of the tests proposed, and while their very simplicity appealed to Mr. Eden, he would earnestly beg the General Commission to consider whether the adoption of rigid and automatic tests such as those proposed was not likely in cases of difficulty (and it was only with cases of difficulty that the Commission was concerned) to produce results which would be unjustifiable and which the nations would themselves deeply regret in the light of the judgments they themselves would form in the use of their own unbiased sense of equity.

M. Politis (Greece) asked, as Rapporteur of the Committee on Security Questions, to submit a few observations in reply to the statement that Mr. Eden had just made. He had not been at all astonished to hear the United Kingdom delegate's searching criticism of the Committee's work. Once again, and probably not for the last time, the Conference was faced with an ever-recurring dispute, which arose out of differences in mentality. On the one hand, there was the desire to have fixed rules, to know what were the commitments and what guarantees were offered by established law; on the other, there was the tendency to have a more elastic form of law, one with only shadowy outlines, which would be determined only as more and more experience was acquired. There had always been this difference between the Anglo-Saxon and the continental systems of law. It was a difference of outlook and of tendencies, which had been encountered at the Hotel Crillon when the Covenant was being drawn up. Yet the Covenant itself showed that it was possible, given goodwill, to arrive at a compromise between these two tendencies, even though they seemed so far apart and so contradictory.

If the Covenant were examined article by article, it could be seen which were the traces of the tendency to elasticity and which were those left by the tendency to rigidity. Yet the Covenant had been concluded, and so far no serious commentator had offered any criticism of it which could cause regret for the wording adopted in 1919.

The point was to know whether, in this question of the definition of the aggressor with which the world had been preoccupied for very many years, there was not some means of arriving at a text which would be acceptable to all, whatever the origin or the legal training of those subscribing to it. M. Politis thought that the text submitted by the Committee on Security Questions might very well represent a compromise which could be accepted by all.

He would like to answer the principal objections raised by Mr. Eden. Mr. Eden had said, first, that definitions presented in a rigid form could give rise to no difficulty in simple cases, but that in such cases they were needless, because a solution could be found without them and would be devised without long searching by the authority determining the aggressor. But when the case was an intricate one, when the events were complicated, when enlightenment did not come quickly to the competent organ, why saddle it with a rigid rule? There was a risk that the solutions reached might be eminently dangerous.

It was precisely this danger which M. Politis did not see. Keeping to the text proposed, he recognised that a rather strict analysis might lead to the criticism to which he had just referred. It might be argued: "You are enumerating a number of prohibited acts and you say that the aggressor will be the State which first commits one of these acts. If both parties to the dispute have committed prohibited acts, you have no criterion other than chronological order. But there may be a very brief interval—a few hours perhaps—between the action of one of the parties and that of the other. If you abide by this rigid criterion of chronological order you may commit an injustice, because the heavier responsibility may possibly lie on the party which committed the act second in chronological order rather than on the one which committed it first."

The reply to that objection was very simple. If, on account of circumstances, the chronological order lost the value which it should have, doubt would arise in the mind of the judge. It might be questioned whether a State which committed the prohibited act a few minutes or a few hours before the other was really the one on which the greater responsibility should fall. But where there was doubt, what should the international organ do?

It was easier to answer such a question, since there was before the Commission the text submitted on the previous day, which defined the mission of the international organ determining the breach or threat of a breach of the Paris Pact.

Article 2 of the text submitted on the previous day by Sir John Simon provided that: 1

"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."

In M. Politis's opinion, there was a definite relationship between that text and Article II of the Covenant, because the organ in question, which, moreover, was simply the League Council in an enlarged form, would have the same policy as the Council itself under Article II. What had the Council to do? Article II provided that:

"Any war or threat of war... is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations."

1 See Minutes of the sixty-third meeting of the General Commission.
When the international organ, having to apply, in the relations between the contracting parties, such rules as the Conference might have established, felt any doubt, it would be its duty to employ all the means in its power to dispel such doubt. If, for example, it was not quite certain of the facts, it should, so far as circumstances permitted, carry out an enquiry, verify the facts and obtain further information, in order to be in a position to arrive at a judgment. If the facts were much more serious, and did not allow of an enquiry, which would take time, the Council, or rather the international organ, would have to take conservatory measures, prescribe an armistice and enjoin the parties to cease hostilities, and the party which did not obey that recommendation would at once reveal itself as the aggressor. Better still, if circumstances permitted, and if it were necessary in the interests of impartiality to remove a doubt in the mind of the international organ, the latter could still offer or even impose on the parties, according to circumstances, arbitration on the point as to which was really responsible.

Those, however, were extreme reservations, which in no way detracted from the value of the system, which had been criticised as rigid because it remedied a defect which had been observed, noted and regretted in the text of the Covenant. Hitherto, if the system of organisation provided by the Covenant and the guarantees of security it offered had somewhat lost their moral value in the eyes of the world, it was precisely because the question had always arisen—and, unfortunately, facts had occurred to confirm the fears that had been felt—whether the Council would not, when the time came, find itself in too embarrassing a situation to determine the responsibility and whether it would not in an emergency leave too long unsettled the essential point—namely, who was responsible and what measures should be taken urgently against the party in question.

The advantage of the system proposed was that it provided rules which, in the majority of cases, would enable the aggressor to be determined rapidly and almost automatically. But the inconveniences of this rigidity were not such that the partisans of an elastic system could entertain any insuperable objection to it, because, as M. Politis had already pointed out, when doubt arose, the Council, under the terms of Article 11, or the international organ, under the terms of the text of the Act based on the same idea, would have ways and means of avoiding the difficulties raised by over-rigidity.

Mr. Eden had also observed that the circumstances preceding the conflict might be such that an impartial judgment must take them into account. Possibly the State whose territory was ultimately invaded, and which appeared as the victim of one of the acts enumerated in the document now before the Conference, might have begun by exasperating the author of the aggression by a deliberately aggressive policy, a policy of provocation, a policy of illegalities and refusal to submit to pacific procedure.

The answer to that objection was contained in the report. The report stated that the Committee had not seen its way to take provocation specifically into account for the reason that provocation consisted in a prohibited act, and in that case the party retaliating by another act which was one of the prohibited acts would be exercising legitimate self-defence; or the act of provocation simply consisted in an illegal attitude, which was not in itself characterised as an aggressive attitude, and in those circumstances the injured party had the right, and indeed the duty, to inform the international organs, to ask that the conflict should be settled by pacific procedure. The progress which it was hoped to make might be brought about by the Act before the Commission. It would undoubtedly have the effect of preventing a disturbed situation being utilised to facilitate recourse to violence. The ideal which the Conference was trying to bring into being was as far as possible to eliminate recourse to force except in legitimate defence. That was the characteristic of all civilised society.

Henceforth, force placed in the service of law must be exercised, not by the members of the community, but by the community itself. It was progress on those lines which was the aim of the Act on which the General Commission was asked to give a decision.

The Soviet delegation had submitted that act as a universal instrument and the Committee was presenting it as such, as a general law which would be embodied in the legislation of all civilised countries; but it was quite conceivable—and this precaution had been taken in the report—that some States represented at the Conference, though having no valid grounds for objecting to the Act becoming a Conference document, would not wish to sign it immediately, and that consequently all the States would not immediately become contracting parties. In that connection, Mr. Eden had referred to the embarrassing position of the States which would be members of the international organ asked to determine the aggressor. Those rules would, of course, be valid only in the relations between the contracting parties, but there would be third parties who would be members of that international organisation, and they would have to apply rules which they had not accepted. There was, however, nothing novel in such a procedure. The Council had often been faced with a similar situation; he need only refer to one of the most important Acts established in recent years, which constituted one of the strongest guarantees of European security—the Locarno Agreement. Did not that lay down a number of rules which were valid only in relations between the contracting parties? Was the Council bound to apply those rules, even though it was composed of States which were not contracting parties? Could anyone conceive that States which were not parties to the Locarno Treaties need not take them into consideration?

Such an inference was, in his opinion, merely a matter of common sense, and the objection need not be considered further.
M. Politis thought that, with these assurances to the advocates of elasticity, he could ask them to make this concession to the advocates of rigidity who, anxious as to their security, were asking for guarantees. A State could reserve the right not to give guarantees itself, but no one was entitled to object to other States which advocated a rigid system giving such guarantees to each other.

Cemal Hüsnü Bey (Turkey) said that, from the very first, the Turkish delegation had given a very sympathetic reception to the Soviet proposal concerning the definition of the aggressor. It was glad to see that the proposal had, after careful consideration, been accepted by the Security Committee and had now been brought before the General Commission.

The present Act was assuredly a contribution of paramount importance to the work of peace. It was criticised as being too rigid. The Turkish delegation firmly believed that any Act aiming at the maintenance of peace and the strengthening of security must inevitably, if it were to effect its purpose, be clear, rigid and absolutely unambiguous. In this matter, rigidity, far from being a flaw, was, on the contrary, the Act's greatest merit. It was certain that the strength and value of the Act were to be found in its universal and unqualified application, as the distinguished leader of the Soviet delegation had pointed out.

Cemal Hüsnü Bey warmly associated himself with the tributes paid at the meeting on the previous day by certain distinguished speakers to the Soviet delegation for its happy initiative, which would, he hoped, be one of the most important results accomplished by the Conference. He thanked, too, M. Politis, who had presided over the Committee on Security Questions and had, as usual, largely contributed to the valuable result at which the Committee had arrived. He wished once again to express publicly his gratitude to M. Politis for the masterly statement he had just delivered.

Cemal Hüsnü Bey was glad to say that his Government entirely accepted the Act relative to the definition of the aggressor and the Protocol annexed to it. Turkey deeply hoped that the Act would be accepted by all States taking part in the Conference.

M. SEPAHBODI (Persia) felt sure, after the very lucid and detailed explanations of the Vice-President of the General Commission, that a serious endeavour would be made by all members of the Conference to bring about a tangible result in the organisation of security by the definition of the aggressor. The Persian delegation firmly believed that no limitation of armaments was feasible without a parallel organisation of security and therefore warmly thanked the Soviet delegation for the contribution it had made to the Conference's work. It greatly hoped that all delegations would agree to the definition of the aggressor given in the two protocols annexed to the report.

The President said that he had received a request that, in view of the absence of the chief Soviet delegate, who was very anxious to be present during the discussion of the question of security, the Commission should take up again the question of material on the following days, Friday, May 26th, and Saturday, May 27th. He understood that M. Paul-Boncour, who was also interested in the question of security, concurred in this proposal. The President thought that the Commission might oblige M. Dovgalevsky by taking the course he had suggested, although it was a departure from the programme he had outlined earlier in the week. If this arrangement were accepted, his idea would be to devote two meetings next week to the question of security in order to restore the balance.

M. Titulesco (Roumania) observed that the question of security was one of those in which the countries of the Petite Entente were most interested. It had very much at heart the definition of the aggressor, as given by the Soviet delegation. For those countries, it was a primary factor in security. It so happened, however, that, as Roumanian Minister for Foreign Affairs, M. Titulesco had to follow M. Beneš and M. Yevtitch to Prague, where the Conference of the Petite Entente would be held. If, therefore, the arrangement suggested by the President was final, he must say immediately, as these three delegates would be absent on Monday, that the three States of the Little Entente fully accepted the Soviet delegation's definition of the aggressor and considered that M. Politis's striking speech should remove any doubt on the part of those who thought the Soviet delegation's definition too rigid and that, in any event, no one could, because he had a different outlook, take away that element of security which had been proposed to the Conference. Anyone who held the opposite point of view must take the anxieties of others into account and allow that, they should be entitled to subscribe to the Soviet delegation's definition of the aggressor.

The proposal of the President was adopted.
SIXTY-SIXTH MEETING

Held on Friday, May 26th, 1933, at 3.30 p.m.

President: The Right Honourable A. HENDERSON

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

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

Cemal HÜSNÜ Bey (Turkey) stated that the present contents of the articles of the United Kingdom draft regarding naval armaments were far from providing equality for all the States which would be asked to sign the Convention. On that point, the validity of the objections raised on the previous day by the Soviet representative, M. Dovgalevsky, must be admitted. 2

The part of the United Kingdom draft relating to land armaments provided for both a qualitative and a quantitative reduction of armaments for all the signatory States. The Washington and London Treaties certainly constituted the first step towards general disarmament, and on that account they were undeniably of great value. But it would undoubtedly be more in accordance with the ideal before the Conference if it did not stop at the mere registration of those treaties in the draft under discussion. The Turkish delegation considered that the fact that certain States were actually increasing their armaments by carrying on the execution of their naval programme after the adoption of the draft Convention would not be compatible with the principle of non-re-armament which had been laid down. On the other hand, it would be a very real relief if, not only were the execution of naval programmes stopped, but if, in order to maintain the balance between the States and the different categories of armaments, a reduction of naval armaments by the most heavily armed Powers were also contemplated.

The Turkish delegation had not submitted amendments to this chapter, as it did not wish to increase the difficulty of discussing this question, which was already very complex in itself. In particular, it had not considered it desirable to change the nature of the problem by submitting fresh amendments at a time when everyone earnestly desired to reach a positive result as rapidly as possible. It thought that, in these circumstances, the best and simplest method would be to leave the States which were not parties to the Washington and London Treaties entirely free until the expiration of those treaties.

As the Spanish delegate had explained so rightly and with quite mathematical eloquence on the previous day, the naval armaments of the countries which were not bound by the Washington and London Treaties could not constitute either a danger to world peace or a reason for an armaments race. Moreover, the very fact that it had not been considered useful or necessary to invite those States to the Washington and London Conferences was clear proof of this.

The Turkish delegation had studied the amendment on this subject submitted a few days previously by the delegations of Spain, Finland, Poland, Roumania, Sweden and Yugoslavia. 3 Though it was in favour of leaving free the States which were not parties to the Washington and London Treaties, the Turkish delegation could, in a conciliatory spirit, support that amendment if the General Commission decided in its favour by accepting its premises.

Amendments proposed by the Delegations of Finland, Poland, Roumania, Spain, Sweden and Yugoslavia. 4

General Observations.

"The Powers not signatories to the Washington and London Treaties were able to state their views on the question of the limitation of naval armaments only during the proceedings of the Preparatory Disarmament Conference and, in a quite general

2 See Minutes of the sixty-fourth meeting of the General Commission.
3 See below.
manner, at the present Conference. They have, in particular, co-operated with the Powers Parties to the said Treaties in drafting the naval clauses of the Draft Convention adopted by the Preparatory Commission in December 1930.

"In these conditions, it would seem fair to insert, in a suitable form in the framework of the present draft, provisions taken from the Draft Convention of the Preparatory Commission.

"It should be emphasised that these provisions were decided upon in joint agreement with the Powers Parties to the Naval Treaty and are the result of a compromise secured by means of mutual concessions.

"The proposed amendments are based on the considerations above outlined—i.e., on the Draft Convention of 1930, allowance being made for the progress made by the Conference and particularly by its resolution of July 23rd, 1932."

Amendments.

1. Article 28:

After the section dealing with capital ships add:

"It shall further be permissible to lay down or acquire capital ships of sub-category (ii) by applying the replacement rules of Annex V."

2. Article 29:

Delete sub-paragraph (a).

For sub-paragraph (b), substitute the following:

"(a) For the term of the present Convention, the aggregate tonnage of the warships of each of the High Contracting Parties other than the special vessels enumerated in Annex ... shall not exceed the figure fixed for that Party in the table in Annex IV, last column."

For sub-paragraph (c), substitute the following:

"(b) Annex IV shall show in tonnage by class the way in which each High Contracting Party proposes to allocate during the period of application of the present Convention the aggregate limited tonnage applying to it to the figure shown in the table."

After the new sub-paragraph (b), insert sub-paragraph (c) reading as follows:

"(c) Within the limit of the aggregate tonnage fixed for it in Annex IV and provided no stricter conditions are proposed, by special conventions to which it is or may become a Party, each High Contracting Party may alter the distribution given by it in Annex IV subject to the following two conditions:

1. Tonnage transfer between categories of surface vessels shall be free if it is made from the largest to the smallest displacement unit.

It shall also be free in the opposite direction in the case of navies whose aggregate tonnage does not exceed 100,000 tons, but, in the case of navies exceeding this figure the tonnage to be transferred may not exceed 60 per cent of the total tonnage of the corresponding category.

2. Prior to laying down the vessel or vessels to the construction of which the transferred tonnage is allocated, the amount of this tonnage must be notified to the other High Contracting Parties, to the Secretary-General of the League of Nations and to the Permanent Disarmament Commission."
3. Delete the text of Annex IV and substitute the following table:

''Annex IV.

<table>
<thead>
<tr>
<th>Class</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital ships</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aircraft Carriers</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cruisers (i)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Light surface vessels</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Cruisers (ii), Destroyers, etc.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Submarines</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total tonnage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

''(Note. — The figures in the table should be submitted by the delegations concerned on the basis of the particulars forwarded to the Secretary-General, brought up to date and completed by the respective Governments.)''

M. Westman (Sweden) said that, on the previous day, various speakers had observed that the present discussion afforded the delegations the first opportunity that had occurred in the course of the work on disarmament of giving their opinions on the actual substance of the naval questions. The great maritime Powers had debated those problems at Washington, Geneva and London. A rather larger number of delegations had had an opportunity of dealing with these naval questions in the Preparatory Commission, but it was not until to-day that the problem had been placed on the universal plane. The special procedure that had hitherto been applied in dealing with naval questions had been necessary for political reasons. It had given very gratifying results as regards the armaments of the great Powers, but it had also created certain special difficulties for countries with small fleets. One of these difficulties was the following: the system worked out at Washington and London, in the light of the requirements of the big navies, was not readily applicable to small navies. The Washington and London Treaties had established a series of classes of vessels: capital ships, cruisers of category A, cruisers of category B, destroyers, etc., and the transfer of tonnage between those categories was either prohibited or very limited. It was clear, however, that, in the case of a big navy—one of a million tons for example—each category would comprise a total tonnage often amounting to two or three hundred thousand tons; in other words, a big naval Power would possess in a single category as much tonnage as three, four or five small navies together.

Moreover, the same system of categories, applied to small- or medium-sized navies, allowed some ten or twenty thousand tons in each category, which meant that the system of categories applied to a small fleet involved much greater restrictions than for a large fleet.

The representatives of the great naval Powers had proposed, in the Preparatory Commission, the application of this system to all navies, but the representatives of the small navies had refused to accept it, and the result had been the compromise to which M. de Madariaga had referred. The text was very brief. It was as follows ¹:

''Rules for Transfer.

1. Account must be taken of the special circumstances of each Power, and of the classes of ships involved in the transfer.

M. Westman had hoped that, in order to avoid fresh discussion, this compromise, which had been so difficult to establish, could have been retained in any proposal submitted to the Conference with a view to settling naval questions. In this way it would have been possible to avoid the re-opening of a discussion which had been thought closed and which threatened to be protracted. That had not been the case, however, in the United Kingdom draft, and the consequence was the amendment submitted by the six delegations and to which the Turkish delegate had referred.

On the previous day the Commission had heard from Mr. Eden the reasons why the compromise had not been taken as a basis in the naval chapter of the United Kingdom draft. Mr. Eden had asked that the system of categories as set forth in the draft should be adopted for the limited period in question. He had not seen his way, even for the short period in question, to comply with the rules proposed by the Preparatory Commission. He had taken as his basis the fact that the great Powers—or at all events some of them—had reduced their tonnage. In that respect, however, it should be observed that the immense disparity between the smallest of the large navies and the largest of the small navies would still remain immense. In that connection M. Westman could quote what the United States delegate, Mr. Gibson, had said in the course of a discussion in the Preparatory Commission:

"... Aside from the signatories of the Washington Treaty, there is no conceivable combination of naval power which could threaten the safety of any of the principal naval Powers."

Further—and this must be emphasised—the Preparatory Commission's proposal had been worked out after the London Conference, so that, broadly speaking, that treaty had been taken into account when the Preparatory Commission's compromise was reached.

M. Westman thought, then, that M. de Madariaga, in his admirable speech of the previous day, had placed the problem of the relation between the large and the small navies in its true light. He would only add two observations: the superiority of the large navies over the rest would prove to be even more overwhelming than M. de Madariaga had said, if, in the calculations, account were taken of certain warships which, according to the naval treaties, were regarded as exempt. Moreover, there was also the question of the age of the different navies. The average age of the ships of the largest navies which remained outside the naval treaties was certainly greater than that of the navies of the signatories of those treaties.

M. Westman desired next to submit two or three observations regarding the statements made on the previous day by Mr. Eden. Mr. Eden had said that, as a result of the amendment submitted by the six delegations, the small navies would have a greater freedom of transfer than the signatories of the London treaties. Consequently, it would be impossible to know the composition of the navies in two years' time on the expiration of the agreement at present contemplated. But, according to the amendment proposed by the six delegations, the tonnage of the small and medium fleets would be divided among the different categories and inserted in Table IV of the amendment, and any possible change in that division would be notified in advance to the contracting parties, the Secretary-General and the Permanent Commission.

It had also been said on the previous day that the amendment would enable countries not parties to the naval treaties to build capital ships of category B. But that option was given only to navies which had no vessels of a tonnage greater than 8,000 tons, which constituted a very serious restriction. M. Westman wished to point out that it was one of the drawbacks of the definitions adopted in the naval treaties that the same rank of 'capital ship' was given both to powerful vessels of 35,000 tons with nine 40-cm. guns and to coastguard ships of 3,000 or 4,000 tons with two 21-cm. guns. To remedy that drawback, to remove the confusion that had been caused, the Preparatory Commission had introduced sub-category B, which should more correctly be called the coastguard vessel category, consisting of ships with guns of fairly large calibre but having necessarily a very limited radius of action. That was a type of ship which the large majority of the members of the Naval Commission had described as having the least offensive characteristics. Should its construction therefore be specially forbidden?

It had also been said that the amendment would allow of the increase of submarine tonnage. That was not the case. The amendment was based on the idea underlying the compromise reached by the Preparatory Commission—namely, that a compulsory maximum limit for each navy would be fixed as regards submarines.

Everyone must realise that, once this dividing-line was drawn between submarine tonnage and the tonnage for surface vessels, the tonnage remaining available for surface vessels would—even from the technical point of view—allow little scope for modifications. When the various delegations had filled up Table IV of the amendment, the United Kingdom delegation would see that some Governments intended to build cruisers carrying guns with a calibre exceeding 155 mm. In practice, this problem would not be difficult to solve.
To sum up, the Swedish delegation’s criticism of the naval chapter of the United Kingdom draft was that it regulated the position of the small Powers too summarily. In the case of the great Powers, similar problems had been discussed for years. For the other countries it was proposed to settle all the problems at a single stroke. M. Westman thought that they must necessarily be considered more carefully and that, as was stated in the first paragraph of the Preparatory Commission’s compromise, the special conditions of each country must be taken into account. That rule, moreover, had been introduced at the United Kingdom delegation’s request.

In conclusion, he would like to say a few words regarding qualitative limitation. The Swedish delegation would be quite satisfied if the Naval Commission’s recommendation to apply the qualitative method in naval matters could be carried into effect. The votes given by the Swedish delegation in the Naval Commission had been in favour of that idea. He was therefore prepared to support any proposal submitted to that effect if, in the present circumstances, it had any likelihood of producing a positive result.

For the time being he had wished to submit the few foregoing observations, on the assumption that the United Kingdom plan would serve, with the various necessary modifications, as a basis for the future Convention. In that way the first step would be taken to bring all navies under the rules for the limitation and reduction of armaments which the Commission was now drawing up. That could not fail to facilitate the future negotiations between all countries, with a view to the insertion of a complete naval chapter in the general international agreement which would settle disarmament problems as a whole.

M. Sato (Japan) stated that the United Kingdom delegate and Mr. Norman Davis had been good enough to reply to the observations he had made on the previous day’s on that part of the United Kingdom draft relating to naval material. He would like to add a few words to his observations, as he feared that they had not been clear enough to secure immediate acceptance.

In the first place, M. Sato wished to say at once and very definitely that his intervention on the previous day had had no other aim than to submit the amendments1 to the United Kingdom draft which, in Japan’s opinion, appeared necessary to render possible her accession to the new Convention and which might contribute to its rapid conclusion, at any rate as regarded the naval part. The Japanese delegation appreciated at its full value the United Kingdom draft, which was the very valuable result of the untiring efforts made by the United Kingdom Government to bring the work of the Conference to a successful conclusion. Those amendments, which, as the Commission might judge, were by no means of a nature to undermine one of the “pillars” of the United Kingdom draft, had been circulated to the members of the Commission. As M. Sato had particularly emphasised on the previous day, for it was a point of great importance, the Japanese amendments were not of a nature to affect the structure—and still less the existence—of the London and Washington Treaties.

M. Sato had made these remarks—which appeared almost superfluous—because he had heard it argued, at the previous day’s discussions, that an unfavourable effect might be created on public opinion if these treaties were not mentioned. He thought that this was an argument of form rather than of substance. These two instruments, which had enabled immense headway to be made in the work of naval disarmament, remained unaltered and intact, whether they were mentioned in the new Convention or not. The mere fact of their insertion in the future Convention did not in itself constitute an event which could exercise much effect on public opinion. What the world expected of the Conference was effective disarmament, which must be realised to the greatest possible extent, and not a question of pure form which had no connection with positive measures of disarmament.

The provisions of the United Kingdom draft relating to naval material aimed (1) at concluding a building agreement between France and Italy as to auxiliary vessels, (2) at stabilising the naval armaments of the States not parties to the London and Washington Treaties, while leaving unchanged the relations existing between the States parties to those treaties. It followed that the draft really constituted only a plan for an armaments truce, and that it was far from constituting a plan of disarmament. Moreover, if M. Sato were not mistaken, the French delegate had expressed a similar opinion on the previous day, when he had said that it was desired that France and Italy should accept a building agreement and not a limitation agreement.

The Japanese delegation would greatly regret if the new Convention, which related to all categories of armaments, which was intended to be signed by practically all the countries of the world and which was to constitute the first step towards disarmament, contained no provisions which would lead to genuine reductions in naval armaments. By its very nature the present Convention had among its principal tasks that of endeavouring to establish a more general plan for the reduction of naval armaments. Article 23 of the London Treaty said:

"Unless the High Contracting Parties should agree otherwise, by reason of a more general agreement limiting naval armaments to which they all become parties, they shall meet in conference in 1935."

There could be no doubt that this referred to the present Convention, although it had not been directly mentioned. And this, he thought, was the justification of the fact that the United States Government last June\(^1\) and the United Kingdom Government last July\(^2\) had submitted to the Conference plans for the reduction of naval armaments.

It was in the same spirit that the Japanese Government had, in its turn, submitted a proposal in the previous December,\(^3\) a proposal which aimed at bringing about a considerable reduction, both from the quantitative and qualitative points of view, by concrete methods.

The adoption of the Japanese proposal by the present Conference would have permitted the world to effect a very important reduction, to speak only of capital ships, cruisers of sub-category A, and aircraft-carriers. Compared with the tonnage at present possessed by the United Kingdom, the United States of America and Japan, this reduction would attain the figure of 880,000 tons, and that of 1,130,000 tons in relation to the tonnage allotted to these Powers in virtue of existing treaties.

Japan was most anxious to secure the conclusion of an agreement which would permit of substantial qualitative and quantitative reductions on the lines laid down in the General Commission’s resolution of July 23rd, 1932, and she was firmly convinced that no effort should be neglected to achieve this result.

The Conference, unfortunately, could not congratulate itself on having so far secured a concrete agreement on naval disarmament. This was a fact which had to be acknowledged with regret. But this absence of a concrete new agreement did not mean that it was necessary to refer in the new Convention to the existing treaties in their present form. What the Japanese delegation expected of the United Kingdom draft was a new chapter relating to naval armaments, to be concluded during the present Conference. Failing that, it preferred to leave existing treaties as they were, but without reaffirming or confirming them, for they must be revised or replaced by another agreement at the Conference which was to be held in 1935.

It was hardly necessary to say how much Japan hoped that a satisfactory agreement would be concluded between France and Italy supplementing Part III of the London Treaty. But she would like the accession of these two great naval Powers to Part III, which would be rendered necessary by this agreement, to take place by the procedure stipulated in the London Treaty.

M. SCHMIDT (Estonia) said that, to render as easy as possible the discussion of the draft submitted by the United Kingdom delegation, the Estonian delegation had refrained from submitting concrete amendments. It had nevertheless made a careful examination of the amendments submitted by the other delegations, and it viewed with favour the amendment submitted on behalf of six delegations contained in document Conf.D./C.G.II\(^3\) and already mentioned by previous speakers.

This amendment, of course, was in harmony with the compromise which had been agreed upon in the Preparatory Commission. A few moments ago the Swedish delegate had explained in detail the reasons for this amendment; consequently, M. Schmidt need not dwell thereon for the moment and he simply wished to support it.

M. RUTGERS (Netherlands) said that the Netherlands delegation wished to explain its attitude as regarded naval armaments. In doing so it was obliged to make the same reservation as M. Rutgers had always hitherto made when stating his delegation’s attitude—namely, that, if the Netherlands delegation frankly stated its opinion, this did not mean that it would be unable to sign a Convention which did not fit in with this opinion.

M. Rutgers regretted to be obliged to say that, in his delegation’s opinion, the chapter on naval armaments in the draft at present under discussion was not the most successful part of that draft. In submitting that chapter, the United Kingdom delegation had departed from the results which had been secured and unanimously adopted by the Preparatory Commission, and the United Kingdom plan, on this point, could not be represented as the outcome of previous discussions or as a series of provisions on which a certain degree of unanimity had been secured among the delegations.

The dominating principle in this chapter consisted of the distinction made between the signatory Powers of the Washington and London Treaties and the other States. For the latter, the system proposed in the draft was quite simple: it was the maintenance of the status quo—stabilisation. In his speech of the previous day, Mr. Eden had explained that another system—that suggested in the amendment of the six delegations—would not be fair to the Powers signatories to the Washington and London Treaties which had already set such a good example in limiting and reducing their naval armaments. Like Mr. Eden, M. Rutgers was a great admirer of the Washington and London Treaties. Nevertheless, if these instruments were quoted as an example to the Powers possessing small navies, one question arose: Why were

---
\(^1\) See Documents of the Conference, Volume I, page 260.
\(^2\) See Documents of the Conference, Volume I, page 266.
\(^3\) Document Conf.D.150.
these Washington and London Treaties confined to five Powers only? Why did these five Powers think it useful and possible to conclude an arrangement as to the limitation of their naval armaments while leaving complete freedom to all the other Powers?

Was not the answer that these other Powers had not taken part in the race for naval armaments, and that, even in the absence of any Convention, their naval armaments had always remained at a very low level, as M. de Madariaga had shown yesterday by means of figures? M. Rutgers did not mean that these countries had any reason to boast of this, for in most cases it was only because of their poverty that they were in that position. He fully admitted this. Nevertheless, Mr. Eden’s speech had reminded him of a conversation he had heard the other day between two persons who were speaking of the effects of the crisis. One of them, who was very fat, said to the other, who was very thin: “I have cut down my food a lot and I have already lost ten kilogrammes. I expect to lose another five. What are you going to do?”

That was a true description of the difference between the methods applied in the United Kingdom draft to the Powers signatories of the Washington and London Treaties and to the other Powers. As regarded the signatories of the Washington and London Treaties, the draft merely referred to what had already been agreed between them. After long and laborious discussions they had reached agreement, up to a certain point, on a system which left each of them free to carry out the programme it had accepted and which met those demands it had considered essential. These Powers had not adopted the status quo as a single and final gauge both for aggregate tonnage and the different categories. Yet it was this system of the status quo which it was desired to apply now to the Powers possessing smaller navies. From the naval point of view, however, they were not dangerous Powers. M. Rutgers did not see why they should be bound by another method than that hitherto adopted to obtain the considerable limitations and reductions of naval armaments which had been secured.

Mr. Eden had endeavoured to explain the harmful consequences which would result from the adoption of the Preparatory Commission’s system. M. Westman had already said that these consequences would not be so serious and that this system could not be regarded as giving the Powers possessing small navies an appreciable advantage over the signatories of the Washington Treaty.

In conclusion, M. Rutgers thought that, if it were not possible to include in the Convention a uniform system for all Powers, a system which would have a more or less final character, the question arose whether it would not be possible, in the case of the smaller naval Powers, to adopt the principle of the interdependence of armaments and it seemed to him that, regard being had to the status quo as a single and final

M. RAPHAEL (Greece) said that, speaking as the representative of a country non-signatory of the Treaties of Washington and London, he was in agreement with the amendments proposed by the delegations of Spain, Finland, Poland, Roumania, Sweden and Yugoslavia. He was making that statement at once, so as not to have to intervene in the discussion on the separate articles.

M. SEPABHODI (Persia) was in entire agreement with the speakers who had preceded him, and associated himself with the amendment submitted by the six delegations.

Count RACZYNSKI (Poland) said that the Polish delegation entirely associated itself with the statements previously made, and, in particular, with those of the Spanish, Swedish and Estonian delegations, which had been largely supported by the representative of the Netherlands. The Polish delegation considered that it was just and equitable to apply the same method and the same procedure to the countries non-signatories of the Washington and London Treaties as that adopted at the time when the said treaties were drawn up. The plan prepared by the Preparatory Commission was the result of a compromise approved in 1930 by the United Kingdom delegation. It was hardly necessary for him to stress the fact that second-class naval Powers, whose fleets threatened no one and were exclusively used for defensive purposes, had already made a number of sacrifices in the interests of peace and international collaboration. He associated himself with the remarks made in the Commission with regard to the offensive characteristics of certain naval armaments and it seemed to him that, regard being had to the principle of the interdependence of armaments, it would be well to introduce into that chapter certain rules designed to reduce the offensive power of the big navies.

It was hardly necessary for him to say that the Polish delegation, like most of the delegations, maintained the principle of interdependence of armaments and would therefore endeavour to introduce into the draft Convention certain provisions for the purpose of bringing the three chapters of the Convention into line with one another. Indeed, it was difficult to conceive of different time-limits being laid down for engagements in the land, naval and air forces, and the standardisation of those engagements would have to be effected by the Conference. It seemed to him that nothing should be done at the Conference to weaken the feeling of security of those countries which were obliged, within the very modest limits of their power, to ensure their system of naval defence in accordance with Article 8 of the Covenant.
M. HOLSTI (Finland) said that his delegation shared the point of view advanced by previous speakers, especially M. Westman, M. Rutgers, M. Schmidt and Count Raczynski. M. Westman and M. Rutgers, however, had spoken on behalf of old States having great naval traditions and a complete system of naval defence, whereas M. Schmidt and Count Raczynski, like M. Holsti himself, wished more particularly to emphasise the interests of new States.

In 1930, the Preparatory Commission had taken full account of those interests and had understood the special requirements of new States which were in process of creating a complete and balanced system of naval defence. Now, however, these countries were asked to make a great concession and to refrain from completing the still uncompleted part of their programmes.

M. Holsti's chief preoccupation was as follows: What was going to happen when the next Naval Conference met? Would Finland again be asked to postpone or abandon part of her programme before she had been able to complete her system of naval defence?

In regard to the present proposals, take the case of a small State with very limited economic resources, which had so far been able to acquire only a small number of ships—a part only of its complete and balanced programme. Practically speaking, such a State was now being asked not to complete the remaining ships of its programme, thus disturbing its balance and leaving a blank in its system of naval defence. Such a procedure was equivalent, for instance, to asking a State not to arm, or to supply ammunition to, its completed ships, or not to fit periscopes in its submarines.

What Finland and the countries in her position were aiming at was simply the right to complete their programmes in order to ensure their naval defence according to their very modest needs. They were not aiming at an aggressive policy. He need only recall what had been said the other day by the President of the United States of America, that the majority of States maintained armies, not for the sake of aggression, but merely as a means of defence. Therefore, it seemed only just that the General Commission should revert to the policy followed by the Preparatory Commission and accept freedom of action for the smaller States, as suggested in the amendment introduced by M. de Madariaga on the previous day and explained by other speakers at the present meeting.

M. FELDMANS (Latvia) said that his country, being a new State, had quite a small fleet, which was totally inadequate for the defence of its coasts, and it would be only fair to enable it to supplement its maritime defence in future if it thought fit. Consequently, the Latvian delegation would support any amendments designed to accord liberty to the small fleets. He therefore associated himself with the draft amendment submitted by the delegations of Spain, Finland, Poland, Roumania, Sweden and Yugoslavia.

Mr. EDEN (United Kingdom) felt sure that the General Commission would agree that the discussion had been both interesting and informative. It was perhaps permissible to derive encouragement from the fact that, with one important exception, the amendments were almost exclusively concerned with a certain aspect of the naval chapter of the draft Convention, and to hope that, provided agreement could be obtained on that aspect, it would be possible to agree on the chapter as a whole.

Mr. Eden would at once assure the representatives of the countries not parties to the Washington and London Treaties that the last thing the United Kingdom delegation had ever intended, in presenting the draft, was any lack of consideration for their position. On the contrary, it had thought that it was treating them better than it was treating the United Kingdom. All they were asked to do was to remain in their present position, while the countries parties to the said treaties continued the process of reduction.

Mr. Eden assured M. Rutgers that he took no exception to the Netherlands delegate's simile of the fat man and the thin man. Mr. Eden would do his utmost to live up to it. In other respects, however, he did not think the imagery was quite accurate, because it was not the case that the fat man had taken off only a pound or two; he had actually reduced his weight by more than half. All he asked the thin man to do was to put on no weight for a comparatively short period of two years.

He would explain the reasons which had actuated the United Kingdom delegation in asking for this restraint. A glance at the amendments to Articles 28 and 29 submitted by the six delegations would show the consequences which were entailed. The amendment to Article 28 stated that it shall be permissible to lay down or acquire capital ships of sub-category (ii). This amendment would allow certain countries to build ships of 8,000 tons and mounting guns of a calibre of between eight and sixteen inches. It seemed to the United Kingdom delegation that, while agreement was being sought on qualitative limitation—and he knew the supporters of the amendments were among those most anxious to secure qualitative limitation—it was undesirable to allow freedom for the construction of capital ships and cruisers with eight-inch guns, for instance, which had been stopped by the London Treaty or by voluntary engagements entered into by the chief naval Powers. Furthermore, the effects
of the amendment would be unequal among those countries themselves. One of the sponsors of the amendment, for instance, would be allowed to have 27,420 tons of such shipping and the others nothing at all.

The amendment to Article 29 would grant freedom for the building of eight-inch cruisers and ships of one class in replacement of ships of another class. He would take the General Commission into his confidence to the following extent. The contention had been put forward that, in addition to effecting qualitative reduction in the category of capital ships, there was also a field for disarmament in the qualitative reduction of cruisers. The United Kingdom delegation hoped that, in future, as a result of agreement, cruisers carrying guns above six inches would not be constructed. It believed that was a view generally shared in the Conference. It recognised, however, that further exploration would be necessary before it could agree upon this, and such exploration was provided for in Article 33. In the meantime, it naturally desired that construction of these powerful vessels should be suspended. During the period covered by the naval chapter, the United Kingdom would scrap four of these vessels, and it was for that reason that it was anxious, perhaps not unnaturally, that further construction of them should not be indulged in elsewhere.

The United Kingdom had not the slightest intention—and he emphasised this point—to recede in any way from the declaration on transfers made by the United Kingdom delegate to the Preparatory Commission, and when the questions of qualitative limitation had been settled, as the United Kingdom delegation trusted they would be settled, at the Naval Conference, it hoped that general agreement would be reached.

Mr. Eden’s delegation was convinced, for the reasons he had given, that the General Commission would be well advised to agree to the suspension of building of sub-category (ii) capital ships and eight-inch cruisers.

The chief problem in connection with the draft was to consider the categories of six-inch cruisers and destroyers. In spite of the fact that the United Kingdom, with other principal naval Powers, was bound by the London Treaty to keep these classes separate, his Government had acceded to the view which it knew prevailed and had agreed to place them in one category for those Powers which were not bound by the London Treaty, allowing a one hundred per cent transfer between them.

He believed that the real problem for some of the delegations was the following: Should the Conference, or should it not, while suspending construction of sub-category (ii) capital ships and of eight-inch cruisers, allow old ships of those classes to be replaced by six-inch cruisers and destroyers? For his part, he had no opposition in principle to that transfer, but no provision was made for it in the draft for the simple reason that it would, in that case, be possible to indulge in a considerable construction of six-inch cruisers. It would be possible to build a sufficiently large quantity of six-inch cruisers or of destroyers to change the present balance between neighbouring naval Powers.

Having explained some of the reasons which had led the United Kingdom delegation to draft the naval chapter in its present form, Mr. Eden would like to say further, on the subject of transfers generally, that his Government was far from wishing to be dogmatic on this matter. Perhaps the President would allow him, in the interval before the second reading, to have conversations on the particular difficulties which certain delegations felt in this matter, in order to see if there was any way in which their points of view could be met. He could assure those delegations that he was most anxious to do this if it were possible to do so without upsetting, as he knew they would not wish to upset, the general balance of the chapter.

In reply to the statement made by his Japanese colleague at the present meeting, he would say that there was, he thought, general agreement upon the desirability of completing the London Treaty, if that could be done by bringing France and Italy within its scope. The United Kingdom delegation had to this end submitted in the draft Convention proposals which, if accepted, would be embodied in the Convention and signed with it. It therefore seemed, if only for that reason, preferable to have in the draft Convention a reference to the Treaties of Washington and London. Nor, frankly, could he see any objection to such a reference. Article 31 said quite distinctly:

"It is understood that none of the provisions of the present chapter shall prejudice the attitude of any of the High Contracting Parties at the Conferences referred to in Article 32."

In the meanwhile, the Japanese Government recognised—and the Commission had received new and important assurances to that effect at the present meeting—the full validity of the Treaties of Washington and London, and no reaffirmation of them, if Article 23 could indeed be said to be a reaffirmation, could in truth affect the situation. He hoped that this explanation would bring a measure of comfort to his Japanese colleague, and that, when the second reading was reached, the delegations would be able unanimously to agree upon this most important part of the work.
M. HOLSTI (Finland) thanked Mr. Eden for his suggestion for direct negotiations between the United Kingdom delegation and those delegations which had submitted amendments.

Colonel LANSKORONSKIS (Lithuania) said that Lithuania also had sea frontiers, but had not hitherto regarded herself as threatened with aggression by sea. She had no organisation whatsoever for the defence of her coasts and did not possess a single warship. She continued to hope that such progress would be made with general disarmament that her security would be assured in that field also. Nevertheless, in case she might be compelled by circumstances to provide her coasts with a defensive organisation and contemplate the eventualty of purchasing a few ships, Lithuania desired to accede to the principle whereby a certain amount of liberty should be accorded to the small Powers, and consequently supported the proposals providing therefor.

M. NADOLNY (Germany) said that, as Germany's case was a special one, he would explain in a few words the German delegation's amendments, which were as follows 1:

1. Insert, after Article 28, a new article reading as follows:

"Until December 31st, 1936, Germany undertakes:

(a) Not to exceed as regards surface vessels the numbers hitherto assigned to her as a limit;

(b) Not to lay down the keel of more than one vessel to replace one of her capital ships which are obsolete."

2. Add to the heading of Annex IV after the words "Treaty of Washington" the words "and Germany".

"Explanatory Note. — No reduction in the fleets of the other States is proposed in the present draft Convention. Nevertheless, in the hope that a substantial reduction in the naval armaments of the heavily armed naval Powers will be made at the 1935 Conference, Germany is prepared, pending that Conference, to maintain the number of vessels hitherto assigned to her as a limit. In point of fact, the decisive criterion for the limitation of her naval armaments under the Treaty of Versailles is not tonnage, but the number of vessels in the different categories. Consequently, for the German fleet, tonnage has not the same importance as it has for the fleets of the other States, and cannot be employed as a criterion in the case of the former. Amendment 1, paragraph (a), and amendment 2 above are designed to take into account this special situation of Germany.

"Under the Treaty of Versailles, Germany could have laid down the keels of several capital ships for replacement purposes some years ago, but she has not made full use of this right. With a view to facilitating the conclusion of a Convention for the short period contemplated, Germany is still prepared partly to forgo this right and to refrain, pending the final settlement of naval questions in 1935, from laying down more than one capital ship for replacement purposes (see paragraph 1 (b) of the amendment).

"Germany has not yet abandoned the hope that the present Conference will decide to abolish submarines altogether, as was proposed during the first stage of the Conference by certain States, including Germany. However, should the General Commission decide that it is not possible at the present time to do away with submarines for national defence purposes, the German delegation reserves the right to revert to this point later, possibly during the second reading."

M. Nadolny desired to make a few brief remarks on No. 1 (b) of the above amendments. The German proposal related exclusively to construction for replacement purposes—namely, the replacement of a capital ship which would, when the replacement was effected, be more than thirty years old. The explanatory note stated that Germany had made use of her right to replace obsolete capital ships in the case of three vessels only. In stating her readiness not to lay down the keel of a single capital ship until December 31st, 1936, Germany considered that she was entirely conforming to the principles underlying the United Kingdom plan and had only asked for what was indispensable for the safety of the crews and for the maintenance of a regular rotation of replacement in the German navy, which had been limited to the minimum.

Germany, as a disarmed State, was in a quite special position with regard to naval armaments also and could not be placed on the same footing as other naval Powers. He was of opinion, however, that the German amendments indicated the right way to bring Germany into the system of the United Kingdom plan, and he would be very glad if they could be generally accepted.

In conclusion, he would refer to the proposals for qualitative reduction submitted by the German delegation last year at the beginning of the Conference. 2 The German delegation still adhered to the conception underlying those proposals, the acceptance of which would mark a considerable advance, and he could say that, if the Conference desired to go still further in the direction of the qualitative reduction of naval armaments, Germany would gladly follow.

---

M. DE MADARIAGA (Spain) referring to Mr. Eden's proposal, said that, speaking as one who had signed an amendment in the name of his delegation, he would be ready to discuss with Mr. Eden the final terms of the chapter under discussion.

M. Wellington Koo (China) observed that China had not submitted any amendment to the chapter on naval armaments, and, as representing a State which was not a party to the Washington or London Treaties, he deemed it his duty, in view of the discussions that afternoon, to state the attitude of his Government. In view of the fact that China had at present practically no navy, notwithstanding her long coast-line, and more particularly in view of the fact that her territory and territorial waters had been, and were still, subjected to continual armed invasion, in violation of international agreements, by the naval as well as the land and air forces of the invading Power, the Chinese Government did not see its way, pending the vindication of China's rights and the final settlement of the war of aggression of which she continued to be the victim, to undertake commitments restricting her right to take all necessary measures to resist invasion and defend her territorial sovereignty. It was an extraordinary and painful situation for China, the more so as her traditional love of peace and her earnest faith in the peaceful settlement of international differences had been unbounded. This was, however, not a new position taken up by the Chinese Government. Its attitude had been made clear in the general reservation entered by the Chinese delegation in July 1932, about ten months after the external aggression to which China was at present subjected, and reiterated in its statements before the Commission on March 27th and April 25th in the current year. It appeared, indeed, to be also in full accord with the spirit of Article 88 of the United Kingdom draft providing for cases of extraordinary emergency.

M. Koo wished merely on the present occasion to affirm once more that the general reservation made by his Government applied to naval as well as to land and air armaments.

Mr. EDEN (United Kingdom) assured M. Nadolny that the United Kingdom delegation appreciated very highly the moderation with which the German delegate had put forward his amendments to the naval chapter. Mr. Eden was well aware, of course, of the German point of view in the matter. His delegation had tried to meet M. Nadolny as far as it was able in the terms of the present chapter. Once more, however, it was necessary to remind the General Commission that the United Kingdom delegation regarded its proposals as doing no more than holding the situation in a somewhat delicate balance over a short period. It had had in mind many points of view, and, he was afraid, must declare that the acceptance of the German amendment would disturb this temporary and transitional arrangement and so provoke other and perhaps more damaging suggestions. In this matter of replacement, it had been necessary to ask for sacrifices of all the great naval Powers, indeed, of all the naval Powers, and in this particular respect Mr. Eden was only asking his German colleague to be kind enough to put himself in exactly the same position as the United Kingdom in respect of replacement. In the light of this statement, M. Nadolny would, perhaps for the moment at least, be good enough to withdraw the amendment so that, for the purposes of the first reading, the desired unanimity could be secured.

M. NADOLNY (Germany) said that he had several things to say in reply to Mr. Eden with regard to the balance to which the United Kingdom delegate had referred and the comparison he had drawn between Germany and England. He would, however, gladly fall in with Mr. Eden's proposal to leave that question over for the second reading.

The President asked whether, in view of Mr. Eden's proposal, M. Sato intended to proceed with any of his amendments.

M. SATO (Japan) said he desired to maintain his amendment for the second reading and, in the meantime, if possible, to have conversations with the delegations concerned in order to reach an agreement.

The President said that that was his meaning.

The President said that the Commission had now reached the end of the general discussion, and he proposed to consider this as a first reading of the chapter on Naval Armaments, it being understood that the amendments would stand. The negotiations between Mr. Eden and other delegations would continue and, if they were not satisfactory, the amendments would come up at second reading, when the Commission would be in a position to proceed to a vote.

The President's proposals were adopted.

M. MASSIGLI (France) asked if it were understood that the delegations which had not submitted amendments could also have conversations with Mr. Eden.

The President replied in the affirmative.

---

1 See Minutes of the twenty-seventh meeting of the General Commission, Volume I, page 205.
2 See Minutes of the fiftieth meeting of the General Commission, page 385.
3 See Minutes of the fifty-first meeting of the General Commission, page 407.
SIXTY-SEVENTH MEETING

 Held on Saturday, May 27th, 1933, at 11 a.m.

President: The Right Honourable A. HENDERSON.

123. DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION: ¹

PART II. — DISARMAMENT (continuation).

SECTION II. — MATERIAL: CHAPTER 3. — AIR ARMAMENTS: GENERAL DISCUSSION.

Amendment submitted by the Hungarian Delegation. ²

Replace Chapter 3 by the following article:

"The High Contracting Parties accept the complete abolition of military and naval aircraft and of bombing from the air.

"All military and naval aircraft will be destroyed within a period of twelve months from the entry into force of the Convention."

Omit all the rest of Chapter 3.

General TÁNCZOS (Hungary) said that the Hungarian delegation, like many other delegations, had been of the opinion, from the beginning of the Conference, that one of the aims of the present Conference should be the total abolition of military and naval aviation. Since then, the debates in certain national Parliaments and the discussions of the Air Commission last year had confirmed that belief. In the General Commission, about nine delegations were of the opinion that aviation as a whole was one of the most specifically offensive weapons, most efficacious against national defence and most threatening to the civil population. But while, generally speaking, it would be difficult to deny that military and naval aviation possessed the characteristics recognised by the General Commission as the criteria of aggressive weapons to a greater extent than any other arm, military aviation as a whole was even more dangerous to the States which, for one reason or another, had no military aviation. For that reason, the Hungarian delegation had submitted the following declaration to the Air Commission a year previously: ³

"In the view of Hungary, who is disarmed as far as the air is concerned, and excessively vulnerable to aerial attack, military aircraft are the most offensive weapon of all, the weapon which crushes easily her national defence which is too weak, and the weapon which exposes (a) to certain death her civilian population which has no air defence, (b) to complete destruction her capital and her industries which are situated a few kilometres from the frontier and (c) to a sudden stoppage all movement on her system of communications."

The Hungarian delegation had not altered its opinion and it was for that reason that it had placed its amendment before the General Commission. General Tánčzós quite agreed that the total abolition of military and naval aviation must be accompanied by some regulation of civil aviation, as provided in Annex II of Chapter 3 of the draft Convention. The Hungarian amendment did not touch upon that question because, if the development of civilian aviation was not to be hampered, its regulation must, in the Hungarian delegation's opinion, be confined to the measures of control and supervision dealt with in Parts III and V of the United Kingdom draft Convention and come within the same framework as other measures of the same kind.

General JANSA (Austria) said that the Austrian delegation had submitted an amendment identical with that presented by the Hungarian delegation ⁴ and fully concurred in the Hungarian delegate's explanations.

Amendments submitted by the German Delegation. 1

1. In Article 34, omit the words in brackets from "except" to "regions" and add the following words: "and the prohibition of all preparations therefor".

2. Article 35. — Replace the present text by the following:

"The High Contracting Parties agree that their armed forces shall not include military or naval air forces. All military and naval air material 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.

"In order to prevent the use of civil aviation for military purposes, the High Contracting Parties shall accept the effective control of civil aviation under the conditions laid down in the annex to the present chapter.

"Note. — The above-mentioned annex will be drawn up by the Air Committee. The rules contained therein must go further than those proposed for a period of five years in the United Kingdom draft (Annex II), on the understanding, however, that they will not be of such a nature as to hamper the legitimate development of civil aviation."

3. Omit the remainder of Chapter 3.

* * *

Should the General Commission not wish to take an immediate decision on the question of the complete abolition of military and naval aircraft, the German delegation would have no objection to the postponement of this decision until such time as the Air Committee had drawn up, in a report to be submitted to the General Commission within fifteen days at the latest, the rules for the supervision of civil aviation mentioned in the foregoing note.

Should the General Commission decide that it is not possible at the present time to abolish military and naval aircraft, the German delegation reserves the right to revert to this point later, possibly during the second reading.

M. NADOLNY (Germany) stated that the German amendments concerned not the chapter as a whole, but its various articles. As, however, the German delegation had asked, in connection with Article 35, that military aviation should be entirely abolished, its proposal was, in substance, the same as the proposals just put forward by General Tanczos and the Austrian representative. M. Nadolny's observations with regard to the German amendment to Article 35 would thus apply to the whole chapter, so that he would immediately explain his point of view with regard to that matter.

The German delegation had submitted amendments to the chapter on air armaments in the belief that it was chiefly in that sphere that the public opinion of all countries expected the Disarmament Conference to take a decisive step, which would deliver the world once for all from the dreadful nightmare of an air offensive.

Fourteen years had passed since Germany had destroyed all her air material: 15,700 aeroplanes, 27,000 engines and 547 hangars. This was to have been the first step towards general disarmament—that was to say, the other nations were to follow that example, also abolishing their air armaments. Fourteen years ago, therefore, the air arm was already considered as primarily an offensive means of warfare. Bombing from the air, as the chief purpose of that arm, had been recognised as a terrible threat to the existence of all nations and to civilisation itself, because, without distinction, it killed women and children, just as it killed soldiers and combatants, and destroyed the most valuable cultural treasures as well as military objectives. At that time, therefore, the complete abolition of all military aviation was considered indispensable in order to do away with the terrible offensive power inherent in the air arm. Unfortunately, the other countries had not abolished their military aviation during the subsequent fourteen years. On the contrary, expenditure for strengthening the air arm had increased from year to year, and this means of warfare had been constantly improved to such a point that, at the present time, it could lay whole towns in ruins in a few hours, and its terrifying effects had been very plainly described in an impressive speech by Mr. Baldwin in the British House of Commons in November 1932.

Everyone was, indeed, aware that the methods of war had changed fundamentally and that the air arm had become the decisive arm. At the present time a distinction must be made, so to speak, in the organisation of a country's army, between horizontal and vertical defence, represented respectively by the army and navy on the one hand and the air force on the other. There was no need to send a single company, a single gun, a single warship to attack a country having only horizontal defence. It could be ravaged and destroyed by the air fleet alone.

M. Nadolny did not think he need explain that such a war must necessarily be particularly feared by so highly populated and industrialised a country as Germany, who was aware that thousands of military aeroplanes were ready to fly over her frontiers, while she herself had not a single aeroplane for defence against attack from the air, no military aeroplanes, no anti-aircraft guns.

Energetic steps must therefore be taken to deliver the world from this terrible danger of air attack. The Conference would contribute a clear and effective solution to the problem and would bring about a really extensive measure of disarmament if it decided to abolish military aviation as a whole and absolutely and unrestrictedly to prohibit the use of this weapon and of all bombing from the air in future.

There seemed at present to be a certain tendency to draw a distinction, in respect of air material also, between offensive and defensive machines. The German Government considered that, in the present circumstances, the total abolition of military aviation together with international regulations and effective control of civil aviation, as well as the prohibition of all bombing from the air without restriction, was the best means of restoring the nations' confidence in one another and, at the same time, ensuring qualitative equality of rights and equal security for all with regard to the air. The German delegation further considered that the technical studies of the Air Committee had reached a stage at which the decision to abolish military aviation could be taken immediately.

Amendment proposed by the Siamese Delegation.

After the words: "in certain outlying regions" in Article 34 add:

"... or for the purpose of territorial defence, but in any case bombardment from the air on the centre of population will be strictly prohibited".

M. Bhadravadi (Siam) said that Siam, whose defence was still not sufficiently developed to ensure her national security, felt that, for the time being, bombing from the air was for her a necessary means of defence. The Siamese delegation was therefore compelled to submit an amendment to Article 34 of the draft Convention. The delegation was fully aware of the danger to civilians, and had provided in its amendment that bombing over centres of population would in all cases be strictly prohibited. M. Bhadravadi was sure the Commission would consider his country's point of view sympathetically.

He added that the figure proposed for his country in the table of aeroplanes would not meet Siam's defence requirements or ensure the maintenance of order within the country, and he reserved the right to ask the Commission at a later stage to make a change in the figure.

Amendments submitted by the Spanish Delegation.

"I. General Principles.

"Article 1. — The High Contracting Parties accept the principle that aircraft (dirigibles, aeroplanes, seaplanes, autogyros, aerodromes and personnel) shall henceforth not be uses for war purposes, and they agree to the principle of the prohibition of all bombing from the air. They bind themselves to apply these principles by means of the following measures and of any others that may hereafter be adopted on the proposal of the Permanent Disarmament Commission.

"II. Military and Naval Aircraft.

"Article 2. — An International Directorate of Aviation (I.D.A.) shall be established, with its headquarters at Geneva. Its secretariat shall be international and its governing body shall be composed of representatives of the countries selected for that purpose by the Disarmament Conference.

"The decisions of the I.D.A. shall be taken by a majority vote.
"Article 3. — The I.D.A. shall define the existing aircraft which are to be regarded as war machines. It shall have power to do likewise in the case of future aircraft.

"Article 4. — All air material thus defined as war material shall be placed by the High Contracting Parties at the disposal of the I.D.A. within twelve months of the entry into force of the Convention, and by such method, in such order and within such periods as the I.D.A. may decide.

"Article 5. — The I.D.A. shall decide what is to be done with this material. It may decide to destroy it.

"Article 6. — The High Contracting Parties undertake to prohibit in their territory the construction, storage or sale of any aircraft or parts of aircraft regarded by the I.D.A. as belonging to military aviation.

"Article 7. — The High Contracting Parties undertake to prohibit any ground equipment having as its specific purpose the use of aircraft for war purposes or bombing from the air.

"Article 8. — The High Contracting Parties undertake not to permit pilots to be trained for military action or bombing.

"III. Civil Aircraft.

"Article 9. — The High Contracting Parties undertake to establish, under the authority of the I.D.A., a system of main international air lines (I.A.S.).

The assets of the I.A.S. shall be:

"The monopoly of the services of the system;
"Existing and future ground equipment;
"Existing material in excess of . . . tons.

The liabilities of the I.A.S. shall be the credits of the principal existing air undertakings, which the I.A.S. will expropriate so far as it has absorbed their lines or material.

"Article 10. — The High Contracting Parties undertake to provide the necessary legal means to secure that the I.A.S. enters into possession of the machines, ground and other properties and rights necessary for its operation. In case of doubt, the High Contracting Parties undertake to accept the decision of the I.D.A. as to the material, ground, or rights to be transferred to the I.A.S.

"Article 11. — The I.A.S. shall be administered by a technical and commercial committee appointed by the I.D.A.

"The personnel shall be selected by the I.D.A. on grounds of competence alone. To ensure that it shall be international, vacancies and examinations shall be given wide and fair publicity.

"During the first ten years, the service charts of the I.A.S. shall be so established that no country shall ever have in its territory more than 25 per cent of pilots and 25 per cent of ground staff of its own nationality.

"Article 12. — Any secondary lines which a State, or group of States, may propose to establish or maintain shall be subject to the approval of the I.D.A., which shall bear in mind:

"(a) That if a line cannot be run remuneratively as a civil line, that is to be regarded as presumptive evidence of its military utility;

"(b) That the lines in question must in no case possess machines exceeding their real requirements in tonnage and speed, and that consequently their machines must in no case exceed the tonnage and speed of the machines used by the I.D.A.

"Article 13. — The High Contracting Parties undertake to submit to the I.D.A. for its approval all proposals for national subsidies to secondary lines.

"The High Contracting Parties undertake to pay to the I.D.A. a subsidy equal to 25 per cent of the subsidies paid by them to secondary lines.

"Article 14. — The High Contracting Parties undertake to carry out any instructions given by the I.D.A. regarding ground organisation for the purpose of:

"(a) Co-ordinating the ground organisation of secondary lines with the lines of the I.D.A.;

"(b) Ensuring that these ground organisations are of utility only for civil purposes.

"Article 15. — The High Contracting Parties undertake to ensure that the machines of the I.A.S. shall be free to fly over their territory and to land and depart.
"Article 16. — The High Contracting Parties undertake to furnish the I.D.A. periodically with all particulars of the movements, situations, services and time-tables of I.A.S. machines in their territory and of the machines of secondary lines.

"Article 17. — The High Contracting Parties undertake to release the navigating personnel serving in the I.A.S., and that of secondary lines, from all military service.

IV. Police Control.

"Article 18. — The I.A.S. shall organise an international air police force, whose duties shall be:

(a) To enforce the observance of the foregoing stipulations;

(b) To serve the Council of the League of Nations in obtaining information and preventing war.

"There is nothing to preclude the possibility of using this international police force to ensure the execution of the Covenant in the event of a rupture, should that execution be established and the procedure therefor fixed by general or regional pacts of assistance unanimously approved by the Council of the League.

"The international air police force shall not, however, possess any aircraft defined by the I.D.A. as war machines, though their speed and ease of handling may exceed those of the I.A.S. machines.

"Article 19. — The High Contracting Parties undertake to facilitate supervision and all measures that may enable special delegates of the I.D.A. or the Council of the League to satisfy themselves that the clauses of this Convention are being observed.

"Article 20. — The High Contracting Parties undertake to ensure that the machines of the international air police force shall be free to fly over their territory, to land and to depart."

M. DE MADARIAGA (Spain) said that the Spanish delegation had thought it necessary to present its amendments for reasons which, in the main, were similar to those which had led the Hungarian, Austrian and German delegations to present amendments in favour of the total abolition of military aviation. It thought that the United Kingdom draft was very inadequate in regard to armaments. It believed that Article 34 was exclusively an attempt to humanise war. M. de Madariaga would not repeat what the Spanish delegation had already said on several occasions. That delegation believed that it would be a waste of time to draw up measures for humanising war, for war had natural laws which must be regarded as biological phenomena—he was not of course referring to its juridical laws—and one of them was that no nation taking a serious part in a dispute would submit to the restriction of a means of warfare which it considered essential to victory. Should war break out, bombing from the air would be far too important for an army to dispense with it, whatever provisions or Conventions it might have signed.

Conventions restricting the methods of warfare which had held good were simply Conventions prohibiting methods that were not essential to success in war. If, on the other hand, Conventions prohibited methods indispensable to success, they would become null and void immediately hostilities began. The last war was ample proof of this, and it was only common sense. The Spanish delegation thought, therefore, that Article 34 was one of those inoperative, humanitarian, theoretical measures which were of no practical importance. There was only one real way of obviating the disadvantages of the air arm, and that was to abolish military aviation.

In the second place, the Spanish delegation considered that the abolition of military aviation was the logical and inevitable outcome of the adoption of the principle that all specifically offensive weapons should be abolished. It was in complete agreement on that point with the German delegate, who thought that the air arm was exceedingly aggressive and offensive, and that, in consequence, if it were really desired to apply the principle of the abolition of aggressive and offensive weapons, the air arm should be the first to disappear.

Thirdly, it was obvious that military aviation was a barbarous method of fighting in the sense that it was not sufficiently precise, that it did not allow of sufficient discrimination between the objectives to be attacked. It was not possible to aim from an aeroplane in the same way as from the emplacement of a battery of artillery, and it was not therefore possible to have the same control over the bombardment from the former as from the latter.

Fourthly, the argument had already been advanced that the air arm would have a very destructive effect on the works of art accumulated throughout Europe, in particular, by the various civilisations. If war unfortunately broke out in the near future, it would bring in its train such destruction in Europe that the present generation would never be able to wipe out the reproach of barbarity that would be brought against it.
Finally, military aviation had a deplorable psychological effect in the uneasy state of peace in which civilised countries too often found themselves. The inevitable effect in international policy of the existence of a weapon so readily available for sudden attack was the creation of an atmosphere of extreme nervous tension, harmful to the accomplishment of works of peace and tranquillity, which necessarily took time.

For all these reasons, the Spanish delegation thought it essential that the Conference should go further in air matters than the United Kingdom, no doubt for reasons of prudence and urgency, desired to go. It would be very happy if it could persuade that delegation to pledge itself completely and definitively to abolish the whole of the air arm without any restrictions whatever.

Up to that point, the Spanish delegation was in complete agreement with those delegations who had already spoken, but from there onwards it would go a little further than they. Those delegations had referred to the abolition of military aviation, but they had been either silent or, in the Spanish delegation's opinion, too modest, when it came to measures relating to civil aviation. The Spanish delegation thought that the abolition of military aviation, without the internationalisation of civil aviation, was materially and psychologically impossible, that the existence of civil aviation, after military aviation had disappeared, would entail all the disadvantages to which attention had just been drawn. Indeed, in view of the great ease with which a civil aeroplane could be converted into a military aeroplane, there would nevertheless still be military aviation, though it would be called civil aviation, the day military aviation had officially disappeared. M. de Madariaga would even go further: no conversion would be necessary. This military aviation, which was officially civilian aviation, would in itself constitute a sufficiently formidable arm to produce in men's minds all the psychological effects he had just indicated. Consequently, the Spanish delegation thought the proposal to abolish military aviation without touching civil aviation, or simply subjecting it to slight control, would never lead to the goal of peace which it was desired to reach.

Several possible measures had been considered in the Air Commission. They had been classified in an ascending order from regulation to supervision and internationalisation, thus going, it was thought, from the simple to the complex. M. de Madariaga would venture to say that he could never subscribe to the idea that regulation was simpler than supervision and supervision simpler than internationalisation—that was to say, that the classification passed from the more simple to the more complicated. He was even convinced that the difficulty increased in the inverse sense, that internationalisation was simpler and supervision much more complicated, and that, in reality, the order in which these measures had been examined was due to the fact that the passage from regulation through supervision to internationalisation was that from the most absolute sovereignty and national independence with regard to aviation to the most qualified sovereignty and national independence, and that it was because increasingly heavy sacrifices of national liberty were asked in regard to civilian aviation that internationalisation had been classified as the most difficult method.

Internationalisation might be—M. de Madariaga thought it probably was—the method the acceptance of which it would be most difficult to wrest from sovereign nations. But there was not a shadow of doubt that it was the simplest and most rational system, and the only system which would remove the drawbacks to civil aviation once military aviation had been abolished.

Internationalisation as compared with supervision was, as he had just said, much more simple in the sense that supervision involved a formidable number of rules, some of which were contained in Annex II of the United Kingdom proposal, rules which would be quite unnecessary if internationalisation were introduced, as well as a tremendous number of irritating operations to ensure that the rules were respected. M. de Madariaga asked the Commission to imagine the operation of supervision as contemplated in the United Kingdom system: either the authorities responsible for supervision, on arriving at a country's aerodrome to inspect the equipment on land and the flying material, would adopt a complaisant, trusting attitude and would leave things as they were, would not look into everything and would sign the control register without too close an enquiry. That would be very friendly of them, but it would not be very effective. Or they would insist on seeing everything, would suspect everything, and that would be unpleasant and would create a very bad state of mind between the countries supervised and the supervising authorities, from wherever they might come. With internationalisation no such objection would arise.

There were then two systems which, far from being more advanced and complex the one than the other, as was sometimes imagined, owing to those degrees of sovereignty to which M. de Madariaga had just referred, were in reality diametrically opposed; the one—supervision—negative, and preventing action; the other—internationalisation—positive, and organising action; one restricting, the other developing civil aviation; one based on suspicion, the other on confidence; one involving interference and annoyance, the other co-operation; one creating antagonistic forces; the other, on the contrary, training and educating in comradeship.

The Spanish delegate thought that, if the Commission visualised the operation of supervision—the psychological preparation, as between the national air forces, for supervision—it would realise that in times of emergency, when there might be a very strong temptation to make a sudden attack and violate the Convention, the fact of several months' fussy supervision would only have the effect of putting airmen into the right frame of mind for violating the Convention and misleading the supervising authorities. On the other hand, if the Commission visualised a lengthy process of internationalisation in which airmen and land services belonging
to different nationalities had co-operated in international civil transport services throughout a number of years, it was hardly conceivable that the idea of betraying the common cause would make any headway among men who had worked together over a long period of time, the more so because the organic system of national aviation would remain under supervision of one kind or another, whereas the organic system of internationalisation would have been withdrawn from the national authority and become an international organism, from which much might be hoped in the direction of uniting the nations of the world in a pacific way of life. M. de Madariaga regretted that he must protest against one paragraph in the United Kingdom proposal. Annex II said:

"Recognising that, to be effective, such measures must be framed on a worldwide basis and, therefore, to be generally acceptable, must entail the minimum interference with the existing national and international organisations":

That was quite incorrect. All the work done for many years past with regard to civil aviation proved that, even if this problem of the influence of civil aviation on the military mind had not existed, civil aviation had need of internationalisation intrinsically and objectively.

Far from thinking that what was needed for the development of civil aviation was the minimum of interference with what existed, the Spanish delegation affirmed that it was the maximum interference with what existed—since what existed was very bad—that was indispensable in order to rescue civil aviation from the ills by which it was at present beset, because contemporary civil aviation was undoubtedly at grips with difficulties, as had been shown ever since the 1926 Brussels Conference. The fact had become self-evident to anyone prepared to consider without bias the admirable reports by M. de Brouckère.  

Commercial aviation needed to-day to be removed from the pernicious influence of the military aviation organisations in the various countries which interfered with two points in which development was indispensable to the progress of civil aviation—namely, the types of machine and the ground organisation.

Nowadays, types were not designed from the point of view of civil requirements—that was to say, from the standpoint of safety—but on military lines, that was to say, from a standpoint which took no interest in safety. As for ground organisation, which was essential to the development of civil aviation, military aviation regarded it with indifference. Hence the truly startling and paradoxical situation in which, after a relatively considerable number of years in this highly inventive contemporary age, night-flying was still impossible; as long as night-flying was impossible, aviation as a means of transport could not compete with land means of transport.

He thought he had shown that that argument which was sometimes advanced, and which, he regretted to say, could be traced in the United Kingdom draft—the argument that civil aviation must not be too much encroached upon lest its development should suffer—must be eliminated from their minds, and that, on the contrary, civil aviation must be internationalised, not merely because it would be impossible to abolish military aviation unless civil aviation were internationalised, but also because, even if there were no war problem, civil aviation would have to be internationalised if it were to exist at all.

There was now absolutely no reason why civil aviation should not be internationalised and military aviation abolished.

In those circumstances, it would, he thought, be extremely easy for the Conference to achieve the most fundamental success in regard to air questions—the abolition of the most murderous weapon now hanging over the heads of the human race, and the creation of a great international organisation which would accustom the peoples to mutual confidence and co-operation.

Amendment submitted the Delegation of the Union of Soviet Socialist Republics.  

Delete from Article 34 the words in parentheses: "except for police purposes in certain outlying regions".  

M. Stein (Union of Soviet Socialist Republics) thought the idea of the amendment was perfectly clear. No exception to the general rule categorically prohibiting bombing from the air could be allowed, because any such exception would totally cancel the prohibition. He would like to ask whether permission for bombing was demanded with the idea that the State concerned would make use of it against its own citizens. No instance was known of any Government having ordered its own population to be bombed from the air for police purposes, except when that population lived in outlying regions, such as colonies and the like. There was no doubt, therefore, of the reception that the population of such outlying regions would give to the present conferred upon them by Article 34 in the form in which it now stood. The danger was aggravated by the wording of the exceptional clause, which merely mentioned outlying regions, but carefully refrained from specifying what regions they were. He sincerely hoped that the Conference would not agree to retain in the text of the future Convention such a geographical innovation, which could be construed by every Government as it thought fit.

If the authors of the draft were firmly convinced that the populations of outlying regions—probably because of their remoteness from the centres of administration—must receive, if he might so put it, the fruits of modern civilisation in the form of bombs dropped from the air, it would at all events be necessary and logical to say in advance in which regions the population would enjoy that unhappy privilege. Nobody could deny that the Soviet Union would be entitled, if it so desired, to avail itself of Article 34 of the United Kingdom draft, for, in relation to the centre of the Union, any point in its immense territory might be regarded as outlying. He need not say that nothing was further from the Soviet Government's thoughts, and nothing was more repugnant to it, than the idea of applying to the population of the Union a measure of that kind, which had already been condemned by the Conference in categorical terms in the resolution of July 23rd, 1932.

The Soviet delegation accordingly declared that, in no case and on no account, could it agree to the maintenance of the exception proposed in Article 34. It asked the General Commission to take the same view, and to delete that phrase in the article in question.

He would take the opportunity to say that, greatly as he regretted it, he could not agree to the amendment proposed by the Roumanian, Czechoslovak and Yugoslav delegations, to the effect that the words "outside Europe" should be added to the phrase in parentheses. He saw no reason why the population of the entire continental mass, except the European part of it, should have the unhappy privilege of being attacked from the air.

M. Paul-Boncour (France) regretted that, owing to the rapidity with which the first reading had progressed, the French Air Minister had been unable to attend the present discussion. The Commission would, of course, understand that M. Paul-Boncour could not enter into the technical details which would be necessary, but which the Air Minister alone possessed.

He could not, however, let the general discussion—apart from technical details—pass, without saying a few words with a two-fold object. The first was warmly to support what the Spanish delegate had just said. The second was to indicate immediately and in detail the sacrifices France was prepared to make in this—as in other matters, moreover—in order that the Conference might reach a successful issue.

M. Paul-Boncour found it easier to give explanations on this matter than he had done on that of land material, for the very simple reason that, while the limitation of the material of the army was subject to the standardisation of the military organisations of which the material was an integral part, a country could agree in advance to certain reductions with regard to the air arm and the navy, in which uniformity of type already existed, so soon as corresponding reductions were adopted by other countries.

M. Paul-Boncour supported M. de Madariaga and believed that, if the Conference desired to do sound and equitable work, the most careful account must be taken both of the remarks just made and of the general tendency of the work of the Air Committee, which the French delegate earnestly hoped would continue. It must be admitted that the situation with regard to aviation—and this was a consideration all could appreciate, apart from any technical experience—was very similar to the situation of the army at the time of Colbert. At that time there was very little difference between the military and mercantile marine—the same wooden ships, the same sails, the same crews; and the boats did not vary greatly, whether they carried spice or guns. Since then a differentiation had come about in the matter of armour, armaments and power. On the other hand, with regard to aviation, there were the same engines, the same units, the same fittings for civilian and military aviation, and there was no doubt that, if, as was necessary, the Conference limited the material of military aviation, qualitatively and quantitatively, commercial aviation would constantly tend to increase its speed and power in the interests of trade and transport; consequently, as military aviation decreased in speed and power, civil aircraft—the liners of the air—would, in the event of a conflict, become the most powerful air cruisers.

It could not be denied, therefore, that, if the Conference desired to do efficacious work, it must take measures with regard to civil aviation. What measures? The French delegation would definitely prefer the internationalisation of civil aviation, which M. de Madariaga had just outlined. If it could not be extended to all aviation, let at least the aircraft which were outside the qualitative limits fixed by the Convention for military aviation be internationalised. That was logical. If internationalisation were not possible for the Powers as a whole, let at least those Powers which were in close contact geographically introduce it. Only if agreement could not be reached on the complete internationalisation of civil aviation, for which the French delegation hoped, or partial internationalisation—which it would consider with the other delegations—would supervision have to be contemplated. Here, however, M. Paul-Boncour did not share M. de Madariaga's scepticism. He would prefer internationalisation. In the absence of internationalisation, he would ask for and agree to supervision, for any measure with regard to military aviation was impossible, in the absence of internationalisation,
unless there were automatic, permanent, efficacious control of civil aviation and particularly of aircraft outside the scope of the characteristics fixed by the Convention for military aviation.

Subject to this reservation, he was in a position to say that his country was prepared to do its utmost towards limitation and reduction within the meaning of the principles and methods fixed in the United Kingdom draft Convention. The French delegation would discuss the particular figures and methods. He had just heard the representative of the Union of Soviet Socialist Republics, in his high-minded and witty observations, refer to exceptions with regard to bombing from the air in distant territories—or, to call a spade a spade, the colonies. The French delegation’s efforts would not bear on that question of bombing; but, apart from bombing from the air, which was just as unsatisfactory at one point of the globe as at another, there existed, between the home country and the colonies, necessary ties which were exclusively peaceful in character. That consideration could not be overlooked when the number of aeroplanes a country would possess was fixed. M. Paul-Boncour would not enter into the details of this aspect of the question at the moment.

He desired to add that, subject to the necessary measures concerning civil aviation, which should be progressive, following the stages contemplated in the United Kingdom plan for the reduction of military aviation, France was prepared to agree immediately to abolish bombing from the air; to the quantitative limitation of material by fixing the maximum number of aircraft; to the qualitative limitation of material by fixing a maximum unladen weight; and to the gradual reduction of existing material by stages, of which the details and periods fixed in the United Kingdom Convention were acceptable to the French delegation. The latter thought, however, that the measures immediately adopted with regard to civil aviation should, at the end of the first stage, fixed in the United Kingdom Convention as 1936, be reinforced during the successive stages.

M. Paul-Boncour thought his country’s position was quite loyal. He believed France was showing her desire to associate herself in this sphere, as in others, with the Conference’s work, and with the sacrifices which all must make if the work were to have a happy issue.

He asked the countries which had no military aviation, or very little, to consider well, in a spirit and in the interests of equity, that the countries which at present had powerful military aviation were invited, and were ready, to make greater sacrifices than those asked in other spheres, and particularly in the naval sphere. They must therefore be assured that, at a time when they no longer possessed their superiority in the air, the free development and use of commercial aviation for military purposes in the event of a dispute, combined, in so far as they were concerned, with the loss of a means of defence to which they were required to submit, would not become an intolerable menace.

The French delegate believed all would agree to that consideration, and if satisfaction was given to it, he would say, briefly and without ambiguity, that France was prepared to make considerable sacrifices on condition that the other Powers also made proportionate sacrifices starting from real and concrete bases.

The continuation of the discussion was adjourned to the next meeting.

SIXTY-EIGHTH MEETING

Held on Saturday, May 27th, 1933, at 3.30 p.m.

President: The Right Honourable A. HENDERSON.

124. DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION: ¹

Part II. — Disarmament (continuation).

Section II. — Material: Chapter 3. — Air Armaments: General Discussion (continuation).

M. Rutgers (Netherlands) said that, with regard to Article 34 and the amendments to it which had been proposed, he would like to submit the following observation touching on the legal aspect of the matter. The exception provided for in that article and the amendments designed to eliminate that exception had led him to reflect upon the character of the provision contained in the article and to compare it with Article 47. The latter article prohibited the use of chemical, incendiary and bacterial weapons. When the prohibition to use chemical weapons had first been discussed by the special Committee set up for the purpose, the question was raised as to whether that prohibition also applied to operations carried out for police purposes. As soon as the question had been raised, it was unanimously answered in the negative. The reason given was that the Conference was exclusively concerned with international relations and that such a prohibition was essentially a provision of international law. It was not deemed

necessary to insert in the draft Convention, in favour of police operations, an exception to the rule as to the prohibition of the use of chemical weapons, since, if that were done, their use would be legal in spite of the prohibition contained in the draft Convention.

The same reasoning might apply to the rule which the Commission was studying at the moment. The prohibition of bombing from the air was a rule of international law. The object of the present Conference was not to deal with police measures which the various States might take. If the Commission proposed—as one delegate had done—to consider the steps taken by the Governments to maintain their authority and their power and to ensure internal order, it might be led very far, and in any case beyond the scope assigned to the Conference.

M. Rutgers did not therefore think that the rule contained in Article 34 could be applied to police measures. He had the impression that the exception, which, moreover, was in parenthesis in the article, was entirely superfluous. If it were desired to insert in the Convention prohibitions which could apply to events happening within the borders of States, to police measures, it must be expressly stated. Otherwise Article 34, like Article 47, must be regarded as a provision of international law.

In order to allay his legal scruples, M. Rutgers had one more observation to make on the use of bombing from the air by police. Suppose, for example, that aeroplanes were used for that purpose of which the unladen weight was three tons. He did not know what was the actual position, but that was a fairly reasonable supposition. In the circumstances, those aeroplanes would come under Article 37, which stated that:

"The High Contracting Parties agree that their air armaments will not include aeroplanes exceeding three tons unladen weight."

If it were desired to use aeroplanes of that tonnage for police action, an exception to that effect must be inserted in Article 37. Contrary to what he had said regarding Article 34, he thought that provision should be made in Article 37 for an exception.

The internationalisation of civil aviation had often been recommended with much eloquence on several Committees. That measure had found very convincing advocates, as had been shown once more in the Commission that morning. The measure was very far, however, from having obtained the unanimous assent of the delegations. The Netherlands delegation was one of those that had not been convinced by the very brilliant arguments put forward in favour of internationalisation. After having been present at various discussions on that point, it had come to the conclusion that internationalisation was not only open to very serious objections, but also to objections raised by such a large number of delegations that it could scarcely be hoped to embody that idea in the Convention. The Netherlands delegation thoroughly approved the decision of the United Kingdom delegation not to insert that measure in its draft Convention. It thought that a general discussion on this matter—concerning which a document containing some ten questions was still lying in the archives of the Conference—could scarcely yield any positive result for the moment. It was for that reason, moreover, that the Netherlands delegation abstained from submitting various proposals which had been formerly discussed, which it had supported and which it would very much like to see embodied in the Convention, seeing that they had not been adopted by the United Kingdom delegation.

He had one more question to ask with regard to the launching of torpedoes. Article 34 provided for the complete abolition of bombing from the air. Did the prohibition in question comprise the launching of torpedoes or not? In the view of the Netherlands delegation, the reply should, without any doubt, be in the affirmative. He would, however, like to hear that view confirmed by the United Kingdom delegation.

Amendments submitted by the Czechoslovak, Roumanian and Yugoslav Delegations.

1. Article 34. (a) Complete the passage in parenthesis by the words: "outside Europe".

(b) Complete Article 34 after the passage in parenthesis by the words: "in respect of which provision will be made for strict supervision and sanctions".

2. Article 41. Replace in the third line the words "have been destroyed" by the words "to be placed at the disposal of the League of Nations for joint action".

Delete the last sentence of this article.

3. Note on Article 36.

The amendment concerning figures for aeroplanes and the number in immediate reserve indicated in the table "aeroplanes" on page 9 of the United Kingdom draft Convention will be submitted when the questions of the internationalisation of civil aviation and that of international air police have been settled.

2 Document Conf.D./C.G.IIg.
M. Fotitch (Yugoslavia) stated that the delegations of the Petite Entente had already expressed the wish to see military aviation abolished, on the sole condition that civil aviation was internationalised. They now maintained that point of view and would be glad to see the idea of the internationalisation of civil aviation and the creation of an air police force carried out. The close connection between military and civil aviation, arising out of the fact that all civil aircraft could be used for military purposes, was so well-known that there was no need to stress it. With regard to that point, he supported the observations so eloquently put forward that morning by M. de Madariaga, Chairman of the Air Committee.

The delegations of the Petite Entente were not in a position to submit figures to be inserted in the table on page 9 of the draft before they knew how the question of the internationalisation of civil aviation and of air police would be finally settled. In any case, if internationalisation of civil aviation was not finally settled in the present Convention, it would be, and indeed indispensable, for the purpose of fixing the number of planes necessary, to take into account the possibilities with regard to the manufacture of air material—that was to say, of the potential of manufacture of that material by each country.

The delegations of the Petite Entente had submitted two amendments: one relating to Article 34 and the other to Article 41 of the draft Convention. In view of the statement made by the delegate of the Soviet Union at the last meeting, M. Fotitch would add that the amendment to Article 34, with regard to outlying regions outside Europe, was interpreted by the delegations of the Petite Entente in the sense given to it by the Persian delegation in its amendment, namely, that bombing was prohibited, except for police requirements in the possession of the contracting parties. He admitted that the delegations of the Petite Entente had submitted that amendment reluctantly, as they also thought that to make any exception to the absolute prohibition might constitute a danger for regions other than those mentioned in Article 34. In putting forward that amendment, they had sought, if he might so express it, to limit the damage that might be done by the adoption of the text of Article 34 of the draft Convention. They were also in favour of the prohibition, without reservation, of bombing from the air. After the criticisms that had been advanced by the delegation of the Union of Soviet Socialist Republics, M. Fotitch readily conceded to that delegation that the Petite Entente delegations found no difficulty in agreeing to its suggestion that bombing from the air should be totally prohibited. Such a prohibition, however, would not suffice in itself; it would have to be supported by a strict system of supervision over the preparations for such bombing, and by severe penalties for any breach of the prohibition. That was the object of the second part of the amendment to Article 34.

Regarding the destruction of aircraft, for which provision was made in Article 41, the delegations of the Petite Entente thought that such destruction would be of no service to the organisation of peace. If those powerful and extremely mobile machines were placed at the disposal of an international authority for common action, that would do much to ensure the safety of all, and would contribute greatly to the organisation of peace.

M. Westman (Sweden) said that comparative Table, in which the various proposals relating to air armaments were set out, was undoubtedly a most embarrassing document for a large number of delegations to read.

On the left, there was the text proposed by the United Kingdom delegation, which constituted a synthesis of what that delegation thought it would be politically possible to attain in the existing state of affairs. On the right, there were the Spanish amendments, summarising a number of theses and desiderata that had been upheld by certain delegations—including that of Sweden—at the many meetings of the Air Commission.

The present general discussion offered the delegations yet one more opportunity to express their preferences among the theses that had been advanced. He would take that opportunity to say that the Swiss delegation had always thought, and was still convinced, that the only solution of the various air problems that could lead to the desired result was the abolition of military aircraft, combined with supervision and with the internationalisation of civil aviation, organised on reasonable and practical lines. The Swedish delegation had submitted proposals to this effect.

Having said that, M. Westman wished to add that, while the text submitted by the United Kingdom delegation was plainly that on which the necessary agreement could be reached to enable at least some progress to be made in the sphere of air disarmament, Articles 40 and 41 ought, he thought, to be revised in order to make them more complete, more especially in regard to the omission of any reference to aeroplanes which were not "in commission" and ought, he thought, to be revised in order to make them more complete, more especially in regard to the omission of any reference to aeroplanes which were not "in commission" and which constituted a synthesis of what that delegation thought it would be politically possible to attain in the existing state of affairs. On the right, there were the Spanish amendments, summarising a number of theses and desiderata that had been upheld by certain delegations—including that of Sweden—at the many meetings of the Air Commission.

The present general discussion offered the delegations yet one more opportunity to express their preferences among the theses that had been advanced. He would take that opportunity to say that the Swiss delegation had always thought, and was still convinced, that the only solution of the various air problems that could lead to the desired result was the abolition of military aircraft, combined with supervision and with the internationalisation of civil aviation, organised on reasonable and practical lines. The Swedish delegation had submitted proposals to this effect.

As regards the figures given in the table following Article 41, the Swedish delegation would, for the time being, express no opinion, but he would like to say that if changes of any importance should be made in the figures in the table, he would reserve its right to state at a later stage what effect such changes would have on its ultimate attitude.

1 Document Conf.D./C.G.120.
Mr. Eden (United Kingdom), replying to some of the observations made during the discussion, would take first a comparatively minor point which had aroused some comment—namely, the limiting condition attached to Article 34. He was not surprised that that exception should have aroused criticism, criticism which he himself would have been quite prepared to make had he been situated as were some of the speakers who had made it. At the present stage he would do no more in that connection than tell the General Commission quite frankly the reason for that exception. The United Kingdom delegation regretted having to include it in the draft as much as any of the critics of its existence, but, after all, the state of affairs which it revealed was no mystery to anyone, nor was it new to any Member of the League. That was bluntly the problem, the number of troops, and, when order had to be restored, casualties perhaps of a heavy nature due, not to the fighting, but to climate and other conditions. That was plainly the problem, the policing of these areas; the sending of expeditionary forces involved loss of life and health.

Mr. Eden hoped that that was not the position. It was certainly not the position of the draft Convention as it stood. The least that would be achieved by the draft Convention were the reductions shown in the table; the most would be total abolition subject to the conditions outlined therein.

There were certain parts of the world the policing of which presented problems that had no parallel anywhere else: inaccessible mountain districts, sparsely inhabited, where wild and armed hill tribes had sometimes a passionate appetite for disturbing the tranquillity of their neighbours. Unless order were maintained in those districts by this method, the only alternative would be to use land troops, involving for the ordinary maintenance of order in normal times a large number of troops, and, when order had to be restored, casualties perhaps of a heavy nature due, not to the fighting, but to climate and other conditions. That was plainly the problem, the policing of these areas; the sending of expeditionary forces involved loss of life and health.

The method of enforcing police purposes had been in operation in territories held under mandate from the League, and, so far as Mr. Eden was aware, it had never aroused a protest of any kind. Therefore, at the present meeting he would try, not to justify this particular method in the abstract sense, but to justify the fact that its retention in the draft Convention should be suggested.

Mr. Eden hoped that that was not the position. It was certainly not the position of the draft Convention as it stood. The least that would be achieved by the draft Convention were the reductions shown in the table; the most would be total abolition subject to the conditions outlined therein.

There were certain parts of the world the policing of which presented problems that had no parallel anywhere else: inaccessible mountain districts, sparsely inhabited, where wild and armed hill tribes had sometimes a passionate appetite for disturbing the tranquillity of their neighbours. Unless order were maintained in those districts by this method, the only alternative would be to use land troops, involving for the ordinary maintenance of order in normal times a large number of troops, and, when order had to be restored, casualties perhaps of a heavy nature due, not to the fighting, but to climate and other conditions. That was plainly the problem, the policing of these areas; the sending of expeditionary forces involved loss of life and health.

The method of air bombing, as those who examined the matter knew full well, had often been used; in fact, usually a warning sufficed, and it was possible, perhaps, to avoid casualties altogether.

Therefore, however glad and, in fact, eager the United Kingdom delegation might be to eliminate this exception in order to make a gesture, if it did so it would be doing it at the expense of the health, life and limb of those in the areas for which the United Kingdom had to bear a measure of responsibility or, what would be an even more disgraceful derogation on her part, in respect of areas as to which she had recently given up responsibility.

Hence, in this respect, Mr. Eden stood in no white sheet before the General Commission. He had merely wished frankly to state the difficulties and the reason why it was felt better to put them before the General Commission than to take any other course.

M. Rutgers had drawn attention to a certain parallel between this exception and that in respect of gas for police purposes in Article 47. He asked why the same procedure could not be followed in both cases. Mr. Eden confessed quite frankly that he had not thought of doing that, but his delegation's sole purpose in putting the amendment in its present form was that there should be no doubt in the minds of the General Commission either as to the real intentions of the United Kingdom Government in the matter or as to the reasons for those intentions.

He might add that his delegation would, of course, be quite prepared, when the time came, to state the particular territories in respect of which it asked for the reservation of this right. He understood that the Iraqi Government considered that the right to employ air action within Iraq could not be relinquished under present conditions, and the United Kingdom Government, with its experience of this matter, associated itself with that view.

Mr. Eden would turn next to a wider and more important aspect of the chapter on air armaments. It was perfectly true, he thought, to say that there was no aspect of disarmament which appealed more immediately to the popular imagination. That was, perhaps, because the reality of aerial peril in the past was as nothing to its menace in the future. Unhappily, there was no need to be a Jules Verne to picture a terrible war in which the safest place might be the front-line trench and the most dangerous the homes of the civilian population. M. de Madariaga was always eloquent as to the impossibility of humanising war, but yet Mr. Eden thought it was true to say that it was the stark horrors which aerial warfare conjured up to the least imaginative that made it particularly repugnant to those who might have been previously either soldiers, sailors or airmen.

Mr. Eden hoped that that was not the position. It was certainly not the position of the draft Convention as it stood. The least that would be achieved by the draft Convention were the reductions shown in the table; the most would be total abolition subject to the conditions outlined therein.

There were certain parts of the world the policing of which presented problems that had no parallel anywhere else: inaccessible mountain districts, sparsely inhabited, where wild and armed hill tribes had sometimes a passionate appetite for disturbing the tranquillity of their neighbours. Unless order were maintained in those districts by this method, the only alternative would be to use land troops, involving for the ordinary maintenance of order in normal times a large number of troops, and, when order had to be restored, casualties perhaps of a heavy nature due, not to the fighting, but to climate and other conditions. That was plainly the problem, the policing of these areas; the sending of expeditionary forces involved loss of life and health.

The method of air bombing, as those who examined the matter knew full well, had often been used; in fact, usually a warning sufficed, and it was possible, perhaps, to avoid casualties altogether.

Therefore, however glad and, in fact, eager the United Kingdom delegation might be to eliminate this exception in order to make a gesture, if it did so it would be doing it at the expense of the health, life and limb of those in the areas for which the United Kingdom had to bear a measure of responsibility or, what would be an even more disgraceful derogation on her part, in respect of areas as to which she had recently given up responsibility.

Hence, in this respect, Mr. Eden stood in no white sheet before the General Commission. He had merely wished frankly to state the difficulties and the reason why it was felt better to put them before the General Commission than to take any other course.

M. Rutgers had drawn attention to a certain parallel between this exception and that in respect of gas for police purposes in Article 47. He asked why the same procedure could not be followed in both cases. Mr. Eden confessed quite frankly that he had not thought of doing that, but his delegation's sole purpose in putting the amendment in its present form was that there should be no doubt in the minds of the General Commission either as to the real intentions of the United Kingdom Government in the matter or as to the reasons for those intentions.

He might add that his delegation would, of course, be quite prepared, when the time came, to state the particular territories in respect of which it asked for the reservation of this right. He understood that the Iraqi Government considered that the right to employ air action within Iraq could not be relinquished under present conditions, and the United Kingdom Government, with its experience of this matter, associated itself with that view.

Mr. Eden would turn next to a wider and more important aspect of the chapter on air armaments. It was perfectly true, he thought, to say that there was no aspect of disarmament which appealed more immediately to the popular imagination. That was, perhaps, because the reality of aerial peril in the past was as nothing to its menace in the future. Unhappily, there was no need to be a Jules Verne to picture a terrible war in which the safest place might be the front-line trench and the most dangerous the homes of the civilian population. M. de Madariaga was always eloquent as to the impossibility of humanising war, but yet Mr. Eden thought it was true to say that it was the stark horrors which aerial warfare conjured up to the least imaginative that made it particularly repugnant to those who might have been previously either soldiers, sailors or airmen.

What had the United Kingdom delegation tried to do in this chapter? The General Commission, as a result of the proposals submitted in the draft, would realise much or all of its objective. At worst, if the chapter were taken as it stood and if the table of figures were accepted, the air forces of the world, military and naval, would have been reduced to something like 50 per cent of their present strength.

Mr. Eden hoped that that was not the position. It was certainly not the position of the draft Convention as it stood. The least that would be achieved by the draft Convention were the reductions shown in the table; the most would be total abolition subject to the conditions outlined therein.

Mr. Eden had been a little disturbed to hear the Yugoslav delegate—if he had understood Mr. Fotitch aright—that his consent to the reductions suggested in the table was dependent upon what might be decided as to control or the internationalisation of civil aviation. Mr. Eden hoped that that was not the position. It was certainly not the position of the draft Convention as it stood. The least that would be achieved by the draft Convention were the reductions shown in the table; the most would be total abolition subject to the conditions outlined therein.
He did not, in fact, believe that there was any great difference of opinion between the point of view so eloquently argued at the previous meeting by M. de Madariaga, who had done so much earnest work on this subject, and the point of view of the draft Convention. M. de Madariaga had rightly said that naval and military aviation must be abolished, but that, if it were abolished, civil aviation must be controlled or internationalised, since otherwise the problem would merely be removed from one plane to another. Mr. Eden absolutely agreed, and that was the method proposed in the draft Convention, which laid down that the effective supervision of civil aviation was the essential condition to the abolition of naval and military aircraft. Mr. Eden believed that no one would deny that thesis, for abolition without such effective supervision would mean placing nations at the mercy of the power of civil aviation. It was certainly not a risk which could be taken by his country with a capital so exposed to bombardment from the air.

If, as the United Kingdom delegation trusted, the Permanent Disarmament Commission could work out some such scheme as was outlined in the draft for the effective supervision of civil aviation, then, before the period when the next Disarmament Conference met, the total abolition of military and naval aircraft could and would be realised under the terms of the draft Convention as it now stood. That was what this part of the draft presented to the General Commission: a minimum amounting to something like 50 per cent reduction of the military and naval air forces of the world, a maximum—which Mr. Eden himself would infinitely prefer to see realised and which might by common endeavour be realised before the next Disarmament Conference met—the total abolition of naval and military air forces.

Amendments submitted by the Polish Delegation.

1. Article 34. Delete the phrase in parentheses.

(The Polish delegation considers that prohibition of air bombardment should be absolute. It would also be necessary to lay down in this sphere at least the same provisions as proposed in the case of the prohibition of chemical, incendiary and bacteriological warfare—prohibition of preparations, supervision of the observance of the prohibition of preparations, establishment of the fact of the use of such weapons. The question of international sanctions in respect of countries guilty of infringing the absolute prohibition of air bombardment should also be studied and decided by the General Commission.)

2. Article 37. Delete the last two sentences from the words "Exception, however, may be . . ." to the end of the article.

In the first sentence, add after the word "aeroplanes" the words "and hydroplanes"

Article 37, re-drafted, would thus read as follows:

"The High Contracting Parties agree that their air armaments will not include aeroplanes and hydroplanes exceeding three tons unladen weight."

3. Table. The Polish delegation reserves the right to specify the minimum number of aeroplanes essential for the defence requirements of its country on the basis of the following criteria to be defined in the Conference's discussions:

(1) The number of aeroplanes allotted to other countries, more particularly to those in the areas bordering on Poland;

(2) An equitable relation between the number of effectives and the amount of material at their disposal;

(3) A rate of reduction which makes allowance for the interdependence of the three categories of arms;

(4) The effectiveness of supervision of civil aviation.

The Polish delegation also considers that the definitions and criteria contained in Articles 35 and 36 should be reconsidered either by the Air Commission or by a drafting committee, in the light of the various proposals made on this subject during the Conference. The Polish delegation reserves the right to submit, if necessary, more detailed suggestions at the second reading.

Count RACZYŃSKI (Poland) said that the Polish delegation shared the view of several other delegations which were opposed to all bombing from the air. The Commission had just heard the United Kingdom delegate explain the necessity of employing that method for police purposes. It was a question that deserved very close consideration. The Polish delegation felt, nevertheless, that bombing from the air ought to be absolutely prohibited, and that it was essential to make all preparations and all training for such bombing impossible. It quite
 realised that such preparations would take a long time, and that it was absolutely necessary that all training for such purposes should be abolished. That was a reason that had not yet been mentioned, and one that the Polish delegation regarded as of the highest importance.

It also thought that it would be useful to provide penalties for non-observance of the provisions of the Convention. The proper place for such penalties might be elsewhere in the Convention, but it was essential that means to prevent all abuses should be provided.

The Polish delegation had also touched, in its amendments, on the question of tonnage. It had thought it better to establish a uniform tonnage without any exceptions, and that, as regards transport aircraft, in particular, there was no need for any exceptions. If an aeroplane used for transporting troops was a military aeroplane, it must not exceed the permitted tonnage. If, on the other hand, it was a civil aeroplane, it must be governed by the rules for civil aviation.

Count Raczynski would like to say that, as in the previous year during the discussions in the Air Commission, the Polish delegation was in favour of internationalising civil aviation and establishing an air police force. It shared the view so eloquently expressed by the representative of Spain and supported by the representative of Sweden and the representative of the Petite Entente. It considered that that method was really essential and should quite naturally be followed.

The representative of the United Kingdom had said that such a method was already provided for in the draft Convention, and that Article 35 of the Convention contained provisions relating to the study by the Disarmament Commission of the best schemes for rendering possible the complete abolition of military aircraft.

Count Raczynski would point out, however, that, in paragraph (a) of that article, reference was made only to supervision; the Polish delegation shared the view of the representative of Spain that, in the case of aviation, it was unfortunately impossible to anticipate any great results from supervision. The Polish delegation thought that mass reductions, amounting even to abolition, would only be complete if internationalisation and an air police force were introduced.

M. NADOLNY (Germany) wished to reply to M. de Madariaga’s remark as to the German delegation’s attitude on the subject of civil aviation. If he had understood M. de Madariaga correctly, the latter had said that the German delegation was prepared to go a long way in the matter of military aviation—and M. Nadolny was very glad to observe that M. de Madariaga shared the German delegation’s view on that question—but that the measures it contemplated in regard to civil aviation were somewhat modest.

If the Conference were really disposed to decide upon the complete abolition of military aviation, the German delegation felt that that measure must in no case be allowed to break down on the question of civil aviation. Germany, for her part, was prepared to go as far as possible to prevent the use of civil aircraft for military purposes, and she did not wish to be in the least modest on that point. Opinions might, of course, differ as to which measures were the most useful and effective; but the Air Committee had long had that question under consideration, and had sought to establish measures which, while not interfering with the legitimate development of civil aviation, would best conduce to the desired result. That Committee had almost finished its work. The natural and logical thing, therefore, would be to summon it at once to complete its investigations and lay the results before the General Commission as quickly as possible. That was what the German delegation had proposed in its amendments.

The President said that, according to the system on which the General Commission was working, it was not possible at the present meeting to take a vote on the proposal for the partial deletion of Chapter 3. If the amendment were maintained, the vote would have to be taken when the Commission came to the second reading.

The Commission would accordingly proceed to the first reading of the different articles in the draft Convention.

M. Max HUBER (Switzerland) said that, with regard to Article 34, the Swiss delegation felt bound to give its cordial support to all proposals for the total prohibition, without any reservation or restriction, of bombing from the air, whatever might be its nature. It did not think it necessary to reiterate, on the present occasion, the eloquent arguments in favour of such prohibition. Speaking in the name of eight countries, M. Motta had already expounded most forcibly, in the previous July, the urgent and imperative necessity of that measure. As the Commission would recollect, he had referred in particular to the work that had been done in that field by the International Committee of the Red Cross, which, after long and patient research carried out with the help of technical experts and distinguished lawyers, had reached the conclusion that only total abolition could provide a practical solution in conformity with the humanitarian ideal to which civilisation must hold unless it was to perish.

1 See Minutes of the General Commission, Volume I, page 170.
The reasons that actuated some countries in seeking to retain the right to have recourse to bombing from the air in certain outlying regions were to some extent comprehensible. Quite apart from all humanitarian considerations, however, the opening of that breach in the principle had such dangerous implications that it would be most desirable to eliminate all exceptions whatever, in order to ensure the absolute observance of a principle of international law that really met a vital and moral need.

Passing to Article 36, M. Max Huber observed that, as stated in the communication published in document Conf.D./C.G.95, the Swiss delegation could not be satisfied with the figure of 75 aeroplanes allotted to it in the United Kingdom draft.

Even before the opening of the Conference, in the information which she furnished with regard to her armaments, Switzerland had stated quite frankly that she would be obliged to "make a considerable increase in the number and total power of her aircraft in the interests of national defence". The number of aircraft in question was then 125 and their total horse-power 75,000. Credits had, moreover, already been voted by Parliament for that purpose and part of the aircraft necessary was at present under construction. When it had accepted the armaments truce, the Federal Council had expressly reserved the right to increase the number of military aircraft in accordance with a programme previously drawn up.

The need for Switzerland to increase her air forces was imposed upon her by a geographical position which was extremely exposed from the military point of view. As the Swiss delegation had already had occasion to point out to the Air Commission in June 1932, the smallness of the country and the lie of its frontiers would enable an invader to attack it with his aircraft from several sides at once and in a very short time reach the heart of the country. Switzerland would thus have to defend herself on several fronts simultaneously. In the peculiar position in which a small country like Switzerland found herself, effective defence could not be ensured by such a small number of aircraft as that indicated in the United Kingdom plan. He would add that the defence of his country was bound up with the obligiation upon the Confederation to defend at any cost and on its own initiative its status of neutrality, which was recognised, inter alia, by the declaration of 1815 and that of London of 1920 as being in the true interests of Europe and the maintenance of peace.

M. Lange (Norway) said that it was with the greatest hesitation that he had risen to speak. The personality of the United Kingdom delegate made it extremely difficult to oppose him and the arguments which he had put forward that afternoon with regard to Article 34. Nevertheless, M. Lange considered it to be his duty to maintain in its entirety the point of view which he had put before the Commission during the general discussion of the plan submitted by the United Kingdom delegation.

He regarded the text in parentheses in Article 34 as extremely dangerous and, from a legal point of view, as absolutely inadmissible and inapplicable. According to Article 91 of the draft, any divergence with regard to the interpretation and application of the provisions of the present Convention would be brought before the Permanent Court of International Justice, and he would like to know (M. Huber, former President of the Court, might be able to give some further information on the point) how the word "outlying" should be interpreted. Outlying from what point of view? Mr. Eden had said that he had certain definite regions in his mind and had given the Commission to understand to what regions he referred. But was it only His Majesty's Government in the United Kingdom which could claim this exception? Could it not also be claimed by certain other Governments? What was far away from London was not necessarily far away from other capitals. Should provision then be made for an annex to that chapter to say that, within the meaning of Article 34, this or that region should be considered as one of the outlying regions in which use might be made of bombing from the air for police purposes? M. Lange would very much like to know how that annex would be worded. That, however, was a practical and legal matter.

There was another aspect of the question. M. Lange referred to the consequences of the use of bombing from the air as a police measure. Would it be possible to provide that this method should only be employed at certain times, at the moment when a conflict was proceeding in another part of the world? How would it be possible to obviate the danger which would be constituted by those aircraft, which were an extremely rapid means of transport and could in a few hours, or at any rate in a day or two, be on the other side of the globe and be used there? Secondly, how would it be possible to obviate the danger arising out of the fact that there would exist, not only a well-trained technical staff to prepare those aircraft, but also a well-trained staff to use them for warlike and destructive purposes?

M. Lange thought he was right in saying that public opinion was absolutely unanimous on that point. If account were taken of the public opinion which had found expression in different countries, it would be found that the public expected one result of the Conference—namely, the complete abolition of specifically aggressive means of warfare. Public opinion was also

---

3 See Minutes of the Air Commission, page 84.
4 See Minutes of the forty-seventh meeting of the General Commission, page 367.
very decided as to what those specifically aggressive methods were, which should be completely prohibited, both as regards their use and their preparation. Those two points—use and preparation—should be subjected to supervision on the part on the supervisory bodies provided for in the Convention.

For those reasons, the Norwegian delegation would in any case vote in favour of the proposals for the total abolition of the use and preparation of the bombing arm.

Mr. Wilson (United States of America) had listened with the greatest interest to the many observations on Article 34. They were of such a character that they could not fail to have made a deep impression on all delegates. The support which the United States delegation had given to the United Kingdom plan had been such that he was convinced that the United Kingdom delegation would not take it amiss if he expressed his views on the subject and asked it to consider those views.

Mr. Wilson's Government believed that there should be abolition of bombardment from the air. It believed that that abolition should be absolute, unqualified and universal. He was convinced that there was only one way in which it could be hoped to make such abolition effective in time of war, and that was by a growing conviction that the arm of bombardment from the air was a crime. There must be an unqualified moral sanction against the use of such a weapon in time of war, otherwise pressure of war could certainly bring about its use. Such a moral sanction and such a conviction that the use of this weapon was a crime could only exist if there was no exception to the rule, for any exception could only vitiate the moral value of the sanction.

Mr. Eden had just stated very frankly the reasons which had animated the United Kingdom Government in making this exception to the abolition of bombardment from the air. They were reasons which all delegations could understand and they were of very high administrative importance. Mr. Wilson could only hope, however, that the disadvantages of giving up the use of this arm from an administrative point of view would be found to weigh less than the advantages to be gained from the fact that the people of the world would know that they were no longer to be menaced by such a weapon.

Jafar Pasha (Iraq) said with regard to Article 34 of the draft Convention and the amendments to it which had been submitted, that, in the present circumstances, the Iraqi Government had no other alternative than to retain the right to employ air action of any kind within the limits of its territory. He hoped that the General Commission would take into consideration the conditions actually existing in a vast country like Iraq.

In conclusion, he would add that the Iraqi Government's only desire was to be able to safeguard peace and order in that recently recognised independent State.

M. Wellington Koo (China) observed that the Chinese delegation had moved an amendment which aimed, like the amendments of so many other delegations, at the deletion of the words in parentheses in Article 34. He associated himself with the observations offered by the delegate of the United States of America, Mr. Wilson, and other delegations in urging that the abolition of bombing from the air should be complete and subject to no exceptions. It was evident that Article 34 had been inspired by humanitarian considerations. If so, M. Koo would urge that the benevolence of the civilised heart of the twentieth century should be stretched a little so that the abolition of bombardment from the air should apply to the whole of humanity without exception. Mr. Eden's explanations had certainly clarified somewhat the purpose of the exception mentioned in the article, but the Chinese delegation confessed that they had not removed all grounds for anxiety on the part of his delegation.

It might be recalled that, in former days, great empires had been built up, vast colonial territories developed and order maintained without the aid of air bombing, and, therefore, even if it were now perhaps more expensive and troublesome to maintain order by other means than air bombing, he would urge on his part that the sacrifice was worth making in the general interest of peace, disarmament and security; because, if the parenthesis were left as it stood, States were bound to claim the right to maintain bombing planes and to train bombing staffs. With the possession of bombing planes and a trained staff of bombing pilots, the temptation to bomb from the air would be only too great. As Mr. Wilson had just said, unless there were a definite prohibition against the use of such a weapon, pressure of circumstances would certainly bring about its use. Therefore, the Chinese delegation was most anxious that the abolition of air bombing should be made complete. Its anxiety was the greater because, during the last two-eighty months, bombing planes by the hundred had flown over Chinese territory and dropped thousands of bombs which had killed tens of thousands of men, women and children, whilst flourishing towns and cities had been either completely destroyed or seriously damaged.

He desired, in conclusion, to say a word as to the amendment to Article 34 moved by the three delegations of the Petite Entente to add the words "outside Europe" to the parenthesis in Article 34. The effect of this amendment was to make air bombing unlawful in Europe but permissible in other countries. M. Wellington Koo desired to state that on this point he associated himself with the observations of the Soviet delegate. The Chinese delegation had asked for equality of treatment on several occasions, and would be satisfied with equality of treatment. It did not solicit and did not intend to accept any special privilege, least of all the
privilege of bombing others from the air, or being so bombed by others. He was, however, gratified to learn from the declaration of the Yugoslav delegate that the real intention of his amendment was to urge the abolition of air bombing completely. If so, M. Wellington Koo joined him entirely in wishing that this Conference would do everything possible to that end. He made a special appeal to the United Kingdom delegation to delete altogether the parenthetical clause to Article 34.

M. Stein (Union of Soviet Socialist Republics) said he wished to make some remarks on Article 34. In the first place, he desired to thank the speakers who had preceded him and had supported the view of the Soviet delegation on that question. On the other hand, he very much regretted that he had not been convinced by M. Rutgers' legal arguments, which were very subtle but seemed to him very dangerous from a political point of view. Assuming for the sake of argument that the Netherlands delegate was right, M. Stein would ask him the following question: If the future Convention only regulated the use of various arms in international relations, and did not affect internal actions—police operations, for instance—was it fair that the use of chemical weapons, which was forbidden to armies operating abroad, should be allowed to police operating within a country? As, according to M. Rutgers, the same method should be applied to bombing from the air, should the police forces be allowed to employ heavy artillery or tanks which were prohibited by the international Convention?

Finally, if the Convention only regulated international questions, what was the good of inserting rules of an internal nature in Article 34? Consequently, the sentence in parentheses should be deleted.

Amendment submitted by the Persian Delegation.

The Persian delegation, although in favour of the complete abolition of bombing from the air, desires, in the event that the last sentence in parenthesis in Article 34 should not be deleted, to amend it as follows:

"Except for police purposes in their possessions, the High Contracting Parties accept the complete abolition of bombing from the air."

Colonel Riazi (Persia) said that the Persian delegation agreed with M. Rutgers that the Conference should draw up international rules and should not concern itself with internal affairs. The Persian delegation was in favour of deleting the sentence in parentheses in Article 34; nevertheless, even if that sentence were omitted, the States could employ any methods they liked within their own frontiers. It might also be asked why malefactors were hanged in Persia and guillotined in France. If one country desired to punish criminals by throwing bombs at them, that had nothing to do with anyone else. The sentence in parentheses, however, should be as clear and definite as possible. As had already been stated, the word "outlying" had no meaning geometrically except in relation to a fixed point. It would not be permissible for Persia to undertake police work in Africa or for New Zealand to police Persia. The amendment submitted by the Persian delegation was designed to make good the defect which had just been pointed out in Article 34. However, if it were necessary to take into account the territories under mandate, the amendment in question could, of course, be rectified.

General Omer Khan (Afghanistan) said that the Afghan delegation had proposed the suppression in Article 34 of the words in parenthesis. It had been inspired by no other interest than the desire to defend the cause of humanity. Nevertheless, speaking on behalf of his delegation, he desired to draw the attention of the General Commission to the importance of Article 34, apart from the text between parentheses contained in it. Consequently, he was in favour of the total abolition of bombing from the air, even for police purposes in outlying regions, as also of the prohibition of all preparations for air bombing whatever their nature.

M. De Madariaga (Spain) said he had listened in silence to the discussion of Article 34 out of respect for the decision which had just been taken, but he did not think that the Commission's discussions were following a logical order. The General Commission had before it two proposals for the total abolition of the chapter on air armaments contained in the United Kingdom draft—one for the total abolition of military aviation pure and simple, and the other for the abolition of military aviation together with the internationalisation of civil aviation and the establishment of the nucleus of an air police force.

In the circumstances, the detailed study, even at a first reading, of the chapter on air armaments of the United Kingdom draft seemed irrelevant, and M. de Madariaga thought

that the Commission was simply wasting its time. He did not ask that it should vote on the
suppression of that chapter, for two reasons. First, if he understood the position aright, it
had been agreed that no vote should be taken at the first reading. Secondly, all the members
of the Commission had too much experience of those questions to think for a moment that
military aviation could be abolished by a vote.

M. de Madariaga would propose the adoption of quite a different procedure. First of all,
he did not think it was necessary to vote, even if only to ascertain opinions, as it seemed quite
clear that the majority of the members of the Commission were in favour of the total abolition
of military aviation. That demonstration of opinion seemed to him to deserve, from the authors
of the disarmament draft which had been taken as a basis, sufficient attention for them to
devour, between the first and second readings, to negotiate with the delegations which
and they were many—considered that military aviation should be totally abolished, in order
to see if some slight progress could not be made.

In that connection, M. de Madariaga desired to take the opportunity of thanking M.
Nadolny for his v1ery friendly statement, as the attitude of the German delegation was
obviously rendering the total abolition of military aviation much easier, since it stated that
it was prepared to go as far as might be necessary with regard to civil aviation with a view to
the suppression of military aviation. Time should therefore be given, between the first and
the second reading, for progress to be made in the direction of the total abolition of military
aviation, and the Commission should refrain from continuing a discussion which seemed to
be useless.

The President said that M. de Madariaga had raised a very interesting point of order.
He wished, however, to make one correction. The system on which the Commission was
working had been decided upon, not by the President, but by the General Commission itself.
He had tried to follow the same system all through—that was to say, not to take any votes
on first reading—and he would continue to do so unless the Commission decided to alter the
procedure.

M. de Madariaga had suggested that, between the present and the second reading, those
responsible for the draft Convention should have consultations with those who were especially
anxious to obtain prohibition in its entirety. Mr. Eden had authorised the President to say
that he was quite prepared at once to enter into such conversations with any of the delegations
who felt very strongly on the subject, in the hope that some arrangement might be reached
before the Commission passed to the second reading.

M. de Madariaga had also suggested that the Commission should discontinue the present
discussion, on account of its inconclusive character, until it reached the second reading. While
the discussion might be inconclusive so far as actual decisions were concerned, the President
thought it had been wonderfully informative as to the opinions held by the various delegations,
and he had no doubt that Mr. Eden had been taking note of what had been said, with a
remarkable degree of unanimity, so far as concerned the question at present under discussion.

Nevertheless, the President agreed with M. de Madariaga that it was somewhat futile
to go on with the discussion. He thought that the Commission should now stop the debate,
on the understanding that it gave a first reading to the chapter in question as it had done to the
chapter on naval armaments, and that it took no further action until it reached the second
reading, when votes would have to be taken on all the amendments proposed. If the
Commission took that course, it would allow time for the negotiations to be completed before
the second reading.

Mr. Eden (United Kingdom) would willingly do all he could to carry out the ruling which
the President had just given. There was, however, one matter on which he wished to be
quite clear. His impression had been that the General Commission was to have a first reading
of the whole draft Convention before taking any part of it in second reading. He presumed that,
when the Commission returned to the part of the draft dealing with material, it would continue
with it in first reading, and begin the second reading only when it had completed the whole
draft. The advantage of completing the first reading was that it gave a little more time to
straighten out various matters before beginning the second reading.

The President accepted Mr. Eden's suggestion that the Commission should go straight
ahead as far as that was possible. It must be remembered, however, that, in the next part
of the draft, there was a gap which had still to be filled in. While, therefore, the President
was quite prepared for the Commission to go forward, allowing more time before it returned
to the second reading, he wished to say that he had intended to put before the Commission at
the right time a most important and substantial reason why it should get to the second reading
of Part I and Part II as quickly as possible. In the circumstances, however, he would not raise
that point at the moment.

Accordingly, he took it that the Commission agreed to follow the course that had been
suggested and to proceed to the third part of the Convention, and, if possible, go right through
to the end before it returned to take any part in the second reading, allowing for negotiations
to go on in the meantime.

The statement of the President was approved.
SIXTY-NINTH MEETING

Held on Monday, May 29th, 1933, at 3.30 p.m.

President: The Right Honourable A. HENDERSON.

125. REPORT OF THE COMMITTEE ON SECURITY QUESTIONS ¹ : DEFINITION OF THE AGRESSOR (continuation).

M. de Madariaga (Spain) said that a few days previously the Commission had heard the Vice-President's statement on the problem of the definition of the aggressor, in the course of which M. Politis had referred to the two theses which, in that matter as in all matters relating to the League, brought face to face the Anglo-Saxon mentality and the so-called Latin mentality. M. de Madariaga thought that there was clear evidence of this parallelism in the past history of the question, because, the first time an attempt was made to define aggression—in a sub-committee of the Temporary Mixed Commission, if he were not mistaken—the idea which had occurred to all was that embodied in the most recent document on the question—the declaration of the President of the United States of America. ² It had been suggested that the party crossing his own frontier was the aggressor. That idea of defining aggression as invasion had been at once sharply rejected by all the military experts then assisting in the work of disarmament, as, in their view, it was quite conceivable that there might be countries whose frontiers were so unfavourably drawn that, even though they followed a fundamentally pacific policy and had a fundamentally defensive military organisation, they might find themselves obliged to take a military initiative in order not to be crushed by an essentially aggressive country which was preparing an overwhelming attack. In view of the respective forces engaged, the operations, once begun, would rapidly become disastrous for the first country. It was that idea which had led, in the Temporary Mixed Commission, to an intervention by two members who then represented, not Spain, but at all events Spanish thought, for, on that Commission, the members did not represent their Governments. These two Spanish members had put forward a proposal in which an endeavour was made, even at that time, to find a more elastic, more fluid system for defining aggression. A purely automatic criterion was avoided; but an attempt was nevertheless made to give the system a certain degree of precision by the adoption of preliminary undertakings, one of which was of a legal character: provision was made for compulsory recourse to arbitration in any dispute, failing which there was a presumption of aggression. Another undertaking was of a conservatory character: provision was made for the adoption, by the Council, of conservatory measures and, should either of the parties not accept those mea- sure, there was again a presumption of aggression.

It was from this first idea that eventually, after the stage represented by the Treaty of Mutual Assistance, there was born the idea of an automatic criterion which had been crystallised in the Protocol, in which, as the General Commission would remember, the method of arbitration was so ingeniously devised that it led, as it were, mechanically to the definition of the aggressor. But, for reasons that everyone knew, the Protocol had been dropped. Then, thanks mainly to an extremely important proposal by the German delegation on the Preparatory Commission, the Convention for strengthening the Means of preventing War had been drawn up. In M. de Madariaga's opinion, that Convention had not received sufficient attention; it constituted, he thought, a fundamental idea, one of the most concrete, precise and useful proposals that had ever been made in the course of the work in question.

The Spanish delegation on the Committee over which M. Politis had presided with such conspicuous ability had taken up, with regard to the definition of the aggressor, an attitude which M. de Madariaga would like to define more closely. It did not agree with the automatic method advocated by the Soviet delegation, not because it was not in sympathy with that method, but because it thought that it involved an excessive national individualism.

The automatic method had the very considerable advantage of eliminating the individual responsibility of States in naming the aggressor. Everyone knew from experience how difficult it was for one State to judge the conduct of another. Consequently, it was in every way desirable that the decisions to be taken in the matter should be based on facts and not taken by persons who, as far as they could, would always avoid the necessity of giving a decision in this matter.

He must point out, however, that the automatic method would certainly, by a process which was not difficult to foresee, and several instances of which had already occurred in the brief history of the League, give rise to all kinds of political artifices which would in many cases make it possible to elude automatic criteria, however ingenious and rigid they might be, and would

¹ See Minutes of the sixty-third meeting of the General Commission, page 499.
² See Minutes of the fifty-ninth meeting of the General Commission, page 462.
enable States which were bent on doing so to commit certain acts contrary to international law without being caught, if that expression might be used. Moreover, it had the advantage that, if it compelled States to employ such artifices, that in itself was already a result. Possibly, in some cases, States might commit certain international acts which were not strictly to be commended, while at the same time avoiding being caught by the automatic method; in most cases, however, that would probably prove impossible.

It was not, therefore, on account of definite opposition to the automatic method that the Spanish delegation had not been able to adopt a final attitude in this matter on the Security Committee; it was rather because it saw in that method a tendency to weaken the organs of the League. M. de Madariaga had just said that the States, which, after all, constituted the self-working machinery of the League, avoided giving a definite decision; but it was only inasmuch as States failed to assume their responsibilities that the organs of which they were members were enfeebled. He thought there was a serious danger of weakening the League’s organs through the very fact that the States Members were enabled to avoid assuming their responsibilities.

In the method advocated by the Soviet delegation, M. de Madariaga thought he could perceive—and he asked that delegation’s pardon for making the observation—a certain inconsistency between the spirit of Soviet policy in international affairs and that of Soviet policy in home affairs. Unless he was inadequately informed regarding it, Soviet national policy was not remarkable for an excess of individualism, whereas in its international policy, as instantiated by this definition of the aggressor, there was a kind of exaltation of national liberty. It must be realised, moreover, that, in applying the definition of aggression, whatever the method employed—elastic or rigid—the great difficulty was that the number of armaments was much too large, that these armaments were much too powerful and that it was much more difficult to approach a strongly armed nation than an unarmed one. That was the first great difficulty which would be experienced and which perhaps had already been experienced. The fact that a country was strongly armed did not warrant the hope that it would have the courage to pronounce against another strongly armed State if the latter were guilty of wrongful acts. Consequently, armaments were much less likely to protect the Covenant than to jeopardise it.

In conclusion, M. de Madariaga would ask M. Politis to be good enough to explain a discrepancy between two documents, each of which represented his report. In the first, which had been distributed without a number, there was the following sentence:

"The act of invasion constitutes essentially an act of aggression apart from any declaration of war."

Then in document Conf.D./C.G.108 the same sentence was followed by the words:

"By territory is here meant territory over which a State actually exercises authority".

M. de Madariaga felt serious doubts as regards that last sentence, which, according to the interpretation given to it, might be harmless but might also be extremely dangerous.

He would also like to ask M. Politis whether, in the draft Protocol attached to the same document (Annex II), he would agree to add at the end of the last paragraph the words:

"in regard to which the victims could always appeal to the international courts".

Lastly, M. de Madariaga stated that, if the majority of the Commission was in favour of the automatic definition, the Spanish delegation, subject to the reservations it had just indicated, would have no objection to accepting it.
M. NADOLNY (Germany) had followed with the greatest interest the discussion on the Act relating to the definition of the aggressor. It was a problem which had occupied the League's organs for some years, but for which no solution acceptable to all had been found. Mr. Eden had already mentioned the report of the Mixed Commission drawn up in 1923. M. Nadolny would also refer to the Geneva Protocol of 1924, which had just been mentioned by M. de Madariaga. Opinions as to the best way of solving the problem were therefore divided, although it was generally recognised as highly desirable, in the interest of peace, that the problem of the definition of the aggressor should be settled by common agreement.

In his very interesting statement, M. Politis had already pointed out the two opposing tendencies towards rigidity and elasticity. In the Act now before the Commission, the system prescribed was of the fixed kind; indeed, it might even be termed automatic. The fundamental objections which had been raised against rigidity in an international system for the definition of the aggressor were well known. Mr. Eden had explained them anew very clearly, so that it was almost impossible to throw any new light on that aspect of the problem.

M. Nadolny himself, desirous of elucidating the problem as a whole, might add a further consideration in regard to an aspect to which the German delegation had always attached great importance. In its opinion, the establishment of rules for the definition of the aggressor would be of great preventive value. M. de Madariaga had rightly emphasised that aspect of the problem.

As the report said, States would then be definitely informed in advance of what they could not do without being regarded as aggressors. Moreover, if no strict or rigid criteria were set up, the Council, or the international organ dealing with the question, would not be under the necessity of proceeding to establish the fact of an aggression, even in cases where it might be preferable to apply means of conciliation, which might prove ineffective from the moment when one of the parties to the conflict had been stigmatised as the aggressor.

The report already contained a certain element of elasticity, since it provided that acceptance of the Act, as drafted by the Committee, would not preclude the application of the Convention for developing the means of preventing war, which Convention provided preventive measures even if a State had committed acts regarded as determinant factors of aggression according to the draft relating to the definition of the aggressor. M. Nadolny thought that idea, which was very clearly set forth in the report, was not yet adequately expressed in the Act itself. It would have to be seen, therefore, whether the element of elasticity could not be strengthened and incorporated clearly and precisely in the actual text of the Act.

Further, he would like to add another consideration of a technical nature, which might be of particular interest to jurists. The Security Committee had submitted another draft—the European Pact of Security—with a new text intended to replace Article 6 of the United Kingdom plan. That draft also contained a definition of the aggressor. In that case the aggressor was referred to as "the State which had resort to war", but the facts constituting the aggression were the same in both Acts. There was one exception, however—namely, that the wrongful acts did not include blockade. A State which established a blockade would therefore not be violating the Covenant; and, according to the draft, that decision must be recognised, not only by the signatories of the European Pact, but by all the States represented at the Conference. But such a State, through having established a blockade, would have to be recognised as the aggressor under the other Act.

In addition to the two Acts to which he had just referred there were other proposals. There was the new text of Articles 1 to 3, submitted by the United Kingdom delegation and accompanied by the important statement of Mr. Norman Davis. In Article 2 of that text it was stated that the object of the consultation provided for, in the event of a breach of the Paris Pact, between the League of Nations and States which were not Members of the League would be to determine which party or parties to the dispute "are to be held responsible". Here, therefore, there was no mention of an aggressor or of a State having resort to war, but of the State responsible.

Then there were the proposals set forth in President Roosevelt's message, which referred to a general Convention of non-aggression combined with an undertaking by States not to allow their armed forces to cross their frontiers.

M. Nadolny therefore ventured to put the following question: Would it not be desirable and necessary to co-ordinate and reduce to a common denominator all the different projects and proposals among which the experts had the greatest difficulty in finding their way? It would undoubtedly be of capital importance to lay down rules in such a way as to be intelligible to other people besides the legal advisers of delegations.

M. DI SORAGNA (Italy), realising the importance of the arguments submitted by a number of delegations which had met to discuss the definition of the aggressor, felt bound to indicate briefly the Italian delegation's position in the matter. That delegation largely shared the ideas, the preoccupations, the arguments and also the misgivings of the United Kingdom delegation, which had been so fully and exactly described by Mr. Eden at the meeting on 1 Document Conf.D./C.G.108(a).
2 See Minutes of the sixty-third meeting of the General Commission, pages 494 and 495.
May 25th. M. Dovgalevsky, who had spoken on the same day, had classed the various attitudes of his colleagues on the Committee in two categories. He had said that he could thank some of them for having helped him by their support and the others for having equally helped him by their objections. M. di Soragna had himself been present, and he wondered whether the Italian delegation could be classed in either of those categories, or whether it should not be included in a third class which had helped M. Dovgalevsky by remaining silent. Such an attitude could not surprise anyone who knew the position as regards Italian legal doctrine on the subject.

Mr. Eden had very rightly referred to the principle laid down by that great friend of peace, Lord Cecil. The Italian delegation could only refer to the teaching, the principles and the speeches of another distinguished statesman, one of the survivors of the great founders of the Covenant, M. Scialoja. He need only read a few sentences from a speech delivered by M. Scialoja at the eighth Assembly (ninth meeting, September 9th, 1927):

"... when we speak of aggression, we are perfectly aware of what it means. We know that it means nothing at all. We realise the difficulty of formulating a definition of aggression, and the joint efforts of jurists, diplomats and politicians have so far failed to arrive at any acceptable definition of the term. Furthermore, a State which is resolved to coerce its neighbours by armed force will never be the apparent aggressor, for, however unskilled its diplomacy, it will always manage to make its neighbour begin the attack. "Therefore, in our attempt to fix the responsibility for the aggression, we must not dwell too much on appearances. We must subject to a close scrutiny all those relations between the States concerned which have in the past given rise to differences. That is far from easy."

There was no need to explain this opinion further. Moreover, the United Kingdom delegation had told the Commission all that was necessary on the subject.

M. di Soragna added that he would have said no more if Mr. Eden’s speech had not been followed by that of M. Politis. That distinguished jurist’s remarks had been, as always, most noteworthy, but M. di Soragna felt bound to say that he had been entranced rather than persuaded, charmed rather than convinced. In M. Politis’s statement he had noted the three or four points which formed its framework.

The first argument to consider was that of a reconciliation between two systems. M. Politis had already explained that, ever since the Covenant came into existence, two principles had confronted one another: the continental—or, as M. de Madariaga termed it, Latin—principle and the Anglo-Saxon principle. The spirit of logical synthesis on the one hand, and the spirit of empiricism on the other. On the one hand, codification, automatic action and, on the other, freedom, the enforcement of verdicts as a matter of judgment and not as absolute measures. M. Politis had said that the Committee felt it had done something to reconcile the two theories, and that the texts before the Commission might help to fuse them together. M. di Soragna must confess that he was not convinced.

The texts submitted contained a list which, to his mind, was as rigid and automatic as it could be. Such a list of cases of aggression left no room for appraising the circumstances accompanying the actions specified or the responsibility of those who committed them. That was already very far from the system formerly advocated and which was based on the idea of presumption, a fact which made the whole system more conciliatory in character. In this matter, M. di Soragna did not see that any headway had been made; he would even say that the rigidity of the system was proved by the fact that it did not allow for provocation.

The judges were bound hand and foot. On the one hand, five quite specific cases were laid down. If any one of them occurred, even on a very small scale, full international action would immediately come into operation. On the other hand, no provision was made for a large number of other cases. They might be extremely serious cases. The injured party would be powerless and would have to rely on pacific procedure, which was not always very speedy. There was no need to quote examples. On the one hand, international action might be taken because a cottage had been burnt down; on the other hand, one State might massacre the nationals of another for several days without the latter being able to do anything other than resort to pacific procedure. Those were, doubtless, exceptional cases, but the Commission would agree that a State might well ask with some anxiety whether it should subscribe to such onerous and rigorous undertakings, whether it could take the risk, by simply appending its signature to a document, of compromising so gravely what might be the primary interests of its nationals.

This procedure went far beyond the point reached in the establishment of rules of procedure in international and private law. The latter contained a conception of the responsibility of a party giving provocation. That conception was immensely important, so much so that provocation might completely cover the party which resented an insult. The present procedure might mean completely reversing the roles. It was on the banks of the Tiber that the following sentence, which seemed to be one of the most divine of human judgments, had been uttered—"summum jus, summa injuria" (the rigour of the law is the height of oppression). The Rapporteur had pointed out that the States concerned could sign the Act or not. He had said that, if States did not wish to sign, they should at least allow the others to enjoy the assurance of security given by the Act before them. A glance at the text was sufficient. Article 3 read:

"The present Act shall form an integral part of the General Convention for the Reduction and Limitation of Armaments."
M. di Soragna did not see how an integral part of the Convention could be excepted from the signature of a party to the General Convention. Furthermore, the Preamble said that the Act had been drawn up because it was deemed “expedient to establish the rules that are to be followed by the international bodies responsible for determining the aggressor”. Nor did he see how it could be said that this Act would not bind States which did not sign it. They would even be bound to a very large extent. That was, in fact, the difficulty.

Of course, it might be said that States which did not sign bore no responsibility, either for the verdict or for the action to be taken. But that was absolutely impossible, since there would be an advisory body consisting of two-kinds of members—those who proposed to apply the principle of the free hand, who would consider things as they were, take all details and circumstances into account in determining the consequences of the acts committed, and those who, on the contrary, had in their pockets the definition of the aggressor and had a ready-made decision in their minds. How could two such opposing conceptions be reconciled?

M. Politis had remarked that the subject was not a new one. There already existed many international instruments, concluded between several countries, which were based on special rules of law arising out of special agreements between those countries and were not open to others. Possibly. In some cases the Council might take such instruments into account, but the case before the Commission was quite a different one. The Act submitted to it contained no rules on special questions affecting only certain specific States. It contained rules relating to a problem of quite general character: the determination of the aggressor. A State could hardly risk having to accept a system under which it might, as a member of an international organisation, have to help in determining the party responsible for a dispute and to determine that responsibility, not on the basis of special rules, but on the basis of a general rule which it had not accepted.

In conclusion, the Italian delegation, which had already accepted the general plan of the United Kingdom, though, of course, without contemplating the possibility of the addition of an Act of this character and tenor, considered that this second factor was calculated to alter very substantially the structure of the plan which it had accepted in its original shape. It could not hide its feeling that this addition to the plan might arouse very serious anxiety and misgivings.

M. de Barcza (Hungary) supported the view of the delegations which had questioned the advisability of laying down beforehand too strict criteria for the determination of the aggressor and which had also emphasised the various drawbacks of a specific and absolute enumeration of the acts of aggression.

He wished to recall that, Hungary having been a member of the Committee on Security Questions which had drawn up the draft Act now before the General Commission, he had not omitted to tell that Committee that, in principle, his delegation preferred a general formula, one that was as elastic as possible, for the purposes of the definition required—if, of course, it was at all possible to find such a formula.

In explanation of his delegation’s attitude, M. Barcza would merely refer to the arguments previously adduced in this connection by several delegations at the Political Commission’s meeting on March 10th. He therefore need only associate himself fully with the views on this matter expressed by the delegates of the United Kingdom, Germany and Italy at the General Commission’s meetings on May 25th and to-day.

M. Wellington Koo (China) wished, on behalf of the Chinese delegation, to support the draft Act relating to the definition of the aggressor recommended by the Committee on Security Questions, to thank the Committee for the valuable fruits of its work as crystallised in its report and the two annexes, and to express his appreciation to its Chairman, M. Politis, for his brilliant explanatory statement.

In the Chinese delegation’s opinion, the proposed Act provided a useful set of criteria for determining the aggressor. The lack at present of any agreed set of rules for the definition of the aggressor inevitably led to delay in arriving at an agreement. In the case of aggression, time was an important element, and delay usually worked in favour of the aggressor and to the detriment of the victim of aggression.

In the second place, an agreed definition of aggression served to increase the sense of security in that it might tend to deter and discourage aggression. It might be argued, as it, indeed, had been in the Commission, that the enumeration of certain acts as constituting aggression would not be very helpful or do much good, because human ingenuity, especially on the part of the more designing among the nations, would manoeuvre its actions and so regulate its conduct as to be able to commit real acts of aggression without exposing itself to be considered as an aggressor by any of the tests proposed. In such a case, the ends of international justice as well as the purposes of world peace would be defeated, rather than promoted, by an explicit definition.

In the Chinese delegation’s view it was better to have imperfect rules than to have none at all. The particular objection of some delegations could be met by making it clear that the list of acts enumerated as constituting aggression was not exhaustive. Thus there

1 See Minutes of the eighth meeting of the Political Commission, pages 47 et seq.
might be added, for example, at the end of the introductory sentence, a clause to the effect that the aggressor was not only that State which was the first to commit any of the specified actions but also that State which committed any action which by the procedure of consultation provided in Article X of the Convention might be determined as constituting aggression. Such an addition would make it possible to have the advantage of elasticity to meet the countless possibilities of human ingenuity without depriving the world of the benefit of an agreed set of tests of international aggression.

For the same reasons, the Chinese delegation would support the adoption of the draft Protocol annexed to Article 2 of the Act. The Protocol gave a number of useful indications as illustrations for the guidance of international bodies that might be called upon to determine the aggressor. Thus, the grounds which it was proposed should be considered as unjustifiable grounds for aggression were just those which had heretofore given rise to interminable debates between the parties to past disputes and to divergent views among third parties, thereby causing a great deal of delay in arriving at a conclusion. The Chinese delegation believed that the proposed Protocol, if adopted, would greatly assist the interests of justice and peace and facilitate prompt decisions in any given crisis created by aggression.

In short, the Chinese delegation was of the view that it was highly desirable that the present Conference, devoted to the cause of disarmament and peace, should adopt certain rules to define aggression and to facilitate the determination of the aggressor in any given case. The very phrase "organisation of peace", which was the delegations' common object, implied that practical and concrete rules should be adopted wherever possible for the purpose of restraining and discouraging aggression between nations and promoting a general sense of security. It was only by such process that chaos in international life could be completely eliminated and a new international order firmly established.

M. MIKOFF (Bulgaria) said the Bulgarian delegation had given the Act relating to the definition of the aggressor all the attention which such an important document merited. It was, indisputably, a great contribution to the solution of the problem of the determination of aggression, a problem which was one of the corner-stones in the edifice of peace.

In the eternal controversy referred to by M. Politis between the two kinds of mentality which were divided on this question—the mentality dominated by the need for rigid and strict rules and the mentality which liked to have an elastic system of law, vague in outline and becoming definite in form only in contact with experience—the Bulgarian delegation could only side with those who supported the second view.

The Bulgarian delegation was convinced that, while the rigidity of the criteria adopted might suit simple cases—and simple cases did not demand exact definitions—it might conflict with justice and leave the door open to abuse in complicated and difficult cases. There was even a risk that the application of any one of the five criteria enumerated in Article I of the Act might, in view of the special conditions prevailing in a particular area, give results the opposite of what was expected and the contrary of the object in view.

For these reasons, M. Mikoff fully agreed with those members who considered that the Act relating to the definition of the aggressor should not enumerate the facts constituting aggression, all of which, moreover, were by no means covered by the five points in Article I, and that, as regarded aggression, full liberty to form a judgment should be left to the Council.

The Bulgarian Government could not accept the criteria for the automatic designation of the aggressor contained in Article I of the Act in question. It would be glad, however, to support any text giving a general definition of the act of aggression.

Colonel BEAZLEY (India) said that, having regard to the distance which separated the country he represented from Geneva, it would be understood how it was that he had not received the views of the Government of India with regard to the contents of the extremely important document before the Commission. Lest, however, his silence should be interpreted as implying acceptance of the report and of the terms of the annexes thereto, he wished, on behalf of the delegation of India, to record a reservation in regard to the views which his Government might wish to express on a subsequent occasion with regard to the subject under discussion.

M. PAUL-BONCOUR (France) had wished, notwithstanding the rather pressing duties which might have kept him in Paris, to attend the present meeting in order to support the laudable efforts—which might, he thought, lead to very satisfactory results—of the Committee on Security Questions and of M. Politis, its Rapporteur. The French delegation gave its full and unreserved support to the proposals made for defining the aggressor, and would support also those regarding the determination of the fact of aggression; it had given and would give the same support to the references to be drawn therefrom as regarded both the Consultative Pact and a more specific Pact of Mutual Assistance. He trusted that those proposals would be accepted by the General Commission. Frankly, he felt obliged to say, even at this stage, that he feared they would not be so accepted; he would very much regret it. It should be fully realised that this was one of the keystones, if not the chief keystone, of the edifice of mutual international security which the Conference was trying to build up.
Whether the question to be considered was the opening articles of the United Kingdom delegation proposal, as revised by it in the light of the United States declarations regarding the Consultative Pact and its enforcement, or the narrower Pact of Mutual Assistance, which would be the next problem to be discussed by the Commission, or even, it had to be said, the working of the Covenant in its present form, the definition and establishment of the fact of aggression constituted a basic principle without which nothing could be constructed. The Commission had just been reminded, it was true, of the difficulties which had for years been experienced and which had arisen in connection both with the definition of aggression and the establishment of the fact of aggression. The French delegation had never very clearly understood what difficulties could be raised.

The Italian delegate had just quoted the saying of an eminent countryman of his, with whom M. Paul-Boncour had often had the honour of sitting at the Council table or of pleading before the Permanent Court of International Justice at The Hague, and for whom he felt a very real intellectual admiration and friendship. Like all the members of the Commission, who had so often felt his charm, M. Paul-Boncour knew that M. Scialoja concealed under a kindly scepticism a very sound knowledge of the law. In the phrase quoted, M. Scialoja had said that everyone knew very well the meaning of aggression because no one could know what it meant. If M. Scialoja had meant to say that no concrete cases of aggression could be cited, that would have been going farther than seemed to be implied by many statements which M. Paul-Boncour had heard from the lips of M. Scialoja. He thought that M. Scialoja had in view that abstract definition of aggression for which so long a search had been made and which was very difficult to frame. The merit, however, of the Committee on Security Questions, the merit of the lucid spirit of its Rapporteur, was that they had substituted, for the comparative futility and uselessness of an abstract declaration, concrete cases of aggression and had substituted for the definition facts and an enumeration of those facts. War, like the devil when he was tempting St. Anthony, took the most varied and fanciful disguises. The wisdom of the proposals before the Commission was that they did not claim to be an exhaustive enumeration of the many facts which the ingenuity of anyone who wished to commit an aggression could assume. He ventured, however, to stress the fact that the problem was not whether those forms were all enumerated but whether those specified were indubitably facts of aggression.

If the list were considered, what room was there for doubt? First fact: Declaration of war upon another State. That would doubtless be the least common occurrence; since pacific procedure had come into existence and with its gradual development declarations of war in solemn and diplomatic form would be less important. There could therefore be no possible discussion on the first fact. Was there any possibility of discussion as regards the second: "Invasion by its armed forces, with or without a declaration of war,"—and the latter would almost always be the case—"of the territory of another State". If the second fact were beyond discussion, how could there be any about the third, which only differed from the second in that the latter represented invasion properly so-called, penetration on a large scale far into the territory of another country, which was nevertheless the result of an "attack by its land, naval or air forces . . . on the territory, vessels or aircraft of another State". The fifth fact, he thought, was very closely connected with the third and the second, in the sense that it covered a case which it was very necessary to cover, in view of the changes which had occurred, since the war, in the conception which could be held of armed forces—namely, the same invasion, the same kind of attack conducted not by regular forces but by armed bands which were shown to be supported by the State sending them into its neighbour's territory.

M. Paul-Boncour wished to point out that these four concrete facts were merely the expansion of a small, short but very clear sentence in President Roosevelt's message. He could not very well understand how anyone could object to the concrete proposals before the Commission and at the same time accept the message of President Roosevelt. President Roosevelt's message contained this decisive phrase: that the signatory Powers "...should individually agree that they will send no armed force of whatsoever nature across their frontiers." That was the same idea, put in another form, as appeared in the list proposed by the Committee, since, if there was to be invasion of or attack on the territory of another State, the regular or irregular troops would have to cross the frontiers of the country sending them. That was quite clear. What President Roosevelt's message lacked—and this was what the Committee had tried to do—was this: the same rules should be applied to navies and air forces. But M. Paul-Boncour considered that the list of facts proposed was the strict logical development of that essential passage in the message sent by President Roosevelt to the Heads of States.

The Italian delegate had just raised the objection that the Committee's list of facts of aggression was incomplete, that there might still be others. Undoubtedly, but that was an objection which had been anticipated by the Committee on Security Questions and M. Politis. The Committee had done the necessary additional work of stating the facts which could not be added as pretexts for justifying under international law, aggression in the strict sense of the term and so defined. That had been necessary. Did that mean that such facts were themselves licit actions and that the State committing them should have no account to render to international justice because the Conference had adopted those concrete cases of aggression? That was not so. M. Politis's report and the Protocol (Annex II) expressly said so; that there was no justification under the law of nations for acts which were thus eliminated as legitimate.
pretexts for aggression. To make that objection was to forget that the Conference was trying to give the international organisation of which it formed a part the possibility of ascertaining clearly, speedily and without useless discussion, the fact of aggression and that, in the case of other facts which did not constitute the brutal and obvious act of aggression, but which were nevertheless contrary to international law, it was an international instance, the League of Nations, the Council, the Assembly or the body formed, according to the first three articles of the United Kingdom plan, by adding to the Council or the Assembly States signatories to the Convention, which would have to determine them. But the essential task carried out by the Committee and embodied in M. Politis’s report was to give such future judgments a definite basis. How could a preference for elastic regulations and for greater latitude in deciding as to the aggressor be set up against that system? M. Politis had said — so clearly that M. Paul-Boncour had almost nothing to add and was even embarrassed to have to repeat it — that that did not detract from the power of appreciation possessed by the body whose duty it would be, under the Consultative Pact or the Pact of Mutual Assistance or the League Covenant, to take a decision. The task of international law in all questions, literary rights, transit, etc., was to try, as had been done in private law, to give textual bases for the judgment of the court, so that the latter need not give unlimited play to its imagination but would have positive data to corroborate its own view.

Were those who would be asked to guarantee by international measures the security of all to be deprived of this basis, the initial Act, the essential Act? If the Commission negatived the proposals of the Committee on Security Questions, M. Paul-Boncour confessed he would feel the deepest anxiety as to the outcome of the Commission’s proceedings.

Colonel Lanskoronskis (Lithuania) said that Lithuania had a most profound belief in the supremacy of right over force and she believed in international justice. Concerned as she was for her own security, she lent her modest help to every attempt made to strengthen the organisation of peace and thereby her own security.

When the Commission had taken up the study of the Soviet draft, Lithuania had felt gratified that a decisive step was at last going to be taken.

Though the list of facts constituting an act of aggression did not perhaps cover all conceivable cases of aggression, the Lithuanian delegation at any rate thought that those mentioned left not the slightest doubt that they would be a violation of Lithuania’s security. It was not the small States that engaged in provocation. They might certainly suffer from it.

The Lithuanian delegation at any rate thought that those mentioned left not the slightest doubt that they would be a violation of Lithuania’s security. It was not the small States that engaged in provocation. They might certainly suffer from it and would then be forced to take legal steps through the League to secure justice. It was none the less true that the facts enumerated were really cases of aggression.

Lithuania gave her full and complete support to the draft now under discussion.

M. Politis (Greece), Chairman of the Committee on Security Questions, said that he might have refrained from speaking again in the discussion had he not wished, first, to thank those colleagues who had kindly supported the draft under discussion, and, secondly, to reply to some observations, in particular to a certain number of objections which had been put forward.

He agreed with M. de Madariaga on almost all the points he had mentioned, and felt with him that the cardinal merit of the draft was that it might have a preventive effect. On that point, he was glad to note the view of M. Nadolny and other speakers that the Committee’s report did really possess that merit. He also agreed with M. de Madariaga in the emphasis which he had laid on the fact that application of the rules proposed should be entrusted to an international organ. That idea was suggested in the actual Preamble of the draft Act and might perhaps be more clearly stipulated were it not that Article 2 of the new text proposed last week by Sir John Simon indicated what body would be responsible for applying the general code of rules directly or indirectly included in the general Convention for the Reduction and Limitation of Armaments.

Article 2 stated that this organ, which would be the Council or Assembly of the League, with the addition of contracting States not members of the League, would, in the event of a breach of the rules, have to examine the situation and ultimately fix the responsibilities.

It was a very simple matter to give the explanation asked for by M. de Madariaga, of the sentence in paragraph 23 of the report. The idea of that sentence was not to justify unlawful occupation, but solely to protect peaceful possession against any act of force, even when the legal titles on which possession was founded might accidentally be open to dispute.

Lastly, referring to M. Madariaga’s final request that, at the end of the Protocol annexed to Article 2 of the draft Act, it should be specified that breaches of the law of nations which were not justified therein should give the victim the possibility of appealing to an international instance, M. Politis took that for granted. What the Committee had wished to lay down here was that, if breaches of the law could not justify aggression, they were none the less open to condemnation. Obviously, the victim of those breaches could resort to pacific procedure. It could use all the pacific means in its power under treaty law. Was there any point in saying so?