of these was one of the Powers specified in Article 3. The Petite Entente had put forward an amendment on this subject, and it was grateful to the United Kingdom delegation for having taken it into account.

On behalf of the Petite Entente M. Titulesco wished to make two remarks, and also to put one question.

The first remark related to the interpretation of the Pact of Paris itself. Article 1 of the United Kingdom delegation's text stipulated:

"In the event of a breach or threat of a breach of the Pact of Paris, either the Council or Assembly of the League of Nations . . ."

It appeared self-evident that the phrase "breach of the Pact of Paris" must be construed to mean "recourse to force" and not merely "recourse to war after a formal declaration". Everyone was indeed aware, though the fact was too frequently overlooked, that Article II, which was the foundation-stone of the Pact of Paris, prohibited violence, in that it called upon the parties to rely exclusively upon pacific means for settling disputes of whatever kind. It

1 See Minutes of the fifty-first meeting of the General Commission.
did not seem that the reference to a breach of the Pact of Paris was meant to apply exclusively to war in the legal sense of the term; the Petite Entente therefore read this passage as follows:

"In the event of a threat of breach consequent upon recourse to force . . ."

It was convinced that such an interpretation would meet with the unanimous approval of the Conference.

M. Titulesco’s second remark was rather in the nature of a question. The text of Article I seemed to suggest that a distinction was made between the Members of the League and non-members. M. Titulesco yielded to no one in his respect for the non-member States and in his willingness to pay a tribute to the contribution they had made to the progress of the cause of disarmament. The definition of the aggressor proposed by the Soviet delegation represented the most outstanding result of the long discussions in the Committee for Security Questions, and the Petite Entente wished to pay a public tribute to the Soviet delegation on that account.

No one, therefore, could take it ill if M. Titulesco asked that no distinction be made between Member and non-member States. It was possible that, in the mind of the United Kingdom delegation, there was no such distinction. The States members of the Petite Entente would be extremely happy to learn that such was the case, but, to lawyers, the text nevertheless conveyed the impression that such a distinction existed. What did the text say in this connection? It stipulated that:

"In the event of a breach or threat of breach of the Pact of Paris, either the Council or Assembly of the League of Nations or one of the parties to the present Convention who are not Members of the League of Nations may propose immediate consultation between the Council or Assembly and any of the said parties to the present Convention."

From its wording this clause appeared to mean that, before a consultation was decided upon, a Member of the League would be required to lay the matter before the Council and obtain a unanimous decision, whereas a non-member State could obtain consultation merely for the asking. If such were indeed the meaning of the article, it would have to be amended. If, however, that were not so, and if, in both cases, the Council would be required to decide whether such consultation should take place, the Petite Entente States would be extremely grateful to the United Kingdom delegation if it would state the fact expressly. M. Titulesco’s third remark had lost its point after the statement made that day by the United States delegate. The States of the Petite Entente regretted that the original text, providing for a consultation of all the signatory States of the Pact of Paris, had been dropped. The text proposed by the United Kingdom delegation only mentioned "immediate consultation between the Council or Assembly and any of the said parties to the present Convention". The unilateral declaration which the United States delegation proposed to make had reassured the Petite Entente, which congratulated Mr. Norman Davis on that declaration and on having thus made an extremely valuable contribution to the organisation of security.

If the States of the Petite Entente had any further remarks to make, they would submit them in the same spirit of frank and sincere co-operation which had always characterised their attitude to the Conference.

Sir John Simon (United Kingdom) said that the United Kingdom delegation was very much gratified at the favourable reception given to the new proposals on their first reading. He quite agreed that they would have to be studied at greater length before they could be finally incorporated in the draft Convention, but he hoped that when his colleagues studied them they would find that the articles had been drawn up with sufficient care to justify their acceptance.

In reply to the observations which had been offered, he would first like to express to the Polish delegate his great regret that, in presenting the draft, he had not stated, as he should have done, that among the suggestions most useful to the United Kingdom delegation were the proposals which Count Raczyński had put forward on behalf of Poland. Sir John Simon did not care who it was who sang the song; the really important thing was who composed the words, and in that respect he willingly acknowledged the well-known artistic accomplishments of the great Polish people.

Secondly, he wished to express to Mr. Norman Davis his warm and sincere appreciation for the readiness with which the United States delegate had responded to his suggestions. For the moment, it almost looked as though the delegates of the United States of America and of the United Kingdom were two card-players who had privately arranged to play the same suit, but Sir John Simon assured the Commission that there had been no collusion between them.

M. Titulesco had made some extremely penetrating criticisms, with which Sir John Simon would deal very briefly, so far as he had been able to study them. The Roumanian delegate had observed, in the first place, that the text of Article I referred to "a breach or threat of breach of the Pact of Paris"; and he had gone on to discuss what cases this would cover and whether it was to be interpreted in a wider sense or to be limited to formal declarations of war. Sir John Simon ventured to think that M. Titulesco had answered his own criticism by pointing out most accurately that the Pact of Paris contained in Article II a provision that only pacific means must be used for the settlement of any dispute. Sir John Simon preferred—and, indeed, as far as his Government was concerned, he must insist—that the Conference should build on the sure and tried foundations of the Pact of Paris, which had been before the world for some years, which had been accepted by practically every nation in the
world, and which had been the basis upon which the first suggestions from the United States of their willingness to advance to meet the other nations had been founded. It was, he thought, very much safer to make a reference to "a breach or threat of breach of the Pact of Paris" than to attempt to embark upon some new and untried definition when there was so much other work to be done.

M. Titulesco had then put forward the very ingenious point, which naturally appealed to the Members of the League, that, in Article I, there was perhaps a discrimination by which a Member of the League would be placed at a disadvantage as compared with a non-member. His reason was that Article I would confer upon one single non-member the power to propose a consultation, whereas, so far as Members of the League were concerned, Article I was so drawn up that either the Council or the Assembly might propose a consultation. Sir John Simon thought that this suggested distinction was more apparent than real. There was the well-known provision in the Covenant that a Member of the League might make a request that the Council should be summoned. That conferred the full right upon any single Member of the League acting alone and without any other encouragement than its own judgment, to ask the Secretary-General that the Council should consider whether it would not be prepared to issue an invitation. It was true that a single Member would not be able to carry the matter further than asking for a meeting of the Council, as the decision of the Council must be unanimous. An exactly corresponding position would exist, however, if a non-member of the League tried to put Article I into operation. The fact of a non-member State proposing a consultation was not the same thing as securing it. It would address an invitation to the Council, but the Council could either accept or reject that invitation. In any case, if the Council accepted, it would have to do so by a unanimous decision. Sir John Simon believed that, if this matter were left to work itself out, the common-sense which he hoped was not the exclusive possession either of Members or of non-members would ensure that the nations would not compare the privileges of one with those of another, but would get on with their business in a practical way, and, he trusted, bring about a consultation which might be prudent.

There were, no doubt, other points to be considered, but for the moment he would confine himself to saying that he hoped the Commission might have a first reading of the new articles. He was greatly encouraged by the generous reception they had been given, and by the prompt and most helpful response made by the United States of America.

M. Dovgalevsky (Union of Soviet Socialist Republics) said that the Soviet delegation had been greatly gratified at the terms in which M. Paul-Boncour and M. Titulesco had expressed their approval of the Soviet proposal relative to the definition of the aggressor. He hoped that their encouraging remarks might be taken to augur unanimous acceptance by the General Commission and by the Conference of that definition, which had that very day been given the form of a draft Act which would shortly be submitted for examination to the General Commission by M. Politis, Chairman of the Committee by which the Act had been drawn up.

Throughout the work of the Conference, the Soviet delegation had always shown its keen desire to co-operate. Latterly it had given still further proof thereof by supporting Part I of the original text of the United Kingdom draft. The Soviet delegation had, it was true, put forward certain amendments to that part, but they represented, in the main, modifications on points of detail which were in no way calculated to destroy the structure of Part I as a whole.

In a like spirit of co-operation the Soviet delegation would examine the new draft of Part I with all due care. It reserved its right to pronounce on this draft as soon as it had carefully scrutinised the new wording. On one point, however, its attitude could be made clear without further delay. M. Titulesco had proposed that in the draft breaches of the Pact of Paris should be assimilated to recourse to force. Such an assimilation was welcomed by the Soviet delegation, which supported M. Titulesco's proposal.

M. Nadolny (Germany) said that, in accordance with the attitude she had taken up in the matter of security, Germany considered that the first step must be to achieve disarmament, precisely in order to guarantee the same measure of security to all States. The right of all States to have their national security ensured by a general reduction and limitation of armaments in conformity with the principle of equality of rights was unquestionably incorporated in Article 8 of the Covenant, and, as a Power which had been unilaterally disarmed, Germany was keenly interested in the application of this fundamental provision of the League. Germany, on the other hand, had always stated her willingness to increase general security by means of international agreements. As therefore the Chancellor of the Reich had stated in his speech to the Reichstag on March 7th, Germany was fully prepared to assume fresh obligations with a view to international security, provided all the other Powers also were prepared to adopt the same course and that the provisions in question increased the security of Germany as well. It was in this spirit that Germany had welcomed the declarations made by the United States representative in the General Commission, following President Roosevelt's important message.

The German delegation was likewise very willing to co-operate in the amendments to Part I of the United Kingdom draft which, in consequence of these declarations, had been that day proposed by the representative of the United Kingdom. The delegation would examine them in the same spirit, in the light of the explanations furnished, among other speakers, by Sir John Simon, who, in the very limited time at his disposal, had achieved
excellent practical results, above all, in the light of the new and very important statement made by Mr. Norman Davis.

The various delegations all had the impression that, as a result of this important new departure on the part of the United States of America, the value of which could not be overestimated, the question of security had made real headway. He hoped that this might be followed by correspondingly far-reaching and effective measures in the sphere of disarmament and that, in this way, the work of the Conference would be crowned with complete success.

M. Beneš (Czechoslovakia) first thanked Sir John Simon, on behalf of M. Titulesco, for the explanations which he had been good enough to give in reply to his questions; M. Beneš noted that the fears expressed regarding a possible discrimination had been removed.

As regarded another question touched upon by Sir John Simon, he ventured to enter a small reservation. In speaking of the consultation, the United Kingdom delegate had dealt with the conditions in which the Assembly or Council would have to arrive at its decision (question of unanimity). Without going into the substance of this question, M. Beneš merely desired to reserve it for the present. Either the question would arise in the circumstances mentioned in Article 15, and the rules embodied in that article would be applicable, or consultation would be regarded as a question of procedure; on that point agreement had apparently not yet been reached, and, such being the case, it would be preferable to regard the question as still open.

Sir John Simon (United Kingdom) was very happy that the mistake which he had made and which had already been pointed out to him by experts should be corrected authoritatively by M. Beneš. He entirely accepted what M. Beneš had said.

So far as Sir John Simon was concerned, the question need not be reserved. He accepted the correction, and the more willingly because M. Beneš had been good enough to say that Sir John Simon's statement had dissipated the difficulty which had been mentioned. As long as he dissipated the difficulty, Sir John Simon did not in the least mind occasionally using a wrong argument.

M. di Soragna (Italy) said that the Italian delegation was happy to associate itself with the expression of thanks and appreciation which had been tendered to the United Kingdom delegation. In the limited time at its disposal, the latter had done really remarkable work and had thus made it possible to draw up in explicit legal terms a text calculated to secure Mr. Norman Davis's acceptance of Part I of the United Kingdom draft. All these articles would of course have to be carefully examined, but, at first sight, it would appear that the difficulties had been solved in a truly masterly fashion. The work which still remained to be done on Part I of the draft would thus become both easy and agreeable.

M. di Soragna also thanked Mr. Norman Davis, who, after bringing to the Conference such encouraging messages, had immediately converted them, in the statement which he had just read, into a positive contribution to the ultimate success of the General Commission's work.

The President thought that the Commission was now in a position to proceed with a first reading of the new articles introduced by Sir John Simon. The first business would be to secure the deletion from the draft of the original Articles 2 to 5. Article 1 had already been deleted. Articles 2 to 5 being deleted, the new Articles 1 to 3 would take the place of the first five articles. The whole matter would then come up again for second reading, and, in the meantime, when the delegations had studied them, those desiring to submit amendments would of course put them forward in the ordinary way.

The proposals of the President were approved.

119. REPORT OF THE COMMITTEE ON SECURITY QUESTIONS: STATEMENT BY M. POLITIS, CHAIRMAN OF THE COMMITTEE, AS TO THE POSITION OF THE WORK.

M. Politis (Greece), Chairman of the Committee on Security Questions, submitted to the General Commission the first two parts of the report of the Committee.1 The Committee had been given three tasks. It had, first of all, to study the proposal of the Soviet delegation concerning the definition of the aggressor. Secondly, it had to deal with the Belgian delegation's proposals for determining the aggressor, and, lastly, under a recent decision of the General Commission, it had to study the European Security Pact proposed by the French delegation.

The two sections now communicated to the Commission covered the first two subjects, and for the moment M. Politis would confine himself to explaining the structure of the Act relating to the definition of the aggressor. Some such explanation was required, as it would enable the General Commission, which had only just received the report, to form an adequate idea of the work done by the Committee.

The Act relating to the definition of the aggressor, the text of which formed the first annex to the present report, had been intended, and still was intended by those who had

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proposed it, and also by the members of the Committee who had approved it, to constitute the foundation-stone of the security system which the General Commission was at present considering.

Its effect and its practical advantage would be that it warned States of the acts they must not commit if they did not wish to run the risk of being declared aggressors. Thanks to it, public opinion would be able, when a grave incident occurred in international relations, to form a judgment as to which State was responsible. Lastly, and above all, it would facilitate the work of the international organ called upon to determine the aggressor. Furthermore, when that organ had before it sufficiently definite rules to facilitate its task, it would be less tempted to incur the danger of excusing, on political grounds, the act of aggression which it was called upon to judge.

So much for the purpose and utility of this Act.

What was its sphere of action? According to the Soviet proposal, which had been accepted by the majority of the Committee, the Act was conceived as of universal application. It was designed to become a general law for all States. Nevertheless, it went without saying that, should it fail to command the acceptance of all States, it would only be compulsory and its rules would only apply in relations between the States which had accepted it. The system embodied in the Act was marked by a certain strictness and that was its principal merit in the view of the Committee which had drawn it up. Its strictness resided in the fact that the cases which the contracting parties undertook to regard as acts of aggression were determined in a restrictive manner. This system had been criticised by certain members of the Committee, who regarded as a drawback what had appeared to the majority as an advantage. The former would have preferred the system to be more elastic, because circumstances might be very complex and the very rigidity of the system might hamper the action of the body responsible for determining the aggressor. The majority had considered that, between a rigid system and an elastic system which ran the risk of being marked by the drawbacks that experience, and particularly the studies made at the League, had only too clearly revealed, the preference must go to the rigid system embodied in the Act defining the aggressor, for its drawbacks were largely outweighed by the advantages which it was calculated to offer. Moreover, whatever might be the drawbacks of this system, it had appeared to the Committee that, in the interests of peace and as a guarantee of security, it had undoubted advantages over the more flexible system. As a matter of fact, the possible rigidity of the system embodied in the Act was likely to be mitigated to a certain extent by the fact that the Act was to be taken in combination with the 1931 Convention on the means of preventing war and also with the League Covenant itself.

It had indeed been found during the Committee's enquiry—although this conclusion had not met with unanimous support—that the operation of these different Acts would enable the body responsible for determining the aggressor—and hence for applying the rules laid down in the Act—to take into account the powers which it held under Article 11 if it were the League of Nations and, in the case of the application of the 1931 Convention, the special rules laid down in that Convention, which, taken as a whole, did after all permit of a certain elasticity in the application of the strict rules laid down in the Act.

Before entering upon an analysis of the provisions of the Act, three observations of a general character were required.

First, the rules laid down were subject to a reservation as to the agreements in force between the parties. This reservation had been made for two reasons: (a) to safeguard the special stipulations existing in agreements in force between the parties which might, in certain cases, permit of recourse to one of the acts considered in this document as acts of aggression. The most striking and general example was in the League Covenant itself, which contained a clause whereby the States Members of the League could, in certain specified cases, take steps which in themselves might be regarded as acts of aggression according to the definitions given in the Act, but which nevertheless had not this character, because they were legalised by the agreement binding the parties concerned; (b) to make it possible to reconcile the present Act with the Convention of September 26th, 1931, on the means of preventing war. The Committee had thought it necessary to make a reservation as to the application of the Convention concurrently with the present Act, because the combination of these two texts might lead to a certain flexibility, thus lessening the rigid character of the system proposed.

Secondly, in the enumeration of the acts of aggression which M. Politis would describe later, the State which first committed one of the acts mentioned was declared the aggressor. Emphasis should be laid on the word "first". It might very well be that, in the complicated circumstances of an international dispute, there might at one time or another have been committed by either party certain acts coming within the scope of the definition in the Act. The only way of having a clear view in so complicated a situation and so being able to apportion the responsibilities and finally to determine the aggressor was to observe the chronological order of events—namely, to ascertain who was the first to begin to commit one of the forbidden acts—since, once it was proved that one of the parties had been the first to commit one of those acts, the attitude of the other party would immediately be seen to be that of legitimate defence and, by that fact alone, should be excluded from the conception of aggression.

The third general observation related to the position of third parties, which at first sight might appear somewhat doubtful. When a dispute arose between two countries and one of them was the first to commit one of the forbidden acts, and when it was, on that account, regarded as the aggressor, were third parties free, in respect of the aggressor, from the
obligation in the Act whereby they were bound not to commit the acts described as acts of aggression? The reply which was given to this question was very simple. It was linked up to the Pact of Paris, which laid down that, when one of the contracting parties had broken the Pact, the others were immediately released from the obligations they had assumed towards the party which had committed the first breach. The position in the present case was exactly the same, and the result was that third parties which had resorted to force and violent measures against the aggressor with the object of assisting the victim of the aggression were assured by this rule that they would not be regarded as aggressors.

The list of facts constituting aggression gave a restrictive enumeration of five cases of aggression.

The first was the declaration of war. It had been thought necessary to mention this case, although in itself it might not be a definite act of aggression, because, in fact, the declaration of war would be immediately followed by hostilities and it was manifest that the party which should bear the responsibility therefor was the party which had issued the declaration. But, in accordance with the observations which he had made previously, if the declaration were made after the commission of one of the forbidden acts had been established, it could not be held to be an act of aggression, because the responsibility would fall upon the party which had first committed one of the forbidden acts.

The second fact agreed to was the invasion of the territory of a State, even without a declaration of war, by the armed forces of another State. That was obviously the most characteristic case of all, and the Committee had carefully made clear in its report that by the term "territory" was meant the area of land over which a country actually exercised its authority. When a territory answering to that description was invaded by the armed forces of another country, the latter was committing a forbidden act; it would be declared the aggressor and the invaded State would be the victim of the aggression.

The third fact was attack by land, naval or air forces of the territory of another State or of its vessels or of its aircraft. No comment was required on this point.

The fourth fact was the establishment of a naval blockade of the coasts or ports of another State. In this connection, certain objections had been raised in the Committee, but the latter had held that, if a naval blockade did not necessarily lead to war, it was nevertheless an act implying material force, in a limited but real manner, against another State and that, in most cases, only the weakness of the country subjected to the blockade prevented the blockade from being the initial act in the final rupture of peace and resort to hostilities. For that reason, the Committee had thought it right to include this case among the acts of aggression.

Lastly, there was a case which was in some ways a novelty, because it had never so far been recognised in studies on the subject. It was the case in which a country supported armed bands which set out from its own territory and invaded that of another country.

Such was the restrictive enumeration in Article 1 of the draft Act. Article 2 laid down an extremely important rule which brought out the true character of the system. Article 2 said that no consideration of whatever kind, whether political, economic or financial, or other, could be advanced as excusing or justifying an illegitimate act if committed. A State which, having committed such an act, advanced an argument of that nature could not avoid condemnation as the aggressor.

The Soviet delegation had proposed that this article should be followed by a somewhat lengthy clause giving, by way of illustration, a number of the most probable cases in which considerations of any kind, if advanced in justification of the aggression, might be held to be invalid. The Committee had felt that to insert so long a list in the body of the clause itself would make the text too heavy. In a spirit of conciliation, however, it had agreed that there should be a special Protocol annexed to Article 2 giving a certain number of illustrations. That was the object of the Special Protocol in Annex II of the Committee's report.

Lastly there was a third article, which stated that it was the Committee's intention that the Act concerning the definition of the aggressor should be made an integral part of the Convention. The only point held over was that of the duration of the Act, because it was possible and natural that an Act of this nature, which was intended to establish a permanent international law, should be given a duration other than that of the General Convention for the Reduction and Limitation of Armaments, which was designed, by its very nature, to represent only the first stage and consequently was, in certain respects, of a provisional character and might have a limited duration.

Such was the general structure of the Act on the definition of the aggressor.

In conclusion, M. Politis, speaking at least on his own behalf—for he did not know whether he expressed the opinion of all his colleagues on the Committee—desired to add that he regarded this Act on the definition of the aggressor as an advance, and a very notable advance, in the long chain of work undertaken at Geneva for many years past. For ten years at least, a vain attempt had been made to devise suitable formulæ for crystallising this somewhat evasive idea of aggression. Success had not been achieved, apparently for two reasons. The first was that, hitherto, the determination of aggression had been closely bound up with the idea of sanctions and the application of Article 16 of the Covenant. In the present case, that consideration had been entirely dropped. The aggressor was defined and it was reserved for other instruments and other authorities entrusted with defining and applying the sanctions to decide whether all the cases indicated in the present document as acts of aggression should be taken into consideration for the purposes of the application of sanctions. The second factor which had hitherto blocked the success of the work for the definition of the aggressor was that, until the Conference had set to work, all arguments in connection with the term "aggressor"
had referred solely to the definite case of war, and that was another difficulty, since the term “war” itself was difficult to define.

Since the Pact of Paris had come into force, since the virtues inherent in it had become more apparent and since it had become gradually more manifest that to-day it was no longer possible, in the conscience of civilised man, to make a really practical distinction between what had previously been regarded as war and what modern men regarded as resort to force or the use of violence—ever since that time it had been seen that it was easier to arrive at a definition of the aggressor, because one of the difficulties which had prevented the elaboration of that definition had been jettisoned. The idea that a distinction should no longer be made between war in the strict sense of the term and resort to force had gained a striking success during the present Conference, and the unanimous adoption in March 1933 by the Political Commission of its resolution in which resort to force was henceforth an act forbidden to all States constituted, in M. Politis' view, the greatest success which the Conference had hitherto achieved.

It was true that the resolution then taken applied to Europe only, but M. Politis did not think that he was mistaken in saying that, in the intention of the vast majority of the Conference, it had been voted in the sense of a general law applying to civilised mankind, which now desired that the use of force should give way to the application of pacific methods.

From the standpoint of the League's work, therefore, that was a very great success, and it was a point of some interest that the Conference owed it to one of the non-member States, the Union of Soviet Socialist Republics, whose delegation had courageously and with deep conviction submitted a text which had exercised an extraordinary attraction over those who had studied it, with the result that, finally, the Committee on Security Questions had succeeded in coming to a conclusion, notwithstanding all the difficulties it had encountered.

It was M. Politis' most agreeable duty to congratulate the Soviet delegation on the initiative it had taken, on the part it had played in the Security Committee and on the success it had finally achieved. It was with special pleasure that he paid this tribute to the Soviet delegation, since it demonstrated beyond all doubt that, when men rose above the contingencies of day-to-day politics and allowed themselves to be guided by the more general ideas which should lead the civilised world, it was found that, whether a country was a Member of the League or not, there was a community of ideals which was capable, with a little goodwill, of bringing to fruition the noblest and most difficult enterprises.

The President felt sure that the Commission would like him to express its very sincere thanks to M. Politis, Chairman of the Security Committee, for the report which he had presented and for the explanatory statement he had been good enough to make. Both the report and the explanatory statement would certainly assist the Commission very much when it began the discussion on the articles in Annex I.

SIXTY-FOURTH MEETING

_Held on Thursday, May 25th, 1933, at 10.30 a.m._

President : The Right Honourable A. HENDERSON.

120. DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION. — PART II : DISARMAMENT (continuation).

SECTION II : MATERIAL. — CHAPTER 2: NAVAL ARMAMENTS: GENERAL DISCUSSION.

M. MASSIGLI (France) observed that it was remarkable that this was the first time, since the opening of the Conference, that a discussion of naval matters was taking place in the General Commission. The French delegation was one of those which thought this was sufficiently noteworthy a fact to entitle it to raise the whole question and submit a few observations of a general character.

Everyone knew by experience that, for some rather mysterious reason, all existing naval Conventions were so drafted that, at first sight, they were almost unintelligible to the lay reader. Perhaps that was why the United Kingdom delegation had thought it best to submit its present modest-looking proposal.
Naval Conventions had all been rather empirical instruments, having been based on immediate considerations and adapted to the needs of the moment. In none of these Conventions, he thought, had any attempt been made to lay down any guiding principles for the direction of a policy of naval armament reductions.

He quite understood why the United Kingdom delegation did not think that the time had come to try a different method. That was apparently why it had made no attempt to suggest that the present Conference should establish the general agreement for which the London Treaty had provided as a possibility before 1935.

That again was why the United Kingdom had adjourned till two years hence the date on which the problem of naval limitations would be faced, with a view to drawing up a draft general Convention which would, by the length of its duration, meet the requirements of the organisation and evolution of fleets. This experimental method, however, possessed obvious disadvantages. Dates, conferences and conventions impinging on one another. The Convention would hardly be properly applied when a new conference would be convened to consider naval armaments. It was not certain that this was a very good method or that, from the standpoint of a peaceful state of mind and a desire for international agreement, it answered its purpose.

In this particular case, the seemingly modest and innocent articles submitted to the Commission really led to the institution of three naval systems—a system of the three Powers signatory to the Washington and London Treaties, a system of the two Powers signatory to the Washington Treaty, a system applicable to the other Powers.

He therefore thought that it would be desirable, before the second reading, to consider whether it was not possible to simplify somewhat so complicated an arrangement. After all, the labour would not be lost if, in spite of everything and however provisional the work of the General Commission, it succeeded in laying down some principles which, as he had just said, would serve, in the future, as the guiding lines for the naval disarmament policy.

In this connection, M. Massigli noted immediately one principle which the French delegation would have liked to have seen embodied in the naval chapter—the principle of qualitative limitation. Very clear votes on this point had been taken in the Naval Commission, where a great majority had been in favour of laying down forthwith the principle of the reduction of tonnage of capital ships and the reduction of gun calibre. Moreover, the French delegate had accepted the reduction to 8,000 tons instead of 10,000 tons, as the maximum tonnage for cruisers, the guns of which were not to exceed 155 mm.

He was sure that the United Kingdom delegation had its good reasons for not embodying this principle in the draft; he hoped that it would explain those reasons, because the fact could not be concealed that the omission of qualitative limitations from the naval chapter would create very serious drawbacks. The more stress that was laid on land qualitative limitations, the less easy it became to understand why no provision was made of naval qualitative limitations. Precisely because no provision was made regarding the ultimate fate of material exceeding the authorised limits, it was very difficult to understand why such insistence was laid on the immediate settlement of the ultimate fate of land material exceeding these limits. It was clear that those were considerations based on logic, equity and—the Commission would understand him without his having to enter into details—psychology.

On the previous day, moreover, the delegations had all rightly applauded President Roosevelt's message. In that message, M. Massigli had found nothing contrary to the idea of qualitative naval limitation. When the President of the United States of America said that the immediate aim of the Conference should be "the total abolition of aggressive arms," there was no reason to assume that such arms only existed in the domain of land armaments. Tanks had been called land cruisers, and the expression "cruiser" had been used as a reason for condemnation; but after all, there were cruisers in the water. He must repeat that the question of the extent to which qualitative limitation approved by the Naval Commission should be embodied in the Convention required to be cleared up. There was no reason why the principle (a political principle, because the problem was one of reducing such armaments in the immediate aim of the Conference should be "the total abolition of aggressive arms") would serve, in the future, as the guiding lines for the naval disarmament policy.

In referring to quantitative limitation as proposed under the United Kingdom plan, M. Massigli would maintain that prudent attitude which everyone was at the present stage bound to observe with regard to the problem of figures. He would nevertheless note certain points, because they concerned his country and because he desired to make one or two facts quite clear.

Article 24 of the United Kingdom draft asked France and Italy to accede to the Treaty of London. In actual fact, he was not very sure whether the system proposed really amounted to accession to the Treaty of London, and that for two reasons. First, because both Powers were asked to contemplate an agreement on construction, and not on the limitation of tonnage, as Part III of the London Treaty laid down. This solution was, of course, conceivable, but there already was a difference as compared with the London Treaty. The second and more serious difference was this: the Treaty of London accorded definite rights to France and Italy in respect of capital ships. By asking these countries now to accede to the Treaty, these rights would be abolished. M. Massigli was not discussing the substance of the question at the moment: he merely noted that there was a very great difference between the London Treaty and the naval system to which France and Italy were invited to accede.
He could mention no figures either with regard to less heavy craft. In so far as France was concerned Article 27 settled the matter. He thought the moment was not opportune for discussing the point, since it touched on the great problem of the interdependence of the various categories of armaments with which everybody was familiar. Reserve was therefore a necessity. He noted, nevertheless, that there was very serious doubt as to the possibility of concluding an agreement of such short duration on the question of construction; it was not easy for naval authorities to adapt their construction programmes to such short periods and there was an obvious drawback in contemplating limits of a duration different from those which had been proposed for the first stage of disarmament provided under the Convention. That question would have to be considered later. The French delegation would refer in general terms to this chapter, basing its arguments on a principle which had inspired the memorandum of November 14th, 1932, and was expressed in the message from the United States of America read in the General Commission in the previous year:

"It is desirable", said President Hoover, "to respect the relativity resulting from the mutual relations to each other in which the armaments of the world have grown up."

The Conference would have to consider—and M. Massigli did not wish to prejudge the question—whether the solutions proposed did fulfil that condition, because there was one dominant principle which had often been asserted by the French delegation and which it would continue to assert: reductions of armaments must, as President Hoover’s message also pointed out, be concrete and positive; they should be based on realities, if only for the reason that each naval Power should have its share in the merit of conferring on mankind the boon which the reduction of naval armaments would mean.

M. Sato (Japan) desired to make a few observations to explain his delegation’s attitude. The very important observations made by M. Massigli seemed to him, in several respects, to be of great interest to the Japanese delegation as well: but he would like to consider more carefully what the French delegate had just said and to see how far the Japanese delegation could accept it.

The Japanese delegation’s attitude in regard to Article 23 was the following: As the object of the present Conference was to establish a Convention covering armaments as a whole, to be signed by almost every country in the world, and as naval armaments, which formed the subject of the present discussion, were by their very nature universal in character, the Japanese delegation attached the utmost importance to the inclusion of a new naval agreement in the Convention, more especially since such an agreement would necessarily have a favourable effect on disarmament. Attempts, to which M. Sato paid a tribute, had already been made in that direction, but so far they had been practically fruitless. He therefore asked whether, as regards naval questions, redoubled efforts should not be made on the lines laid down in the resolution of July 23rd, 1932. With that object, the Japanese Government had submitted on December 9th, 1932, a definite proposal in which an attempt was made to take into account both the principles adopted by the Conference and also the contentions advanced by the various delegations.

He would recall in very general terms the present position as regarded the obligations arising from the principal Conventions in force. In respect of the capital ships and aircraft-carriers of the five Powers—the United Kingdom, the United States of America, France, Italy and Japan—there was the Washington Treaty. In respect of cruisers of sub-class A and the other auxiliary vessels, there was the London Treaty which concerned three of those Powers—namely, the United Kingdom, the United States of America and Japan. In that connection, there was one feature which called for very special consideration from the point of view of disarmament.

If the fighting ships at present possessed by the five Powers under the Washington Treaty were considered—meaning, of course, capital ships and aircraft-carriers—it would be found that, if the clauses of that treaty had been applied and carried out to the full, it would have meant increasing the present level of the naval armaments of those Powers both qualitatively and quantitatively. In other words, these provisions, in their present form, did not meet the requirements of the present Conference.

The Treaty of London, moreover, dealt in Part III with only the armaments of three Powers, and that part bound those Powers only until the end of 1936. In addition to being provisional in character, this treaty was unstable in view of the circumstances accompanying its signature. The Japanese Government had signed it on condition that its naval armaments should only be limited to the tonnage allocated to it under the treaty until the end of 1936.

To turn to the Convention which was to be based on the United Kingdom draft: its entry into force would naturally depend on the date on which the required number of ratifications would have been obtained. It might, however, be predicted with fair certainty that that date would be somewhere near, perhaps within a year of, that of the meeting, in 1935, of a Conference to conclude a new Convention. In those circumstances, unless a new agreement were reached limiting the naval armaments of the Powers which were parties to the existing treaties, the Japanese delegation felt sure that it was not in the interest of disarmament to take as a basis for the future Convention the tonnages allowed in those treaties or to refer to them.

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1 See document Conf.D.146.
2 See Minutes of the nineteenth meeting of the General Commission, Volume I, page 122.
Accordingly, the Japanese delegation proposed that the article under discussion—Article 23—should not be included in the future Convention. Since the two treaties mentioned in that article related only to the naval armaments of the five Powers, M. Sato saw no reason why the other States represented at the present Conference should be asked to recognise those treaties through the new Convention. If the General Commission agreed with the view M. Sato had just stated, it would perhaps be more expedient to reserve the other articles following Article 23, which referred to a separate agreement for the armaments of France and Italy.

The amendments which M. Sato had just proposed could in no way affect the Washington or London Treaties or diminish their value.

Needless to say, the Japanese Government had always loyally observed the provisions of those two treaties and would always do so, so long as they remained unrevised. The General Commission would thus see clearly that the Japanese delegation’s proposal was based on a practical consideration, intended primarily to prevent any possibility of misunderstanding in a matter of such importance.

He would table an amendment which he would beg the General Commission to examine carefully, so that the present discussion could be resumed at the second reading.

M. DOVGALEVSKY (Union of Soviet Socialist Republics) noted that criticisms had just been expressed in regard to Part II, Section II, Chapter 2, of the United Kingdom delegation’s draft—criticisms on the part of two representatives of States parties to the Washington and London agreements. He himself would speak on behalf of a State which was not a party to those agreements, and to the criticism coming as it were from outside he would add a criticism from inside.

His task was rendered easier by the fact that the amendments and observations presented hitherto by the Soviet delegation had only two purposes: (1) to make the period for reduction contemplated by the United Kingdom’s draft as short as possible, and (2) to make the detailed methods of reduction as general and as universal as possible. For that reason, the Soviet delegation had not submitted any proposal going further as regards reductions than that of the United Kingdom. It reserved, however, the right to support any proposal submitted by any delegation going further than the draft at present under discussion. In the chapter on naval armaments, the predominant idea was diametrically opposed to the view which had always been held by the Soviet delegation. He would say frankly and openly that, in the matter of naval armaments, the United Kingdom’s draft actually perpetuated the flagrant inequality existing between the naval armaments of a small minority of States which, from the naval point of view, were strongly armed and those of the overwhelming majority of countries which had none of these powerful armaments. But the United Kingdom’s draft did not merely perpetuate that inequality; its application would inevitably increase that inequality, because while limiting to their present size the armaments of States other than those which were parties to the Washington and London agreements, the draft allowed the States parties to those agreements latitude to carry on their naval construction. In these circumstances, therefore, there was a strong risk that, to a certain extent and in regard to certain Powers, there might be a relapse into that re-armament which had given rise to so much criticism on the part of a number of delegates in a field other than that of naval armaments.

On the basis of these criticisms, and repeating that his country was willing to carry out a reduction of armaments which would place all on a footing of equality, M. Dovgalevsky submitted the following general observation on the chapter dealing with naval armaments:

“... The delegation of the Union of Soviet Socialist Republics refrains from proposing amendments to this chapter, being unable to accept a system of disarmament which does not provide for a reduction of the existing tonnage and which would, at the same time, create advantages in favour of the principal naval Powers to the detriment of other countries. The delegation of the Union of Soviet Socialist Republics objects to the principal naval Powers being given the right to include in their existing tonnage, in addition to complete vessels, the tonnage of vessels in course of construction or projected, or the construction of which is even only contemplated—without such tonnage being taken into consideration in the case of other countries. It also objects to the principal naval Powers enjoying exceptions in regard to the limitation of the elements of vessels established under the treaties of Washington and London, without other countries enjoying exceptions which might be rendered necessary by the special nature of their navies. Further, it objects to the non-recognition in the case of such countries of the right of transfer.”

M. DI SORAGNA (Italy) said that the Italian delegation had had no intention of speaking in to-day’s discussion. It intended at this first reading to confine itself to the statements made in document Conf.D./C.G.II2. As, however, the name of Italy figured in the draft Convention side by side with that of France, and as M. Massigli had referred to the question in his speech, it was perhaps desirable that M. di Soragna should make a brief reference to the matter.

The articles of Chapter 2 of the United Kingdom draft asked Italy to make very considerable sacrifices, and without violating their spirit or desiring appreciably to alter their scope, the Italian delegation would perhaps have, at a suitable moment, to ask for certain changes during the second reading. However, his delegation greatly appreciated their contents and scope, and therefore hoped that the chapter would be maintained as it stood.

It specially appreciated the chapter for a certain reason, and, in that connection, M. di Soragna would reply to two of M. Massigli's observations. The chapter was above all inspired by the desire to prevent any possibility of competition in armaments during the short period before the 1935 Naval Conference. M. di Soragna thought that, complicated as it was, the system proposed by the United Kingdom delegation should be accepted and, in that sense also, the inevitable should be accepted—namely, that the agreement could only be of very short duration.

It was perhaps unnecessary to point out that the Italian delegation had gone a long way in the direction of qualitative disarmament. M. di Soragna reminded the Commission that Italy had proposed the simultaneous abolition of capital ships above 10,000 tons, and of submarines and the abolition of aircraft-carriers. If the United Kingdom and other delegations were willing to accept these proposals, the Italian delegation would be prepared to follow them, not only with goodwill, but even with enthusiasm.

With his usual tact and reserve, the French delegate had referred, at the end of his speech, to the question of the relativity of future and existing armaments. M. di Soragna used the word "question", because he dared not use the word "principle". He would merely say that, in the opinion of the Italian delegation, the situation which would result from the Convention for the reduction of armaments which the members of the Conference would be called upon to sign, both as regards navies as well as effectiveness and material, must not in any way be based on questions of relativity on the basis of the present situation, whatever it might be, but that, in accordance with the spirit and method, the letter and figures of the United Kingdom plan, it would have to be founded on the naval requirements of each State.

M. DE MADARIAGA (Spain) thought that, in entering upon the discussion of so important a question, though, in its details, it was somewhat different from the question the General Commission had discussed during the preceding days, it was well to go back to the principles, to take one's bearings.

What was really the aim in view ? It was not merely destruction; it was not for the childish pleasure of destroying weapons of war that the nations were to disarm. It was for a constructive purpose, to attain which, incidentally, it was thought to be essential to destroy certain weapons, however regrettable that might be in itself, for much work, experience, talent and perseverance went to the construction of a fine battleship. A somewhat more lofty criterion must therefore be invoked.

From that aspect, the parallel between the naval and land forces was extremely interesting from the point of view of the organisation of peace. The land forces had a much smaller range of action than the naval forces. That was the first point which deserved attention.

The second point was not only that the aggressive capacity of a big army, in so far as space was concerned, was much smaller, but that it was much more specialised politically. The capacity of a big army was limited by geographical conditions, transport and so on. And there was something in this paradox: a country must select its enemies carefully if it wants to limit its action to land attack and to do without its navy. It might almost be said that enemies were mainly those upon whom the opponent could easily fire, just as when one was shooting partridges, all partridges were not in danger.

In the third place—and that was a consequence of the second observation—history proved abundantly that war could only be won by the mastery of the seas. In the last analysis, it was the mastery of the seas which constituted the crown of military power.

In M. de Madariaga's opinion, it was essential to keep those three observations to the forefront in all the discussions on naval forces.

In contrast with what he had just said with regard to land forces, he noted that the naval forces had a much greater power of aggression, in fact a power which, in the case of the big naval forces, was world wide.

He also noted—and this followed from his preceding remarks—that, from the point of view of the organisation of peace—in other words, of what one desired an armed conflict in future to be, a fight between the international policeman and the international housebreaker, which, it was to be hoped, would be the only fight that could be contemplated in the future—the big navies were in reality much more dangerous in preventing the defence of the Covenant than useful in ensuring its defence. Speaking from the theoretical standpoint, that idea could be affirmed in advance. It was to be hoped that no practical case would ever arise in which it could be said that the theory had been confirmed by facts.

In those circumstances, it would seem that special attention should be devoted to any naval chapter of any disarmament convention, and that the Conference should consider to what extent the big navies were essential in the interests of the countries which maintained them and in the interests of the international community. Any discussion of naval affairs must be based on those criteria.

One other observation which M. de Madariaga desired to make had already been advanced by several of the preceding speakers. On the initiative of Sir John Simon, the members of the
Conference had some time previously placed at the head of the Convention the principle that they were specially opposed to aggressive armaments. That principle had recently been expressed even more clearly in the very authoritative message of the President of the United States of America. It had been indicated as the goal of all the Conference's efforts, and, up to a certain point, as the aim of its immediate efforts.

The Spanish delegate entirely agreed with those who had already asserted that that principle was by no means respected in naval affairs; it had, in fact, been almost totally forgotten. He had just explained why he considered that the big navies had in reality been constructed for offensive purposes. The Conference must consider how they could be deprived of that character. In that connection, he could only support the opinion expressed by the Italian delegate. As had already been stated during the past year, the Spanish Government and delegation would be very glad to see a drastic limitation of the maximum tonnage of warships, that was to say, a limitation to 10,000 tons.

In this connection, M. de Madariaga desired to point out that the existence of the big navies did not seem to him to be of any value, except perhaps for the men who constructed them, because they were owned by so few nations that they could fairly easily, he thought, agree to decrease the level of their relative naval strengths. They would still be rivals, but on a smaller scale, and that would enable the other Powers to make very great savings in connection, for instance, with coastal guns. At present, sums which, for many small Powers, were crushing had to be expended for that purpose in order that the States in question might, in theory, be able to face those powerful weapons of attack, the big cruisers.

In the third place—and this observation was connected with the preceding observation—the members of the General Commission would once again note a fact which M. de Madariaga had mentioned on several occasions when speaking of naval questions and which had just been brought up again by the Soviet delegate. The five great naval Powers had a tonnage much greater than that of the Powers which came next. The figures were as follows: The United Kingdom had a tonnage of 1,250,000 tons, the United States of America a tonnage of 1,142,000 tons, Japan a tonnage of 850,000 tons, France a tonnage of 628,000 tons, Italy a tonnage of 404,000 tons.

Then came Russia which, with her three seas, represented not one, but three naval Powers, but had only 156,000 tons. Spain had 129,000 tons, nearly 130,000 tons, Germany 125,000, the Argentine 121,000. All the other Powers were below 100,000.

By a simple calculation it followed that the total tonnage of the five great naval Powers was 4,276,000 tons. The total tonnage of all the remaining Powers was 940,000 tons—that was to say, a little more than the tonnage of Japan. In other words, the naval Powers, apart from the five big Powers, had, between them, a lower total tonnage than the tonnage of any two big naval Powers. That should show that it was perfectly possible for the five leading naval Powers to reduce their naval strength considerably, while maintaining the existing ratio between themselves, which would not only be a tremendous relief to their budgets and much more in accordance with the principle for which the Conference was working—namely, the disappearance of the aggressive character of armaments—but, and this too, he would repeat, was of very great importance to all Powers—would enable them to make great savings in coastal equipment, an extremely costly business.

The fourth observation which M. de Madariaga desired to make in the general discussion was that in the naval chapter of the United Kingdom draft the same criteria did not seem to have been adopted for the big Powers as for the small Powers. The proposals with regard to the big Powers were the outcome of lengthy negotiations which, in certain respects, and particularly with regard to the London Treaty, were not yet concluded, and negotiations which naturally—and here he reproached no one—had been entered into in virtue of the do ut des system and of the balance of interests. Consequently, the criterion was one of national convenience, of national necessity, subjectively considered, for the purpose of balancing the big navies. For the small navies, the proposal employed the tabula rasa of the status quo and paid no attention to the small details of the interests which particular countries might have in mind. Consequently, as had already been pointed out in the declaration justifying the Soviet delegation's non-acceptance of that part of the United Kingdom draft, the big Powers were authorised, in the first place, to add to their tonnage, whereas that privilege was not extended to the small Powers.

The big Powers could count, not only on their actual navies, but on new constructions, whether projected or merely contemplated, which was not the case as regards the small Powers; and, finally, the United Kingdom plan departed from the definitive agreements with regard to transfers, in so far as agreements reached in the League Commissions could be regarded as definitive. That was a point which M. de Madariaga did not intend to press, as the Spanish delegation would return to it when it presented its amendment which had already been tabled.

In the present general discussion, he desired to add that, naturally, the desire for "fair play" would always be found in any draft prepared by the United Kingdom delegation. That was a British characteristic. And, after some criticism, he desired very much to express appreciation of Article 31, which safeguarded the respective relations of the naval Powers. There again he supported M. di Soragna's observations to the effect that the respective relations, which were fully reserved by Article 31, should be reviewed when the Conference took up the question again, on the basis of the special requirements of each country. Finally, as naval questions would be dealt with again later, M. de Madariaga considered that, whatever the merits of the Washington and London Conferences—and they were certainly great, for
those two Conferences had brought a great advance in naval disarmament and did credit to
the respective Governments who had convened them and conducted them successfully—it
was nevertheless of the greatest importance that the big naval Powers should be asked that
the coming naval discussion should be a round table discussion, all the Powers being present
and not only the naval Powers, and in the General Disarmament Conference. The Spanish
delegate believed that it would be impossible to solve these disarmament problems unless
everyone was represented in the discussion and all questions were dealt with simultaneously.

Mr. Eden (United Kingdom) said he would like, at that stage, to make a few brief
comments on the various observations which had been directed towards Chapter 2 of Section II,
Part II, of the draft Convention. He might perhaps preface his remarks by saying that
the wide and varied range of the comments that had been made was an example of the
difficulties that awaited those who sought to obtain a universal agreement upon the
complicated subject of naval armaments.

He would like, however, to say at the outset how much he agreed with the observation
of M. de Madariaga and M. Massigli that, in dealing with that subject, the Conference was
faced with problems different in character from those which affected land and air armaments.
In the first place, the naval armaments of the larger naval Powers were already subject to
certain treaty limitations, limitations which, whatever their merits or demerits, did constitute
the largest measure of agreed limitation in armaments that the world had yet been able to
realise. It was from that basis that the Conference must work.

The Soviet delegate had complained, as also M. de Madariaga, of the wide discrepancy
between the naval armaments of what were called the great naval Powers and the naval
armaments of the next group known as the second-rank Powers. There was, he admitted, a
wide discrepancy; but if, as the Soviet delegate had said, there was a small minority of
strongly armed naval States, it was that small minority alone that had so far achieved enormous
reductions by treaty. The crushing majority of States to which the Soviet delegate had
referred had so far remained free of all limitations. All that was asked of those States in the
draft was that, during the period prior to the next naval conference, they should keep to the
present figures, while the small minority, as far as the British navy was concerned, would go
down to a lower figure.

In view of the criticisms that had been made, Mr. Eden would refer briefly to the reductions
that had already been achieved by the Washington and London Treaties. It was perhaps
forgotten that, at the time of the Washington Conference, which had led the way in disarma-
ment, the vast building programmes actually in existence or in contemplation would have
involved an increase in the size of capital ships up to as much as 45,000 tons. In the case of the
British Commonwealth it had been found that, apart from the contemplated construction,
which was not entered into, there was, as the result of scrapping and in consequence of the
Washington Treaty, a reduction of over one and a quarter million tons on the figure at the close
of the war. What the Washington Treaty did, in fact, was to stop the race in naval armaments
and to initiate reductions which were pursued further at the London Conference, for, as a result
of the London Treaty, five further capital ships were prematurely scrapped by the United
Kingdom, in addition to the cruiser, destroyer and submarine limitations that were imposed.

Moreover, a truce in capital ships was initiated. The effect of that truce to the end of the
period covered by the London Treaty (1936) would be, to take the case of the members of the
British Commonwealth, that the keels of 350,000 tons of capital ships allowed under the
Washington Treaty (175,000 tons of which would already have been completed) would not
have been laid down. In addition, the London Treaty had checked the construction of further
cruisers, carrying guns above 6.1 inches, of 10,000 tons, and four such cruisers now in the
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cruisers, carrying guns above 6.1 inches, of 10,000 tons, and four such cruisers now in the
possession of the United Kingdom would be scrapped.

The delegate of Spain had referred to the position of those States that were not signatories
of the naval treaties. By the end of 1936, the United Kingdom would have reduced its naval
tonnage, as shown in the Armaments Year-Book, by a further figure of over 100,000 tons,
and all it was asking of those who were not parties to the treaties, those who were not described
as great naval Powers, was that they should remain within the figure given in the Armaments
Year-Book. In the light of his explanation, Mr. Eden did not think that was altogether unrea-
sonable.

The argument of the Japanese delegate, if he had understood him correctly, was that it
was not in the interests of disarmament to take the tonnages allocated in the existing treaties
as a basis for the future Convention, or even to refer to them. As Article 33 clearly showed,
however, it was not intended to establish permanent ratios in the Convention or to prejudice
the conclusions of the 1935 Conference. The whole system of the Convention was to retain
the existing treaties, to complete them where they were incomplete and to ask States not
already bound by them to stabilise their position for the comparatively short period which
must elapse before the next naval conference met. The Japanese delegate had made a concrete
proposal that any reference to existing treaties should be removed from the Convention, and
that their completion should be reserved for a separate agreement. Frankly, Mr. Eden could
not feel either of those suggestions would assist the work or facilitate further progress. He
would regret it if the Conference were to accept them, for he thought they would not be in
the best interests of the further progress of naval disarmament.
It was true that, whereas the Washington Treaty bound the five principal naval Powers, the London Treaty bound only three. France and Italy, which were signatories of the Washington Treaty, were not signatories of the London Naval Treaty in its entirety, it not having been found possible, at the time of the London Conference, or as a result of subsequent conversations, to agree upon figures for France and Italy for insertion in Part III of the Treaty. As a result of numerous interchanges of views during the period between the passing of the General Commission's resolution of July 23rd, 1932, and the end of the year, the United Kingdom delegation had had the temerity to insert figures on the basis of which Mr. Eden dared to express the hope that perhaps France and Italy might, after examination, be prepared to come within the framework of the London Treaty. And there he would like to express his gratitude to the delegate of Italy for the way in which he had received the proposals of the United Kingdom delegation and to the delegate of France for his appreciation of the spirit in which it had put them forward.

The French delegate had referred to the problem of qualitative reduction. It had frequently been stated that His Majesty's Government in the United Kingdom would be happy to see such a reduction. The immediate task, however, was to seek a basis of agreement acceptable to all concerned, and it was for that reason that the United Kingdom delegation had inserted the provisions which were to be found in the draft and had not attempted what it believed would not succeed in securing.

Another reason why the qualitative argument was not perhaps quite so important as it appeared on the surface was that a truce in the construction of capital ships and eight-inch cruisers had been agreed to, so that the problem of the qualitative reduction of those two classes of weapons would not arise until the 1935 Conference, and it was surely possible that in two years ideas would have advanced to a point where greater reductions might be realised. As the draft showed, it was intended that the 1935 Conference should be a general naval conference, embodying not only the great naval Powers but all other naval Powers.

With regard to the problem of transfer, to which the delegate of Spain had referred, a problem which was of interest and caused anxiety to a number of delegations, an amendment had been put forward which, as Mr. Eden understood it, sought to leave certain States free to vary the types of construction; that was to say, to give to the non-signatories of the London Treaty a freedom which the signatories did not enjoy. In consequence—and that was the difficulty—it would be impossible to say how their fleets would be composed at the end of two years. It was, however, known from the terms of the London Treaty, how the fleets of the great naval Powers would be composed. The United Kingdom delegation had no desire to shirk the problem of transfer. It realised its importance and was ready, as the draft showed, to go into the matter immediately, so that, after examination, it might be ready to be dealt with before the 1935 Conference. All he asked was that the immediate balance should not be disturbed during the comparatively short period before that Conference. As an example of the difficulty that might be created if the balance were disturbed, Mr. Eden pointed out that the signatories of the London Treaty had forgone the right to construct capital ships. The amendments now proposed would allow the countries outside the London Treaty to build Class II capital ships; or, again, they might select to develop a comparatively large submarine tonnage. Further, the signatories of the London Treaty had imposed on themselves a truce with regard to eight-inch cruisers. If France and Italy were to come under the London Treaty on the basis of the draft Convention, and if the amendments which the non-treaty Powers desired were carried, these Powers would be able to build eight-inch cruisers which the Convention asked France and Italy to forgo.

The Powers outside the existing naval treaties were not asked to make any permanent sacrifice. They were only asked to maintain the status quo pending the next naval conference, during which time the United Kingdom would be effecting decreases amounting to over 100,000 tons.

In conclusion, Mr. Eden said he realised that the objective his delegation had set out to reach in the draft Convention, in respect of naval armaments, was limited; but he would suggest that it was extremely important and offered a basis and an opportunity for work between the present time and the next naval conference which might perhaps make it possible to realise even greater progress in naval disarmament, so that the naval Powers, large and small, might continue a record of which they humbly believed they had no reason to be ashamed, the progressive reduction of naval armaments, and might so assist the Conference to attain the objective which it had at heart.

Mr. Norman Davis (United States of America) said that, fortunately, it was not necessary for him to say very much because Mr. Eden had stated his whole view very clearly with regard to the various remarks that had been made on the naval chapter of the Convention. As Mr. Eden had said, whatever the merits or demerits of the Washington and London Naval Treaties might be, they marked a great effort in the history of the world. It was the first time that the Powers had been able to get together to place an absolute limit upon, and bring about a reduction in, one of the principal branches of armaments. That was not only a great contribution towards the ultimate solution of the problem of disarmament as a whole, but it was a very
valuable contribution to the peace of the world, and it had had a very good and continuing
effect.

There was unquestionably interdependence between the various branches of arms, and
it was most appropriate that the naval agreements should be included in a general Disarmament
Convention. It would be particularly beneficial if the portion relating to France and Italy
could be accepted by both countries, because that would complete the framework of the London
Treaty and would prepare the way for further reductions and limitations in naval armaments.
Furthermore, it would contribute considerably to the success of the work on which the Confer-
ence was engaged—namely, the attempt to reach an agreement on a general reduction in
all branches of armaments.

As M. Sato had very properly indicated when introducing his suggestions with regard
to the suppression of Article 23, that article had nothing whatever to do with the obligations
of the naval Powers under the naval treaties. Its suppression or introduction did not in any
way affect their obligations, and for that reason Mr. Norman Davis very much regretted
that the question had been raised, not because of its effect on those treaties, but because of
the effect it might possibly have on public opinion.

The naval treaties had contributed so much to peace and to the solution of the general
disarmament problem that he would deplore any reference whatever that might give the
erroneous impression that the Conference was going to take a step backward and not going
to move forward. The naval Powers had set a very excellent example in being able to reach
any agreement at all, and the spirit they had shown had, he thought, been very excellent.
Not only had they stopped the race in naval armaments, but they had demonstrated
conclusively that a reduction of armaments by agreement was both feasible and practicable.
As Mr. Eden had said, the United Kingdom was 100,000 tons short at the present moment,
and the United States was even shorter. It had not attempted to build up to the limits fixed
and was quite prepared to make further reductions. In fact, it was prepared, in accordance
with the July resolution to which M. Sato had referred, to exert every effort to proceed along
the lines there outlined.

To attempt a solution of the naval problem by the same method of treatment as had been
applied to the problems of land and air would not contribute to a general solution at this time,
and Mr. Norman Davis thought the Conference should adopt the complete naval chapter
as presented by the United Kingdom delegation. He felt sure that would add greatly to the
success of its work.

SIXTY-FIFTH MEETING

 Held on Thursday, May 25th, 1933, at 3.30 p.m.

President: The Right Honourable A. HENDERSON.

121. REPORT OF THE COMMITTEE ON SECURITY QUESTIONS: DEFINITION OF THE AGGRESSOR.

The President wished to consult the Commission as to whether it desired to open up
something in the nature of a general discussion on the report of the Committee on Security
Questions, or whether it would not be just as well to take Annex I and proceed to discuss it in
first reading, in view of the fact that the amendments could be taken at the second reading
and the whole question would have to be covered again. He would deprecate having a general
discussion and then what almost amounted to a second general discussion on the first reading,
followed by a second reading. If there were no objection, he would therefore suggest that
the Commission should proceed to take Annex I on the first reading.

The proposal of the President was adopted.

M. DOVGALEVSKY (Union of Soviet Socialist Republics) said that, after the very lucid,
precise and complete statement made by M. Politis at the sixty-third meeting concerning the
definition of the aggressor, the Soviet delegation had very little to add. It felt the greatest
satisfaction, first, at the truly masterly way in which M. Politis had handled the subject and,
secondly, because the main point to be deduced from the Greek delegate's admirable statement
and the report circulated on behalf of the Security Committee was that the Committee had
practically adopted all the ideas underlying the proposals submitted by the Soviet delegation
and expounded first by M. Litvinoff and later by M. Dovgalevsky on two occasions. The

General Commission, therefore, had before it, not a proposal or a plan put forward by any particular delegation, but drafts of precise texts adopted by the Security Committee and recommended by the latter to the General Commission.

On the previous day, M. Politis had been good enough—and M. Dovgalevsky thanked him for it—to state that, in working out these texts, the Committee had taken as a guide the method which had, from the outset, appeared to the Soviet delegation as the only one capable of solving the very serious question of the definition of the aggressor. M. Dovgalevsky did not propose to reiterate the same ideas, but would merely touch on one or two points in the problem. First of all, he wished to express his appreciation to the delegations which had given such valuable assistance in the Security Committee and so enabled the Committee's work to lead to the positive result now before the General Commission. This tribute was addressed, not only to those delegations which had supported the Soviet proposal, but also to those whose objections had made it possible for the Committee to define and strengthen its views on the different aspects of the matter.

M. Politis, who assuredly was one of those best qualified to judge, had demonstrated the importance, from the standpoint of the progress of international law, of the advance which there were grounds for hoping would very shortly be achieved by the adoption of the criteria worked out by the Security Committee as the general law between all nations. On behalf of the Soviet delegation, M. Dovgalevsky desired to say that the chief part in securing that result had been taken by M. Politis, and he tendered him his very sincere thanks.

The first point with which the Soviet delegation wished to deal was that of the relation between the definition drawn up by the Committee and certain items in the recent message from the President of the United States of America and in the declaration made to the Conference by the United States delegate. It was unquestionable that the proposal for a universal pact of non-aggression was bound to add very considerably to the need for at least transferring the notion of aggression from the domain of mysticism to that of positive law, and more particularly the general law of all nations. The United States declaration represented a very happy and practical effort in that direction, since it tended to provide an objective criterion for defining aggression, notwithstanding any excuse or justification on the part of a State which had sent its troops outside its own territory. This criterion—namely, the invasion of another country's territory by armed forces—was in complete harmony with the conception of aggression, as expressed in the text drawn up by the Committee on the basis of the Soviet delegation's proposal, and the text of the Act was founded exactly on the principle that the definition must be objective and concrete. This point made it necessary for M. Dovgalevsky to repeat that, being confronted with the two alternatives of a so-called elastic and a concrete definition, the Committee had, to the Soviet delegation's great satisfaction, chosen the latter—that was to say, the concrete definition. Reservations, it was true, had been entered by the advocates of the other method. This other method, however—and the Commission would have to indicate its opinion on the point—was weakened, in M. Dovgalevsky's opinion, the definition to such an extent that it would be nothing but a thinly disguised circumlocution which would evade the difficulty instead of solving it. In the present state of affairs and having before it the specific and clear text submitted to it, the Commission would no doubt be unwilling that the effort of goodwill which had marked the work of the Security Committee should be allowed to fail.

With regard to the Protocol to be annexed to Article 2 of the Act defining the aggressor, M. Politis had admirably described the objects of and the spirit with which the Soviet delegation had conceived this text, which had been adopted by the Committee, although under another form. It contained a non-restrictive list by way of illustration. No reservation, moreover, had been put forward in the Committee as to the expediency of such a list. In refraining from opposing the adoption of this text in its present form and wording, the Soviet delegation had been guided by a spirit of conciliation and by a desire for the unanimous adoption of the Protocol, the psychological value of which could not be overestimated.

In this connection, M. Dovgalevsky desired to state that, in its present form, the Protocol, which was the result of a re-arrangement of the cases of application contained in the original Soviet draft, omitted some of these cases and reproduced certain others in more general terms. To speak frankly, the Soviet delegation would have preferred to have the list of cases in which aggression would not be justified kept exactly as it appeared in its original draft. It believed that, if adopted in its original form, the text would have made a deeper effect on the peoples of the entire world, who were not always able to appreciate the value of strictly legal texts, whatever their binding force upon the States.

In conclusion, the Soviet delegation wished to remind the Commission that the definition of the aggressor would attain its full value if universally applied. It was on the basis of universality that the General Commission had given its instructions to the Committee for the preparation of the texts now before the Commission. It was for similar reasons that the Soviet delegation urged the General Commission to vote for the adoption of the Act relative to the definition of the aggressor and the annexed Protocol.

Count Raczynski (Poland) associated himself with M. Dovgalevsky's expression of thanks to M. Politis, under whose chairmanship the Committee for Security Questions had carried out a very remarkable piece of work. Count Raczynski desired also to thank the Soviet delegation

1 See Minutes of the fifty-ninth meeting of the General Commission.
2 See Minutes of the sixty-first meeting of the General Commission.
for the initiative which it had taken and which would not fail to leave its mark on the General Commission's work. In the Polish delegation's view, the proposals of the Committee on Security Questions were of the utmost importance to the development of international law. They were conceived on the international plane, and on that plane too they would prevent any action which might be based on the principle of the *fait accompli*. As M. Dovgalevsky had said, they, so to speak, transferred the question of the definition of the aggressor from the sphere of mysticism to that of realities.

On behalf of the Polish Government, Count Raczyński accepted the Act in the form proposed by the Security Committee and also the annex to Article 2.

M. Saavedra Agüero (Chile) was happy on behalf of the Chilian delegation to join in the congratulations expressed by his colleagues to the Vice-President of the General Commission and to the Soviet delegation for its proposals for defining the aggressor, which had received a wide and sympathetic welcome in the Security Committee and which, it was to be hoped, would meet with a similar welcome in the General Commission. Nothing was likely to conduct to more rapid progress in the field of security than the clear definition of the aggressor suggested by the Soviet delegation and recommended by the Committee for Security Questions.

The Chilian delegation was one of those which, during the general discussion on the United Kingdom plan, had stated that it would be desirable to define the aggressor in the Convention, and it had added that, if it were possible to go further, it might be stipulated that there was no difference between a *de facto* and a *de jure* war.

The definition of the aggressor in the form adopted by the Security Committee, to which he desired to pay a tribute, stipulated that the aggressor was the country which resorted to force without making a previous declaration of war, and, therefore, included, up to a certain point, the suggestion which the Chilian delegation had submitted to the General Commission on March 27th. Accordingly, M. Saavedra Agüero would be very pleased to vote, in due course, for the draft submitted by the Committee on Security Questions.

On that occasion, he had reminded the Commission of certain statements made some time ago by M. Matte Gormaz, former Chilian Minister for Foreign Affairs, who had said that "the absence of a formal declaration of hostilities does not alter the barbarous nature of the acts committed". It was true, as the same distinguished statesman had maintained, that, whether there be a declaration of war or not, it made no difference to the murderous and inhuman work of arms.

It was, therefore, necessary to regard as formally in a state of war countries which went to war without declaring it, and account must be taken of the inhuman element, particularly in times of war or hostilities, in the trade in arms, which, because there had been no declaration of war, might seem to be licit, but was utterly at variance with morality.

By laying down, therefore, the prohibition of resort to force in the form indicated in the Soviet delegation's plan, the Conference was taking a step forward, and the entire world would certainly hail the new Act with great satisfaction.

Mr. Eden (United Kingdom) expressed his sincere gratitude to M. Politis and to the Security Committee for their admirably clear report and for the characteristically well-expressed commentary which M. Politis had given the General Commission at the previous meeting.

The report and M. Politis's explanations had placed before the Commission perfectly plainly the problem with which it had to deal. In Mr. Eden's opinion, the question under consideration was not one of the national interests of any country represented at the Conference; the problem was rather a purely scientific one in regard to which the interests of each country were identical.

All delegations were probably agreed that, if it were possible to produce a perfectly satisfactory definition of aggression which could be applied in every conceivable case with the certainty that it would produce a finding which would be just and right in the circumstances of the particular case and would commend itself to the judgment of the world, that would be an extremely desirable result. The question before the Commission was simpler; it was whether the proposed definition complied with those requirements, or whether, indeed, such a definition could, in the nature of things, be realised at all.

The Committee's report stated that some of its members "considered that, before adopting definitions, it would be well to know on what framework or to what States they would apply". Mr. Eden confessed to some sympathy with that point of view. If, for instance, certain countries desired to join in a pact of mutual assistance, and for that purpose were prepared to adopt a definition of aggression which would prescribe the circumstances in which mutual assistance was due and which had no bearing on the position of other States, clearly it was not the affair of States not parties thereto to express their view of the definition.

But Article 3 of the draft before the Commission provided that the proposed Act should form an integral part of the Disarmament Convention, and, while the report mentioned the possibility of the proposed definition not being universally accepted, Mr. Eden thought that the Soviet delegation, to whose initiative the present proposal was due, had made it plain that its intention was that the definition should be accepted by all the States participating in

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the Conference. If so—and that was the basis on which Mr Eden proceeded—it was necessary
to discuss the present proposal on the understanding that it was one to which all the States
participating in the Disarmament Conference were invited to subscribe.

But even on the assumption that the States represented at the Conference were free to
adopt the definition or not as they might see fit, the matter still had a bearing on the position
of all countries, for the object of the draft Act, according to its preamble, was to establish the
rules to be followed by the international bodies responsible for determining the aggressor, and
it followed therefore that either the States which had not accepted the definition would, when
acting as members of any such body which was dealing with a dispute, be compelled to apply
it, or the international body concerned would find itself in the very difficult position where some
of its members were bound to apply the definition while others were not. Mr. Eden could not
help wondering—and this was the first suggestion he would leave with the General Commission
—and this was Mr. Eden's criticism. But the present proposal—and this was Mr. Eden's criticism—went far beyond that. The
proposal was not that the matters in question should be taken into account in such
circumstances. That he could understand. The proposal was that they should constitute a
fixed and rigid criterion by which the question of aggression was to be determined. Under
the present scheme, all that was necessary, all that was permissible was to ascertain which of
the parties to a dispute had first committed any one of the five actions, and the determination
of the aggressor followed automatically.

He frankly admitted that, in perfectly simple cases, this proposed definition would
probably work satisfactorily; but, in perfectly simple cases, there would be no need of these
definitions at all. In such cases, any international body or individual government would by its
own unaided intelligence produce these criteria itself. It was the doubtful and difficult
cases in which the question of definition was so exceptionally important, and it was precisely
in such cases that, in Mr. Eden's view, a definition of this sort was not only of doubtful utility
but might be positively injurious.

Let there be no mistake about what was proposed. It was an absolutely rigid definition
of automatic application, dependent entirely on the fact that one party to the dispute had
been the first to commit any one of certain specified acts. This resulted perfectly plainly
from the text of the draft Act. The preamble stated that it was "expedient to establish the
rules that are to be followed by the international bodies responsible for determining the
aggressor", and Article 1 provided that the aggressor "shall . . . be considered to be that
State which is the first to commit any of the following actions". There was no scope here for
any elasticity resulting from the circumstances of a particular case, and indeed any such
elasticity would be entirely inconsistent with the fundamental ideas of the proposal before the
Commission.

It was, Mr. Eden considered, important to realise that any consideration of the
circumstances which had preceded the commission of any one of the acts in question was not
only left out of account but was absolutely excluded by the terms of the definition proposed.
The dispute might have resulted from a consistent policy of provocation or of pressure directed
by a larger State against a smaller one; the larger State might have consistently declined to
submit the question at issue to any form of peaceful settlement; he did not see that the draft
suggested or even permitted this consideration to be taken into account; if it were suggested
that the words "subject to the agreements in force between the parties to the dispute" would allow this to be done, he frankly did not think that they were sufficient for the purpose.
The policy in question might have been supported by any or all of the steps, such as mobilisation,
which normally preceded an attack. But under the proposal which the Commission was
invited to adopt, all these matters were of no account. All that was to be taken into
consideration was the question which of the parties to the dispute had been the first to take
one of these specialised, but limited, forms of action, and the circumstances which had preceded
that situation—and it was only necessary to recall history to see that previous circumstances
were of great importance—were to be entirely ignored.

Mr. Eden would earnestly invite the Commission to consider what sort of result might
be produced by the adoption of a definition such as that contemplated. In the first place, there
was the perfectly possible case where one party to the dispute committed one of the acts in
question and the other party committed another, and the two acts were separated only by a
short period of time. In such a case, it was not permissible under the definition in question to
take into account the circumstances in which the two acts had been committed; yet those circumstances might be all important in forming any clear judgment. The test became
a purely academic, chronological one: which of them occurred first in time? He would himself have thought it plain that, in this sort of case, the application of this test was very liable to lead to a conclusion which, on the actual facts of the case, no one in justice or equity would endorse. It was surely the fact, for instance, in a time of tension, when troops were facing each other across a frontier and incidents were possible at any moment, that the question of which force had been the first to cross the frontier might well have a comparatively slight bearing, in the light of previous history, on the question of which State was in fact the aggressor. But even in a case where only one of the acts had been committed, the application of the test proposed might well lead to results which would not accord with a nation's own individual sense of justice.

To spare the Commission's time, Mr. Eden would refrain from quoting one or two examples which he had had in mind. He would only ask the delegates to consider these definitions as they now stood in the light of the history of the post-war years and see whether they really thought that the application in every instance of these particular criteria would have resulted in a judgment which their sense of equity would have endorsed.

As regarded the draft Protocol which it was proposed to annex to Article 2, he would only say that once it had been laid down, as was proposed by Article 2, that no political, military, economic or other considerations might serve as an excuse or justification for the aggression referred to in Article 1, he was at a loss to understand what useful purpose could be served by adding a list of particular acts which were not to be regarded as such a justification. It was plain that the effect of any such list could only be to weaken the effect of the general provision contained in Article 2; and he was bound to say that, for his part, did not understand why the particular circumstances set out in the Protocol had been selected when there were many more which under the general principle enshrined in Article 2 ought not to be considered as a justification for aggression.

Those were the conclusions to which Mr. Eden had been led by a study of the proposals before the Commission. They did not differ greatly, he admitted, from the observations on this problem which he had made previously. But the remarkable thing was that these conclusions seemed to have substantially prevailed, and these same difficulties which he had dared to put before the General Commission had been encountered when the question of defining an aggressor had previously been considered at Geneva. He did not wish to weary the Commission with quotations with which delegates were probably very familiar, but he would like to remind them that, in 1923, a special committee of the Temporary Mixed Commission, of which the Chairman was Lord Cecil, had said:

"It would be theoretically desirable to set down in writing, if that could be done, an exact definition of what constitutes an act of aggression. If such a definition could be drawn up, it would then merely remain for the Council to decide in each given case whether an act of aggression within the meaning of this definition had been committed.

"It appears, however, to be exceedingly difficult to draw up any such definition. In the words of the Permanent Advisory Commission, 'under the conditions of modern warfare, it would seem impossible to decide, even in theory, what constitutes an act of aggression.'"

The Committee had said later:

"It is clear, therefore, that no simple definition of aggression can be drawn up, and that no simple test of when an act of aggression has actually taken place can be devised. It is therefore clearly necessary to leave the Council complete discretion in the matter, merely indicating that the various factors mentioned above may provide the elements of a just decision."

Such a recommendation as was contained in that paragraph Mr. Eden could have understood, but the rigid definition which the Commission was now asked to accept seemed to him to contravene that decision. He admitted that that decision had been taken ten years ago, and he was not going to suggest that the States could never move forward from decisions they had taken ten years before, but he did suggest that all that had happened in the world in the last ten years seemed to show that rigid definition was at least as difficult of application to-day as it was when the words he had quoted were delivered. Except, he believed, in very simple cases, where no definition was required, a proposal such as that before the Commission was liable to produce results quite inconsistent with the intentions entertained when it was put forward. He could not help thinking of the particular cases with which the League had had to deal and of which some of his colleagues had had infinite experience, and asking himself what would have been the result if the League had been bound to apply the automatic test now proposed. The adoption of that test would, he felt, make the determination of an aggressor in any particular case in the future dependent, not upon the merits of the case, to which the background was often indispensable, but upon the ability displayed by one party or the other in inveigling or provoking the other side to one of the acts laid down in the proposed definition. In the phrase employed by a very distinguished statesman who had represented his country on the Council for a great many years, such a definition would be liable to be a trap for the innocent and a protection for the guilty, and while he realised the apparent simplicity..."