LEAGUE OF NATIONS


Conference for the Reduction and Limitation of Armaments

COMMITEE FOR THE REGULATION OF THE TRADE IN AND PRIVATE AND STATE MANUFACTURE OF ARMS AND IMPLEMENTS OF WAR

REPORT ON THE PROGRESS OF THE WORK OF THE COMMITTEE with a View to the Establishment of the Draft Text (First Reading)

Rapporteur: M. T. KOMARNICKI (Poland)
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I. INTRODUCTION.

1. The Committee for the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War met on February 14th, 1935, under the chairmanship of M. De Scavenius (Denmark). It unanimously decided to take as a basis for discussion the draft submitted by the United States delegation to the Bureau of the Conference on November 20th, 1934 (document Conf.D.167). This draft, which was based on the Committee's report of July 23rd, 1934 (document Conf.D./C.G.171), was conceived as an independent text, which, although it could be incorporated in a general convention on the reduction and limitation of armaments, could also be considered, in the opinion of the majority of the Committee, as a separate document.

2. A general discussion on all the problems connected with the manufacture of and trade in arms, followed by more detailed discussions on the several chapters of the United States draft, engaged the Committee until March 1st, when it decided to discontinue its plenary meetings and entrust the discussion of Chapter I ("Categories") to the Technical Committee on Categories, that of Chapter II to the Sub-Committee on Manufacture, and that of Chapter III to the Sub-Committee on Trade.

3. The Technical Committee on Categories was presided over by General Benitez (Spain), and the two Sub-Committees by the Vice-Chairman and Rapporteur, M. Komarnicki (Poland).

4. Chapter IV of the United States draft was discussed in the Committee in plenary session, under the chairmanship of M. Komarnicki, from March 25th to April 1st. Those members of the Committee on General Provisions who were not members of the Trade and Manufacture Committee were invited to attend these meetings, in accordance with a decision taken on March 1st, 1935. M. Bourquin (Belgium), Chairman of the Committee on General Provisions, kindly lent his assistance in preparing the draft text and part of the report dealing with this chapter. His assistance was of particular value to the Committee, because the latter did not confine itself to examining Chapter IV from the sole standpoint of the regulation of the manufacture of and trade in arms, but felt that, since it had the co-operation of the members of the Committee on General Provisions, its preliminary study should embrace other aspects of the complicated problem of the operation of international control as contemplated in the United States draft. By making this more comprehensive study, the Committee thought that it might assist Governments in arriving at any decisions they might find it necessary to take before the draft text came up for second reading.

5. In the course of the general discussion, the delegations had occasion to define their respective attitudes to a limited convention on the lines of the United States proposal. It is on record that the majority of the Committee considered that the study of the limited problem could be prosecuted independently of the more general negotiations and other work which form the main subject of the Conference for the Reduction and Limitation of Armaments.

6. At the same time, the Committee never lost sight of the connection between the questions that had been referred to it and other problems related to the reduction and limitation of armaments, more especially the work of the National Defence Expenditure Commission, which is concerned with budgetary publicity.

7. Close collaboration between the Committee and the Expenditure Committee was established through contact with M. de Modzelewski, Acting Chairman of the Technical Committee on National Defence Expenditure, and by exchanges of notes and questionnaires. Some questions have still to be investigated, but the Committee has received, on several points, highly interesting explanations which may be of service to Governments in arriving at decisions with a view to the establishment of the final text of the Convention (see Annex III).

8. Certain differences of opinion, which will be particularised at a later stage, are largely due to different conceptions of supervision as related to the extent of the commitments that will finally be assumed by the contracting parties in regard to the reduction and limitation of armaments. While some delegations laid stress upon unity of supervision, others made their ultimate attitude conditional upon the nature and extent of the commitments that Governments would assume under the agreements which form the main subject of the Conference for the Reduction and Limitation of Armaments and upon the connection established between the limited agreement and the Convention on the Reduction and Limitation of Armaments.

9. A question which engaged the special attention of the members of the Committee was that of ensuring complete equality between producing and non-producing countries. The Committee was unanimous in accepting this principle, but opinions differed as to the manner in which such equality of treatment could be achieved, hence certain divergences in the texts.
10. As regards categories, the Committee adopted the proposals of its Technical Committee on Categories, which, although they did not secure unanimity, nevertheless constitute a very appreciable advance over the texts previously prepared.

11. This Technical Committee's task was greatly facilitated by the United States delegation's draft text, which, while taking as the starting-point the text of the 1925 Convention and the work done subsequently by the Technical Committee on Categories of Arms (document Conf.D.160, Annex 5), endeavoured to take into account to some extent the concern of certain delegations, particularly in the matter of civil aviation.

12. The wish was also expressed in the Committee that the categories of arms should be simplified as much as possible, and that they should be so arranged as to facilitate the graduating of the obligations stipulated in the Convention.

13. The Technical Committee on Categories sat from March 11th to 19th and adopted the draft which is at present embodied in Article 4. The reservations regarding this article are indicated in Part III of the present report and in the Report of the Technical Committee on Categories (document Conf.D./C.C.F./C.T.24(1)).

14. Certain essentially legal questions, and particularly the Preamble and Articles 2 and 16, as well as the provisions relating to the suspension of the application of the Convention in time of war, neutrality, derogations, embargoes, derogations from commercial treaties, the relations between the Convention and international obligations in force, the provisions relating to Poland and the Free City of Danzig and the Polish-German transit agreement, State financial assistance to encourage exports, and general provisions, were submitted for study to a Committee of Jurists set up under the chairmanship of M. C. Gorée (Switzerland). That Committee's report (document Conf.D./C.C.F.99.) is attached to the present report as Annex I.

15. As regards the transit questions arising out of the Soviet and French proposals, and in view of the consent of the majority of the Committee to embody the special provisions on transit in the text of the Convention, a Transit Committee was set up under the chairmanship of M. Westman (Sweden). This Committee proceeded to a study of these new problems, and explored the ground with a view to facilitating the Committee's future work.

16. All questions relating to transit are consequently reserved for a second reading, and it is understood that the reservations of the delegations whose final attitude to certain articles depends on the solution of transit questions are fully maintained. The Transit Committee's report (document Conf.D./C.C.F.101) is attached to the present report as Annex II.

17. The work of exploration and the preparation of texts having been concluded, the Committee met on April 13th, 1935, with M. de Scavenius (Denmark) in the chair, to adopt the draft text and the present report.

18. It should be remarked that the texts prepared represent the results of the discussions and free exchanges of views which have marked the present stage of our work. Hence, in the Committee's opinion, they in no way bind the Governments represented on the Committee as to their final attitude, and thus do not preclude a compromise where certain differences of opinion still exist.

19. Nevertheless, in view of the extent of the work done by the Committee, the material progress made in the direction of compromise and the narrowing-down of the differences of opinion on vital points permits the Committee to hope that the future work, the final success of which depends exclusively on the solution of a few questions of principle, may be completed in the near future, especially if the general political situation becomes clearer.
II. DRAFT TEXTS*

[The texts in the middle column are those proposed by the Committee — those in italics having been adopted by it unanimously.]

PREAMBLE. 1 2

Text proposed by the United Kingdom, Italian, Japanese and Polish delegations.

The High Contracting Parties,

Recognising their entire responsibility for ensuring that the manufacture of and trade in arms and implements of war are only conducted in their territories in conditions which will safeguard public international order and will facilitate, in particular cases, the prompt enforcement of any international action which may be agreed upon with a view to preventing or restricting the supply of arms and implements of war:

Have decided to conclude a convention with the following objects:

(i) The national control of the manufacture, export and import of arms, in various countries;

(ii) International publicity at Geneva for manufacture, export and import of arms;

(iii) Providing the machinery for the immediate imposition of an effective embargo on the export of arms, if and when such action should be internationally decided upon.

* Part II (Draft Texts) and Part III (Observations and Reservations) are an inseparable whole, and must consequently be examined simultaneously.

1 See report by the Committee of Jurists, Annex I, page 41.

2 See general observation, paragraph 20 of report.
Chapter I.

ARTICLE I. ¹

Each High Contracting Party assumes, in the territories under its jurisdiction, full responsibility for the supervision which is to be exercised over the manufacture of and trade in articles coming under Categories I to V of Article 4, with a view to ensuring the regular communication and the accuracy of the documents for publicity provided for in the present Convention.

ARTICLE 2. ²

The High Contracting Parties will take the necessary legal steps to ensure in the strictest manner the execution of the provisions of the present Convention. They will forward to the Permanent Disarmament Commission the text of all laws, regulations or other legal provisions which have been, or may be, enacted for this purpose, and of any amendments or additions thereto that they may make.

ARTICLE 3. ³

The High Contracting Parties undertake to conform to the measures of permanent and automatic supervision as set out in Chapter IV, the object of which is to verify that manufactures, exports and imports of the articles coming under the categories in Article 4 accord with the provisions of the present Convention.

ARTICLE 4. ⁴ ⁵ ⁶

For the purposes of the present Convention, five categories of arms and implements of war are established as follows:

Category I. — Military Armaments.

Arms, ammunition and implements of war, designed or intended for land, sea or air warfare, until such time as they may form part of the material coming under Categories II or III:

1. Rifles and carbines, and their barrels and bolts.

¹ See general observation, paragraph 21 of report.
² See report by the Committee of Jurists, Annex I, page 41.
³ See reservation by the delegations of Denmark, Poland, Sweden and Switzerland, paragraph 22 of report.
⁴ See general observations of the Technical Committee and the reservations by several delegations, paragraph 23 of report.
⁵ See reservations by the Japanese delegation, paragraph 24 of report.
⁶ See reservation by the French delegation, paragraph 25 of report.
CHAPTER I (continued).


3. Guns, howitzers and mortars of all calibres and their mountings, barrels, recoil mechanisms and recuperators.

4. Ammunition for the arms enumerated under 1 and 2 above; filled and unfilled projectiles for the arms enumerated under 3 above, and prepared propellant charges for these arms.

5. Grenades, bombs, torpedoes and mines—filled or unfilled—and apparatus for their use or discharge.
Periscopes for submarines.

6. Tanks, armoured vehicles and armoured trains and armour and bullet-proof plates shaped for these vehicles.

The delegations of the U.S.S.R., Poland and Czechoslovakia propose to add another heading as follows:

Appliances and substances intended exclusively for chemical and incendiary warfare.

Category II. — Naval Armaments.

Vessels of war of all kinds, including aircraft-carriers and submarines and their arms, ammunition and implements of war mounted on board and forming part of their normal armament.

Category III. — Air Armaments.

1. Aircraft, assembled or dismantled, both heavier than and lighter than air, which by reason of their design or construction are adapted or intended either for military or naval reconnaissance, or for aerial combat by the use of machine-guns or artillery, or for the carrying and dropping of bombs, or which are equipped with or prepared for any of the arms or appliances referred to in paragraph 2 below.

2. Special guns and machine-guns for aircraft, and their gun mounts and frames.
Bomb-racks and torpedo-carriers, and bomb or torpedo release mechanisms.

1 See reservation by the delegations of Sweden and Switzerland, paragraph 26 of report.
2 See reservation by the delegation of Czechoslovakia, paragraph 27 of report.
CHAPTER I (continued).

Category IV.

Arms and ammunition capable of being used for both military and non-military purposes:

1. Revolvers and automatic pistols, provided the weight of the weapon is over 630 grammes (1 lb. 6 oz.), and ammunition therefor.

The delegation of the U.S.S.R. proposes the addition of another heading as follows:

Powder and explosives other than those mentioned in paragraph 4 of Category I, and the raw materials used in their manufacture.

2. Fire-arms designed, intended or adapted for non-military purposes, such as sport or personal defence, that will fire ammunition that can be fired from fire-arms in Category I.

Category V.

1. Aircraft, assembled or dismantled, both heavier than and lighter than air, other than those included in Category III.

2. Airscrews, fuselages, hulls, tail units and undercarriage units.

3. Aircraft engines.

4. The following essential component parts of aircraft engines covered by paragraph 3 above: crankshafts, cylinders, superchargers.

Chapter II.

PROVISIONS FOR THE MANUFACTURE OF ARMS AND IMPLEMENTS OF WAR.

ARTICLE 5. 1 2

The High Contracting Parties undertake to forbid, in the territories under their respective jurisdictions, the manufacture of arms and implements of war as set forth in Categories I, II and III of Article 4, unless the manufacturers have, in the case of private establishments, obtained a licence (and in the case of State establishments, an authorisation) to manufacture, issued by the Government. 3

The manufacture of articles appearing in Categories . . . shall not take place in private
establishments unless the producer is in possession of bona-fide orders in each case duly notified in advance to the Government.  

ARTICLE 6.  

The licence to manufacture will be valid for a period not exceeding (five years); it will be revocable at any time, and will be renewable for further periods of (five years) or less than (five years) by decision of the Government. 

It will give:

1. The name and address of the manufacturer or the name, head office and principal works of the firm;

2. A designation of the articles, by the headings of Categories I, II and III in Article 4, the manufacture of which is authorised by the licence.

The licence will state further that all orders received by the manufacturer are to be communicated immediately to the Government which has granted the licence. 

Additional text proposed by the delegation of the U.S.S.R.

The High Contracting Parties undertake not to issue licences to manufacture implements of war exceeding the qualitative or quantitative limits which may be fixed in virtue of agreements which are binding on the party responsible for issuing such licences.

ARTICLE 6 (a)

Text proposed by the Italian delegation.

No preparation shall be made in merchant-ships in time of peace for the installation of warlike armaments for the purpose of converting such ships into vessels of war, other than the necessary stiffening of decks for the mounting of guns not exceeding 6.1 inches (155 mm.) in calibre.

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1 See observations by the United Kingdom, Italian and Japanese delegations, paragraph 31 of report.
2 See observations by the Committee, paragraph 32 of report.
3 See observations by the French delegation, paragraph 28 of report.
4 See observations by the Polish delegation, paragraph 29 of report.
5 See reservation by the U.S.S.R. delegation, paragraph 33 of report.
6 See reservation by the United Kingdom, Italian and Japanese delegations, paragraph 34 of report.
7 See observations by the delegations of Spain and France, paragraph 35 of report.
CHAPTER II (continued).

ARTICLE 7

The High Contracting Parties, in so far as it pertains to their respective jurisdictions, will send to the Permanent Disarmament Commission:

A. Within three months after the entry into force of the Convention, a list of the State establishments, manufacturers of articles appearing in Categories I, II and III of Article 4, specifying for each:

(1) The name and location of the establishment;

(2) The designation by headings of the articles the manufacture of which is authorised, and thereafter, within thirty days after their occurrence, any changes in the information required under (1) and (2).

B. Within three months from the entry into force of the Convention, a copy of the licences to manufacture already issued to private establishments, within the thirty days following the end of each quarter, a return, even if blank, showing copies of all licences to manufacture granted, amended, renewed or revoked during the previous quarter.

C. (1) At the beginning of the financial year (on a date to be determined):

(a) A return showing the quantities of the articles (to be determined) in Categories I, II and III of Article 4 the putting into manufacture or the purchase of which is proposed in the course of the said year by the Government.

(b) A return showing, by headings for headings (to be determined), and by a total figure for the remaining headings, the national defence expenditure proposed in respect of the manufacture and purchase of articles in Categories I, II and III of Article 4.

Text proposed by the delegations of Turkey, Afghanistan, Iran, Spain, Czechoslovakia and the U.S.S.R. and approved, in principle, by the delegation of France.

(c) A list of orders or orders to manufacture,
from whatever source, received by the establishments holding licences or State establishments and also a list of all manufactures of the same kind which the aforesaid establishments propose to execute for stock or any other purpose, such lists to be forwarded before the articles are put into manufacture by the said establishments.

Additional text proposed by the delegations of France, Spain, Iran and the U.S.S.R. 1 2 3 4

(2) Under conditions and within time-limits to be determined, the preliminary notice of putting in hand of manufacture or construction of all articles coming under Category II and the following articles . . . (to be determined) of Categories I and III.

D. 5 6 Within fifteen days from the receipt by the State establishments and by the private establishments holding licences of an order for articles in Categories I, III and V, the following information in regard to the said order:

(a) The description of the articles to be manufactured and their number and type (calibre for guns, tonnage for tanks, essential characteristics for aircraft, etc.);

(b) The name of the Government on whose account the order is given;

(c) The name and address of the private manufacturer (if necessary the name, head office and principal works of the firm), or the description of the State establishment.

The delegation of the United States proposes the omission of Category V.

Text proposed by the delegations of the United Kingdom, Italy, Japan and Switzerland.

Replace the words "essential characteristics for aircraft, etc." by the words "unladen weight and engine-power for aircraft, etc.".

Text proposed by the delegations of France, China, Spain, Czechoslovakia and the U.S.S.R. 7

(2) For certain material (to be determined) of particular importance, this information will be completed by the following, which might be

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1 See observations by the French delegation, paragraph 43 of report.
2 See reservation by the Czechoslovak delegation, paragraph 36 of report.
3 See reservation by the United Kingdom delegation, paragraph 44 of report.
4 See observation by the Belgian, United States, Danish and Swedish delegations, paragraph 45 of report.
5 See reservation by the United Kingdom and Italian delegations, paragraph 46 of report.
6 See reservation by the Belgian, Swedish, Swiss and Czechoslovak delegations, paragraph 47 of report.
7 See reservation by the French delegation, paragraph 48 of report.
8 See reservation by the Czechoslovak delegation, paragraph 36 of report.
CHAPTER II (continued).

forwarded later, but must be despatched to the Permanent Commission, in every case before the putting into manufacture:

The place of manufacture;
The proposed date of putting into manufacture; and
The expected duration of manufacture.

This information to be furnished also for each of the constituent parts of manufactured material shown under the headings of Article 4.

E. Within the month following the end of the civil year, a return of manufactures completed during this year of articles in Categories I, II, III, IV and V.

F. (I) Within thirty days of the laying-down of each war vessel laid down in State or private shipyards in the territories under their jurisdiction, whether on behalf of the Government in whose territory the vessel is being constructed or of any other Government, a return giving the information detailed below:

The date of laying down the keel and the following particulars:

Classification of the vessel and for whom built;
Standard displacement in tons and metric tons;
Principal dimensions—namely, length at water-line, extreme beam at or below water-line;
Mean draught at standard displacement;
Calibre of the largest gun.

(II) Within thirty days of the date of completion of each war vessel, a return giving:

The date of completion together with the foregoing particulars relating to the vessel at that date.  

Text proposed by the United Kingdom, Italian and Japanese delegations.

G. Within sixty days of the end of the quarter, a quarterly return of the total value, under each

Text proposed by the delegations of France, United States, Belgium, Spain, Czechoslovakia and the U.S.S.R.  

G. Within a period to be determined, counting

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1 See reservation by the United Kingdom and Italian delegations, paragraph 49 of report.
2 See observations of the Czechoslovak delegation, paragraph 50 of report.
3 See observations of the Czechoslovak delegation, paragraph 36 of report.
heading of the categories in Article 4, of the articles the manufacture of which has been completed during the previous quarter, distinguishing in the case of articles under Category V, headings 2, 3 and 4, between those manufactured for the State and those manufactured for other purposes.

Chapter III. 1

PROVISIONS CONCERNING THE TRADE IN ARMS AND IMPLEMENTS OF WAR.

ARTICLE 8. 2

The High Contracting Parties undertake to prohibit, in the territories under their jurisdiction, the export of articles in Categories I to V inclusive of Article 4, and the import of articles in Categories I to III inclusive, of Article 4, without an export or import permit (declaration) issued by the Government.

The export permit (declaration) shall contain:

(a) A description of the articles in Categories I to V inclusive, the shipment of which is authorised, their number, aggregate weight and type (calibre for guns, tonnage for tanks, essential characteristics for aircraft, etc.).

(b) The name and address of the exporter, with a reference to the authority to manufacture, if any.

* See report by the Transit Committee, Annex II, page 50.

1 See reservations by the Polish delegation, paragraph 51 of report.

2 See reservations by the French delegation, paragraphs 28 and 52 of report.

3 See reservations by the French and U.S.S.R. delegations, paragraph 53 of report.

4 See reservations by the United Kingdom and Italian delegations, paragraph 54 of report.

5 See reservations by the Polish and Afghan delegations, paragraph 55 of report.

6 See reservations by the Turkish and Iranian delegations, paragraph 56 of report.

7 See reservations of the Turkish delegation, paragraph 57 of report.
CHAPTER III (continued).

(c) The name and address of the importing consignee, with a reference to the import permit for articles in Categories I, II and III.

The import permit (declaration) shall contain:

(a) A description of the articles in Categories I to III inclusive, the import of which is authorised, their number, aggregate weight and type (calibre for artillery, tonnage for tanks, essential characteristics for aircraft, etc.).

(b) The name and address of the importer, with a reference to the order. ¹

(c) The name and address of the exporter.

Additional text proposed by the delegation of the United Kingdom, Italy, Japan and Switzerland.

Replace the words "essential characteristics for aircraft, etc." by the words "unladen weight and engine power for aircraft, etc.".

1 See reservation by the United Kingdom, Italian, Japanese and Swiss delegations, paragraph 58 of report.

2 See observations by the delegations of France, China and Spain, paragraph 59 of report.

ARTICLE 8 bis.

Text proposed by the delegations of Sweden, Spain, Denmark and Switzerland.

The High Contracting Parties undertake to enact legal provisions making all occupation in the capacity of agents for the sale of the articles included in Categories . . . mentioned in Article 4 conditional upon the granting of a special Government authorisation (licence).

The said licence shall indicate the name of the undertakings on behalf of which such activities are exercised.

Copies of the licences issued to the above-mentioned agents shall be addressed each year to the Permanent Disarmament Commission, which shall also be notified of any licences withdrawn.
CHAPTER III (continued).

ARTICLE 9. 

The High Contracting Parties, in so far as it pertains to their respective jurisdictions, will forward to the Permanent Disarmament Commission copies of all import or export permits (declarations) (fifteen days) before the date of entry into or despatch from the territory of the articles in Categories I, II and III referred to in the said permits (declarations) and copies of all export permits (declarations) (fifteen days) before the date of despatch from the territory of the articles in Categories IV and V referred to in the said permits (declarations).

The High Contracting Parties will also forward a statement of all imports and exports effected during the calendar year. This statement will be sent in within a period of (one month) from the end of the year.

ARTICLE 10.

The High Contracting Parties undertake that the export of articles in Categories I, II and III shall be for direct supply to the Government of the importing State, or with the consent of such Government, to a public authority subordinate to it.

ARTICLE II.

Nevertheless, export for supply to private persons may be permitted in the following cases:

(1) Articles covered by Categories I, II and III exported direct to a manufacturer of war

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1 See reservations by the delegations of Poland and Afghanistan, paragraph 55 of report.
2 See reservations by the delegations of Turkey and Iran, paragraph 56 of report.
3 See reservations by the delegation of Czechoslovakia, paragraph 60 of report.
CHAPTER III (continued).

material for use by him for the requirements of his industry, provided their import has been duly authorised by the Government of the importing country;

(2) Rifles and carbines and their ammunition exported for supply to rifle associations formed for the encouragement of individual sport and duly authorised by their own Government to use them, provided their import is not contrary to any other provisions of the present Convention; such arms and ammunition shall be sent direct to the Government of the importing country for transmission by such Government to the associations for which they are supplied; 1 2

(3) Samples of articles covered by Categories I, II and III, exported for demonstration purposes direct to a trade representative of the exporting manufacturer, provided such representative is duly authorised by the Government of the importing country to receive them.

ARTICLE 12.

The High Contracting Parties undertake not to export or permit the export, in the territories under their jurisdiction, of the articles covered by Category IV of Article 4 without the export permit referred to in Article 8, Chapter III. 3

If, in respect of the import of these articles, the legislation of the importing country requires the endorsement of a duly authorised representative of its Government, and if this fact has been notified by the said Government to the Government of the exporting country, then such an endorsement must have been obtained and submitted to the competent authorities of the exporting country before the export may take place.

ARTICLE 13. 4

The High Contracting Parties undertake not to export or permit the export in the territories under their jurisdiction of the articles covered by Category V of Article 1, unless the export permit referred

1 See observations by the Spanish delegation, paragraph 61 of report.
2 See observations by the U.S.S.R. delegation, paragraph 62 of report.
3 See reservation by the Turkish delegation, paragraph 63 of report.
CHAPTER III (continued).

to in Article 8, Chapter III, has been issued by the Government of the exporting country.

ARTICLE I4. 1

Within thirty days of the end of each quarter, the High Contracting Parties shall furnish a return in respect of each vessel of war acquired during that quarter, other than vessels of war constructed for such High Contracting Parties within their respective jurisdictions. This return shall contain the following information:

(I) Date of acquisition;
(II) Classification of the vessel and from whom acquired;
(III) Standard displacement, in tons and metric tons;
(IV) Principal dimensions, namely:
   Length at water-line;
   Extreme beam at or below water-line;
(V) Mean draught at standard displacement;
(VI) Calibre of the largest gun.

ARTICLE I5.

The High Contracting Parties undertake not to apply a more favourable regime to imports of articles referred to in Article 4, coming from territories of non-contracting States, than that which they will apply to such imports coming from territories of contracting States, and to subject these imports, of whatever origin, and exports to non-contracting States to the same conditions of authorisation and of publicity.

ARTICLE I6. 2

The following operations shall not be regarded as exportation or importation within the meaning of the present Convention:

(a) The shipment of articles coming under Categories I to V of Article 4 from a territory placed under the sovereignty, jurisdiction, protection or tutelage of a High Contracting Party, or from a territory in which a High Contracting Party enjoys special political or military

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1 See observations by the French and Swedish delegations, paragraph 64 of report.
2 See report by the Committee of Jurists, Annex I, page 41, and paragraph 65 of rei
rights under international instruments, and intended for the use of the armed forces of such High Contracting Party, wherever situated;  

(b) The transfer by the High Contracting Party concerned of articles coming under Categories I to V of Article 4 from a country to which such articles may have been shipped as provided for in paragraph (a);  

(c) The carrying of arms or ammunition by persons belonging to the forces referred to in paragraph (a) or by other persons in the service of a High Contracting Party, when such articles are required by those persons by reason of their duties or for their personal defence;  

(d) The carrying of rifles, carbines, and the necessary ammunition therefor, intended exclusively for their own use, by members of rifle-clubs, proceeding to marksmanship competitions authorised by the respective Governments;  

(e) Movements of civil aircraft duly registered as commercial aircraft when effecting (1) commercial transport; (2) industrial or commercial flights; (3) tourist flights;  

(f) The carrying of arms or ammunition by the personnel of civil aircraft and intended for the defence of the passengers or personnel of the aircraft on international routes.

ARTICLE 16 (a).

Text proposed by the Italian delegation.

Each of the High Contracting Parties undertakes not to dispose, by gift, sale, or any mode of transfer, of any vessel of war in such a manner that such vessel may become a vessel of war in the navy of any foreign Power.

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1 See observations by the Spanish delegation, paragraph 66 of report.  
2 See reservation by the U.S.S.R. delegation, paragraph 67 of report.  
3 See reservation by the Polish delegation, paragraph 68 of report.  
4 See reservation by the Iranian delegation, paragraph 69 of report.  
5 See reservation by the Chinese delegation, paragraph 70 of report.  
6 See reservation by the Turkish delegation, paragraph 71 of report.  
7 See reservation by the Afghan delegation, paragraph 72 of report.
Final Article of Chapter III (Trade) proposed by the French delegation. 1

Any exportation, importation or transit of articles coming under Categories I to V in Article 4 which is not carried out in accordance with the provisions of the present Convention shall be deemed to be contraband within the meaning of the present Convention.

The High Contracting Parties recognise that it is their duty to repress such contraband. They shall report to the Permanent Commission any case of contraband detected by their competent authorities, and shall instruct these authorities to verify, if necessary, any consignments to which the Permanent Commission or its organs of control may direct their attention.

Chapter IV. 2 3 4 5
COMPOSITION, FUNCTIONS AND OPERATION OF THE PERMANENT DISARMAMENT COMMISSION.

The articles of Chapter IV have been co-ordinated by M. BOURQUIN (Belgium), Chairman of the Committee on Miscellaneous Provisions.

ARTICLE 17.
There shall be set up at the seat of the League of Nations a Permanent Disarmament Commission composed of representatives of the Governments of the High Contracting Parties. Each such Government shall appoint one member of the Commission. Each member may be accompanied by substitutes and experts.

The Governments of the High Contracting Parties shall inform the Secretary-General of the League of Nations of the names of their representatives, substitutes and experts on their nomination and on any changes being made.

ARTICLE 18.
It shall be the duty of the Commission to watch over the execution of the present Convention.

ARTICLE 19.
The Commission may be assisted by experts chosen by itself, not being experts appointed by the

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1 See reservations by the U.S.S.R. and Turkish delegations, paragraph 73 of report.
2 See observations of the Chairman of the Miscellaneous Provisions Committee, paragraph 74 of report.
3 See reservations of the U.S.S.R. delegation, paragraph 75 of report.
4 See reservations of the Turkish delegation, paragraph 76 of report.
5 See reservations of the Yugoslav delegation, paragraph 77 of report.
CHAPTER IV (continued).

High Contracting Parties, to accompany their representatives. ¹

The experts appointed by the Commission may not serve on the inspection and investigation Committees referred to in Articles 29, 30 and 31 of the present Convention. ²

ARTICLE 20.

The members of the Commission, their substitutes and experts and the experts and agents of the Commission, when engaged on the business of the Commission, shall enjoy diplomatic privileges and immunities.

ARTICLE 21.

The Secretary-General of the League of Nations shall provide the Secretariat of the Commission.

ARTICLE 22. ³

The Commission shall set up committees of its own members, and shall determine their number, composition and functions.

In particular, it shall appoint regional committees which shall be entrusted with the duty of permanently following, under its authority, the execution of the present Convention by the different States included in each of the regional groups within the jurisdiction of the said committees.

The composition of these regional groups may be modified by the Commission at any time. It shall be determined in such a way as not to include in the same group Powers not maintaining diplomatic relations with each other.

Each of the States included in the regional group shall be represented in the committee on a basis of absolute equality. The committee shall also include at least an equal number of representatives of other Powers.

ARTICLE 23.

The Commission shall receive, co-ordinate, and carry out an examination of the information furnished by the High Contracting Parties in pursuance of their obligations under the present Convention.

ARTICLE 24.

Within the limits of the obligations assumed in the present Convention, the Commission may request the

¹ See observations of the Polish and Turkish delegations, paragraph 78 of report.
² See the United Kingdom, Italian, Japanese and Polish observations, paragraph 79 of report.
³ See observations of the United Kingdom, Italian, Japanese and Polish delegations, paragraph 8 of report.
CHAPTER IV (continued).

High Contracting Parties to supply in writing or verbally any supplementary particulars or explanations in regard to the information furnished under the present Convention. Such request shall normally be made through the representatives of the High Contracting Parties on the Commission. The High Contracting Parties agree to meet such requests, and to furnish the information desired through their representatives on the Commission or otherwise, unless the said information is within the scope of the exemptions provided for in Article 33, paragraph 2.¹

ARTICLE 25.

The Commission may take into account any other information which may reach it from a responsible source and which it may consider pertinent to the execution of its functions.²

In all cases it will examine all information furnished by any member of the Commission.

It shall have the right to hear such witnesses as voluntarily appear before it. A full record of the evidence of such witnesses shall be kept.³

ARTICLE 26.⁴ ⁵

The Commission shall be entitled to hear or consult any person who is in a position to throw any light on the question which is being examined by the Commission.

ARTICLE 27.⁶ ⁷

No national of any High Contracting Party may be heard either in virtue of Article 25 or in virtue of Article 26, unless its representative on the Permanent Disarmament Commission shall have been duly notified in advance of such hearing and given an opportunity to be present thereat.⁸

¹ See observation of the United Kingdom, Italian, Japanese and Polish delegations, paragraph 8 of report.
² See observation of the Polish delegation, paragraph 82 of report.
³ See observation of the United Kingdom, Italian, Japanese, Polish, Turkish and Yugoslav delegations, paragraph 83 of report.
⁴ See observation of the Turkish and Yugoslav delegations, paragraph 84 of report.
⁵ See reservations of the Polish delegation, paragraph 85 of report.
⁶ See reservation of the Polish delegation, paragraph 85 of report.
⁷ See reservation of the Turkish and Yugoslav delegations, paragraph 86 of report.
⁸ See observations of the United Kingdom, Italian and Japanese delegations, paragraph 87 of report.
CHAPTER IV (continued).

The French and Czecho-slovak delegations propose to add to this article a paragraph reading:

Nevertheless, if a witness refuses to appear before the representative of the State of which he is a national, his evidence may be taken by the Secretariat of the League of Nations, acting as an international registry, and communicated by the Secretariat to the Permanent Commission, which may only discuss it in the presence of the representative of the State of which the witness is a national.

ARTICLE 28.

The Commission shall publish quarterly a return of the statistical data furnished under the provisions of Articles 7 and 9 and the results of its examination of these data duly co-ordinated and showing the situation as regards the manufacture, export and import of the articles in Categories I to V.

ARTICLE 29.

Text proposed by the United Kingdom, Italian, Japanese and Polish delegations.

The United Kingdom delegation, supported by those of Italy, Poland and Japan, proposes that Articles 29 to 33 inclusive be deleted and the following text be substituted for them:

Should the Permanent Disarmament Commission have reason to believe that an infringement of the present Convention has occurred, or that information supplied to it under the Convention by a High Contracting Party is incomplete or inaccurate, the Commission will call upon the High Contracting Party concerned to supply it with such explanations as are necessary to establish the facts.

The High Contracting Parties undertake to furnish these explanations either verbally by responsible officials or in writing as desired by the Permanent Disarmament Commission. The Commission will draw up, as soon as possible, a report giving its reasons for the steps
taken and the result of its examination of the matter.

Within the limits of the obligations assumed under the present Convention, the Commission shall proceed annually, or more often if it so determines, to examine on the spot the conditions in which the national control exercised by each of the High Contracting Parties over the manufacture of and trade in the articles in Categories I to V inclusive is organised and operates, and the accuracy of the information furnished by the said High Contracting Parties.

Text proposed by the Czechoslovak, United States, Danish, Spanish, French, Latvian and Swedish delegations.

These delegations propose to add the following words to the first paragraph of this article:

And, by reason of and in accord with the experience gained in these matters, to include in its reports such general information and suggestions as may aid the High Contracting Parties in the execution of the provisions of the Convention.

It may, however, decide, according to circumstances, to suspend provisionally the application of this rule, provided that the majority required to take such a decision shall include all the members representing the States adjacent to that to which the decision applies.

These inspections on the spot shall be carried out through the regional committees provided for in Article 22.

The French delegation proposes the addition of a text reading as follows:

Each regional committee shall appoint agents who shall reside permanently in the territory of each of the States for which the said committee is competent.

These agents shall be accredited to the local authorities under conditions giving them the necessary means of action to proceed at any moment, on behalf of the committee and in co-operation with the said authorities, to effect the liaison operations
The committees will draw up the programme of each investigation in conformity with the general instructions given them by the Commission or its permanent Bureau.

If they are notified, in the course of their inspections, of certain facts which, though alien to this programme, seem to deserve the Commission's attention, they shall proceed to establish such facts, and shall report immediately to the Commission or its permanent Bureau.

While the committee is conducting the local inspection in the territory of a State, the representatives of such State shall cease temporarily, until the inspection is finished, to sit on the committee.

On the other hand, the State undergoing inspection shall name one or more assessors who shall accompany the committee during such inspection. These assessors shall be constantly at the disposal of the committee in order to facilitate the accomplishment of its task. The committee shall not refuse them the right to be present at its investigations.

The committees' sole task shall be the establishment of facts.

In particular, they shall not give orders or make observations to the local civil or military authorities. When help is required from these authorities, it shall be requested through the intermediary of the assessors. These assessors must be provided with written instructions giving them all necessary powers for this purpose.

Text proposed by the French delegation.

On the other hand, the State undergoing inspection shall name one or more assessors who shall accompany the committee or its local agents during such inspection. These assessors shall be constantly at the disposal of the committee or its local agents in order to facilitate the accomplishment of their task. The committee or its local agents shall not refuse them the right to be present at their investigations.

ARTICLE 30.

Any High Contracting Party shall be entitled to request the Commission to conduct in its territory such investigation as may be necessary in order to verify the execution of its obligations under the present Convention.

(See opposite Article 29 text proposed by the United Kingdom, Italian, Japanese and Polish delegations covering Articles 29 to 33.)
On receipt of such a request, the Commission shall meet at once in order to give effect to it and to determine the scope of any such investigation and to lay down the conditions in which the investigation is to take place.

It is understood that the Commission may decide, with the consent of the High Contracting Party concerned, not to hold such investigation if, in the interval, the results of its deliberations appear to it satisfactory.

ARTICLE 31.

If one of the High Contracting Parties is of opinion that the provisions of the present Convention have been infringed, such party may address a complaint to the Commission.

The Commission shall meet at once to consider the matter and shall invite the High Contracting Party whose attitude towards the fulfilment of its obligations has produced the complaint to supply it with all the explanations which may be useful.

Should the Commission determine that the complaint is of such a nature as to warrant a special investigation, its decision to conduct the investigation on the territory of the High Contracting Party in question must be taken by a two-thirds majority of all members of the Commission present at the meeting.

The special investigations provided for in the present article shall be carried out by a special committee created for this purpose. These special investigating bodies shall include a majority of members from States of regional groups other than those including the States concerned.

The State making the complaint and the State undergoing special investigation shall not be represented on the special committee by members, but shall name one or more assessors who shall accompany the committee during such inspections.
of war in the territory of another High Contracting Party, or the import of arms, ammunition or implements of war into this same territory, has shown an unexpected increase which is both large and abnormal, and if the former High Contracting Party sees therein an indication of a threat to peace, it may address itself on this subject to the Permanent Disarmament Commission.

The Commission will proceed to consider the matter and will invite the sth Contracting Party involved to furnish it with all useful explanations. It will prepare a reasoned report on the result of its consideration and will forward this to all the High Contracting Parties.

ARTICLE 32.

The results of any investigation decided upon in accordance with Articles 29, 30 and 31 shall be embodied in each case in a special report by the Commission, which may contain recommendations addressed to the High Contracting Parties.

ARTICLE 33.

1. In the carrying-out of the investigations conducted by the Commission or any committees thereof at any place other than its permanent seat, the investigation shall be limited to the following procedures:

(a) The examination under oath of responsible officials or employees of the High Contracting Party designated by it and charged with the details of the execution of this Convention;

(b) The examination of all pertinent documents, and particularly of those prepared under the authority and control of the officials indicated in (a) above;

(c) The examination under oath of all persons other than officials referred to under (a) who are within the territory of the High Contracting Parties at the time of the inspection. The High Contracting Parties agree to make any such persons available by all means at their disposal;

(d) The examination provided for in (a), (b) and (c) above shall be conducted in the presence of the assessors;
(e) Inspection on the spot of articles of Categories I to V, in course of manufacture or finished, shall compulsorily be made in the presence of the assessors designated by the High Contracting Party under investigation.

(f) Full records shall be made of the results of examinations and inspections, and shall be communicated to the competent authorities of the States concerned, which shall be invited to submit their observations. The said records shall be attached as evidence to the reports, together with the statements of the witnesses.

2. In the carrying-out of any investigation provided for in this Convention, information covering any or all of the following matters shall be exempted from presentation to or investigation by the Permanent Commission or any committee thereof:

(a) Technical details of design, physical and chemical composition of materials, manufacturing processes, and any matters related to these things which constitute a trade or national defence secret.

(b) Records, public and/or private, in so far as they contain information covering production cost, profit accounting, credit facilities, internal finance of the establishment, correspondence with prospective customers apart from orders actually entered or agreed to, studies and plans for possible future alterations or expansion of manufacturing facilities, or any other correspondence, records or accounts pertaining to any production or phase of production or accounting, except the accounting of the articles contained in Categories I to V inclusive.
CHAPTER IV (continued).

(c) Materials, installations, operations, production processes, and all industrial construction other than that devoted to the housing, storage, or shipment of articles contained in Categories I to V inclusive.

(d) Articles of Categories I to V after they are delivered to the armed forces, or have been embodied in the war reserves, of the High Contracting Party under investigation.

ARTICLE 34.

Each member of the Commission shall be entitled to require that, in any report by the Commission, account shall be taken of the opinions or suggestions put forward by him, if necessary in the form of a separate report.

ARTICLE 35.

All reports by the Commission shall be immediately communicated to the High Contracting Parties and to the Council of the League of Nations.

ARTICLE 36.

Text proposed by the French and Czechoslovak delegations.

(c) All buildings, with the exception of those devoted to the processing, storage, or shipment of articles included in Categories I to V.

Text proposed by the United Kingdom, Italian and Polish delegations.

These delegations propose to insert an article reading as follows:

In addition to the duties assigned to it under this Convention, the Permanent Disarmament Commission will undertake such other duties as may be assigned to it thereafter by international agreement.

ARTICLE 37.

Within the limits of its competence, the Commission shall supply the Council of the League of Nations with any information and advice which the Council may request of it.

ARTICLE 38.

The Commission shall meet for the first time, on being summoned by the Secretary-General of the League of Nations, within three months from the entry into force of the present Convention, to elect a provisional President and Vice-President and to draw up its Rules of Procedure. Thereafter it shall meet at least once a year in ordinary session on the date fixed in its Rules of Procedure.
 CHAPTER IV (continued).

It shall also meet in extraordinary session:

(1) When such a meeting is prescribed by the present Convention;

(2) If its Bureau so decides, either of its own motion or at the request of one of the High Contracting Parties;

(3) At the request of the Council of the League of Nations.

In the intervals between the ordinary and extraordinary sessions of the Commission, its Bureau shall permanently direct, by delegation of the Commission's powers, and within the limits of the powers thus delegated, the general activity of the regional committees. ¹

ARTICLE 39.

Except in cases where larger majorities are provided for under the present Convention or in the Rules of Procedure of the Commission, the decisions of the Commission will be taken by a majority of the members present and voting.

A vote may only be taken on the adoption or amendment of the Rules of Procedure of the Commission if at least half of the High Contracting Parties are represented at the meeting.

A majority of two-thirds of the members present and voting will be necessary for the adoption of the Rules of Procedure or amendments thereof.

The Commission may only validly discuss amendments of the Rules of Procedure provided that the subject of such amendments has been stated specially in the notice of meeting.

ARTICLE 40.

The general expenditure of the Commission shall form the subject of a special chapter in the budget of the League of Nations.

The High Contracting Parties who are not members of the League shall bear a reasonable share of the said expenditure. An agreement to this effect will be reached between these parties and the Secretary-General of the Commission.

The travelling expenses and subsistence allowances of the members of the Commission and their substitutes and experts shall all be paid by their respective Governments.

The Commission shall draw up regulations relating to the expenditure necessitated by its work.

¹ See observations of the United Kingdom, Italian, Japanese, Polish and Yugoslav delegations.
Chapter V. 1

MISCELLANEOUS PROVISIONS.

The following articles, which have been adopted by the Committee of Jurists, are submitted to Governments for examination in view of the second reading.

ARTICLE (a) (SUSPENSION OF THE CONVENTION). 2

In time of war and without prejudice to the rules of neutrality, the provisions of Articles . . . * of the present Convention shall be suspended from operation until the restoration of peace so far as concerns the manufacture or consignment of articles that appear in Categories I to V inclusive, on behalf of or to the belligerents.

ARTICLE (b) (NEUTRALITY). 24

It is hereby declared that in such measure as a High Contracting Party can remain neutral in conformity with its international undertakings the said High Contracting Party shall not be bound to prevent the export or transit for the use of either belligerent of the articles appearing in Categories I to V inclusive.

Article * proposed by the Italian delegation.

In the event of a High Contracting Party being engaged in war, such Power shall not use as a vessel of war any vessel of war which may be under construction within its jurisdiction for any other Power, or which may have been constructed within its jurisdiction for another Power and not delivered.

ARTICLE (b) bis 8 proposed by the Spanish, French and U.S.S.R. delegations.

1. The High Contracting Parties agree, should occasion arise, to take the necessary steps to prohibit exports and consignments in transit of the articles included in Categories I to V intended for a State recognised as an aggressor.

2. They will further endeavour to make effective, within their respective spheres of jurisdiction, any measures of embargo that the unjustified development of the manufacture or import of such articles in any country may lead the Permanent Commission to recommend for the purpose of maintaining the application of the present Convention.

* The articles referred to are those providing for publicity and, in certain circumstances, control.
1 See report by the Committee of Jurists, Annex I, page 41.
2 See observation by the French delegation, paragraph 94 of report.
3 See observation in paragraph 84 of report.
4 See reservation by the U.S.S.R. delegation, paragraph 91 of report.
5 See observations in paragraph 90 of report.
CHAPTER V (continued).

ARTICLE (c) (DEROGATIONS).  

If, during the term of the present Convention, a change of circumstances constitutes, in the opinion of any High Contracting Party, a menace to its national security, such party may suspend temporarily the application of the provisions of Articles . . .

Such suspension shall compulsorily extend, if the High Contracting Party so requests, to manufactures effected on its behalf in the territory of other States and to exports consigned to it.

Every suspension shall be subject to the following conditions:

(a) That the contracting party shall immediately notify the other contracting parties, and at the same time the Permanent Disarmament Commission, through the Secretary-General of the League of Nations, of such temporary suspension;

(b) That, simultaneously with the said notification, the contracting party shall communicate to the other contracting parties, and at the same time to the Permanent Disarmament Commission, through the Secretary-General, a full explanation of the change of circumstances referred to above.

The Permanent Disarmament Commission shall meet without delay, and its members shall advise as to the situation thus presented.

When the reasons for this temporary suspension have ceased to exist, the said High Contracting Party will resume the observance of the provisions of the present Convention and will make immediate notification to the other High Contracting Parties, and, through the Secretary-General of the League of Nations, to the Permanent Disarmament Commission.

ARTICLE (d) (TREATIES OF COMMERCE).

The High Contracting Parties agree that the refusal of any High Contracting Party to issue an export licence for, or permit the transit 6 of, articles coming under Categories I to V shall not be considered as constituting a contravention of any treaty stipulation subsisting between themselves prohibiting the placing of restrictions on the exportation or transit of articles of commerce.

1 See observation of the United States delegation, paragraph 92 of report.
2 See observation of the United Kingdom delegation, paragraph 93 of report.
3 See observations by the French delegation, paragraph 94 of report.
4 See reservation by the U.S.S.R. delegation, paragraph 95 of report.
5 As the proceedings of the Transit Committee have not yet been terminated, the question of transit is reserved.
III. OBSERVATIONS AND RESERVATIONS REGARDING
THE DRAFT TEXTS.

PREAMBLE.
(See Report by the Committee of Jurists (Annex I.).)

20. All the delegations accept the idea of a preamble, but the majority of the Committee consider that its text should not be definitively drawn up until later. In the opinion of the United Kingdom delegation, this preamble should take the place of Article 2 of the original draft (document Conf.D.167), in so far as the mention of public international order is concerned. This proposal is supported by the delegations of Italy, Japan and Poland. Other delegations, while accepting the idea of a preamble, urge the necessity of inserting in the text of the Convention some articles in which certain obligations to be assumed by the contracting parties under the Convention would be explicitly stated.

CHAPTER I.

Article 1.

21. Text proposed by the Committee of Jurists; see the report of this Committee, Annex I.

Article 3.

22. The Rapporteur’s proposal to omit this article was supported by the delegations of Denmark, Poland, Sweden and Switzerland.

Article 4.

23. Text adopted by the Technical Committee on Manufacture and Categories.

The reservations and observations submitted in this Committee (document Conf.D./C.C.F./C.T.24(I)) were as follows:

In adopting document Conf.D./C.C.F./C.T.22(I), the Technical Committee considered that this document was only an attempt at solutions of a purely technical character, and was only accepted by the members of the Technical Committee with reservations as to the assent of their respective Governments.

Reservation by the delegation of the U.S.S.R. supported by the delegations of Czechoslovakia and Poland. Appliances and substances exclusively intended for chemical and incendiary warfare do not figure in the categories of arms and implements of war to be subjected to regulation under the draft.

In this connection the U.S.S.R. delegation has proposed the text shown on page 9 of the draft, supported by the delegations of Poland and Czechoslovakia.

The Soviet delegation consequently feels that it must draw attention once more to the fact that the Geneva Protocol of June 17th, 1925, regarding the prohibition of chemical weapons, is still, unfortunately, awaiting ratification by several States, while the development of chemical means of warfare in recent years represents a considerable danger.

Hence the U.S.S.R. delegation reserves its attitude on this problem and considers it necessary to raise the point once more at a plenary meeting of the Committee or of the General Commission.

As a result of discussions in the Committee on Categories, gunpowder and explosives are mentioned only in connection with the articles enumerated in Item 4 of Category I.

Nevertheless, the manufacture of and trade in gunpowder, explosives and their raw materials are, in certain cases, directly connected with military requirements. For this reason the U.S.S.R. delegation insists on the inclusion in Category IV (appliances and substances) of its amendment appearing in the Draft Texts.

The majority of the Committee was unable to accept the amendment proposed by the Soviet delegation in regard to appliances and substances destined exclusively for chemical and incendiary warfare. It was pointed out that the Special Committee on Chemical Warfare set up by the Conference for the Reduction and Limitation of Armaments had, after a full examination of the question, found it impossible, from a technical point of view, to draw up a list of these appliances and substances, for the reasons given in its report (document Conf.D.152, of December 13th, 1932).

24. The Japanese delegation entirely reserves its attitude on the question of categories, it having no military expert available at the moment.

25. The French representative stated that the arrangement proposed could not be regarded as definitely established until the treatment applicable to each category had been fixed and the suggestions of the Technical Committee on Expenditure discussed; he reserved the French delegation’s full freedom of action in the event that certain relevant provisions are modified in the course of subsequent discussion.
26. The Swedish and Swiss delegations reserve their attitude in regard to chemical materials until a sufficiently clear definition of the expression "Appliances and substances exclusively intended for chemical and incendiary warfare" has been found. They consider, further, that it would be regrettable in the present Convention to authorise the manufacture of and trade in arms of which the use is already prohibited by international law.

27. The Czechoslovak delegation drew the attention of the Technical Committee to the necessity of mentioning in Category III the principal component parts manufactured for air armaments. This is why it could not accept the actual text of Category III, and it has made a reservation on this point.

Chapter II.

Article 5.

28. As a consequence of its reservation embodied in the report of the Technical Committee on Manufacture and Categories (see paragraph 25), the French delegation states that, until Categories III and V have been recast and as long as Category V includes essential spare parts of military aircraft, the French delegation can only accept the above text on condition that there be added to the articles of the categories enumerated the articles of headings 2, 3 and 4 of Category V as regards aircraft in Category III.

29. In regard to the provisions of Articles 5, 6 and 7 as a whole, the Polish delegation considers that the manufacture of material, included in Category V, should be subjected to the same publicity as the material in Categories I and III, with the exception of publicity of orders.

30. The Japanese and Italian delegations accept the text proposed by the Committee for the first paragraph, with the exception of the words "and in the case of such establishment, an authorisation".

31. The delegations of the United Kingdom, Japan and Italy cannot accept the second paragraph of this article.

32. The Committee is in agreement in considering that the provisions of this paragraph do not apply to the manufacture of prototypes, models or experimental materials.

Article 6.

33. The Union of Soviet Socialist Republics proposes to replace the words "five years" by "two years".

34. The United Kingdom, Italian and Japanese delegations state that they cannot agree to the principle of publicity of orders and therefore cannot accept the last paragraph of Article 6.

35. In regard to the additional text, the Spanish delegation is in favour of it, but considers that it would be difficult to introduce it in a convention of limited scope.

The French delegation is also in agreement with the principles stated in the additional text.

Article 7.

36. The Czechoslovak delegation agrees on the principle of Article 7 and of the texts proposed. It reserves its attitude, however, in regard to completing these texts in certain particular aspects.

37. The Japanese delegation entirely reserves its attitude in regard to paragraphs A, C, D, E, and the proposed additional texts.

38. The Soviet delegation states that it can accept paragraph A of Article 7 adopted by the Committee only on condition that Article 5 and all the rest of Article 7 are adopted in the Franco-American text with the additional French texts.

The Soviet delegation reserves the right to revert, at second reading, to the question of supervision of the capacity of production of State and private establishments manufacturing arms and implements of war.

39. The Polish delegation states that it is understood that the first list to be sent in referred to in paragraph A should contain copies of all the licences in force at the time of entry into force of the Convention.

40. In view of the system of publicity proposed by them, the United Kingdom and Italian delegations cannot accept paragraph C (1) (a).

The United Kingdom delegation accepts paragraph C (1) (b), in regard to an annual return showing the national defence expenditure proposed for the manufacture and purchase of articles in the categories in Article 4, and the Italian delegation reserves its attitude on this point for the second reading.
The Swiss, Polish and Swedish delegations have no objection to offer to a system of preliminary quantitative publicity but, in view of the opposition to this system by the delegations of certain important States and in view of the importance they attach to the effective conclusion of a draft Convention, modest perhaps but capable of realisation, they prefer, in a spirit of conciliation and for practical reasons, to reserve their attitude.

The French delegation approves the general principle stated in paragraph C (1) (c), but considers that it would be better to combine this proposal with that in paragraph 2 of Article 5.

As regards the additional text, paragraph C (2), proposed by the French delegation, this delegation states that it does not intend to subject to preliminary notice of putting into manufacture more than a very limited number of particularly important articles.

The United Kingdom delegation recognised that the additional text proposed by the French delegation contained a valuable idea, but pointed out that it had never been discussed, at any rate in that form. This text therefore called for a reservation by the United Kingdom delegation.

The Belgian delegation was not opposed to the principle stated in the additional text proposed by the French delegation, but found it interesting and thought that it should be examined later. That principle, however, formed the subject of a text which was still indefinite, and the Belgian delegation's adherence to the principle would depend on the arms and implements of war to which the preliminary notice would ultimately apply. The United States, Danish and Swedish delegations associated themselves with these observations.

For the reasons given in regard to Article 6, the United Kingdom and Italian delegations cannot accept paragraph D.

The Belgian, Swedish, Czechoslovak and Swiss delegations state that they are prepared to furnish the information referred to in Article 7 D, under reserve of an agreement on the steps to be taken to prevent the danger of unfair competition.

As the publicity of orders applies to articles in Category V, the French delegation requests that the information referred to in paragraph (b) should include, if necessary, in regard to these articles, the name and address of the private individual or the firm for whose account the order is given.

For the reasons given in their reserve in regard to paragraph C (1) (a), the United Kingdom and Italian delegations are unable to accept paragraph E.

The Czechoslovak delegation wishes to add at the end of Article 7 the following paragraph:

"All the documents enumerated in this article and forwarded to the Permanent Disarmament Commission in regard to orders will be considered strictly confidential and will only be published with the permission of the interested High Contracting Party."

Chapter III.

The Polish delegation declares that it will make its acceptance of the whole of the chapter on trade in arms, ammunition and other implements of war conditional upon the insertion in this chapter of an article expressly providing that the provisions of this chapter shall not apply to transport under the conditions specified in the Polish-German Agreements of April 21st, 1921, and February 14th, 1933, or to transport by Poland within the limits of the Polish Customs territory. In this connection, the Polish delegation refers to Point 10 of the report of the Committee of Jurists (Annex I page 48).

Article 8.

The French delegation recalls that, to the text regarding import and export permits (declarations), it has proposed the addition of a paragraph in the following terms:

"The proposed itinerary and the names of the countries through which the implements will pass in transit."

As the question of transit has been reserved, it has provisionally withdrawn this paragraph, but it wishes to take this opportunity of stating that, in its opinion, it is essential that the Permanent Commission should be notified in good time, if not of the itinerary, at least of the points at which articles falling within the categories in Article 4 are to leave and enter the territory of the contracting parties.

The U.S.S.R. and French delegations accept the text proposed by the Committee, subject to the insertion of the provisions regarding transit.

The United Kingdom, Italian and Japanese delegations are only prepared to accept the texts of both sub-paragraphs (a) of Article 8—as regards both export and import licences—in connection with their proposals for Article 9.
55. The Polish delegation considers that the particulars required and the time-limits allowed for publicity in regard to trade in arms will have to be identical with the particulars and time-limits provided for in regard to publicity of manufacture. This attitude is prompted by the necessity for maintaining equality between producing and non-producing States.

In view of the foregoing, the Polish delegation cannot accept either the present text or any other texts of Articles 8 and 9, unless their terms are strictly analogous to those of Article 7. In any case, the Polish delegation considers that publicity in regard to value will not in itself be sufficient.

The Afghan delegation associates itself with this reservation.

56. The Turkish and Iranian delegations reserve their attitude regarding Articles 8 and 9 until such time as Article 7 has been given its final form.

57. The Turkish delegation asks that, in Article 8, paragraph 1, the words "and the import of articles in Categories I to III, inclusive, of Article 4" and "export or" be deleted.

58. The United Kingdom, Italian, Japanese and Swiss delegations reserve their attitude as regards the words "with a reference to the original order" in paragraph (b) of Article 8.

59. The French, Spanish and Chinese delegations accept the principle laid down in the additional text to Article 8 proposed by the U.S.S.R. delegation.

Article 9.

60. The final attitude of the Czechoslovak delegation as regards the text of Article 9 proposed by the Committee will depend upon the decision taken in respect of the Czechoslovak amendments to Articles 7 and 9, which are in the following terms:

Article 7, draft paragraph (c), as follows:

"A list of orders actually passed or accepted, from whatever source received, within thirty days following the acceptance of such orders by the establishments holding licences and by the State establishments. The list of orders shall comprise the following headings: . . .

"All these lists of orders shall be regarded by the Permanent Disarmament Commission as strictly confidential and shall only be published with the consent of the High Contracting Party concerned."

Add to Article 9 the following paragraph:

"The export and import permits presented by the High Contracting Parties shall be regarded as strictly confidential and shall only be published with the consent of the High Contracting Party concerned."

Article 11.

61. The Spanish delegation is of opinion that, as Article 11 deals with the exceptions to the principle laid down in Article 10, Article 11, paragraph 2, should be deleted, since the arms and ammunition with which it deals are supplied to rifle associations through the Government of the importing country. This special case is not therefore a derogation from the principle laid down in Article 10.

62. Text proposed by the delegation of the U.S.S.R., supported by the delegations of France, Spain, Denmark and Czechoslovakia.

Insert the following sentence after Article 11, paragraph 2:

"In authorising rifle associations to import the articles above referred to, Governments must take into account the membership of the said associations and their normal requirements in shooting articles."

Articles 12 and 13.

63. The Turkish delegation reserves its attitude as regards the first paragraph of Article 12 and Article 13.

Article 14.

64. The French and Swedish delegations point out that the text proposed for Article 14 duplicates the Committee's proposed text for Article 8, paragraph 5 (import permits), which applies, not only to Categories I and III, but also to Category II. These delegations therefore consider that Article 14 should be omitted and that, if necessary, Article 8 should be expanded so as to incorporate the proposals of the United Kingdom and Italian delegations.
Article 16.

65. (See the report of the Committee of Jurists (Annex I), which was not discussed by the Committee in plenary session. The Committee of Jurists examined the texts reproduced in this report from a legal point of view only, as the majority of the delegations had not received instructions enabling them to make statements on their political aspect. The texts are therefore submitted to Governments with a view to a second reading.)

66. The Spanish delegation points out that paragraph (a) cannot in any way affect the mandates system as set up under Article 22 of the Covenant of the League of Nations.

67. The U.S.S.R. delegation, believing that the provisions of paragraphs (a) and (b) might give rise to abuses, has entered a reservation regarding these paragraphs.

68. The Polish delegation cannot finally commit itself on the subject of paragraphs (a) and (b), as these paragraphs deal with certain special situations which the Polish delegation does not contest, but to whose exclusion from the sphere of application of the Convention it cannot consent as long as other special situations are not expressly exempted from the provisions of the Convention.

69. The Iranian delegation reserved its attitude towards paragraph (a), which contained the following phrase: "...or from a territory in which a High Contracting Party enjoys special political or military rights under international instruments...". These words justified certain apprehensions which the delegate of Iran had felt from the very beginning of the jurists' discussion.

The Iranian delegation also reserved its attitude regarding paragraphs (b) and (c).

70. The Chinese delegation repeated the formal reservations it had submitted regarding paragraphs (a), (b) and (c), which opened the door for smuggling and were not in their right place in the chapter dealing with trade. It pointed out that the provisions contained in those paragraphs had been taken from the 1925 Convention, which had not been ratified by China. Lastly, the report of the Committee of Jurists had not been drawn up, in regard to this point, on the lines proposed by the Chinese delegation, which had suggested a mere statement on the matter.

71. The Turkish delegation observed that the object of the draft Convention was to inform States as to the armaments of their neighbours. In its opinion it would be necessary, in order completely to attain that object, to take account of certain special regimes. A similar question arose with regard to the effectives maintained by certain oversea countries. While it did not wish to go into the substance of the article, it was anxious to make every reservation regarding paragraphs (a), (b) and (c).

72. The Afghan delegation reserved its attitude towards paragraphs (a), (b) and (c).

73. The U.S.S.R. delegation accepted the text of the final article proposed by the French delegation, subject to drafting amendments. The Turkish delegation also approved of the article in principle, but pointed out that its effect would be to render national legislation regarding contraband in general applicable to contraband within the meaning of the Convention, and for that reason it would be advisable for manufacture to be included as well as transit.

Chapter IV.

74. The Chairman of the Committee on Miscellaneous Provisions pointed out to the Committee that the texts appearing in the middle column were based directly on the original United States draft, in which merely formal amendments had been made.

75. The delegation of the U.S.S.R. submitted, in connection with Chapter IV, a general reservation in the following terms:

"The delegation of the U.S.S.R. considers that supervision over the manufacture of and trade in arms should be international in character and that all the information provided for in the future Convention should be communicated to an international organ of control at Geneva. As the present progress of the Committee's work does not yet permit of giving a name to that organ or of defining its functions exactly, the delegation of the U.S.S.R. can accept the articles of the Convention relating to publicity and supervision only subject to a reservation concerning the name and functions of the future international organ.

"Regarding the verification and checking of the information and documents by an international body at Geneva as inadequate, the delegation of the U.S.S.R. agrees that all the necessary verification shall be carried out at the actual place of manufacture. Such control must be real and rapid and must apply both to the manufacture of and to traffic in arms.

"Further, noting the divergence of views existing in the Committee on the essential points of the future Convention and being unable to foresee what will finally remain of the
chapters relating to the manufacture of and trade in arms, the delegation of the U.S.S.R.
cannot yet express a detailed opinion on the various articles of Chapter IV.
"Accordingly, while accepting as a basis for discussion the original text of the
United States draft, it reserves the right to submit its amendments at the second reading."

76. The Turkish delegation pointed out repeatedly the close connection that exists
between Chapter IV, concerning control, and the chapters concerning the manufacture of and
trade in arms. The purpose of control not having yet been defined in concrete form, the
Turkish delegation thinks it natural that it should be unable to express an opinion on the
chapter relating to control.
The Turkish delegation stated also that it insisted on a regime of perfect equality for the
countries manufacturing arms and for those which do not manufacture them.
The Turkish delegation was gratified to find that the efforts of all the delegates
were directed towards the same object and to note in particular that the arguments advanced
by the United States and French delegations in one sense and those of the United Kingdom
and Italian delegations in another were in agreement on that point.
Nevertheless, before the other chapters assume a definite concrete form, the Turkish
delegation is obliged, for the reasons already set forth, completely to reserve its attitude in
regard to the articles of Chapter IV concerning control until the second reading.

77. The Yugoslav delegation associated itself with the Turkish delegation’s reservation.

Article 19.

78. The Turkish delegation, supported by the Polish delegation, submitted a reservation
concerning the first paragraph of this article, to the effect that the experts referred to in the
said paragraph must be selected by a two-thirds majority.

79. The United Kingdom, Italian, Japanese and Polish delegations proposed the deletion
of paragraph 2.

Article 22.

80. The United Kingdom, Italian, Japanese and Polish delegations proposed the deletion
of paragraphs 2, 3 and 4 of this article.

Article 24.

81. The United Kingdom, Italian, Japanese and Polish delegations asked for the deletion
of the words "unless the said information is within the scope of the exemptions provided for in
Article 33, paragraph 2", and referred, in this connection, to their amendment relating to
Articles 29 to 33, which appears opposite Article 29.

Article 25.

82. The Polish delegation proposed the deletion of paragraph 1 of this article.

83. The United Kingdom, Italian, Japanese, Polish, Yugoslav and Turkish delegations
proposed the deletion of paragraph 3.

Article 26.

84. The Turkish and Yugoslav delegations proposed the deletion of this article.

85. As regards Article 26 and the other provisions relating to the evidence of private
persons, unofficial information, etc., the Polish delegation submitted a reservation.
It asks for the deletion of these provisions, because it considers that supervision over the
execution of the Convention should be strictly based on the responsibility of the contracting
States, and that it is necessary, accordingly, to avoid introducing into the machinery of
supervision non-official elements whose activities would not be covered by the responsibility
of any State.

Article 27.

86. The Yugoslav and Turkish delegations submitted a reservation on the whole of the
text of this article.

87. The United Kingdom, Japanese and Italian delegations asked for the deletion of the
words "whether in virtue of Article 25 or ", in view of the amendment which they had
proposed to Article 25.

Article 38.

88. The United Kingdom, Italian, Polish, Japanese and Yugoslav delegations asked for
the deletion of the last paragraph of this article, in view of their attitude towards Article 22.
CHAPTER V. — MISCELLANEOUS PROVISIONS.

(See report by the Committee of Jurists (Annex I.).)

This report has not been examined by the Committee.

89. The article proposed by the Italian delegation has not been examined by the Committee nor by the Committee of Jurists. It is inserted in Chapter V with a view to its examination by Governments for the second reading.

90. Article (b) bis, proposed by the French, Spanish and Soviet delegations, has not been examined by the Committee nor by the Committee of Jurists. It is inserted in Chapter V with a view to its examination by Governments for the second reading.

91. The U.S.S.R. delegation reserves its attitude concerning Article (b).

Article (c). Derogations.

92. The delegation of the United States says that it cannot accept this article.

93. The United Kingdom delegation refers to the reserve it has made in the Committee of Jurists (page 10 of report, document Conf.D./C.C.F.99) (Annex I to this report).

94. The French delegation desires to refer to the reservations which it made in the Committee of Jurists, both as regards the introduction of a neutrality clause into the Convention, and as regards the general system of Articles (a), (b), and (c) of Chapter V, as proposed by that Committee.

Leaving the "neutral" States completely free to supply armaments to the belligerent countries, suspending all publicity or inspection of manufactures or consignments intended—or alleged to be intended—for those countries, and thereby rendering inevitable successive suspensions by those contracting parties whose security is threatened by such a state of affairs, the operation of the provisions of these three articles is liable, as soon as an armed conflict should break out anywhere, to impair very seriously the system of controlled publicity which it is sought to establish, and may even gradually render the whole application of the Convention nugatory.

At the same time, the French delegation is the first to maintain that a State cannot alienate its freedom of action in the event of a threat to its security, except in favour of a system of international guarantees which is sufficiently effectual to prevent conflicts or any unjustifiable increase in the armament manufactures or imports of any country.

It therefore suggests that, in the first place, the Permanent Commission, acting in concert with the Council of the League, should be given the necessary powers to safeguard the application of the Convention in the event of an international crisis. Among other measures which, in this connection, the Commission should be able to recommend with the certainty that its recommendations will be carried out, the French delegation would emphasise the essential importance of the measures of embargo contemplated in the additional article (b)bis proposed by the Spanish, French and U.S.S.R. delegations.

95. The U.S.S.R. delegation reminded the Committee of the definitely negative attitude it had adopted from the outset of the work of the Preparatory Commission for the Disarmament Conference concerning the right of the contracting parties to depart from the provisions of the future Convention.

It accordingly reserved its attitude towards derogations and would revert to the matter during the second reading.