QUESTIONS CONTAINED IN PARAGRAPH 2 B OF THE PREPARATORY COMMISSION’S REPORT TO THE COUNCIL 
(Document C. 301. 1926).

SECTION I. — TEXT OF THE QUESTIONS.

2.B. The Commission has examined the attached proposal submitted by the Belgian delegate.

Proposal.

“The last paragraph of Article 8 of the Covenant of the League stipulates that ‘the Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programmes and the condition of such of their industries as are adaptable to warlike purposes’.

“With a view to organising this exchange of information, Sub-Commission A has been requested to consider the advantages and disadvantages from the military point of view of the various methods which might be employed and in particular:

“(a) The organisation at Geneva of a permanent service for the collection of information received from the different Governments;

“(b) The conclusion of an international convention making it compulsory to publish all inventions which can be used in chemical or bacteriological warfare and in general all forms of warfare which are condemned by the opinion of the civilised world.

“Sub-Commission A is requested to investigate what would be the consequences from the military point of view of inserting in the Convention relative to Disarmament, or in that regarding the prohibition of certain forms of warfare, of provisions similar to those contained in the statute of the International Labour Office (Articles 411 to 420 of the Treaty of Versailles).

“Sub-Commission A is requested to consider to what extent the experience acquired regarding the supervision of disarmament points to the possibility from the military point of view of general supervision.

SECTION II. — TEXT OF THE REPLIES.

Sub-Commission A submits the following text, which has been adopted unanimously:

PREAMBLE.

Since the consideration of measures contemplated in paragraph 2. B of the Report of the Preparatory Commission to the Council (Document C. 301. 1926) does not prejudice in any way either the practicability of these measures or any subsequent decision which the Preparatory Commission itself may take when it comes to examine the question from the general and political point of view, the Sub-Commission can only examine this question from a purely technical point of view. Any conclusions it may reach can be valid only as technical considerations and do not indicate any adherence to the principle contained in the methods presented therein until the Preparatory Commission itself has reached a political decision on the subject.
and suspicion between States than to foster international confidence, which should be one of the more important aims of any agreement for the reduction and limitation of armaments. These delegations are furthermore firmly of the opinion that the execution of the provisions of any Convention for the Reduction and Limitation of Armaments must depend upon the good faith of nations scrupulously to carry out their treaty obligations.

PART I.

With a view to organising the exchange of information referred to in the last paragraph of Article 8 of the Covenant of the League of Nations, Sub-Commission A is requested to consider the advantages and disadvantages from the military point of view of the various methods which might be employed, and in particular:

(a) The organisation at Geneva of a permanent service for the collection of information received from the different Governments.

Sub-Commission A submits the following text unanimously:

CHAPTER I.

Method 1.

Definition of the Method. — The collection and publication of all general information and statistics pertaining to the scale of each country’s armaments, its military, naval and air programme and the state of such of its industries as can be utilised for war.

The collection and periodical publication of these statistics and information should be made by the Secretariat of the League of Nations in circumstances similar to those which at present prevail, in the form of a Military Year-Book; the present Year-Book would be amplified so as to attain, in full, the object defined above. In addition to the Year-Book itself, a number of bulletins might also be published in the course of the year.

Advantages.

This method is simple and would make it possible to furnish very useful information regarding the armaments of countries signatory to any agreement on the reduction and limitation of armaments.

It is easy to apply and does not necessitate the creation of any new organ; at the most it might involve a slight increase of staff of the Secretariat.

The delegations of BELGIUM, CZECHOSLOVAKIA, FINLAND, FRANCE, the NETHERLANDS, POLAND, ROUMANIA and the KINGDOM OF THE SERBS, CROATS AND SLOVENES, add the following:

Disadvantages.

(a) The information thus collected would be confined to what is contained in public documents. These documents, however, only publish the information after delays which are sometimes considerable. Moreover, such information only refers to some of the points in question, and, as it is not presented in any uniform manner, serious errors may arise in its interpretation.

(b) As the information utilised is not furnished directly or officially by Governments, the latter can always dispute its value, and are not bound to keep it up to date or to correct any errors or omissions it may contain.
Accordingly, the documentation thus collected, important and valuable as it is, is not an adequate means of organising within the scope of a Convention on the Limitation of Armaments an exchange of information in accordance with the purposes of that Convention between the States signatory to the said Convention.

The delegation of SPAIN expressed no opinion on these disadvantages.

CHAPTER II.

Method 2.

The delegations of BELGIUM, CZECHOSLOVAKIA, FINLAND, FRANCE, the NETHERLANDS, POLAND, ROUMANIA and the KINGDOM OF THE SERBS, CROATS AND SLOVENES, submit the following text:

A. Definition of the Method.

(a) Independently of the undertakings given in accordance with Article 8 of the Covenant of the League of Nations, the Governments signatories of the Convention undertake either to publish periodically in their Official Journals or to send periodically to the Secretariat of the League of Nations statistical returns according to a uniform type, compiled and published under conditions defined by the Convention. The latter would also fix the points to which the information to be furnished should refer. This information would extend, on the one hand, to all forms of armaments which have been made subject to limitation, and, on the other, to all those forms which, although not included within the limitations, have been recognised as capable of influencing the effectiveness of such limitations. All this information would be supplemented from public documents relating to armaments.

(b) Study and methodical utilisation of the information thus collected and the subsequent preparation of periodical and objective reports on the carrying out of the Convention for the Limitation of Armaments.

(c) Development of the existing service in the Secretariat so as to enable it, in addition to publishing the Military Year-Book and the periodical bulletins referred to in Method 1, of preparing monographs and the outlines of the proposed reports.

(d) The organisation of a Commission, to be set up by the Conference, to discuss and issue the reports prepared by the Secretariat.

This Commission would include experts in military, naval and air questions, questions connected with expenditure on national defence and with industries capable of being utilised for war. No report would be finally issued until the State in question had been called upon to offer its observations and explanations.

Advantages.

(a) These periodical reports would be of particular utility in following the execution of the obligations assumed, verifying results by comparisons in the light of the data collected.

(b) Such a method would make it possible to conduct a continuous enquiry “covering a sufficiently long period” into the evolution of the military, naval and air organisation of a State, and such “variations” in this evolution as might transform it from a defensive system into an aggressive one (see Reply to Question IV, Part 2).

(c) The method would make it possible to reduce to a minimum the number of points with regard to which some doubt might remain, and that without direct enquiries affecting the secrecy of the military preparations of the various States.

(d) The organisation considered above would fulfil all desirable conditions with regard to competence and impartiality. It would not necessitate a numerous staff and might avail itself of existing organisations.

Disadvantages.

(a) This method may prove to be inadequate when it comes to supervising the execution of such obligations in connection with the limitation of armaments, as it might be possible to fail to carry them out without the fact becoming apparent from public documents or information supplied by Governments.
(b) It would not, under this system, be possible to ascertain at any given moment the state of a country’s armaments or to discover an unexpected increase of armaments occurring between the periods at which the reports were drawn up.

B.

The delegations of the BRITISH EMPIRE, CHILE, ITALY, JAPAN, SPAIN, SWEDEN and the UNITED STATES OF AMERICA desire to delete Chapter II above.

C.

The delegations of the ARGENTINE and GERMANY expressed no opinion on this chapter.

Sub-Commission A submits the following text unanimously:

CHAPTER III.

Method 3.

Definition of the Method.

(a) Independently of the undertakings given in accordance with Article 8 of the Covenant of the League of Nations, the Governments signatories of the Convention undertake either to publish periodically in their Official Journals or to send periodically to the Secretariat of the League of Nations statistical returns according to a uniform type concerning in particular those of their armaments which are subject to limitation and, should the case arise, their corresponding budgetary expenditure. The conditions of compiling and publishing these returns and the form in which they should be drawn up will be defined by the Convention on the Limitation of Armaments.

(b) Compilation and publication by the Secretariat of the League of Nations of a Military Year-Book, supplemented, if necessary, by periodical bulletins.

This Year-Book would publish without comment in schedule form for each country and according to a uniform model:

1. All the information — if necessary, worked out in greater detail — bearing on the points already dealt with by the present Year-Book and derived from public documents of every kind.

The delegations of the ARGENTINE, the BRITISH EMPIRE, CHILE, ITALY, JAPAN, SWEDEN and the UNITED STATES OF AMERICA submit the following text:

2. Against each of the corresponding chapters (e.g., military effectives, effectives organised on a military basis, material, expenditure, etc.) figures derived from the above-mentioned statistical returns.

Advantages

This method shares the advantages of Method 1.

It does not involve the creation of a special committee but only a very slight increase in the Secretariat already in existence.

Note. — Any other method except this one and Method 1 appears to raise the question of supervision or control (see Declarations in Section III).
PART II.

With a view to organising the exchange of information referred to in the last paragraph of Article 8 of the Covenant of the League of Nations, Sub-Commission A is requested to consider the advantages and disadvantages from the military point of view of the various methods which might be employed, and in particular:

(b) The conclusion of an international convention making it compulsory to publish all inventions which can be used in chemical or bacteriological warfare and in general all forms of warfare which are condemned by the opinion of the civilised world.

Sub-Commission A submits the following text unanimously:

An international convention regarding the publication of inventions is regarded as impracticable. Many of the inventions in question will arise in connection with normal commercial activities, and it is obviously unfair to ask firms to publish them and so make them available to trade competitors at home and abroad. Further, if such a convention were adopted, there would be no method by which a Government could ensure that it was carried out, even in its own country, because of the ease with which firms could keep secret their inventions and improvements in processes of manufacture. Further, there is the great difficulty of deciding whether an invention is of military significance or not. The application of most inventions is generally a long and expensive proceeding, and the same is in principle true of the application of inventions to military use; thus the country with the best chemical warfare experimental organisation and with the best organised and developed industry would profit most from compulsory disclosures.

PART III.

Sub-Commission A is requested to investigate what would be the consequences from the military point of view of inserting in the Convention relative to Disarmament, or in that regarding the prohibition of certain forms of warfare, of provisions similar to those contained in the Statute of the International Labour Office (Articles 411 to 420 of the Treaty of Versailles).

The delegations of the ARGENTINE and GERMANY express no opinion on this question.

The delegations of CHILE, ITALY, JAPAN and the UNITED STATES OF AMERICA submit the following Text A:

A.

The insertion in the Convention relative to Disarmament, or in that regarding the prohibition of certain forms of warfare, of provisions similar to those contained in the Statute of the International Labour Organisation (Articles 411 to 420 of the Treaty of Versailles) would result in the establishment of a procedure by which the Council—or any other body suggested in order to include countries not Members of the League of Nations—if called upon to deal with a complaint regarding military measures taken by a State adhering to the Convention, might order an enquiry with a view to ascertaining whether the complaint was well founded.

For reasons similar to those given in the declaration concerning Method 2, proposed by the majority of the Sub-Commission in reply to the question in paragraph 2. B (a) of Document C. 301, the above-mentioned delegations are of opinion that the enquiries contemplated would in general prove fruitless and illusory. The suspected State, learning of the enquiry and its object long before it was actually carried out, could take steps to render it abortive. In other words, the enquiry would lack the factor essential for success, namely, unexpectedness. Further, even if it could be given this character of unexpectedness—though this hardly seems possible—the enquiry would, to be successful, have to be carried out under strict and definite rules, which would involve serious commitments in regard to military secrecy on the part of the State subjected to the enquiry. If the procedure in question is to be admissible, all the States adhering to the Convention would have to accept the serious consequences inherent in the control entailed by enquiries of the kind proposed. The delegations of Chile, Italy, Japan and the United States of America feel bound to state that they could not agree to such control.

The above-named delegations of countries which are Members of the League of Nations believe that they are correct in saying that their view is entirely in keeping with that of the Permanent Advisory Commission, which, in September 1921, referring to the expediency of exercising a control over the declarations of countries Members of the League of Nations in the matter of the undertakings entered into under Article 8 of the Covenant, unanimously expressed the following opinion:

"Either control would be exercised independently of the Power to be controlled, which does not appear to be consistent with its right of sovereignty;"
"Or the nature and the time of such control would be decided upon by the Government of the Power to be controlled, and in these circumstances the suspicion attaching to the information provided by it would necessarily extend to a control which was also limited by it.

"In a word, the undertakings contained in Article 8 are based on a belief in the pledged word, and the Permanent Advisory Commission does not consider that it is either opportune or conducive to great efficiency to substitute mistrust for this belief."

The delegations of BELGIUM, the BRITISH EMPIRE, CZECHOSLOVAKIA, FINLAND, FRANCE, the NETHERLANDS, POLAND, ROUMANIA, the KINGDOM OF THE SERBS, CROATS AND SLOVENES, SPAIN and SWEDEN submit the following Text B subject to the amendments after each chapter:

B.

PREAMBLE.

From the technical point of view, provisions similar to those contained in Articles 411 to 420 of the Treaty of Versailles would be mainly a matter of procedure; what they provide is this:

The right for a State, which has noted that an undertaking has been violated, to formulate a complaint against the offending State;

The constitution of a Committee of Enquiry and the preparation of a report by this Committee.

The most important consequences from the military point of view of the adoption of provisions of this nature would vary according to the case at issue.

An investigation of the consequences of provisions similar to those contained in the Statute of the International Labour Office (Articles 411 to 420 of the Treaty of Versailles) cannot be complete unless such provisions have first been drawn up, which Sub-Commission A is not competent to do.

CHAPTER I.

In cases in which it is possible to institute an enquiry on the sole basis of public documents or documents communicated by the Government without proceeding to direct enquiries on the spot, it would be necessary to set up a special Commission, both competent and impartial, which would be instructed to draw up an objective report after having examined the complaint and the documents submitted.

CHAPTER II.

In cases of preparations for aggression and in all cases in which the time required for the employment of the preceding method would be incompatible with the nature of the infraction, examination of the complaint may necessitate a direct enquiry carried out on the spot, as soon as possible, to allow for the discovery of a sudden increase in armaments, to hinder the accumulation of secret armaments, and also to verify the existence of the characteristic features of the first preparations for an aggression, such as a considerable strengthening of units and peace-time effectives of a State, measures for partial or general mobilisation, particularly the individual calling-up of reservists, requisitions, the manufacture of war material, etc.

In all cases of preparation for aggression contemplated by the preceding paragraph, the object of the enquiry shall be the same as in Article 11 of the Covenant.

The logical consequences from the military point of view of the provisions contemplated would be the adoption of precise measures of execution corresponding to the special object of the enquiry and conferring on the latter technical guarantees of effectiveness, in the absence of which these enquiries would be liable not only to be needlessly vexatious but also to give false guarantees of security, and thus increase the dangers of aggression.

The decision to proceed to such enquiries would involve the following consequences:

1. As regards the procedure previous to the enquiry, it would be essential to fix very short time-limits, so as to allow for the fact that infractions in the matter of armaments may in a very short time have much more serious consequences than those arising in the case of infractions of labour legislation;

2. One of the conditions which is most necessary for the effectiveness of an enquiry is its element of surprise, and it should be capable of being carried out by observing definite and strict rules.

The delegations of the NETHERLANDS and SWEDEN delete the first two paragraphs of Chapter II of Text B above.

CHAPTER III.

The following military consequences would also result from the foregoing chapters:

(a) Possibility of secret mobilisation plans being disclosed;
(b) Possibility of war inventions and military secrets being disclosed;
(c) Grave risks of friction between States;
(d) Possibility of unjustifiable requests for enquiries made with the sole object of ascertaining secrets relating to the national defence of certain States.

1 Similar rules for the effectiveness of the enquiry were defined by the Council at its meetings of September 27th, 1924, and March 14th, 1925, regarding the exercise of its right of investigation.
Sub-Commission A has not considered whether there are any measures which might obviate these serious difficulties and, if so, what these measures might be.

The delegations of CZECHOSLOVAKIA, FINLAND, FRANCE, POLAND, ROUMANIA, the KINGDOM OF THE SERBS, CROATS AND SLOVENES and SPAIN delete paragraphs (c) and (d) of Chapter III of Text B above.

CHAPTER IV.

One of the technical consequences of inserting in the Convention relative to Disarmament provisions similar to those which are contained in the Statute of the International Labour Organisation, and which would provide for enquiries sufficiently accurate and rapid to be effective from the military point of view, would be:

To enable States exposed to risks of aggression to have military preparations contrary to the provisions of the Convention detected in time, established and arrested;

To add to the military, naval and air conditions for the security of these States, and to enable them also to calculate the reduction of armaments to which they can in consequence agree.

The delegations of the BRITISH EMPIRE and of SWEDEN delete the whole of Chapter IV of Text B above.

PART IV.

The Sub-Commission is requested to consider to what extent the experience acquired regarding the supervision of disarmament points to the possibility, from the military point of view, of general supervision.

A.

The delegations of the ARGENTINE, CHILE, the NETHERLANDS, SPAIN and SWEDEN express no opinion on this question.

The other delegations submit the following Text B:

If the experience so far acquired regarding the supervision of disarmament is examined on the basis of the facts which have been disclosed in public documents, it may be affirmed that general supervision would, from the military point of view, be possible and effective on the condition that the States to which it applied fulfill all the obligations set forth in the treaties which established this supervision.

SECTION III.

A.

Declaration by the delegations of the BRITISH EMPIRE, CHILE, ITALY, JAPAN, SWEDEN and the UNITED STATES OF AMERICA.

SUPERVISION OF ARMAMENTS BY AN INTERNATIONAL ORGANISATION.

The above-named delegations are firmly of the opinion that any form of supervision or control of armaments by an international body is more calculated to foment ill-will and suspicion between States than to create a spirit of international confidence, which should be one of the more important results of any agreement for the reduction and limitation of armaments. They are furthermore firmly of the opinion that the execution of the provisions of any Convention for the Reduction and Limitation of Armaments must depend upon the good faith of nations scrupulously to carry out their treaty obligations.

With reference to Method 2, submitted by certain delegations in answer to this question as appearing on page 163 of Section II of this report, the six delegations above mentioned submit the following observations:

1. The work of the proposed Commission would be complicated in the highest degree. It should not only be regarded from a technical point of view (military and economic) but should also be regarded from a political point of view, since, as Sub-Commission A has already shown, the primary criterion as to whether the armaments of a country are designed for defensive or offensive purposes lies in an appreciation of the political intentions of the Government interested. The Commission in question would therefore be called upon carefully to take account not only of military and economic considerations but also political considerations.

In other words, the Commission should be composed of quite exceptional representatives of each country, and, if it were to do its work effectively, it should in fact be a kind of International General Staff.

It would be extremely difficult for such a body to carry out its duties. It would be inevitably driven to encroach on the legitimate functions of those bodies which, in all countries,
are entrusted by Governments with the duty of advising on the measures to be taken to ensure the safety of the State and to place it in a position to fulfil its international obligations.

It has been contended by others that the above use of the term "International General Staff" cannot really be applied to a Commission of this sort; it was further contended that the powers of such a Commission would not differ appreciably from those of many existing commissions. The six delegations submitting this declaration do not share this opinion; they know of no body whose duties would be comparable to the duties of the Commission proposed by those delegations which have subscribed to Method 2, on page 163 of Section II of this report.

2. It would be very difficult for the proposed Commission to arrive at unanimous reports. More often there would be two or more divergent opinions, the choice between which would have to be taken by appeal to a higher body. In any case, in order to ensure the supervision of the execution by a State of its obligations, the Commission would require to investigate further and to complete its information and to invite that State to furnish observations and explanations. This would require considerable time, during which the situation under examination might change.

3. If this organisation were composed of all the States signatories of the Convention, it would be unduly numerous and its procedure would therefore be very slow. If, on the other hand, it were composed of some only among these States, the difficulty would arise of settling which of the countries adhering to the Convention should be represented on it.

It has been contended by others that it cannot be claimed that the creation of supervisory organisations is impossible on material or practical grounds, since many precedents already exist. It is further contended that a precedent could be found in the Opium Convention and in the Statute of the International Labour Organisation. The six delegations submitting this declaration wish to point out that there is no analogy between Opium and Disarmament, and as to the extension of the Statute of the International Labour Office to Disarmament, this could not be invoked as a precedent; on the contrary, Sub-Commission A had been asked to examine whether the application of that Statute was possible or not.

4. It is very doubtful whether the method of procedure contemplated for the proposed Commission can be in practice applied. An example will best explain the position. The Commission receives reports which may possibly lead to the suggestion that in country X there are certain indications which might be considered to show that that country is not fulfilling its formal obligations, or to show the growth of aggressive intentions against country Y. What will be the position of the proposed Commission? They will find themselves obliged at once to study questions which have not only a technical but a political aspect, and it is safe to assume that in many cases the members of the Commission will find themselves influenced by divergent political considerations. If the case is quite clear, these political considerations may be disregarded; but if, as is more probable, the position is a complicated one, it is safe to say that these political considerations are bound to hamper an impartial enquiry. In such a situation, it is to be feared that divergent opinions will come to light, and the only way of removing them would be by verifying the situation on the spot. This means that a proper application of the proposed method would frequently lead to enquiries on the spot. The delegations subscribing to this declaration consider that most unfortunate results, both political and technical, would follow from these enquiries. It is impossible to disregard the possibility that, in certain circumstances, one country might bring a charge against another in order to obtain, unjustifiably, information about the secret defensive organisations of the country accused. Moreover, the delegations of the British Empire, Chile, Italy, Japan and the United States of America are entirely unable to accept for their own Government anything in the nature of itinerant inquisitorial Commissions.

It was contended, during the deliberations on this question, that the "unfortunate results, both political and technical", mentioned above, which the six delegations submitting this declaration claim would follow from these enquiries, would in fact not exist, since "enquiries of this kind have already been carried out to the general satisfaction". Since, obviously, no such enquiries of this nature have ever been carried out in the past, it is difficult to understand how such a contention can be held.

5. Further, it may be pointed out that if, in fact, it were decided to limit the task of the proposed Commission to examining, comparing and drawing conclusions from the variety of information at its disposal, the reports drawn up by the Commission would give rise to further objections.

From the technical point of view, any conclusions at which the Commission might arrive "without enquiry and direct control likely to affect the secret military preparations of the different States" would be liable to be completely erroneous and misleading. The result might be that technical Commissions would be writing reports impugning the good faith of nations without having at their disposal the essential facts such as could only be gleaned from a first-hand study of the situation on the spot. And, in general, it is inconceivable that Governments can view without irritation the requests for explanations which would be the result of insufficient data and which might therefore be regarded, according to the different circumstances of the case, as vexatious, disingenuous or actually provocative.

6. The work so far carried out by Sub-Commission A proves, in the opinion of the delegations subscribing to the present declaration, that the only basis on which it is possible to hope for satisfactory and permanent results is the creation of an atmosphere of good faith.
It cannot be denied psychologically and from all experience that the introduction of restrictions upon the sovereign rights of each State tends to militate against the creation of this atmosphere. It is common knowledge that in every country restrictions of all kinds are necessary, but these restrictions have only been imposed as the result of experience and by the nation itself in the exercise of its sovereign powers. The delegations of the British Empire, Chile, Italy, Japan, Sweden and the United States of America consider that restrictions of this nature should not be contemplated in international engagements except where absolutely necessary and with the fullest consent and approval of the nations concerned.

With regard to this declaration as a whole, it developed, during the proceedings on this question in Sub-Commission A, that others contended that the authors of this declaration, in setting forth their observations, had stressed political and psychological arguments and omitted technical arguments. The signatories of this declaration are of the opinion, on the contrary, that they have submitted both technical and political arguments; but in any case it will be for the Preparatory Commission to make this distinction if it sees fit.

Delegation submitted by the delegations of BELGIUM, CZECHOSLOVAKIA, FINLAND, FRANCE, POLAND, ROUMANIA and the KINGDOM OF THE SERBS, CROATS AND SLOVENES.

EXCHANGE OF INFORMATION, ENQUIRIES AND SUPERVISION.

1. The delegations enumerated above have started from the supposition, which in their opinion is implicit in the decision to negotiate a Convention on the Limitation of Armaments, that good faith is not considered by itself an adequate international guarantee. On the same grounds, they have disregarded all considerations based on the expediency or inexpediency, from the political and “psychological” point of view, of measures for the exchange of information and for enquiries and supervision, as these considerations lie outside their purview.

They believe that the Preparatory Commission had in view — in case it should be decided to organise an exchange of information — a system of enquiry similar to that provided for in the International Labour Organisation — in fact, a general scheme for the supervision of disarmament.

They believe that the Preparatory Commission wished to ascertain in advance what would be the technical consequences of such a decision.

It was therefore in strict accordance with this standpoint that the above-mentioned delegations proceeded in their attempt to bring to light every factor that might contribute to ensure, in any circumstances whatever, the completest possible execution of the clauses of the future Disarmament Convention.

2. As regards the exchange of information, the above-mentioned delegations fully recognise the services which have been, and may still be, rendered by the Armaments Year-Book published by the Secretariat of the League, in accordance with the purpose of Article 8 of the Covenant. Nevertheless, for reasons which they have given under the “Disadvantages” of Method 1 (see their reply), they do not think that the Armaments Year-Book will suffice to meet the entirely different situation which will be created by the Convention on the Limitation of Armaments. This Convention will mean that the different States will, in a large measure and for a certain period of time, surrender their freedom of action as regards the organisation of national defence. The authorities responsible for this organisation in the different countries will find their means of action curtailed. They will be unable to carry out their task without a guarantee that the undertakings given in regard to the forces which they may one day have to encounter will, at any rate, be effectively and continuously carried out both in letter and in spirit.

Accordingly, the exchanges of information which will be required in the new situation called into being by the conclusion of the Convention must be organised within the framework of that Convention, and must be such as will enable a continuous watch to be kept over the observance of its provisions.

3. The above-mentioned delegations desire to draw special attention to the details they give in the definition of Method 2 which is contained in their reply on the subject of exchanges of information.

They consider it essential that this exchange of information should cover not only all forms of armaments which will be subject to limitation but also all points “which, though they could not be included in the limitations, are nevertheless admittedly capable of exercising an influence on the effectiveness of these limitations”.

In this connection, examples which might be quoted are police forces, civil aviation, the vessels of merchant fleets which could be used for war purposes, the chemical industries, etc. None of these elements could be made subject to limitation; yet they exercise a very considerable influence on the successful application of limitations affecting military effective, military aviation, navies, etc.

It is therefore most important that any developments in these elements should be closely followed, so that, if they rendered it necessary, the Convention could be revised and brought into line with the new conditions created, as might occur, for example, if a large and unforeseen increase were brought about in the police forces, civil aircraft or fast passenger ships of certain countries.
4. The above-mentioned delegations do not feel competent to make detailed proposals as to the composition and procedure of the International Commission which, under Method 2, would draw up periodical reports on the execution of the Convention. Neither are they qualified to say how far, and in what way, the Convention could be made both a technical and a political instrument nor what practical remedies might be adopted for difficulties arising in its application. Nevertheless, they are convinced that such remedies are to be found.

In any case, they cannot accept as descriptive of this Commission, the term “International General Staff”, which has sometimes been applied to it in the course of discussion. The functions of a Commission which has to collect, collate and study information regarding the execution of a Convention on the Limitation of Armaments would not be appreciably different from those of the many other commissions of the same kind already in existence, and it would no more be an “International General Staff” than the League of Nations is a “Super-State”.

5. The above-mentioned delegations prefer to give no opinion as to the possibility, from the political point of view, of creating international organs for the exchange of information or for enquiries.

Nevertheless, they are of opinion that, from a purely technical point of view, there is no practical reason why such organisations should not be created and brought into operation.

They base their opinion on a large number of precedents, of which they venture to recall a few.

The Preparatory Commission itself referred us to the provisions of the Charter of the International Labour Organisations.

Then there is the precedent of the Opium Convention, which has introduced a system of supervision exercised by a central supervisory committee.

Another example is the Treaty for the Pacific Settlement of Disputes between American States, signed at Santiago de Chile on May 3rd, 1923 1, which provides for a commission of enquiry having full powers to carry out investigations in situ.

We learn, moreover, that enquiries of various kinds have been organised in recent years and have worked “to the general satisfaction”.

Lastly, despite the political and legal distinction which should be maintained between the supervision of the execution of the future Convention on the Limitation of Armaments and the League’s right of investigation, it is undeniable that, from the technical point of view, the Rules adopted by the Council of the League on September 27th, 1924, and March 14th, 1925, show that it is technically possible for armaments to be placed under supervision and to entrust a commission (the Permanent Advisory Commission) with all preparations.

6. The above-mentioned delegations do not agree that, in general, enquiries would be “illusory and ineffective”. They are quite aware that unsuccessful enquiries would be not merely useless but often dangerous. Nevertheless, they think it possible to lay down rules which will ensure that enquiries will be successful. The real question at issue is whether the fact that these rules must necessarily be strict does or does not present less serious difficulties than would result from the absence of measures such as would afford all States a guarantee that the Convention would be strictly observed, or that, if it were not, it would always be possible to detect any failure to observe it at once and to remedy the situation before it could become dangerous.

In the absence of such a guarantee, those States which regulated their armaments in strict accordance with the provisions of the Convention would lack that adequate security upon which such limitations of armaments as were accepted should properly be based.

C.

Declaration by the Delegation of the ARGENTINE.

ENQUIRIES AND SUPERVISION.

1. CHAPTER II, METHOD 2.

The delegation of the Argentine considers that a method whose principal object is to verify the carrying-out of a Convention has a character exclusively political, and for this reason it abstains from expressing any technical opinion on the same.

2. PART III.

The delegation of the Argentine considers that this question is essentially political and that the consequences from the military point of view are insignificant if they are compared with the political problems which arise from it.

3. PART IV.

The delegation of the Argentine has abstained from expressing an opinion on this subject owing to its lack of experience regarding the supervision of disarmament.

D.

Declaration by the Delegation of Germany.


Sub-Commission A has been instructed to investigate what would be the consequences from a military point of view of inserting in the Convention relative to Disarmament, or in that regarding the prohibition of certain forms of warfare, provisions similar to those contained in the Statute of the International Labour Office (Articles 411 to 420 of the Treaty of Versailles).

The delegation of Germany considers that Part III of the Reply accepted by a large number of delegations contains certain details of procedure which exceed the provisions of Article 411 ff, and that provision has been made therein for measures which might, under certain circumstances, involve far-reaching political consequences. That this opinion is correct is shown by the objections raised by many delegations to the proposed procedure. Consequently, the Sub-Commission should restrict itself to examining in a general way the possibility of applying by analogy Articles 411 ff of the Treaty of Versailles to the provisions of the Disarmament Convention, and to investigating what would be the consequences from the military point of view of inserting clauses of this nature in the Convention relative to Disarmament. The settlement of the details should, by reason of their political implications, be left to the Preparatory Commission.

As regards the enquiries provided for in Chapter II, the delegation of Germany thinks that these questions are fully covered by Article 11 of the Covenant, and that the Sub-Commission is not competent to widen the scope of the said provisions.

The delegation of Germany is of opinion that disarmament is quite impossible unless it tends to create an atmosphere of mutual confidence, sincerity and good faith.

SECTION I. — TEXT OF THE QUESTIONS.

On the proposal of the delegation of the British Empire, the Commission decided to refer to the competent Sub-Commissions the questions defined below, without prejudice to any Convention or Rule of International Law on the subject:

To Sub-Commissions A and B:

1. (a) Can factories normally and legitimately employed for chemical purposes, including dye-works, be quickly adapted to manufacture poisonous gases?
   (b) If the answer to the above is in the affirmative, how long would it take to effect the change?
   (c) Can any proposals be made to prevent or hinder chemical factories from being used for the production of poisonous gases?

To Sub-Commission A:

2. (a) What are the means which would probably be employed for spreading gas and what would be the apparatus required?
   (b) How long would it take to manufacture this apparatus, and how long would it take to super-impose this apparatus on the normal equipment of an aeroplane?
   (c) Would the length of time, referred to immediately above, vary in the case of military or civilian aircraft?

3. (a) What is the information in existence as to the effect of the distribution of poisonous gas over closely populated districts?
   (b) Have any experiments been carried out on this subject?
   (c) Apart from the difficulty of equipping the entire population of a city with gas-masks, are there any gases known against which a gas-mask affords no protection?

Sub-Commission A is invited to consider what effective sanctions can be proposed for the enforcement of the international undertaking not to employ poisonous gas or bacteria in warfare.

SECTION II. — TEXT OF THE REPLIES.

PART I.

Sub-Commission A submits the following text, which has been adopted unanimously, with the exception of two amendments proposed by certain delegations to Chapter II, paragraph (c), and Chapter III, paragraph (b). These amendments are given at the end of the chapters in question.

CHAPTER I.

(a) Can factories normally and legitimately employed for chemical purposes, including dye-works, be quickly adapted to manufacture poisonous gases?

Generally speaking, chemical factories, especially dye-works and factories connected therewith, can be very quickly adapted to the manufacture of poisonous gases. In the dye industry, many of the intermediates are themselves poisonous chemicals, which are capable of immediate use in chemical warfare, while others are intermediates for the manufacture of chemical warfare agents. As a general rule, chemical warfare agents are similar in composition to commercial chemicals and are made by similar processes. The raw materials
for the chemical warfare agents are commercial products, and the commercial uses of the more important of these raw materials are well developed. It is apparent, therefore, that, generally speaking, chemical factories normally and legitimately employed for chemical purposes, including dye-works, can be quickly, and often immediately, adapted to the manufacture of poisonous gases.

(b) If the answer to the above is in the affirmative, how long would it take to effect the change?

This depends entirely on the state of the chemical industry or factory and the nature of the gas to be made. Chlorine, bromine and phosgene, which are articles of commerce, can be used as poisonous gases, so that the plants which produce them for industrial purposes are immediately available for war use. Only a short time would be needed for the conversion of certain works which do not carry the poisonous chemical to its final stage. Their adaptation would be a comparatively simple matter. This applies to works manufacturing yperite, chloracetophenone, methyl chloroformiate, disphosgene, bromacetone, chloracetone and similar products.

On the other hand, Azo plants used in dye-making could without delay be converted to manufacturing chemical warfare arsenicals, as these processes need clever personnel rather than complicated apparatus.

Further, the intermediates necessary for the manufacture of certain gases are used in peace-time production, e.g., in dye-making. With a well-developed chemical industry and carefully prepared plans, peace production could be largely turned over to war production within the space of three months.

While a country which has a large chemical industry will be able to enter upon quantity production of chemical warfare agents in a very short time, it is probable that the determining factor will be the production of special containers for war use of chemical warfare agents rather than the conversion or employment of chemical plant for the production of such agents; but for emergency use simple types of containers can be easily improvised for some purposes. However, attention is invited to the fact that another important factor in the matter of quantity production of chemical warfare agents is the availability of a sufficient quantity of raw materials.

(c) Can any proposals be made to prevent or hinder chemical factories from being used for the production of poisonous gases?

In practice, no, for it is impossible to prevent or hinder the manufacture of these chemicals in peace time. The industry is in the hands of private enterprise, and, on the ground of the predominant interest of the wholesale trade, the industrial interests could put up an effective opposition to prohibition of the manufacture of poisonous chemicals needed for commercial purposes and which may be used for chemical warfare purposes, and to any obligation to use other methods of manufacturing synthetic products. It would in any case always be impossible to gain any knowledge of discoveries and to prevent the study of poisonous substances in the laboratories.

It appears that, until there is brought into existence a universally effective and absolute prohibition as to the employment of means of chemical warfare, it seems impracticable to submit any proposals tending to prevent or hinder chemical factories from being used for the production of poisonous gases.

CHAPTER II.

(a) What are the means which would probably be employed for spreading gas and what would be the apparatus required?

Gas can be used in projectiles (i.e., artillery shell and trench-mortar bombs), in aeroplane bombs, as sprays from aircraft or motor vehicles, in gas cylinders, in thermo-generators and in simple containers opened by an explosive charge. If use by aircraft is particularly considered, bombs of steel, cast iron, porcelain or glass might be used, as well as spraying devices; the latter might be ordinary iron or steel containers, from which the gas in liquid form could be ejected by pressure or under the action of gravity on opening a tap or valve. Finally, all aircraft fitted with smoke projectors could very easily make use of that apparatus for the purpose of spreading poisonous gas.

(b) How long would it take to manufacture this apparatus and how long would it take to super-impose this apparatus on the normal equipment of an aeroplane?

Certain types of aeroplane bombs could be made very quickly, as the design could be simple, while spraying devices could be improvised from ordinary trade articles with great rapidity. The apparatus could be added to the normal equipment of an aeroplane practically
at a few hours’ notice. Properly designed and constructed equipment might, however, take several weeks to make and install. Artillery shell and similar projectiles for gas would take several weeks to make. Gas cylinders, on the other hand, are used in industry for the transport of chlorine, and supplies are immediately available.

(c) Would the length of time, referred to immediately above, vary in the case of military or civilian aircraft?

Depending upon the type of aircraft and also upon the character of the apparatus, there appears to be no reason why the devices mentioned cannot be attached with equal readiness to civilian as well as military aircraft.

The delegations of BULGARIA, CZECHOSLOVAKIA, FRANCE, POLAND, ROUMANIA and the KINGDOM OF THE SERBS, CROATS AND SLOVENES add to this paragraph the following sentence:

In certain cases, no time would be required. This would be true in the case of civilian aircraft fitted with smoke projectors for the purpose of commercial publicity.

Chapter III.

(a) What is the information in existence as to the effect of the distribution of poisonous gas over closely populated districts?

The information upon this subject is not sufficiently exact to take as a basis for a final conclusion. The effect upon civilians inhabiting closely populated districts is not comparable to the experience of the use of gas in shell and similar projectiles under war conditions.

(b) Have any experiments been carried out on this subject?

No experiments as to the effect of the distribution of poisonous gas over closely populated districts have been carried out to our knowledge.

The delegations of BELGIUM, FINLAND, FRANCE, POLAND, ROUMANIA and the KINGDOM OF THE SERBS, CROATS AND SLOVENES add to the above paragraph the following:

In any case, trials carried out in certain countries for special purposes (covering wooded or cultivated areas with insecticide) seem to have been successful. They afford valuable indication of the necessary conditions for sprinkling with poisonous gas.

By this method, a town or roads, cross-roads or open spaces over which enemy troops have to pass could be sprinkled by night.

(c) Apart from the difficulty of equipping the entire population of a city with gas-masks, are there any gases known against which a gas-mask affords no protection?

The best gas-masks will protect the eyes and lungs against all known gases likely to be used as offensive agents. Typical service gas-masks do not protect against carbon monoxide, but the employment of this gas in war is improbable owing to technical difficulties; special masks can be produced, however, to deal with it if required. Blistering agents which attack the skin, such as mustard gas, require protective clothing in addition to gas-masks.

While it is improbable that any new gas will be developed against which existing gas-masks afford no protection, the possibility of such surprise development must be borne in mind. This might result in serious casualties before adequate protection could be provided.

Part II.

Sub-Commission A is invited to consider what effective sanctions can be proposed for the enforcement of the international undertaking not to employ poisonous gas or bacteria in warfare.

See Section III, A, Part II (page 159). Declaration by the delegations of BELGIUM, CZECHOSLOVAKIA, FRANCE, POLAND, ROUMANIA, and the KINGDOM OF THE SERBS, CROATS AND SLOVENES submit the following Text A as a reply:

A.

1. In view of the fact that a country in possession of a chemical industry will always be able, within a period of time varying between a few hours and a few weeks, to make use of that industry in order to manufacture poisonous substances and use them in warfare, it
is obvious that, from the technical point of view, the only effective sanction which can prevent a State from violating its undertakings in connection with the prohibition of chemical warfare consists in the possibility of immediate reprisals by the same chemical means.

2. The fear of such reprisals would probably be sufficient to prevent any State from resorting to chemical warfare.

The more forcible reprisals might be, the more effective would be their preventive influence.

All States in possession of a chemical industry should therefore undertake:

(a) To put at the disposal of any State which is attacked by gas the raw materials, chemical products and means of operation necessary for reprisals;

(b) To engage in joint reprisals themselves, so far as distance permits, by the use of other chemical means against the State which has committed an act of aggression by the use of gas.

3. This undertaking would not justify any special preparation for chemical warfare in peace time, since reprisals could always be carried out easily by means of the aircraft available for use without measures of mobilisation, and since a chemical industry can be converted very quickly, the moment it becomes necessary, to the manufacture of the products required for reprisals.

B.

The delegations of the ARGENTINE, the BRITISH EMPIRE, CHILE, GERMANY, ITALY, JAPAN, the NETHERLANDS, SPAIN, SWEDEN and the UNITED STATES OF AMERICA make the following reply:

The above-mentioned delegations are unable to associate themselves with the proposal for sanctions. In their view, Sub-Commission A is not competent to express any opinion upon such a proposal owing to the fact that the considerations underlying it are so essentially political.

C.

The delegation of the NETHERLANDS submits, in addition to Text B above, the following paragraphs:

The delegation of the Netherlands declares that it could not under any circumstances agree to the employment of chemical warfare as a sanction, for the following reasons:

In the majority of cases it would be difficult to determine definitely whether any country had really used poisonous gas as a weapon of war.

Reprisals involving the use of such means as have been condemned by the civilised world, and especially their use by countries outside the conflict, are not acceptable in principle.

The starting of a general chemical war for reasons of sanctions might be deplorable for mankind as a whole, for in this way use would be made of a means of warfare which has been generally condemned by the whole of humanity.

D.

The delegation of GERMANY submits, in addition to Text B above, the following:

The German delegation states that, at the time of the Conference on the Supervision of the International Trade in Arms, Germany stated that she was ready to agree without any reservation to any international rules for the purpose of abolishing chemical warfare. The delegation of Germany considers, however, that it is precisely from the point of view of that statement that the measures suggested as sanctions in the document under discussion may give rise to objections, for, if the contemplated sanctions are allowed, the States applying those sanctions would have legal authority to use gas as a means of warfare. If it is desired to abolish chemical warfare, any measures must be avoided which are calculated, even in the form of sanctions, to make chemical warfare general and to make chemical warfare a form of warfare laid down as a sanction and recognised by international law.

SECTION III.

Declaration by the Delegations of BELGIUM, CZECHOSLOVAKIA, FINLAND, FRANCE, POLAND, ROUMANIA and the KINGDOM OF THE SERBS, CROATS AND SLOVENES.

CHEMICAL WARFARE.

Part I.

The above-mentioned delegations, while associating themselves with the unanimous replies given by Sub-Commission A to the questions raised in connection with Nos. 1(a), 1(b), 1(c), 2(a), 2(b), 2(c), 3(a), 3(b) and 3(c), relating to chemical warfare, desire to make it quite clear that they reject any interpretation of these replies which would tend to diminish the gravity of the menace existing in the possibility of chemical warfare.
In particular, they draw the attention of the Preparatory Commission to the following points:

1. Although it is true that in some cases it may take three months to convert the peacetime products of the various chemical industries into poisonous gas for use in war, it must be borne in mind that the manufacture of many poisonous products with a view to their use in war would be very rapid and very easy for a country with a developed chemical industry, particularly for the manufacture of dyestuffs and pharmaceutical products, provided that the country also had the necessary raw materials and trained technical personnel well supplied with laboratories and adequate means for research work. Moreover, a chemical industry, and especially the scientists and technical experts essential to it, cannot be improvised. The result is that a country with a highly developed chemical industry is at any time prepared for chemical warfare. On the other hand, those countries whose chemical industry is less well developed or non-existent would require a more or less considerable space of time in order to obtain the products necessary for chemical warfare.

2. It is possible that the gas-masks of some countries stop all gases at present known. It is also probable that, as soon as a poisonous gas is identified, a suitable protecting mask can be fairly quickly devised, granted well-equipped laboratories and trained experts.

   It must, however, be noted:
   
   (a) That the manufacture of new masks is always a relatively slow matter;
   (b) That the masks known and used in the last war did not give complete protection against arsines;
   (c) That it is always comparatively difficult to give protection against vesicants;
   (d) That a heavy bomb filled with poison falling inside a building would be capable of producing such a concentration of poisonous gas that everyone would succumb to it, even if protected by a mask;
   (e) That poisonous gases are potentially unlimited in number, that the use of a new poisonous gas will always be certain of producing a very successful surprise effect, and that it is this circumstance which distinguishes gas warfare from the use of explosives, from which the element of surprise appears to have been eliminated.

3. Although no direct experiments have been made in regard to the bombarding of densely populated districts with poisonous products, and although experience of the last war on this matter is inconclusive, it should be observed:

   (a) That, according to the information of Sub-Commission A, experiments have been made upon animals, and poisonous gases have been spread over forests for the purpose of destroying insects;
   
   (b) That, contrary to what was suggested during the discussions of the Sub-Commission, a bombardment by poisonous substances would probably produce much more serious effects upon a town than a bombardment by explosives, particularly if the poison used was persistent in its effects and sufficiently dense to penetrate into shelters, cellars, etc.; if it was contained in heavy bombs capable of poisoning the atmosphere to a very high degree; and, finally, if incendiary bombs were at the same time used to hamper the organisation of aid;
   
   (c) That, for example, it was ascertained during the last war that the effects of yperite could be felt for a fortnight, and necessitated the total evacuation of certain areas.

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Part II.

The above-mentioned delegations note that no effective technical sanction has been proposed to Sub-Commission A to prevent the use of chemical weapons in war, except the possibility of immediate reprisals. The delegations which considered that the question of reprisals was exclusively political suggested no other measure capable of having the same effect.

Under the circumstances:

   In view of the fact that in most cases the preventive supervision of chemical preparations will be ineffective, because they can be undertaken only at the moment they are required; and

   In view of the fact that, for the same reasons, the limitation or suppression of chemical armaments would be either impossible or ineffective;

The above-mentioned delegations, although realising the practical difficulties of organising collective reprisals and the political or moral problems which such organisation may raise, desire to place on record that, in the absence of these reprisals the preventive effect of which they think might be decisive, there is no technical means of preventing chemical warfare.