far from constituting an obstacle to the Convention or making it less productive of results, would, on the contrary, facilitate the limitation of armaments which was not designed under the Covenant of the League to be dependent on a permanent body of investigation.

Colonel KASPRZYCKI (Poland). — Mr. President and gentlemen — It would obviously be difficult, at the present stage of the Commission's work, to give an opinion on the question of supervision as a whole. The principle of an intimate connection between undertakings in the matter of the limitation and reduction of armaments and measures of supervision has repeatedly been emphasised.

The Polish delegation took up a very definite attitude in the matter during the course of previous debates and more particularly in Sub-Commission A. The form and extent of what we call supervision obviously depend on the extent of the undertakings agreed upon. It is difficult at present to determine this, since so many important questions still remain unsettled. It only remains for us to note with regret that on this question, which is of the utmost importance from the point of view of the efficacy of the proposed Convention, divergent views have been expressed.

The Polish delegation listened most attentively to the very interesting suggestions put forward this morning by way of a solution of the difficulties. It trusts that a solution will be found which will be without prejudice to the vital interests of any State. In the meantime the Polish delegation reserves its right, on the occasion of the Second Reading, to define its attitude concerning the procedure for supervision and the important suggestions of a fundamental and general character to which I have just referred.

To sum up, the Polish delegation is in favour of supervision but regards it as impossible to proceed to define it until a definite agreement regarding undertakings for the limitation of armaments has actually been established.

This morning's speeches all prove that supervision — to a far greater extent than the other questions dealt with up till now — forms part of the political aspect of the task entrusted to our Commission by the Council. In the course of this discussion on supervision, certain speakers, more especially the Finnish delegate, have spoken and rightly so, of the serious political problem of security, which colours every debate on disarmament.

I quite agree with the French delegate — if I understood him aright — that undertakings concerning the limitation of armaments should, for certain States, have as their counterpart supplementary guarantees of security to be obtained by defining certain articles of the Covenant more specifically and by extending regional agreements.

I am convinced that, before arriving at a definitive text for our Convention, the question of security must be thoroughly thrashed out. I would also remind you that this question will come before us again when the Commission deals with the Finnish delegation's proposal regarding special arrangements designed to compensate for undertakings in the matter of the reduction and limitation of armaments.

M. Perez (Argentine). — The Argentine delegation considers that the work of the Preparatory Commission would be incomplete and ineffectual if it did not propose, as an annex to the International Convention which we are setting up, the formation of an international organisation, independent of the League of Nations and entrusted with the technical and moral task of centralising all information concerning this Convention, following the progress of the limitation and reduction of armaments in the different States, preparing and accelerating its subsequent developments, receiving complaints from nations who believe their security threatened by failure or delay in executing the provisions of the Convention, examining the defence put forward by the State or States accused, and, in general, taking the necessary decisions for the maintenance of peace.

In principle, therefore, the Argentine delegation adheres to the drafts which we have before us. When the different articles come to be discussed it will put forward the observations which it considers desirable.

M. Hennings (Sweden). — I should like to make a few very short remarks on the problem before us. The question whether an international supervisory body to watch over the execution of the proposed Convention is necessary, and, if so, how far this supervision ought to go, seems to me closely bound up with the contents of the Convention itself, and therefore, in my opinion, depends directly on the nature of the positive stipulations of that Convention.

Let me explain. If, for example, the Convention includes direct limitation of land material, measures of international supervision are clearly much more urgently necessary than if this material is only limited by the budgetary method, or not limited at all, as laid down — I am sorry to say — in the text adopted at the first reading.

As we do not yet know what the draft Convention will end by giving us in the matter of limitation, I find it rather difficult to express an opinion at this moment on the question of supervision.

As, however, it has been decided to review all the problems which have to be treated in the Convention at this present stage of our labours, to give ourselves an exact idea of how far it is possible to reach agreement on the different points, I venture to put forward, very shortly, the general attitude of my Government regarding supervision.

Sweden is ready to support any practical system of exchange of information and publicity which allows public opinion to exercise a vigilant and continuous supervision over the application of the Convention; such a supervision is perhaps the most effective of any.
If the contents of the Convention make it necessary, my Government is further prepared to consider stipulations authorising the Council of the League of Nations, if seized by a signatory State of a complaint regarding the non-execution of the Convention by another signatory State, to proceed to an enquiry. This enquiry might, if desirable, be entrusted to a subcommission, nominated ad hoc, which might perhaps, in situations of exceptional gravity, be authorised to pursue its investigations on the spot.

Such, shortly, is the general attitude of my Government on the subject of supervision.

As regards the practical arrangements to be taken to overcome the difficulties arising out of the special situation of the United States as a non-Member of the League of Nations, I should like to add that the suggestions made this morning by the French representative seemed to me to offer a possible way out of these difficulties and to deserve consideration.

General Dumitresco (Roumania). — The Roumanian delegation is in favour of the principle of international supervision. It appears to us indispensable to ensure the application of the future Convention on the reduction and limitation of armaments. The results hitherto reached by our Commission do not give us sufficiently precise indications on the final text of the preliminary draft Convention, and we are, therefore, not in a position to discuss the question of supervision in much detail at present.

My Government considers in principle that the future Convention on the reduction and limitation of armaments must not be considered as an isolated fact, but should be looked on as a special measure forming part of a whole, of a totality of measures and undertakings to which the contracting parties will agree with a view to the maintenance of peace. Consequently, the provisions of the Convention on the reduction and limitation of armaments must necessarily be bound up with the undertakings of arbitration and security which will be seen to be indispensable the moment the Convention is signed. Personally, I am prepared to recognise the exceptional position which their isolated situation gives to the United States of America; but, for the reasons already explained, the Roumanian delegation must reserve for the Second Reading its opinion on the question of supervision and on M. Paul-Boncour’s suggestion regarding the possible undertakings to be given by maritime and continental States which are not Members of the League of Nations.

M. Sato (Japan). — During the discussions in Sub-Commission A and other Commissions, the Japanese Government always considered it essential that the Disarmament Convention should be based on the good faith of the contracting parties, and that the idea of supervision should be rejected.

It would, however, in a spirit of conciliation, accept the institution of a supervisory commission under the auspices of the League of Nations to assist in the exchange of information and facilitate its publication.

Our views are therefore different from those of the French delegation, but as we are aware that this question of supervision chiefly affects the European countries, we prefer to follow the discussion on its organisation and await developments, rather than hamper the discussion by a too idealistic attitude.

The delegate of the United States has explained to us his Government’s definite attitude towards the question of supervision. My Government is unaware that we are dealing with this question, because I have not yet made it any report on the subject.

No one can doubt the good faith of the United States Government. We have had many proofs of it, especially since the signature of the Washington Treaty. The signatories have seen with their own eyes that the Government of the United States was the first to execute its undertakings. Consequently, the result will be the same whether the United States remain outside the supervision or not.

The case of my Government is the same. I can assure the Commission here and now that the clause on supervision cannot in any case be applied to Japan.

For the moment, I can only undertake to report to my Government on the result reached in the course of our present deliberations on the question of supervision. I shall express my country’s view later, at the Second Reading.

M. Rutgers (Netherlands). — The Netherlands delegation, adhering to the view which it expressed in Sub-Commission A, does not raise any objection in principle to the French proposals. It accepts them in substance. As to the suggestions put forward this morning, which have not yet been submitted in writing, and on which we have not yet any instructions from our Government, we consider that they deserve very careful consideration, but I cannot at the moment make any pronouncement on them.

M. Valdes (Chile). — In accordance with my Government’s instructions, the Chilian delegation adheres to the position which it took up in Sub-Commission A, for the reasons set forth on page 67 of the report. It shares this attitude with the delegations of the British Empire, the United States, Italy, Japan and Sweden.

I do not wish to prolong the debate by putting forward other arguments which would be no more than the continuation of those we have already expressed. We are against the formation of a permanent organisation, which would not confine its task to collecting information and accumulating documentation with a view to new Treaties, but would extend to the carrying out of enquiries — in other words, of supervising armaments.

I shall, however, when we come to study the two texts in detail, make every effort to help find a formula which our delegation could provisionally accept, subject to the results of a more deep enquiry.
M. VEVERKA (Czechoslovakia). — The Czechoslovak delegation, as early as the first general discussion, declared that Czechoslovakia, in obedience to the principles which habitually inspire her, was prepared to submit to any international supervision imposed by the Convention. I can say to-day that my Government will doubtless accept, a fortiori, any measures such as those proposed in the French draft.

M. YOVANOVITCH (Kingdom of the Serbs, Croats and Slovenes). — During the general discussion, I declared that the Serb-Croat-Slovene delegation was prepared in principle to accept supervision, in order to permit of the conclusion of the Convention. Our delegation has not changed its attitude and accepts any supervision, while making reservations with regard to the methods to be employed, which can be settled later.

M. DE BROUCKÈRE (Belgium). — The declaration which I am about to make in the name of my Government will be very short. The Belgian Government considers that disarmament, like peace, is a continuous process of evolution, and that it will be impossible to proceed systematically if there is no organisation entrusted with the task of watching over the progress made and making new proposals in order that fresh progress may be made. Disarmament cannot be really attained and cannot produce all its effects unless it gives a great measure of security and unless it creates the feeling of security, a feeling which cannot exist except when one knows that one’s neighbours are disarmed — and this implies supervision.

Having said this, I ask my colleagues how they propose to go on with the discussion. We have heard all the delegations. No new proposal has been made, but, however, many new views have been put forward. Are we able to discuss them here and now, this evening? Personally, I should find it difficult to join in such a debate without previous reflection. Can we take the texts which have been laid before us and discuss them now, article by article, in the order in which they were drawn up before to-day’s debate? This would do very little good. Under these circumstances, I wonder whether the wisest course would not be to take a few hours for reflection. Besides, several of my colleagues have insisted on many occasions on a proposal not being discussed until twenty-four hours after it had been submitted. New proposals have not been made, but the equivalent of them has. It needs to be thought over. To-morrow morning we could go on with the discussion to much better purpose than to-day.

I do not know if we shall be able to finish our work in the short time which remains to us before we are obliged to separate for the Easter Holidays, but I hope that we shall be able to start it on lines which will allow us to carry it through. I have been thinking very carefully over these questions since this morning, and I could make some suggestions to you on the matter of procedure. If I am not in a position to explain them to you now, it is not for want of application. But each of the speeches made this afternoon has altered the situation to a degree which necessitates fresh consideration.

In these circumstances, I suggest that we hear any delegates who wish to speak further on the general discussion and, after that, that we rise. I shall then ask to be allowed to make a proposal at the beginning of to-morrow morning’s meeting with regard to procedure.

Count Bernstorff (Germany). — I fully agree with M. de Brouckère on his idea of reconciling opposing views. But will there be a new suggestion to reconcile them, as Lord Cecil gave us to hope? If not, it seems to me that it will not be much use going on with this conversation, for, as far as I understand them, the representative of the United States and the delegate of Italy have flatly refused supervision. Unless a new proposal is made to reconcile differences, as we hope may be done, and to form a bridge between the ideas of the United States and those of France, it is no use continuing this discussion.

From my own personal point of view, I attach great importance to this question, seeing that we are already subject to supervision; if the other Powers also agree to accept it, it is for them to say so.

M. PAUL-BOUCOUR (France). — I rise after Count Bernstorff to say that I agree with him. We must see clearly. M. de Brouckère has asked us to reflect. Certainly, the question deserves consideration, and I support his demand, but I admit that I should be opposed to any procedure which would allow us to avoid stating our attitude definitely on certain clear points. References have been made to the new ideas which might emerge from the discussion. Among the suggestions referred to was obviously not that which I was led to make this morning, but rather that by which I associated myself to some extent with the views expressed by the delegate of the United States. I do not in the least withdraw it. But certain declarations which have been made this afternoon leave me to wonder whether it will serve any great purpose. I pointed out this morning what very grave drawbacks might arise from the fact of one nation signatory to the Convention, and that not one of the least among them, standing aside from the procedure adopted for its application. I desired to emphasise that we must rely on ourselves and that it is better to try to find precise rules among the Members of the League rather than hunt for vague formulae in the hope of including even those who have thought it their duty to make reservations such as were put forward this morning. It is better to have precise rules which we can lay down in accordance with the Covenant and among ourselves, the Members of the League. But if, as the speeches made this afternoon appear to show, even among those nations who have signed the Covenant and have consequently accepted Article 8 and the procedure which that implies, we get reservations as definite as those put forward just now, I begin to wonder how far my suggestions can be of any value whatever.
Under these circumstances, I think it would be well to clear up this point, which is, as it were, the keystone of the Convention, and answer a certain number of questions: Does everybody accept (as, incidentally, Article 8 of the Covenant requires) the exchange, and as its corollary the publicity, of information on their military strength, budgets, etc.? If this is accepted, does everyone accept the formation of a permanent organisation to co-ordinate these results? If it were only publicity, we should have the Press. The Covenant evidently wanted a Convention such as that on which we are engaged to give something more than that.

Third question: Does everyone accept the principle that this permanent organisation should not act simply as a record office, but should ask for information and explanations?

And, lastly, fourth and most serious question: When we are obliged to bring the procedure of Article 8 into operation, when we must go before the Council to justify our desire to introduce increase and modifications in the Convention which we have accepted, do we or do we not reject the idea that the Council should be able to give a decision without first ascertaining the truth of the allegations?

Here are a certain number of very definite questions. We shall be able to judge from the answers given to them whether it will be possible to draw up a text regarding the application of the Convention. If the answers to any one of these questions are to be negative, I must tell you, gentlemen, that, warm as my desire is to co-operate to the end in the labours of this Commission I hardly see what purpose I should serve in doing so.

Viscount Cecil (British Empire).—I must say that I think there is a very great deal to be said for M. de Brouckère's proposal. It is much too serious a matter for us to decide hastily to-night whether we are going on, or whether we are not going on, with the proposals as to control. Certainly we should have to consider the procedure proposals which M. de Brouckère has to make.

I hope M. Paul-Boncour will forgive me if I venture very respectfully to say to him that I do not think that that negotiation by ultimatum is a very good form of negotiation. We have all got to make concessions in this matter if we are to reach an agreement on this extraordinarily difficult subject. I hope I have not shown myself unduly uncompromising during the progress of the discussions. I certainly have done my best to meet the views, many of which I entirely disagreed with, because I thought without some concession nothing would be achieved. I pressed my Government, as everyone knows, to make concessions, and they have been good enough to make a good many, and they will no doubt continue to the end in a conciliatory frame of mind. Only in that way can we hope to reach a solution. If we start with the idea that we can have exactly the solution that we would prefer, we are preparing for ourselves profound disappointment and we are going to do no good work whatever. I am quite certain that, if I were to write down exactly the Convention which I personally would like to see adopted it would be such as would startle a good many members of this Commission. I fancy that these proposals, and any other members of the Commission who, if they indulged in the same practice, would startle them even more than I should. On the other hand, there are some members who would write down perhaps so innocuous a document that it would be more somnolent than startling. That is obvious. We approach this question from every point of view. We are engaged in a most tremendously difficult task. We are trying to do something which has never been done before. I expressed this afternoon my great confidence that we could succeed. I still have that great confidence; I am certain we can succeed. It is only a question of our trying, and I am ready to try. I am ready, as I said at the beginning, to sit here any length of time in order to give every possible solution a chance. To try and put an end to our discussion suddenly because certain statements have been made with which some of us do not agree would be a very reckless and improper procedure on our part.

As far as the four principles laid down by M. Paul-Boncour are concerned, I should have no difficulty in accepting all of them; but, of course, I should have to explain exactly what I meant by that acceptance. No doubt what I meant would not be precisely the same as what other people in this Commission mean. I have no doubt, however, that by discussion we should be able to arrive at a solution of our difficulty. I do not think again, with great respect to my friend M. Paul-Boncour, that we shall get anywhere by trying to lay down general principles and applying them. I think it is better to start by saying what you intend to do rather than to make the proposal so vague as not to produce any real agreement in the end. We have had this synopsis, and I see no reason why we should not go on and consider that synopsis point by point, and when we have exhausted it we shall see to what extent we are agreed and to what extent we are not agreed. I do not think there is so very large a difference of opinion between the two proposals. I think, when you come to look at the matter closely, that the difficulties are merely difficulties of detail which ought to be easily adjusted. As far as I am concerned, I am ready to go on and discuss this proposal point by point. I think that is the only satisfactory way in which we can reach a solution.

It is quite true that there is the novel fact of the speech which Mr. Gibson so very helpfully made this morning. I do not see any difficulty raised by that speech. I suppose what it means is that he would not be able himself to take any active part in a discussion of these control proposals, but that does not prevent us from going on and seeing what we can do with them, and it may be that when we have elaborated them we may ask his Government to see whether it is prepared to consider them in that form, and, if not, whether they have any definite suggestions to make as to the way in which they would either accept them or avoid the difficulties raised by these proposals. I heard a very definite statement by my friend General de Marinis. I do not feel that that means quite a definite refusal to consider some proposals such as those, at any rate, which the British delegation has put forward, which might form the basis of
M. PAUL-BONCOUR (France). — With all deference to my friend, Lord Cecil, I venture to tell him that he has misunderstood my line of thought. He spoke of an ultimatum, more than anything else, of which we have to speak now — would be an obscure solution, when public opinion would not know where it stood. We must answer very clearly defined questions with perfect clarity. Each one should shoulder his own responsibility, wholly and undivided. Let every Government say exactly what it wants, how far it can go and what are the concessions which it is unable to make.

M. de Brouckère has pointed out repeatedly the necessity, the duty which devolves on each delegation of shouldering its own responsibility before the public. Profoundly as I respect each one of you, and deeply as I honour your intentions, I think that the public really has a right to know exactly what is the attitude of each one of us.

I do not think it wise, even in the interests of conciliation, to seek to hide real differences of opinion. We have been reminded that each country must shoulder its own responsibility before the public opinion of the world. Personally, I am quite ready to take my share, and I am sure that my colleagues will do the same. But at this stage allow me to tell you frankly, I think the public is a little tired of seeing really deep differences of opinion hidden under phrases. Let us frankly admit that, where there is a disagreement, it ought to be stated.

M. Paul-Boncour has indicated a certain number of points on which he desires us to give precise answers. We cannot get these precise answers unless we succeed in arranging these points in order, in defining them clearly, in discussing them and analysing them. Shall we succeed in reaching an agreement on all these points? To-morrow will show. If we are optimists, one may hope that we shall. There is perhaps reason to fear that this will not be the case, but I think it absolutely necessary to try, because, if the best possible solution is to reach an agreement on all these points, the next best thing is to show at least how far we are in agreement, and to make the remaining points, on which we do not agree, stand out clearly. It is only when these points are thrown into strong relief that discussion before Governments and before public opinion may hope to solve them.

This is the method we have followed hitherto. We already know that we are not in agreement on every point. We have seen that we disagree on practically every point on the naval question. We have pursued our study, reserving these points for later discussion. I think that it would be a very bad thing to leave in the dark all the important questions which remain for us to solve. We should give public opinion the impression that, generally speaking, we have only vague ideas on all these matters. We should give the impression that we are shirking full individual responsibility. All these points, too — and they are numerous — must be clearly seen. I am firmly convinced that agreement can be reached on a great number of points, and I personally am persuaded that to-day's discussions have shown us that extensive agreements are possible. The good will which has been manifested by a certain number of great nations must be brought out and allowed to produce its effect. The agreements, like the disagreements, should be thrown into relief.

The most disastrous solution for the future of disarmament — for it is the future of disarmament, more than anything else, of which we have to speak now — would be an obscure solution, when public opinion would not know where it stood. We must answer very clearly defined questions with perfect clarity. Each one should shoulder his own responsibility, wholly and undivided. Let every Government say exactly what it wants, how far it can go and what are the concessions which it is unable to make.
which prevented him, I do not say from beginning, but from reaching the normal conclusion of a discussion of this nature. Others again, like the Japanese delegation, at least held out great hopes—and we are most grateful—but told us that they would not have instructions from their Governments before the Second Reading. Others again, while very explicitly supporting the spirit and general tendency of the draft, made the reservation (the force of which I must acknowledge because it accords with logic and with the prevailing sentiment of these discussions) that, until they knew what the Convention is to contain, they could hardly do more than signify to us their general acceptance in principle.

This is all I wanted to place on record, nothing more. Discuss the texts! I am perfectly ready. The French delegation has no objection to this. Exception might be taken to its text on the grounds that the latter is too long and too full, but not that it is not precise enough. This text not only agrees to but also lays down procedure for the application of the Convention, from the most simple and most universally acceptable measure, namely, the co-ordination of the information supplied, on condition that there is a permanent organisation of some sort, up to the culminating point, which allows the Council, when called on, to apply Article 8 of the information supplied, on condition that there is a permanent organisation of some body except the Council. I think there is a good deal to be said for that solution, but at any rate we should have a central body.

As to the central body, it is quite true that M. Paul-Boncour conceives of a different central body from the one put forward by the British delegation, but we both have a Central Body— he has one kind and I have another. It is possible when we come to discuss that, and in view of the attitude Mr. Gibson has taken, it may be that we shall find it necessary to have no central body except the Council. I think there is a good deal to be said for that solution, but at any rate we should have a central body. M. Paul-Boncour says, “Can that central body ask for further information?” Let us assume it is the Council or some body like the Council. The Council can ask, and constantly does ask, for further information on any point it likes. It is equally possible for people to refuse to give it, but to take my own draft (which is less complete than M. Paul-Boncour’s draft), consider it, and then ask the British draft we propose that it shall be possible for the Council to make enquiries and that everybody should facilitate those enquiries to the utmost of their power. That also covers the last point. Is it right that the Council or the Central Body should decide without making enquiries? Clearly not, and clearly they would not be entitled to do so. Therefore, it seems to me that anyone who assents to the British proposal assents at any rate to the four principles laid down by M. Paul-Boncour, and consequently it does not appear to me that there is anything like the same difference of opinion as appears. I am not, of course, minimising the differences of detail; there are very considerable differences of detail, but in principle there does not appear to be so great a difference. It is true that certain of my colleagues (I think the Roumanian and Polish delegates were among them) said that they felt a difficulty in dealing with the question of control because they did not know what was going to be in the Convention. I hope they will reconsider their opinion. It is quite true you may want a more extreme control if you have a more extremely drastic limitation of armaments, but what we have to say at present, for the purposes of the First Reading, is: granted the amount of limitation which we contemplate at the First Reading, what would be the appropriate amount of control for that. If in the Second Reading something happens, which I am afraid is very unlikely, and we greatly increase the amount of limitation, it might be necessary to make the control more severe; but surely there is no difficulty in considering control so long as we have the hypothesis of the First Reading before us to regulate the amount of control which, in view of that hypothesis, we can accept.

Viscount Cecil (British Empire).—I am extremely obliged to M. Paul-Boncour, and am very sorry that I misunderstood his first speech. I must say that his second speech gives me much greater hope. The only thing is, if he will permit me to say so, that I think he takes too gloomy a view of the situation. He thinks there are much more irreconcilable differences than seem to exist to me. Let me take, if I may do so, General de Marinis as belonging to the extreme opinion on one side. He says that he has no objection to the proposal that I have put forward. Very well, let me just test that proposal by M. Paul-Boncour’s questions. As to the interchange of information, I do not imagine anyone has any objection to that. We may have to discuss some particular phrase in that clause, but to the general principle of the interchange of information no one can possibly object, and, as far as I can see, there can be no objection raised to the particular information desired, which is really very little more than most nations publish to their own Parliaments.

If in the Second Reading something happens, which I am afraid is very unlikely, and we greatly increase the amount of limitation, it might be necessary to make the control more severe; but surely there is no difficulty in considering control so long as we have the hypothesis of the First Reading before us to regulate the amount of control which, in view of that hypothesis, we can accept.
I see really less difficulty in arriving at a satisfactory conclusion of this particular phase of our difficulties than I do about almost any other. It seems to me that we are very near an agreement already, and that in the course of the discussions there is no reason in the world why we should not reach one.

The President. — I suggest that we adjourn this meeting now and meet again tomorrow at 10 o’clock.

As you have heard, M. de Brouckère proposes to distribute to you before the next meeting a proposal concerning the procedure to be followed for our discussion on Part II of the Synoptic Analysis.

The Commission rose at 6.50 p.m.

THIRTY-SECOND PUBLIC MEETING.

Held at Geneva on Thursday, April 14th, 1927 at 10 a.m.

President : M. Loudon (Netherlands).


M. de Brouckère (Belgium). — May I remind you for a moment of the first days of the Conference, when we heard the most valuable statements made by Lord Cecil and M. Paul-Boncour? We were very well supplied with documents, we were even too well supplied. We were obliged to make a great effort, which lasted several days, in order, amongst this mass of material supplied us for our work, to find a procedure which would enable us to classify it, or, to go back to a simile which I then used, to find the end of the thread that would carry us through it. We followed that thread and it has been useful to us. By means of the synoptic analyses which the Bureau found it easy to draw up, thanks to the zeal and intelligence of our Secretary, to whom I should like to pay a tribute, we managed to fix on a regular order in which to examine the various questions. But we have not yet completed our work, or even that part consisting of the First Reading. We do not know exactly whither this thread will lead us. What is certain is that it will not lead us to complete success. Some persons outside are even saying that it will lead us to defeat. I desire to take account even of such a hypothesis.

The cause of disarmament is so great a cause and we have such confidence in it that we can take account of the possibility of defeat and look that possibility straight in the face. I do not remember the name of that General who said that in all wars he was in the habit of losing all battles except the last. We may also lose all the battles of disarmament, but we are convinced that the last of them will be a victory for us. By means of the synoptic analyses which the Bureau found it easy to draw up, thanks to the zeal and intelligence of our Secretary, to whom I should like to pay a tribute, we managed to fix on a regular order in which to examine the various questions. But we have not yet completed our work, or even that part consisting of the First Reading. We do not know exactly whither this thread will lead us. What is certain is that it will not lead us to complete success. Some persons outside are even saying that it will lead us to defeat. I desire to take account even of such a hypothesis.

The cause of disarmament is so great a cause and we have such confidence in it that we can take account of the possibility of defeat and look that possibility straight in the face. I do not remember the name of that General who said that in all wars he was in the habit of losing all battles except the last. We may also lose all the battles of disarmament, but we are convinced that the last of them will be a victory for us.

If the end of the thread leads us towards difficulties, and even towards temporary defeat, we must have courage to persist to the end and to remember that this is only one of the trials we have to go through on the path of victory. We must therefore continue our work. But the thread is not always easy to follow. At times it becomes tangled. I have the impression that it became entangled yesterday, for the very same reason as before, namely, that the end of it was difficult to find at the beginning of our work owing to the abundance of the material before us. Many new ideas came up in yesterday’s discussion. We had seen them coming, but it was yesterday that they appeared in their full clearness. We have no new proposals before us. That is quite understood. But the various suggestions put forward lead us to foresee proposals which will perhaps be made during the discussion. In any case they change our position. We must stop a moment and try to disentangle the thread.

In order to see where we stand, we must try to review the new ideas which were put forward yesterday. I would first refer to Mr. Gibson’s speech at the beginning of the day, which probably have the greatest influence on our subsequent proceedings. The delegate of the United States, when stating his point of view, once more gave ample proof of his usual qualities. He expressed himself clearly, frankly, forcibly and with that imperturbable spirit of good will, agreement and cordiality which has secured him so many friends among us since the moment we began our work. We must thank him for having done so. There was no use in hiding the truth. It is only in the face of clear and definite proposals that we can succeed in ascertaining exactly where we differ, or, more often, in eventually finding some means of agreeing.

What did Mr. Gibson tell us? Something which we have long known but which it was wise to remind us of at this moment. The time had come when this fact was going to lead to certain results in practice. He reminded us that the international position of his country was not exactly the same as that of our nations; that where international relations are concerned the method of the United States is not identical with ours. That is obvious. We are not
going to pass our time in considering which of these methods is the best. I do not know whether, in fact, there are such very great differences of opinion between us. I would say there is rather a difference in the position of the various countries, but that difference of position is obvious. The way in which the United States of America have established close bonds with so many States, the amazing prosperity which the wisdom of its political institutions has enabled it to achieve in every field, have always commanded our admiration. We on our side have been obliged to proceed in another manner. A large number of nations who desire to remain independent and jealously to safeguard their independence have been compelled to seek other means of establishing the maximum degree of political solidarity between them.

Were we to continue to compare our methods with regard to this matter—a discussion which would be useless at present—I would, if I were in your place, feel most proud to see America’s ideas represented to such a large extent on both sides. For, if we have entered the path on which we now are, it is at the urgent appeal, with the vigorous collaboration and, to some extent, under the auspices of one of the greatest of President Coolidge’s predecessors.

Our roads are not identical. They often run side by side, they sometimes meet and perhaps they will end by joining. But the day on which they join has not yet arrived, and we find ourselves differently situated. Mr. Gibson has reminded us that, in view of this difference of circumstances, we cannot perhaps go together as far as the end of the road. We take note of this truth and perhaps with a certain sadness.

What I should like to say is that the moment at which our roads separate has not yet arrived, and that we have still a common task to accomplish, a task in respect of which all of us, the United States and the other States here represented, are in the same position internationally.

We have still to deal with the derogations. We have drawn up a Convention, we have prepared a preliminary draft of the Convention on the First Reading; we must know in what manner and to what extent it will be applied, in what cases a country will not be subject to its application, or at least in what cases a country may abstain from applying it.

We are now faced by different points of view. The drafts in the right-hand and left-hand columns are far from identical. We have to consider a very serious problem in respect of which the collaboration of the United States will be extremely valuable to us, and it will, I think, be granted.

I do not want to go into the substance of the matter, but I should like to lay stress on the importance of these derogations. The value of the Convention which we drew up will depend on the manner in which they are worded.

In the left-hand column I see very large exceptions in the cases of war, rebellion and emergencies. I, personally, have certain remarks to make with regard to these three exceptions.

When we speak of war, do we mean all wars, even wars of aggression? Will a country be released from the obligation to limit its forces simply because it is attacking another country? Must we even include all cases of war which are regarded under the Protocol as legitimate? It is obvious that a nation which is attacked will mobilise its forces and make every effort to repel the aggressor. But a nation making war in the circumstances for which the Protocol makes a reservation, if it has complied with all the obligations which it has undertaken as a Member of the League of Nations, would be free to have recourse to arms. Does the Convention give such a country the right to arm itself to an unlimited extent? Shall we not have some power to diminish that country’s temptation to have recourse to war by saying, “You are bound by your armaments”?

I will not go further into the case of rebellion, but when I consider the present situation of the world, I see so many countries in which rebellion is more or less chronic. I see many nations who, in addition to their ordinary army, permanently maintain a kind of civil war army. Thus, I am apprehensive with regard to so extensive an exception.

As for emergencies, may I say that, during my political career, I have never yet met with emergencies which could be regarded as unforeseen or exceptional? In these circumstances, we must at least have a clearer term lest the Convention should thereby lose a great part of its effect. But let us not discuss this any longer. For the moment, I am endeavouring to confine myself to indicating the various chapters which we are still considering and in the discussion of which the delegate of the United States and other members of the Commission might share.

There is the heading “Exchange of Information”. During the discussion, the United States delegation frequently expressed itself in favour of publicity. The chapter “Exchange of Information” includes clauses of two kinds, some making publicity compulsory and the others organising such publicity. The latter state to what authority the information which countries undertake to supply should be forwarded. Hitherto, in practice, information, the supply of which is compulsory, has been forwarded to the Secretariat of the League of Nations; the United States have been good enough to do so in the same way as other countries. We might perhaps find a formula which would make it possible for the supply of all information to be compulsory in future. No doubt in the chapter on “Exchange of Information” there are certain clauses which may appear somewhat more delicate to certain delegations and which may be yet more difficult of acceptance by countries which are not Members of the League of
Nations. We will consider them when they come up. At the moment, let us see after discussion to what extent it may be necessary to postpone them for consideration at a later stage of our work. When we have thus dealt with questions connected with derogations and with the exchange of information, obviously we shall still have to deal with the chapter on ratification, for it is impossible to conceive of a convention without a chapter regarding ratification.

I have endeavoured to separate those portions of the text before us in respect of which conditions were as I have stated; that is to say, that the delegation of the United States and other delegations were exactly on the same footing. I think I have drawn attention to all those parts of the text which might be regarded as fulfilling those conditions. If there are any others, I shall be very glad of it; for the moment I do not see them.

We have now to discuss other parts of the text, and it was mainly with a view to considering by what method, in what manner and in what spirit we shall examine these other parts, that I asked to speak.

As soon as we start upon this last part of our task, it is obvious that the character of our work will change and that the perfect equality which has hitherto existed between us, that sort of identity, will have disappeared or at least will be less complete. I do not say that we shall find there is part of our work which is of no interest to others than Members of the League of Nations—nothing is further from my thoughts. I think that it will be of interest to us all and it can and should be of interest to all nations. These are the great problems of mankind, from the solution of which no important nation can stand aside, but it is certain that the attitude of the great nations to this problem may and must vary.

Some nations enter on those problems in full freedom, others already bound by earlier undertakings. This is what makes the difference. These nations have incurred previous obligations for two particular reasons; a certain number, a very great number of them, as signatories of the Treaty of Versailles and of Part V of that Treaty, have undertaken to regard the disarmament of Germany as the first step towards general disarmament. Count Bernstorff has several times reminded us of that. M. Paul-Boncour has said that this constitutes a moral and legal undertaking. I desire in my turn to make the same declaration. All the nations represented here, with the exception of the United States, entered into definite and formal undertakings when, as Members of the League of Nations, they accepted Article 8, that Article 8 which defines the first and perhaps the most important of the obligations binding on Members of the League.

I will not give you the whole history of the attempts that the League of Nations has made to accomplish its task in respect of disarmament. You all know. At the very beginning the Permanent Advisory Commission was set up; a little later the Temporary Mixed Commission was established. There were discussions in the First Assembly; discussions in the Second Assembly; discussions in all the later Assemblies; anxious search for a solution; Resolution 14; Pact of Mutual Guarantee; Protocol and, at the moment when we hoped that the Protocol would soon be ratified, the idea of the Disarmament Conference was raised. That was its origin. It was thus regarded as an integral part of the Protocol, and when, the next year, the hope of securing ratification of the Protocol receded, the idea of the Conference was maintained. As M. Paul-Boncour said, we made an act of faith. That was the origin of our work. It was at that time that the Council of the League of Nations entrusted us with the task of preparing the programme of a Disarmament Conference. I have taken the liberty of reminding you of these facts in order to show the exact nature of our duties.

We have to prepare a programme for a Disarmament Conference capable of giving States Members of the League of Nations the means of meeting the obligations they have undertaken in virtue of Article 8 of the Covenant. A draft Convention, however elastic, which did not achieve that result would fail of its purpose and we should not have done our duty. Thus, when we have finished the draft Convention, as completed by the chapters that I have just referred to, and when we have carried it through, we shall still have something to do, an important task still to accomplish. How shall we accomplish it? Some of us, recognising that, nevertheless, this part of our task could not be carried out by exactly the same methods as the first, have spoken of an independent Convention. I do not much like this idea of an independent Convention. The expression 'independent Convention' would mean a Convention to which only Members of the League of Nations could adhere. But at the moment when the Geneva family is assembled, none of us have any idea of regarding the delegate of the United States as a stranger and of telling him that his task is completed. We regard him as a guest who is entirely free to sit down at the family table, if he will, or to withdraw, if he so desires. But it is obvious that we must carry on our discussions in such a way that a country not a Member of the League of Nations, if it wishes, be a party to our decisions. Yesterday, Mr. Gibson very truly said that the United States is the only nation not a Member of the League of Nations which is represented here. But there are other such countries in the world. This is a sufficient reason for us not to refer to the two parts of the Convention as entirely independent. If, as we know, there are States which would be ready to examine the first part of the Convention and perhaps to sign and ratify it, without taking account of the second, I can quite conceive that there might be States which would only ratify the first part on condition that the second part should be ratified by themselves and perhaps by some of their neighbours.

In these circumstances, the connection between the two texts seems obvious. If we complete this last part of our work, if we draw up texts which enable the League of Nations to comply with all the obligations provided for in Article 8, as interpreted in the light of other
articles of the Covenant, is it really necessary that all parts of the text should bear the form
of a Convention? It is quite understandable that we should entrust the Council with certain
duties. That cannot be done by a Convention; we should need a recommendation to the Council.
It is quite understandable that we should think of certain methods of application which
are mentioned in the Covenant and which might be brought about by a decision of the
Assembly. It would therefore seem that we are faced not with the drafting of a single text,
but with a number of various matters which might include chapters of Conventions, a special
Convention — I do not say an independent one — recommendations to the Council and Assembly
resolutions.
We have before us a complicated body of questions, all of which we must now carefully
consider. But, whatever be the form of the texts which we shall have to examine under
this last heading, I should like to remind you that these texts will be of a different character
from those which we shall have adopted in the first part of our work, since we and the United
States are no longer in the same position so far as these texts are concerned.
Next, since the Council is asking us to draw up the programme for a conference, should
we not, as I suggest, endeavour first to complete that part of the Convention in which the
United States are directly interested? We should then deal with the second part of our problem,
we not, as I suggest, endeavour first to complete that part of the Convention in which the
this last heading, I should like to remind you that these texts will be of a different character
consider. But, whatever be the form of the texts which we shall have to examine under
resolutions.
My proposal is, therefore, as follows:

"The Belgian delegation proposes that the various sections of the Synoptic Analysis,
Part II, should be considered in the following order:

"A. — Derogations (Points 9 to 15).
"B. — Exchange of information (Points 2 to 8).
"C. — Ratification (Points 18 to 20).
"D. — The remainder of the text, and also possibly any provisions of the previous
chapters, the consideration of which may have been postponed.
"The whole of that part of the text adopted under ‘D’ would form the First Reading
preliminary draft for the second part of the Conference’s programme.”

The President. — The question laid before us is one of procedure. I think that after the
clear, definite and wise explanations given by M. de Brouckère, it would be desirable to
restrict this discussion as far as possible. Objections, however, if delegates desire to speak,
they are free to do so. I think I can say here and now that it would be wise and even excellent,
in view of the progress of our work, that the discussion should be limited.

Viscount Cecil (British Empire). — I only rise to say that I entirely accept the suggestion
made by M. de Brouckère. I would add that there is another matter of procedure which I
should like to refer to as soon as this has been disposed of.

Colonel Kasprzyc (Poland). — The Polish delegation is prepared to accept the proposal
made by the honourable delegate of Belgium. We see no objection to the Commission discussing
in the manner indicated.

Nevertheless, the Polish delegation must at least make a reservation in respect of the
last paragraph of this proposal, which refers to a separate preliminary draft.

In no way desire to take up a different attitude from that which the honourable delegate
for Belgium and other speakers yesterday took up in respect of their situation as compared
with that of the United States of America: but I should like to have it put on record that the
Polish delegation cannot receive instructions allowing it to accept the generalisation of such
a situation as far as other States not Members of the League of Nations are concerned.

Should the discussion continue after Easter, I shall probably be able to make a more
definite statement and to explain our policy with regard to this proposal.

General Dumitresco (Roumania). — Mr. President and gentlemen — the Roumanian
délégation sees no objection to considering the questions before us in the order stated in
M. de Brouckère’s proposal, but, as we have no instructions with regard to the position that
we are to take up as to the suggestion contained in the last paragraph, we cannot make a
statement now. We are asking our Government for instructions enabling us to take up a
definite position with regard to this matter.

M. Paul-Boncour (France). — So far as the last part of M. de Brouckère’s proposal is
concerned, I note that to some extent it deals with the reply which I gave yesterday to what
was said by the delegate of the United States.

I did not quite understand what form he desired to give to his proposal. In his own mind,
too, I think he deliberately left it somewhat vague, for correction in our future discussions.
In that case I am obviously not in a position to make a statement with regard to the exact
form. Does it anticipate investigations to be carried out by the Council, Assembly resolutions,
etc? Is it a definite text? I should like to ask him for explanations with regard to these points.
For the rest, so far as concerns questions of method and procedure, M. de Brouckère has the same views that I stated yesterday. Thus, when we are faced by a text which is obviously very important and which deals with very different subjects, a certain number of questions arise. He, too, wishes to subordinate those questions in order better to solve them, and to do so according to the method we have adopted. But the four questions that I deliberately raised in a very clear and definite form referred to the very text which was before us at the moment when we arrived. They arose on the synoptic analysis itself—that synoptic analysis which laid the two preliminary drafts before us—and in that part were solely concerned with publicity, with the organisation of a Permanent Commission responsible for collecting, collating and requesting information, and, lastly, with the procedure to be followed before the Council and the investigations which might be carried out as a result of such procedure.

It is because I felt that in the Commission, when faced by this problem, there was likely to be a difference of opinion, which indeed exists—I fear that future events will prove it—that, before beginning the discussion of this text, I thought it desirable first to decide on the very definite questions which really summed up the whole of the text. M. de Brouckère's idea is much the same. Nevertheless, there is this difference, that the synoptic analyses as prepared have been put on one side for the time being; new subdivisions have been made, with the result that, while yesterday the synoptic analyses contained the question of supervision—to call things by their proper name, which is always better—to-day, with the desire to lead the Commission to decide first on the points on which it might be presumed (and legitimately presumed) there would be agreement, those points are brought up, and those on which there appear to be differences of opinion are kept for a later part. Apart from the method which consists in subdividing the difficulty in order better to solve it, there is also a method which consists of postponing things in the hope that it will be more easily solved.

But this leads us to certain ideas that are somewhat different from that of supervision. The whole question of derogations, which according to this programme would arise first, is obviously somewhat apart from what we were discussing yesterday. I draw attention to this without pressing it further. We are always free to discuss what method we desire to adopt, but while yesterday we had begun a discussion on a definite point, to-day we are taking a quite different one, namely, derogations.

Now, without desiring definitely to object to these proposals, I repeat, I wonder whether we shall not inevitably come up against what we were discussing yesterday (I fear we shall find it so); for instance, is it possible to separate this very serious question of derogations from the League of Nations procedure? I quite understand M. de Brouckère's idea. He says: "In respect of exceptions, there should be no difference in the position of nations represented here, whether they are Members of the League of Nations or not." I am not quite so sure of that, for I confess—and this was an essential idea of the French draft—that I cannot conceive how the exceptions and the provisions of the Covenant could have effect without the intervention of the League of Nations. If it is otherwise, the fact should be mentioned, although that seems to me a serious problem. The French draft, so far as derogations are concerned (I do not enter into the question of substance, but am merely indicating points on which we may perhaps nevertheless meet with difficulties), only admits of one external war, aggression of which a State is the victim and which obliges that State immediately to proceed to mobilisation as provided for and defined in another article of the French draft. But, simultaneously with provision in the speediest manner possible by that nation for its own defence, there is the necessity for immediate notification to the League of Nations. And, in respect of nations Members of the League of Nations, their obligations under the Covenant continue (even more so than ever). I draw your attention to this fact without laying stress on it. We are not dealing with the main question.

Even in respect of derogations, in spite of M. de Brouckère's desire to separate the point in respect of which intervention by the League of Nations is not required, we are going to encounter this difficulty, or else we are going to lay down rules which I for my part consider to be highly dangerous.

As for exchanging information, you may do so and continue to do so without any difference arising between the nations represented here. But you quite understand nevertheless that such information and exchange of information has a quite different significance and value according to whether there is or is not a permanent organisation to collect it. Here, too, we are faced with the question of a permanent organisation.

I make these reservations to show that, when dealing with the substance of the problem, the points which I raised yesterday will come up again at every step. Now, however, if it is thought preferable to adopt another method, as I have pointed out its disadvantages, I for my part will make no objection.

M. DE BROUCKÈRE (Belgium).—I should first like to thank M. Paul-Boncour for having accepted my suggestion as to procedure in spite of the disadvantages that it involves. He thus once more gives us proof of that spirit of conciliation which he has so often shown.

May I briefly reply to the definite questions that he has put to me? He asks: "What is the exact meaning of this second part of the programme of the Conference?" I would reply that the expression is a vague one, but I used it because at the moment I had no clearer one at my disposal. Besides, I think the time has not yet come to seek for a definite expression.

We are faced by a very difficult problem; should we have a separate chapter in the Convention? Should we have two Conventions with certain connections between them to be defined later? Should we have independent Conventions? Should we supplement this diplomatic instrument by Assembly or Council resolutions? These are all questions which we shall
have to consider very carefully when we come to the general discussion on Point D. I may have already formed some opinion on this subject; but, unless compelled to do so, I do not want to state my views before I have heard my colleagues on this point.

M. Paul-Boncour has said to us: "After all, you have met with difficulties on Point A with regard to derogations, and you are going to meet with difficulties on Point B, as regards exchange of information." I now clearly see another difficulty which I had already somewhat feared, but I do not want to evade it. I desire to bear in mind the eloquent words spoken by M. Paul-Boncour when he showed us how we should persevere even when there was no more hope and that we should persevere all the more when hope still remains.

In respect of paragraph D, I said:

"The remainder of the text and also possibly any provisions of the previous chapter, the consideration of which may have been postponed."

We might conceivably arrive at the chapter by supplementing certain general derogations by special exceptions, or by a system which would only be completed by bringing the various chapters together. We shall see when we deal with this problem. For the moment, I take note of the fact that we have agreed to begin such a discussion, which is indeed full of difficulties that will daily try our patience, and I note that we are decided at the outset to make use of those means that will give us the best chance of success.

If sooner or later during our examination we are of opinion that agreement is not possible, and that we have two different texts before us, we will admit our defeat, but it will not discourage us and we shall still have plenty of our energy left to begin again on the Second Reading.

The PRESIDENT. — I think that we are agreed on the procedure suggested by M. de Brouckère. In these circumstances I will make a proposal: Do you want to begin a discussion on Points A and B, or will you leave it to the Bureau and to its Secretary — who has just had such a well-deserved tribute paid him by M. de Brouckère — to prepare a text and to co-ordinate it as suggested by M. de Brouckère? In the latter case, we might postpone the discussion of this new draft to to-day week.

Viscount Cecil (British Empire). — I do not think, with great respect, that would serve a very useful purpose. M. de Brouckère has expressed an opinion adverse to all my proposals. He is quite entitled to express that opinion, but I do not feel inclined to allow him therefore to draw up the text which we are going to discuss. I think we had better go on as we have begun.

The point of procedure I did wish to raise was whether it was really desirable to go much further. I am quite prepared to go on with the derogations and information if you like, but it is quite evident we cannot get through the First Reading to-day. We have all those questions to deal with. Then we have got the question of a preamble, which is a very important question indeed. I attach very great importance to the exact drafting of the preamble. Then we have the question of chemical warfare. That may not be a long matter, but it will require a certain amount of consideration. In those circumstances, it is quite certain we could not finish the First Reading to-day, even if we sat all day long. I suggest, though, we might go on as long as we can go now and that, on the adjournment at midday, we should not meet again — as is indeed in accordance with the original resolution of the Commission — until after Easter. I do not think sitting this afternoon would do any good, and I happen to know it would be inconvenient to a certain number of delegates.

General De Marinis (Italy). — I do not quite understand the President's proposal. He alluded to the possibility of preparing a third text, that is to say, that we should add to the British and French texts another text prepared by M. de Brouckère. If this is to be the case, I should prefer that we should keep the two texts that we have before us; they have been circulated some time, and we have had an opportunity of considering them and thinking them over. Otherwise, I do not understand the President's reference to something to be done by M. de Brouckère, with the assistance of the Secretary. We must be quite clear on this point.

The PRESIDENT. — There is no question of a new text. I made a mistake; it would be the same text, but arranged differently.

General De Marinis (Italy). — In those circumstances I see no objection to such a procedure.

M. Paul-Boncour (France). — The question just raised by General De Marinis quite confirms what I was saying. I do not assert that this is a difficulty but we must be clear as to what we are doing. In reality M. de Brouckère's proposal sets aside for the moment the question brought before us yesterday by the two English and French texts and which raised the problem of supervision. The written provision which you propose has doubtless that result, namely, that we can now no longer make use of the Synoptic Analysis as it had been prepared for yesterday's discussion, and in respect of which I raised the four very definite questions I thought suitable for discussion. Other questions, such as that of derogations, which appeared in the Analysis in another place, are now brought forward by M. de Brouckère to come first, and this makes another Synoptic Analysis necessary. That is how I understand the question.

M. de Brouckère (Belgium). — I think that the position is quite clear. Yesterday we began the general discussion of the Synoptic Analysis, Part II, which includes several chapters. At the end of the discussion I thought that we should be doing better if we merely changed the
order of the chapters for the convenience of delegates. The President then suggested we should bring out a new edition but not that I should be entrusted with the task of replacing the other texts without the consent of their authors. The chapters would merely be arranged in the new text in another way, so that they could be more easily followed. It is therefore only a question of material arrangement.

The President. — Would the Commission prefer to begin the discussion now or to refer it to to-day week?

I beg you to decide on this point by a vote.

By 8 votes to 5 the Commission decided to refer the discussion to the next meeting, which was fixed for Thursday, April 21st, at 4 p.m.

The Commission rose at 11.35 a.m.

THIRTY-THIRD PUBLIC MEETING.

Held at Geneva on Thursday, April 21st, 1927, at 4 p.m.

President: M. Loudon (Netherlands).


The President. — In accordance with the decisions which we took before we adjourned, we shall to-day continue with the First Reading of the second part of the Synoptic Analysis of the British and French drafts. We shall, in particular, begin the examination of the chapter dealing with “Derogations”.

I open the discussion on Points 9, 10, 11, 12 and 13.

9

British draft.

The provisions of the present Convention shall not prevent any of the High Contracting Parties from increasing its land, naval or air armaments beyond the agreed figures.

If a war in which it is belligerent has broken out.

If it is threatened with a rebellion.

In the case of an emergency involving serious military operations.

Or if the High Contracting Party has obtained the consent of the Council of the League of Nations.

M. De Brouckère (Belgium). — As regards Points 9, 10, 11, 12 and 13 of the Convention, we have two different texts. The text of the right-hand column seems quite simple and provides for derogations on which, I believe, we shall easily agree. The text is drafted as follows:

“Each High Contracting Party shall be ipso facto released for the duration of the conflict from the obligations which it incurs under the present Treaty.

If it is compelled by the unjustified aggression of another Power to resort to the measures of mobilisation referred to in Article 3.”

We have here a case in which a country is attacked. Surely no one would think of denying the right of a country which is attacked to mobilise its full strength with a view to legitimate defence?

But in the left-hand column I find a much longer series of cases in which the Convention shall not apply, and to which I have so far some objections to make.

In the left-hand column it is proposed that the High Contracting Parties shall be released from all obligations in three different cases: (1) in the event of war, (2) in the event of a rebellion, (3) in the case of an emergency involving serious military operations.

Is it really necessary to release every contracting party from its obligations under the Convention every time it happens to be at war? There are wars and wars. International law, unless I am mistaken, tends more and more to distinguish new categories. It clearly distinguishes two, and one might even say that it is beginning to distinguish a third.
The first category, which the Covenant of the League of Nations and, more generally, modern conceptions of international law regard as distinctly illegitimate, consists of wars of aggression.

The second category, the legitimacy of which does not appear very clear to many people and which one might at most consider as being provisionally legitimate, consists of wars entered into when the Covenant of the League of Nations authorises a nation to resort to war — that is, when all peaceful means of settling the dispute seem to have been exhausted.

Finally, there is the war which is undoubtedly legitimate, namely, the war of defence; this is the individual war waged by a country which is defending itself, and the collective war entered into by a country which responds to the League of Nations' appeal and brings assistance to a country which is being attacked.

Well, gentlemen, while we all agree that nothing should be done to diminish the defensive strength of a country in the third case, it is open to question whether one should encourage a country to enter into a war of the second category, into one of those wars which, without being formally declared illegitimate, are at least deplorable. Would it not be going too far to release a country from all the obligations of the Convention when that country is itself the aggressor? Thus, for instance, a Member of the League of Nations might fail to carry out its undertakings, might openly violate them, by declaring war, in a case where it had undertaken not to declare war; and, by the mere fact that it had violated the rules of international law, it would be authorised to arm and to mobilise, and would be released from all the undertakings it had given. It may be said that the question is only of academic interest, since a country which had placed itself in this situation and had already violated international law once by waging a war of aggression would not hesitate very much to violate international law a second time by disregarding its undertakings. But we should be going somewhat far if we were to make such action in some way legitimate. In private law, although it may be illegal for a person to arm himself and carry a revolver, a man who has decided to murder his neighbour will hardly be deterred from doing so by the thought that he will be committing an offence by carrying firearms. Would it not, however, be very odd if the laws of a country made it definitely illegal to carry a revolver except with the intention of committing a murder? That is what we should be doing, if we were to say that the mere fact of war, even a war of aggression, releases a nation from the undertakings it has given.

Probably the difference of opinion between the authors of the text in the left-hand column and myself is rather a theoretical one on this point. I think, however, that it is of some interest. But the difference acquires much more practical importance in the case of rebellion.

What is rebellion? Often, in the course of these discussions, our attention has very rightly been drawn to the danger of introducing into a Convention of this kind notions which are a little vague and lacking in precision, which lend themselves to a great number of interpretations and which would result in different countries applying the Convention in different ways, even when they apply it with equal good faith. Should we not at this point bear that danger in mind?

Does a definition of rebellion exist, which is sufficiently clear and generally accepted? Are there any distinctive characteristics which in international law reveal the existence of a rebellion?

Gentlemen, the notion of rebellion may be very clearly defined by the national law of a given country. The Government knows very well whether or not it is faced with a rebellion and what means it should employ to suppress it. But are there any rules in international law which permit that Government to justify its action as against third parties on the ground that a rebellion has broken out? In all international instruments, and particularly in the Covenant of the League of Nations, care has been taken to base all rules of international law and of international action, and all rules governing the relations between one Power and another, on scrupulous respect for the principle that no country shall interfere in the internal affairs of another. Measures to put down rebellion come within the province of national law. Every country, within its own frontiers and in virtue of its sovereign power, acts as it considers right. Other countries are not called upon to interfere, and have, in fact, no right to interfere. Can a circumstance which is so clearly independent of interference by third parties serve as an argument against third parties, and should we not run the risk of creating a particularly delicate situation if we were in some way to give a premium to countries in which a rebellion breaks out by allowing them to increase their military strength — provisionally, perhaps — against the party which is not in power, while retaining the possibility of using this strength against some neighbour, against some other Power? It is without doubt the duty of every country to keep order within its own territory. It is its duty, but it is also its business; and it is incumbent on that country to take the necessary measures. It is free to use its Police forces as it pleases. The country itself determines the extent, the importance and the nature of these forces. The country itself, when it comes to sign the Convention, will indicate what formations organised on a military basis it requires in order to preserve order within its own territory, and no one will have a right to interfere or to question its decision. It will therefore be for that country to see that it has sufficient Police forces. One might add that such Police measures as it may have to take will have to be taken in the most general sense of the word — that is, they will not only entail armed forces of repression, but a general scheme of political rules, rules of action which will enable it to maintain within its own territory a state of things conducive to order.

No doubt the authors of the proposal were not thinking only of a rebellion that might break out within the national territory properly speaking — within the home territory — but of a rebellion which might break out in distant parts.
In the case of a rebellion which might break out in the colonies or dependencies of a country, I should be inclined to apply the same argument as that which I have just outlined. I would say that, there again, the Convention we are drawing up explicitly provides for colonial troops, troops which a country should have at its disposal for the purpose of keeping order in its colonies, troops intended for that purpose and which will be indicated at the time of signing the Convention. It is for the country itself to see that such troops are sufficient and to adopt such a policy as will make them sufficient. But we would, I fear, make the Convention quite ineffective if we were to allow a country to take advantage of its having followed an unfortunate policy with regard to its colonies, and of the greater military requirements to which such a state of things might have given rise, and for that reason to arm, in the first place, with a view to putting down a rebellion, and then, perhaps, in order that it may have at its disposal greater forces available for use against an enemy, or neighbour which it might be tempted to attack.

And now I come to the other emergencies, and here I must state that I do not very well understand what eventualities, other than war or rebellion, might necessitate the mobilisation of a considerable military force. If troops are mobilised with a view to operations outside the home territory, then we would seem to have a case of war. If, on the other hand, they are mobilised with a view to operations within the home territory, then we would seem to have a case of rebellion. But in what case, other than rebellion or war, does one take military action? I could conceive of situations arising which might be rather difficult to define from the international point of view — strained relations between certain countries. But should we state in the Convention which is to be concluded under the auspices of the League of Nations that such difficulties should be settled by armed force? Should we not rather maintain that such difficulties should be settled here in Geneva or at The Hague — by the intervention of the Council of the League of Nations or by arbitration?

Gentlemen, before closing, I should like to say that I quite appreciate the considerations which the authors of the proposal in the left-hand column had in mind. Apart from the cases to which specific reference has been made, one could conceive others — other cases than that of aggression — which may alter the conditions of a country's security and may justify its increasing its forces and taking precautionary measures. I do not deny the existence of such a necessity, nor, indeed, do I think it has been denied by anyone. It has been taken into account in every great international convention designed to secure peace. It was taken into account in the Covenant of the League of Nations, in paragraph 4 of Article 8, which, dealing with the level of armaments accepted by each country, reads: "After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council." This implies that, with the concurrence of the Council and by reason of exceptional circumstances or of a threat arising, the limits may be exceeded.

Gentlemen, I find the same idea — exactly the same idea — expressed in similar terms in the Washington Treaty. There also it is stated that "if, during the term of the present Treaty, the requirements of the national security of any Contracting Power in respect of naval defence are, in the opinion of that Power, materially affected by any change of circumstances, the Contracting Powers will, at the request of such Power, meet in conference with a view to the reconsideration of the provisions of the Treaty and its amendment by mutual agreement".

This being so, I wonder if we could not meet the difficulties which we have just observed, in the way indicated both by the Covenant of the League of Nations and by the Washington Treaty. We cannot apply either of the texts as they stand. Why? We cannot apply paragraph 4 of Article 8 because it constitutes an undertaking given by Members of the League of Nations. It provides that the Council of the League of Nations may give the necessary authority, and we could not ask countries, which are not Members of the League of Nations to accept such a procedure. Neither can we apply Article 21 of the Washington Treaty exactly as it stands. Why? Because the Washington Treaty was concluded between five parties, and, should a difficulty arise, it would not be very difficult to bring these five parties together and ask them for the necessary authority. But a general Disarmament Convention, when it comes into being, will have to be concluded between a very considerable number of Governments perhaps fifty, perhaps more. Could one, for every difficulty and for every special case which might arise, call a general meeting, open a new discussion and alter the text of the Treaty? The thing seems impossible. I therefore wondered if we might not succeed in reconciling what is common to the spirit of the two texts by departing slightly from the letter of those texts and adopting a form of words similar to that which I am going to read, and which I simply put forward as a suggestion, before hearing the opinion of my colleagues as to whether it should be converted into a formal proposal. Here is the text:

"If, during the period of validity of the present Treaty, a Contracting Power considers that the requirements of its national security are materially affected by fresh circumstances, it may be authorised to exceed the scale of armaments laid down in the present Treaty by virtue of a unanimous decision of the following High Contracting Parties:"

And then, adopting a suggestion contained in the right-hand column, I give the following list of the principal Powers: "The British Empire, France, Germany, Italy, Japan and the United States of America", and I should add, "and other Powers not enumerated above which might at the time be represented on the Council of the League of Nations".

Gentlemen, I think the following resolution should be added to this text:

"This provision in no way affects the rights and obligations which might be incurred by the High Contracting Parties in view of their membership of the League of Nations."
Such is the suggestion which I take the liberty of making. I repeat that I should be glad to hear the opinion of my colleagues as to whether it should be converted into a resolution.

Sir Cecil Hurst (British Empire). — I had hoped that the Commission might have been favoured with the opinions of some other delegations upon the criticisms which M. de Brocquère has made upon the provisions which appear in the left-hand column of the page which we are discussing.

Before I say something in support of those provisions, may I make a few observations on what he has said with regard to the contents of the provisions which appear on the right-hand side of the page? He suggested that those provisions would be found to be simple, and, he thought, acceptable. From the practical point of view, I venture to doubt whether in reality those provisions which seem so simple on the face of them would be found to work well in practice or to be adequate. Who is to decide when the circumstances have arisen under which a State is compelled by the unjustified aggression of another Power to resort to the measures of mobilisation? My mind goes back to the innumerable and, I might say, interminable debates and discussions which I heard in Geneva three years ago on the difficulty of determining who was the aggressor in any particular struggle.

At a time when the representatives of the Powers were gathered together in Geneva trying to settle the terms of the Protocol there were no provisions which created more difficulty than those which related to the determination of which party in a struggle was to be the aggressor; and to suggest that it should be acceptable to all concerned to have this provision that a State is to be entitled to depart from the provisions of a Convention on the limitation of armaments merely if it is compelled by the unjustified aggression of another Power, is really to introduce a provision which leaves a very great measure of vagueness (if not more than that) as to the circumstances in which this derogation will apply. Simply though the French draft may be couched in a few words, I venture to suggest, from the point of view of working well, the provisions on the left-hand side of the page will be found to be better.

M. de Brocquère’s criticisms were devoted, first of all, to the sentence in which it is said that the provisions of the present Convention shall not prevent any of the High Contracting Parties from increasing its armaments if a war in which it is belligerent has broken out. For the purposes of his criticisms M. de Brocquère divided wars into three categories. He says there are first the wars of aggression, then there are the wars which are legitimate under the Covenant, and then there are the wars which are undertaken in self-defence. With regard to the first class, he suggested that it was unreasonable — I think he would go so far as to say that it was wrong to enable a State which might itself be the aggressor. From the practical point of view, I venture to doubt whether that argument so very serious? First of all, let us remember the juridical principle that, when war breaks out, the treaties between the belligerent Powers cease to apply; that is to say, the effect of war is to abrogate the treaties. How, and by what means, from the juridical point of view, are you going to suggest that if a State goes to war, having itself violated the treaty, the treaty continues to be binding upon it? I put that argument first, because it is purely juridical and I think one of very little importance.

The real practical argument is this. If a State goes to war because it is the aggressor, it is quite certain that it will not observe this treaty. That is a very practical argument, and as a criticism upon the provisions which figure in the left-hand column I do not think M. de Brocquère’s argument with regard to the impracticality of allowing a State to secure release from the provisions of this Convention because it becomes involved in war is really sound.

Let me take my next class, the wars which are legitimate. You must remember we have cases to bear in mind where, under the Covenant, a war may become legitimate merely because the members of the Council may fail to arrive at a unanimous decision. That is a case which I do not wish to suggest in practice will happen. I hope it will never happen, but it is an eventuality which must be borne in mind, and the possibility of that even reality is such as to render it impossible, in my judgment, for a Convention of this kind, to try to draw this distinction between some cases in which war is to have the effect of determining the operation of the Convention and other cases in which it is not. I venture to say it is far better if you wish to draw up a Convention which will work in practice, to introduce one broad comprehensive provision to the effect that it shall cease to apply to a State which becomes involved in war.

Now, may I turn to M. de Brocquère’s criticisms upon the next provision, which deals with the condition of affairs if the State is threatened with a rebellion? His argument there, if I followed him rightly, is that rebellion is a matter which is internal to the State; that it is a matter which affects its domestic jurisdiction alone, and consequently that it should not in any way influence or affect the treaty obligations into which it may have entered towards third Powers. That argument, I venture to suggest, is not one that can be pressed far. What we are engaged in doing is preparing a Convention which limits the right of a State to provide itself with such armaments as it may think desirable. In the absence of a Convention of this kind, every State decides entirely for itself what armaments it will have. Consequently, any provision which limits the argument which a State may create is a limitation upon its sovereign rights. It is perfectly true that, in dealing with a rebellion, a State is dealing with a matter which is purely internal to its own concern and should not affect its obligations towards third States; but if by your Convention for the limitation of armaments you introduce a provision which limits the right of the State to arm itself as it likes, you must in that Convention provide for any necessary increases which a serious rebellion may entail. M. de Brocquère...
clearly thinks that such an event as a serious rebellion entailing a great increase of armaments is not one that need be borne in mind. Happy is the State, such as M. de Brouckère's, that may never have had to face any rebellion of that kind. I can only say that I am representing a State which certainly, seventy years ago, suffered a rebellion which did entail, and necessarily entail, a great increase of its armaments at that time, and I think there are others sitting round this table the history of whose State also will lead them to reflect upon occasions on which they have been compelled by rebellions, which were from their own point of view purely domestic concerns but which yet shook the foundations of the State to the bottom, to effect a great increase in the armaments of that State.

Now, that being a possibility, why not face the fact frankly and let us try and draw a Convention which will really work in practice? I pass for a moment to the third case, the "emergency involving serious military operations". That, in the present form of this Convention, is a matter of much less importance. It was originally inserted in the British draft at the time when there was a possibility that there might be included in the draft some provisions laying a limitation on budgetary expenditure, and it is clear that an event which is not a rebellion and which is not a war may yet necessitate the movement — not the increase, but the transportation — of troops on such a large scale as to have involved an expenditure which might have brought a State beyond the limit of budgetary expenditure allowed. If this Treaty, as prepared, contains no provisions with regard to budgetary limitation, I think it is quite clear that Point 12 might be left out.

Let me return for one moment to what I was saying with regard to rebellion. M. de Brouckère's argument is that, in determining the figure of the troops for which it will stipulate in the proposed Convention, a State will always bear in mind the number of forces which it may be called upon to use for the purpose of suppressing anything in the way of rebellion. That, I venture to suggest, is a very dangerous argument, because what we are endeavouring to do is to frame a Convention which shall secure the limitation and the reduction of armaments. If when the day comes for the State to mention figures in the Convention which we hope will be concluded in the future, a figure so large as to cover every possible contingency that may ever happen in the course of its history in the way of a rebellion or otherwise is inserted, we are certainly not going to secure a Convention which will in any way entail the reduction of armaments; and the reduction of armaments is what we are out for at the present time. If a State suddenly realised that in its colonial possessions it might have, at some time, to face a great rebellion, and if that State were to put down figures in that Convention which would be sufficient to cope with the greatest possible emergency that might arise in one of its colonies, it is quite clear, firstly, that our Treaty would be regarded by the world at large as fantastic, and, secondly, it is certain, I think, that in fact it would not in any way entail the reduction of armaments.

I venture to suggest that, before you condemn the provisions which you will find in the left-hand column of this page, you should look at this whole proposal from a real, practical point of view. A Convention dealing with the limitation and the reduction of armaments is, above all things, a Convention which should be framed from the purely practical point of view; and if the League of Nations proceeds to frame this Convention, not on the basis of what is really practical but upon a purely theoretical basis, I much fear that this Convention, even though it is signed, may follow in the footsteps of so many other League Conventions, and never be ratified.

M. RUTGERS (Netherlands). — To a great extent, I agree with M. de Brouckère's criticisms regarding Points 11 and 12 of the left-hand column; on the other hand, there were some arguments in Sir Cecil Hurst's speech which impressed me.

Sir Cecil Hurst, when criticising the text of the right-hand column, asked who would decide whether a State was the victim of unjustified aggression. I agree that this question must be asked, but there is just as much reason to ask it in connection with the circumstances mentioned in the left-hand column. Indeed, I think this criticism even more damaging to the cases mentioned in the left-hand column than to those in the right-hand column.

I agree with M. de Brouckère that the right-hand column contains a better formula for the case of war, even if we share Sir Cecil Hurst's doubts as to what might happen in the event of war. In my opinion, the text might be kept as it stands. The draft Convention, which we are preparing, already contains a provision applying only in time of war. On the proposal of the British delegation, we have already adopted, as regards naval armaments, a provision borrowed from the Washington Treaty, to the effect that a Contracting Power engaged in a war shall not use as a vessel of war any vessel of war which it is in the course of constructing for another Power. Clearly this provision only applies in time of war. This being so, we cannot object to inserting the formula contained in the right-hand column on the ground that, by so doing, we should be introducing into the Convention a clause which would only apply in time of war.

With regard to the left-hand column, only the provisions of Point 12 give rise to serious objections. Here the left-hand column reads:

"The provisions of the present Convention shall not prevent any of the High Contracting Parties from increasing its land, naval or air armaments beyond the agreed figures in the case of an emergency involving serious military operations."

What is meant by "circonstances imprévues" ("emergency")? The term "circonstances" is, moreover, exceedingly vague and it is not made any more precise by the addition of "imprévues". Thus it follows from the text that a Power will have the right to increase
its armaments if it thinks necessary. The adoption of this provision would diminish the value of the whole Convention very considerably.

No doubt Sir Cecil Hurst was quite right in pointing out, as regards Point 17, that, if the Convention did not contain such a provision, many Governments would be forced to give very high figures in the tables annexed to the Convention. They would have to take into account the possibility of grave rebellions and, as a result of these very high figures, the Convention would become very much less effective. Nevertheless, it must be considered whether the provisions in question should not be altered to some extent. It provides for the threat of rebellion. Now there may be a threat of rebellion which is distant, or the threat may be immediate and grave. Here, again, we have to consider who is to decide whether the threat is immediate or not, and whether the rebellion which threatens the State is grave or not. If each Power has to decide this point for itself, the provision might, like that contained in Point 12, jeopardise the whole Convention. Would it not be possible to find a formula which would threaten neither the security of the countries which Sir Cecil Hurst has mentioned, nor the application and the efficacy of the Convention? We might perhaps follow the suggestion made by M. de Brouckère.

I wonder, however, whether this is the right time for such a discussion. I see from the synoptic analysis that one of the chapters is called, "Procedure with regard to complaints and revision". And, in this chapter, Point 17 provides that, "if during the term of the present Treaty a High Contracting Party considers that the requirements of its national security are materially affected by any change of circumstances, it shall lay the matter before . . ." Does not M. de Brouckère's formula apply rather to this point? Especially as the chapter on derogations only provides, unless I am mistaken, for cases in which no authority is required.

While I am quite prepared to discuss M. de Brouckère's proposal, I wonder whether it would not be better to reopen this discussion when we come to Points 16 and 17 of the chapter on "Procedure with regard to Complaints and Revision".

Count Clauzel (France). — I should like, in the absence of M. Paul-Boncour, to reply to one or two criticisms made by Sir Cecil Hurst in respect of the right-hand column.

Once again our British friends charge us with lack of precision. They equally often accuse us of a lack of logic. We try, however, to do our best to deserve neither of these reproaches.

I think that in this case the fault of the French draft lies in its form and that here M. Rutgers has hit the nail on the head. The right-hand text of Point 17 deals with two of the important cases contemplated by Sir Cecil Hurst and included by M. de Brouckère in his very interesting proposal. I think it will be possible later, when we examine M. de Brouckère's propositions, to take the proposal regarding the "circumstances imprévues" ("emergency") into account. I admit that this phrase is no more satisfactory than the corresponding English term.

As regards the essential part of the French proposals concerning derogations, it is quite correct — and this is a point which I think I should emphasise — that the French draft only provides for a single derogation in the event of a defensive war — that is, a war resulting from aggression. The Council alone is competent to give a decision in such a case. We are certainly not going to open a legal discussion — I should be ill qualified to argue with Sir Cecil Hurst on such a subject — on questions which were discussed at length at the time of drawing up the Geneva Protocol. However, it would seem that the formula of non-aggression, in the very modest form in which we have adopted it, might be inserted here in order to make it easier to decide the very grave question of defensive war, which is the only case we wish to consider.

As regards rebellion, Sir Cecil Hurst has reminded us that many of the delegates present have been concerned with such a menace within the last 75 years, but M. de Brouckère has pointed out that, as regards a rebellion within the country, sufficient Police forces should be provided to cope with such a rebellion. As for a rebellion which might break out in a colony, M. de Brouckère reminded us that it is for the Powers concerned to provide in good time for sufficient colonial forces to ensure the necessary measures of repression.

There is another argument which I may be allowed to put forward, and I borrow it from a remark made by Lord Cecil, when we were discussing the distinction to be drawn between colonial and home effective. Lord Cecil then insisted on the right of a Government to draw at any time on its home effective for purposes of colonial defence. I see great advantages in this. In the first place, it leaves a wide margin for effective; in the second place, it allows time for consulting the Council and obtaining a decision from the latter soon enough — even when the last provision of Point 17 cannot be brought into play, which enables the Council, in an extremely urgent case, to take an immediate decision.

I hope these few remarks will to some extent justify the provisions of the right-hand column, it being understood that I fall back on Point 17 to meet the charge of vagueness which has been made. It is further understood that the compromise proposed by M. de Brouckère might, if combined with these various texts, provide a more acceptable solution.

M. de Brouckère (Belgium). — Mr. President, I do not want to prolong the discussion. I have listened, with great interest, to Sir Cecil Hurst's remarks; I do not think it necessary that I should answer them now, in view of the fact that the last two speakers have already done so.

I admit the force of the criticism that my remarks were too theoretical. I am, however, comforted by the thought that they have already led to some practical result, since it seems that my amendment can at least apply to the third case, namely, that of the "circumstances imprévues" ("emergency") which had made me particularly uneasy, for my political experience,
covering already a considerable number of years, has shown me that, in politics, circumstances are always unforeseen.

If I have asked to say a few words, it is in order to associate myself with the proposal made by the Netherlands delegate, to the effect that my own proposal should be discussed simultaneously with Point 17. M. Rutgers thinks that this procedure would be more logical. I admit that for once I have been so misguided as to depart from abstract logic in order to make what seemed to me a practical suggestion. I will venture to give my reasons for having done so. We decided to divide our work into two parts. In the first part, it was understood that we should examine all questions with regard to which all the delegations present are in the same position. In the second part, we decided to examine questions with regard to which the Governments represented here are no longer in the same position, since some of them are Members of the League of Nations and have thereby incurred obligations which are not binding on non-Member Governments. When we examine Point 17, we shall have reached the second part of our discussion. Let us suppose that we shall then come to the conclusion that the best means of meeting our difficulty is to draw up a Convention between Members of the League of Nations only and that, in accordance with the text of the French draft (and incidentally with Article 8 of the Covenant), we shall decide that the Council of the League of Nations may, owing to exceptional circumstances, authorise certain Governments to exceed the limits of armaments originally fixed. We shall then have drawn up a useless Convention, since we shall already be bound by a previous Convention, to which States not Members of the League of Nations will have been parties, these latter States being unable to recognise our second Convention. We shall moreover still be bound by the provisions of the first Convention. It is therefore necessary that a derogation should be provided for in a Convention which will be equally binding on all parties to the disarmament Convention.

These are the considerations which led me to propose a text, the hasty and no doubt imperfect character of which I am ready to admit. If, in spite of this, I have proposed the text now, I have done so in order that everyone may consider it and see whether, by other and better means, and by a few amendments to the text, it may be possible to reach a reasonable solution.

We are now faced with the first of the difficulties which M. Paul-Boncour foresaw. We decided to attempt the sub-division of our work into two parts; at that point in our discussion this procedure led us into difficulties. I stated that these difficulties did not seem to me to be insuperable, and it was in order to overcome them that I put forward the text which is now before you. I see no objection to its being discussed whenever the Commission thinks fit.

General DE MARINIS (Italy). — I have listened very carefully to the arguments put forward by the speakers who have preceded me and I appreciate their great importance. Although I was greatly impressed by the criticisms of the British draft made by M. de Brouckère and by the representatives of the Netherlands and of France, from a purely practical point of view as regards applying the Convention, I think the latter would be much more simple and lucid if the text of the left-hand column were adopted.

With regard to this point, I shall only make one criticism concerning Point 10. The British draft provides that a Government shall be released from its obligations under the Convention if a war, in which it is a belligerent, has broken out; whereas the French draft stipulates that a Government shall be released from its obligations under the Convention if it is a victim of an unjustified aggression. But a country which believes itself to be the victim of an unjustified aggression will lose no time in taking all the necessary measures for self-defence; it will mobilise as soon as possible and ipso facto become a belligerent. The case in question seems to be fully covered by the provisions of the left-hand column. If a country believes itself to be the victim of an aggression, nobody will prevent it from thinking that it is in a state of legitimate war. If the Government is mistaken, if it has no right to resort to war, it becomes thereby guilty of aggression and is liable to all the sanctions applicable to the aggressor. In this case, it is not the limitations contemplated in the Disarmament Convention which will have to come into force, but the sanctions applicable to the aggressor.

In conclusion, while it is ready to examine any formula which might be proposed in order to reconcile the differences of opinion brought out, the Italian delegation associates itself in principle with the provisions of the British draft.

M. PEREZ (Argentine). — The Argentine delegation accepts Points 9, 10, 11, 13, 14 and 15 of the left-hand column.

The President. — We might adjourn the discussion until to-morrow. We shall then have time to examine M. de Brouckère's proposal and consider whether, at a later meeting, we can agree on a text.

92. Examination of the Synoptic Analysis. Part II. Exchange of Information. Points 2 to 8.

EXCHANGE OF INFORMATION.

2. Each of the High Contracting Parties shall, in the form set out in Tables I to VII, prepare in respect of its armed military, naval or air forces and its formations organised on a military basis an annual statement of the average daily effectives on service in its armed forces, and a statement of the actual effectives on services in its formations organised on a military basis.
With a view to the exchange of information as provided for in Chapter VI of the present Treaty, the statement laid down in the present provision shall be forwarded to the Secretary-General of the League of Nations before December 31st of the year to which it refers.

3. Each of the High Contracting Parties shall prepare an annual statement showing the total horse-power of aircraft and dirigibles in commission and the total volume of dirigibles in commission, according to their distribution among the different categories of formations laid down in Articles 8 and 9; military, naval or air formations for the defence of the home territory (Table VI); formations organised on a military basis and stationed in the home territory (Table VII); military, naval or air formations allocated to the overseas forces or intended for their reinforcement (Table VIII); formations organised on a military basis and stationed in overseas territory (Table IX).

With a view to the exchange of information as provided for in Chapter VI of the present Treaty, the statement laid down by the present provision shall be forwarded to the Secretary-General of the League of Nations before December 31st of the year to which it refers. (Already adopted reproduced for reference).

4. If the construction of any vessel of war for a non-Contracting Power is undertaken within the jurisdiction of any of the Contracting Powers, such Power shall promptly inform the other Contracting Powers of the date of the signing of the contract and the date on which the keel of the ship is laid; it shall also communicate to them the particulars relating to the ship.

5. Note. — Budgetary information — See Points 1, 2, 3 and 4 of the Synoptic Analysis regarding Expenditure, C.P.D./45 c.

6. The Permanent Disarmament Commission shall be responsible for centralising all the information supplied by the High Contracting Parties to the Secretary-General of the League in execution of the provisions of Articles 5, 10 and 21 of the present Treaty and also for collecting, with regard to matters subject to the limitations provided for in the present Treaty, or which may appear to it suitable to form the object of fresh treaties, all particulars it may consider necessary to the performance of its mission as defined below.

7. The Commission shall be responsible for studying on the basis of these data such progress as may be accomplished in regard to the limitation and reduction of armaments. Its attention shall be devoted in particular to following in the annual budget statements supplied by the High Contracting Parties the increase or reduction in the amount of the material in their possession which it has not been possible to limit directly in the present Treaty.

8. Each year the Permanent Disarmament Commission shall make at least one report on the questions which it is engaged in studying. This report shall be published simultaneously with despatch to all the High Contracting Parties and to the Council of the League. Each member of the Commission shall be entitled to demand that account shall be taken in this report of the opinions or suggestions put forward by him, if necessary in the form of a minority report.

The President. — I propose that we should now proceed to examine the chapter on "Exchange of Information". It seems that we can adopt Point 2, because, as shown at the foot of the page, it has already been adopted.

Count Bernstorff (Germany). — I understand that Point 2 will be adopted if nobody wishes to speak on the subject.
I should therefore like to make a similar reservation to those that I entered when I made my previous declarations. I would like it to be put on record that, in my opinion, a table should be drawn up, showing the reserves trained on military lines, registered by the different countries and legally liable to military service in case of war. This table should indicate separately the number of officers, warrant officers and sergeants and men.

I reserve the right to revert to the question of trained reserves on the Second Reading. For the moment I will be content with the above remarks on paragraph 2.

General DE MARINIS (Italy). — I should like to know whether Tables I to VII are to be applied both to land armaments and to naval and air armaments.

Sir Cecil Hurst (British Empire). — Is the statement in the footnote, that the article is already adopted, quite accurate? I think that was discussed and I think agreed to in respect of land armaments, but I am not sure that any discussion took place with regard to air and naval effectives. It is not true that I wish it to be thought that the British delegation is opposing it, it is from the purely technical point of view. My air and naval advisers are not quite sure as to how it will work in practice. They accept the principle; it is only the actual way in which it would work with regard to air and naval effectives.

The President. — This point was adopted on the First Reading with certain reservations.

Sir Cecil Hurst (British Empire). — If I want to say anything with regard to it in the morning perhaps I might be allowed to do so.

The President. — I think that there can be no objection to complying with the British delegate's request.

We will now discuss the second section of Point 2.

M. Hennings (Sweden). — The first part on Point 2 reads: “Each of the High Contracting Parties shall, in the form set out in Tables I to VII, prepare in respect of its armed military, naval or air forces, and its formations organised on a military basis, an annual statement of the average daily effectives on service in its armed forces, and a statement of the actual effectives on service in its formations organised on a military basis”. The paragraph also provides that the statement shall be forwarded to the Secretariat of the League of Nations before December 31st of the year to which it refers. I wonder how it will be possible for a Government to send a statement of the average daily effectives for the year, before December 31st of that year. Would it not be advisable to allow a period of three or six months to send in this statement?

The President. — I think that M. Hennings is perfectly right. Perhaps we might say within three months after the expiration of the budgetary year.

General DE MARINIS (Italy). — I concur with M. Hennings' remarks and the President's suggestion. I cannot, however, accept the text now being discussed; Point 2 says: “With a view to the exchange of information as provided for in Chapter VI of the present Treaty . . .”. Now Chapter VI provides for the establishment of a Permanent Disarmament Commission. As I am opposed to the establishment of a Permanent Disarmament Commission I could not accept the text of Point 2.

Count Claouzel (France). — General de Marinis' remarks refer in point of fact to Chapter VI of the French draft, which provides for the establishment of a Permanent Disarmament Commission. This is a difficulty that we shall deal with in due course when we come to discuss the question of control. General de Marinis would perhaps be satisfied if we simply omitted the first part of the sentence to which he refers, and if we began the paragraph by the words: “The statement laid down in the present provision . . .”

General DE MARINIS (Italy). — I agree with Count Claouzel's suggestion.

The President. — We will now discuss Point 3.

Count Bernstorff (Germany). — In connection with Point 3 I would repeat my previous statement, to the effect that the proposed Convention must cover all material in service, in reserve and in stock. This material must therefore be clearly shown in the proposed tables. I may want to revert to this question at the Second Reading. For the moment, I simply desire to submit a reservation with regard to Point 3.

The President. — The German delegate's statement is noted.

General DE MARINIS (Italy). — I think that, in order to make the two texts agree, it would be advisable to draft Point 3 as follows: “Each of the High Contracting Parties shall prepare an annual statement of the number and total horse-power of the aircraft, and the number, total horse-power and total volume of the dirigibles in service in its armed forces and in its forces organised on a military basis”.

M. Rutgers (Netherlands). — I wonder whether it would not be advisable to show that what is wanted is the position on a given date. If the total horse-power is to be shown for the whole year, it will be necessary to calculate the average. Aeroplanes have no mess-tins! This might therefore give rise to some difficulty. But the difficulty could be obviated if we said: “Each of the High Contracting Parties shall prepare an annual statement showing the situation on December 31st of the previous year.”

We might also adopt this formula in Point 2.
The President. — It there is no objection, we might adopt M. Rutgers' suggestion.

M. DE BROUCKERÈ (Belgium). — I think it would be as well for us to consider this point for a few moments, and it might perhaps be advisable to resume the discussion later. The problem appears rather more complicated than it did at first sight.

The President. — Then we will discuss this point to-morrow.

Sir Cecil Hurst (British Empire). — May I make a proposal that, before we take up this matter in Commission, the Bureau should be asked to prepare a revised text, because it is so much easier in the full Commission if we have a definite text. I think the Bureau will find that there is another small modification which requires making in this wording, because I understand that, before that adjournment, the idea of differentiating between the home naval forces and the overseas naval forces was abandoned, and therefore there may have to be another slight modification. I suggest that this point should be adjourned not only till to-morrow, but to some meeting later, by which time the Bureau will have had an opportunity to give a revised text for discussion.

The President. — The Bureau will submit this text to-morrow, or the day after at latest. Of course, the second paragraph must correspond with the second paragraph of Point 2, and must include the necessary amendment regarding the date.

Point 4 (Left-hand column.)

M. SATO (Japan). — I have no objection to submit as regards the main point at issue. I simply wonder whether it is possible to inform all the other States of a contract signed by any one Power. Is there no way of simplifying application? This is my only doubt.

The President. — I would ask the Bureau to endeavour to find another formula. We will examine this question to-morrow.

Points 6, 7 and 8.

The President. — These points will not be discussed for the moment; we will go into them when we come to the question of supervision.

93. Examination of the Netherlands Proposal concerning Publicity regarding Material.

Each of the High Contracting Parties shall prepare an annual statement of the number (weight) of arms and ammunition and implements of war in service and in reserve in its land, naval and air forces distributed between the following twelve headings and existing on the date of December 31st, of the preceding year.

1. Rifles, muskets, carbines (number).
2. (a) Machine-guns, automatic rifles and machine-pistols of all calibres (number); (b) Mountings for machine-guns (number); (c) Interrupter gears (number).
3. Projectiles and ammunition for the arms enumerated in Nos. 1 and 2 above (number).
4. Gun-sighting apparatus, including aerial gun-sights and bomb-sights, and fire-control apparatus (number).
5. (a) Cannon, long or short, and howitzers, of a calibre less than 5.9 inches (15 cm.) (number); (b) Cannon, long or short, and howitzers, of a calibre of 5.9 inches (15 cm.) or above (number); (c) Mortars of all kinds (number); (d) Gun carriages (number), mountings (number), recuperators (number), accessories for mountings (weight).
6. Projectiles and ammunition for the arms enumerated in No. 5 above (number).
7. Apparatus for the discharge of bombs, torpedoes, depth charges and other kinds of projectiles (number).
8. (a) Grenades (number); (b) Bombs (number); (c) Land mines submarine, mines, fixed or floating, depth charges (number); (d) Torpedoes (number).
9. Appliances for use with the above arms and apparatus (number).
10. Bayonets (number).
11. Tanks and armoured cars (number).
12. Arms and ammunition not specified in the above enumeration (number or weight).

With a view to the exchange of information, as provided for in the present chapter, the statement laid down in the present provision shall be forwarded to the Secretariat of the League of Nations before March 1st, of the year following the year to which it refers.

Commentaries.

1. The enumeration in the table is in accordance with that given under letter A, Category I, of Article 1 of the Convention signed on June 17th, 1925, for the supervision of the international trade in arms, ammunition and implements of war (document A.16.1925.1X);
2. The last paragraph is similar to the provisions concerning the exchange provided for in the French preliminary draft.
Count Bernstorff (Germany).—I intended at the outset to support M. Rutgers' proposal, because I considered that it would be likely to result in a reduction of armaments. If you begin by publicity, you arrive ultimately at limitation and reduction; but if you reject publicity, you also reject limitation and reduction. The German Government, as you know, wants, and hopes that we should succeed in effecting, direct limitation and reduction of all material. Without such direct limitation and reduction, there can never be any real disarmament. M. Sato will perhaps allow me to say that in my opinion secrecy and disarmament cannot go together. If secrecy be maintained, it will put an end to disarmament. What we want, then, is publication, limitation and reduction.

M. Sokoł (Poland).—If I have understood the Netherlands delegate correctly, his proposal is that all information should be published under twelve headings, in order that the contracting parties may be able to form a correct idea of the armaments, ammunition and material in service and in reserve for the land, naval and air forces of each country. The list would be of no value. It is a reproduction of the provision to be found in the Convention on the International Trade in Arms. The list contains twelve categories of armaments. What purpose could be served by these declarations? What is the object of them? They would be made, not with the object of limiting armaments, because they do not limit them, but in order to afford a basis for comparison. Their purpose would therefore be entirely different from the purpose in view when this list was included in Article 8 of the Covenant on the International Trade in Arms. If there is to be a comparison, will it not be necessary to make a number of very important changes, changes which it might perhaps be difficult to make? If we are going to compare the strength of two countries and the state of their armaments as shown by the number of rifles, would it be fair, useful or equitable to compare old pre-war rifles with rifles of the latest pattern? The Netherlands delegation submitted—in my opinion very wisely—a proposal requiring that the age of ships should be taken into consideration. To afford an equitable basis of comparison, it would be necessary likewise to take into account the age of armaments. I do not know whether this would be easy, but in any case it would be only fair, and indeed necessary.

For these practical reasons, while supporting the proposal in principle, I would ask you to allow me, before giving my formal consent to the list as now submitted to us, to make certain reservations, and to wait until the list has been examined in greater detail and, if necessary, revised.

M. Sato (Japan).—I feel some diffidence in speaking; because I realised, as soon as I heard the Netherlands proposal, that I could not accept it.

The Netherlands delegation proposes that information should be published on all war material in reserve. The Japanese delegation is of opinion that, under existing conditions, it is impossible to tell the whole world exactly what material we may hold for purposes of defence. The Netherlands proposal would place my Government in a difficult position, and it could not accept this suggestion, which seems to me impracticable.

M. Hennings (Sweden).—I support the Netherlands proposal in principle and am particularly glad to do so, as the Swedish delegation proposed the direct limitation of material in service and in reserve, a suggestion which appears to stand very little chance of adoption. I agree with M. de Brouckère, however, that the list of categories of armaments is too detailed. It is a reproduction of the provision to be found in the Convention for the Supervision of the Trade in Arms and Ammunition. The list in that Convention, however, was designed for quite a different object, namely, as a means of checking and supervising the exportation and importation of war material; whereas, in the present case, the question is very much wider, that is, to have a statement of all the material in service and in reserve in all the various countries. In my opinion, we should try to simplify this list, which should consist only of a few big, inclusive categories for the different kinds of war material.

I have no precise proposal to put before you, in view of the technical nature of the problem. If the Commission agrees with M. de Brouckère and myself, I think that this drawing up of a fresh draft classification would have to be left to military experts. In conclusion, I should like to ask M. Sato whether, in consequence of such a simplification, the Netherlands proposal would meet with his Government's approval.

Count Bernstorff (Germany).—I intended at the outset to support M. Rutgers' proposal, because I considered that it would be likely to result in a reduction of armaments. If you begin by publicity, you arrive ultimately at limitation and reduction; but if you reject publicity, you also reject limitation and reduction. The German Government, as you know, wants, and hopes that we should succeed in effecting, direct limitation and reduction of all material. Without such direct limitation and reduction, there can never be any real disarmament. M. Sato will perhaps allow me to say that in my opinion secrecy and disarmament cannot go together. If secrecy be maintained, it will put an end to disarmament. What we want, then, is publication, limitation and reduction.
Does the Netherlands delegate include in land, naval and air forces formations organised on a military basis? If they are so included, the lists would be practically complete.

With regard to the Swedish delegate’s remarks, I cannot give a definite reply before consulting my experts.

M. Rutgers (Netherlands). — At the beginning of the debate it seemed as if our proposal would be adopted without discussion. This caused me no surprise, nor did the favourable reception which the proposal received from most of the delegations present. I desire to thank them, but I am rather surprised to find a certain amount of hesitation on the part of the Japanese delegate as regards the adoption of our proposal. Japan is a Member of the League, and under Article 8 of the Covenant “the Members of the League undertake to interchange full and frank information as to the scale of their armaments”. If the Japanese delegate is hesitating at the moment about adopting the Netherlands proposal, I think that he would no longer hesitate if he reread Article 8 of the Covenant. In any case, I should like to ask the Japanese delegate if he could not for the time being simply submit a reservation, rather than oppose the adoption of our proposal.

Several speakers mentioned the list contained in the Netherlands proposal. As we have already explained in the commentary attached to our proposal, the list in question is in accordance with the table prepared under letter (a), Category I, in the Convention for the Supervision of the International Trade in Arms and Ammunition. We thought it advisable to adopt an existing list because it had been prepared by experts and had already been examined. It would likewise be desirable for practical reasons, in the proposed Convention, to adopt this method and the system of division into categories which has already been adopted for the supervision of the trade in arms.

The list has been subjected to some criticism. The Swedish delegate supported M. de Brouckère’s remarks when he advocated the simplification of this list. If I am not mistaken, M. de Brouckère mentioned spare parts of machine guns. It seems to me that this would not be simplification but rather elaboration of the table. The two speakers whom I have just mentioned did not propose any amendments. I wonder what the Netherlands delegation could do to meet their wishes. The Commission can hardly expect us to improvise a simplified table on the spur of the moment.

It seems to me simpler, therefore, to ask you to support our proposal on principle, subject to amendment of the table at the Second Reading.

M. de Brouckère (Belgium). — As far as I am concerned, I am content to submit reservations.

M. Rutgers (Netherlands). — As regards the Polish delegate’s question as to whether material in service and in reserve includes forces organised on a military basis, my reply is in the affirmative. I do not think it necessary to specify in the text that these forces are so included, but if the Polish delegate wishes the text to be more definite on the subject we might amend it accordingly.

In reply to M. de Brouckère’s observation that publication leads to comparisons, I might say that I do not think this is necessarily the case. The League publication on military expenditure contained a warning, in the preface, that the figures were not comparable. When the publication of budgets was being discussed, it was noted that publication did not allow of comparison between different countries. At most it would serve as a basis for comparison as between different years in one and the same country.

The parallel drawn by M. de Brouckère from warships does not apply to a remark of the Netherlands delegation, which did not ask that ships twenty years old and upwards should be taken into consideration. It was the Swedish delegation that made this proposal. In any case, the proposal was not adopted. I drew your attention, however, when we dealt with land forces and the question of recruits came up — we decided to take them into account, knowing that there would be a certain wastage in the figures entered in the table — to the fact that we could do the same in the case of war-ships. We could adopt the same procedure with war material. Any comparison would call for great circumspection. But I do not see why we should not include old-pattern rifles as we have modern rifles, and adopt the same procedure as in the case of recruits and war-ships.

M. Sato (Japan). — I will reply briefly to the various remarks that have been made. The Netherlands delegate recommended me to read over Article 8 of the Covenant again, as this would doubtless enable me to accept his amendment more readily. Since I have been engaged on the question of disarmament, I have read Article 8 of the Covenant many times. We cannot disregard paragraph 1 of this article, which says: “The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations”.

We are in agreement with the last paragraph of Article 8, and we agree to publicity, in so far as it is consistent with our national security, but it cannot alter the first paragraph of this article.

The Covenant lays down the principle of disarmament, but it still allows us to defend ourselves. The principle of legitimate national defence is fully recognised by the League of Nations. This right being acknowledged, it rests with each country to provide the most efficacious means for its own defence.
But secrecy must be maintained in the case of measures taken with a view to a defensive war. I should certainly condemn secrecy for the purposes of a war of aggression. Before the war, the General Staffs of some countries had secret plans for offensive warfare. I would never approve of such a thing under present conditions.

But, in the case of a defensive war, no one will deny that every country has the right to maintain secrecy in regard to measures designed solely to ensure success. Until complete security exists throughout the world, we cannot disarm entirely. At present we are working on relative disarmament. If the armaments exist for purposes of national defence, as I said before, they unfortunately involve the necessity for secrecy. We cannot make known all our means of defence to possible adversaries, who would undoubtedly take advantage of such information.

I do not know whether the Netherlands amendment is acceptable to the majority of Members of the Commission. A number of delegates have supported it and others have not spoken, although this does not by any means signify that they support it.

Count Berndtsoff said that secrecy and disarmament cannot go together. Perhaps he is right; but I, on the contrary, maintain that secrecy and security cannot go together either. While security does not exist, secrecy will be necessary. Disarmament must be commensurate with the growth of national security, and secrecy regarding means of national defence will decrease in proportion.

The Swedish delegate, in his usual friendly way, urged me to accept a simplified list. Unfortunately, that would not contribute towards increasing the feeling of security, so that I cannot support the proposed amendment.

This is the first time that we have attempted to disarm. We cannot expect our work to be perfect at the outset, but must advance by stages. If the conclusion of the first Convention has the effect of increasing the feeling of security, we can go further when we come to frame a second Convention, and might then be able to accept an amendment in the nature of the one proposed; but, in the meantime, as I said before, I cannot support it.

Count CLAUZEL (France). — As it is so late, I will be extremely brief, but I think I should be guilty of a breach of that perfect courtesy which is invariably shown by M. Sato if I did not tell him how much I was struck by the arguments which he put forward in favour of security—a case which M. Paul-Boncour has so often defended in this Commission. I ought to make special reference to the arguments that he submitted in favour of secrecy with regard to national defence, and what might be called the interdependence of secrecy and security, as well as to the arguments he used in emphasising the close connection between the first and last paragraphs of Article 8, which we are all thinking about, and which, as M. Sato reminded us, we all reread morning after morning. I think it is impossible not to read the first paragraph over again after rereading the second one.

As regards this last paragraph, I should like to draw M. Rutgers' attention to the fact that it deals with the scale of armaments, and not with any list. Unfortunately, lists always have one drawback—they are never quite accurate. Legal experts always complain that they are either too limitative or not limitative enough. It seems to me that the Netherlands proposal did not entirely avoid these two dangers, because some members have complained to-day that the list is too long, and others that it is too short.

In practice, I think that any list is dangerous, and the French delegation considers that any system of publicity would be quite incomplete and entirely ineffectual unless it were supervised; that is to say, if it were not supplemented by a very definite form of supervision.

Heaven forbid that I should cast aspersions on the good faith of the signatories to the Convention, but it is obvious that no one is absolutely proof against a very natural temptation when it comes to national defence. What I am afraid of and what may perhaps astonish members of the Commission is not that Powers might be tempted to conceal existing armaments; on the contrary, I am afraid, as the theologians say, that they might be guilty of sins of commission rather than sins of omission. I am afraid that, as the result of legitimate anxiety regarding their national defence, certain countries which, rightly or wrongly, feel themselves threatened, and whose armaments are inadequate, might very naturally be tempted to enter on the list items which, unfortunately for them, do not actually exist in their arsenals.

I can see only one remedy for this, namely, supervision, which we shall have to discuss some other time.

The Commission rose at 7.25 p.m.

THIRTY-FOURTH PUBLIC MEETING.

Held at Geneva, on Friday, April 22nd, 1927, at 10 a.m.

President : M. LOUDON (Netherlands).

94. Examination of the Netherlands Proposal concerning Publicity Regarding Material (continuation).

The President. — When we adjourned yesterday we did not finish the discussion regarding Exchange of Information, and, in particular, regarding the proposal by the Netherlands delegation. We will now continue this discussion.
General de Marinis (Italy). — I associate myself with the observations made by the Japanese and French representatives regarding the Netherlands delegation’s proposal. I support the objections raised by these two delegations and I make the same reservations as they.

M. Yovanovitch (Kingdom of the Serbs, Croats and Slovenes). — Several delegations stated yesterday their reasons for not adopting the proposal of the Netherlands delegation. I have nothing to add to these statements, but I should like to make clear to you my country’s special position, a position which they hold in common with other States. We must mark the great difference existing between States which possess munitions and arms factories and those which have none. The latter are obliged to buy arms and munitions abroad, and, by this fact alone, these countries disclose information which should be kept secret. On the other hand, States which produce munitions and arms are in a better position, for they can for a time manufacture more munitions than they need. If we adopt the Netherlands proposal, without having a system of supervision for the manufacture of munitions and arms, in private factories as well as in States factories, we should create great inequality between countries possessing factories and countries which have none. If we could supervise the manufacture of arms and munitions in State factories, we might discuss the Netherlands delegation’s proposal — we might even be disposed to accept it. But, in view of the inequality to which I have just-drawn attention, the delegation of the Kingdom of the Serbs, Croats and Slovenes cannot accept it.

M. Rutgers (Netherlands). — I should like to make a few remarks on the objections which have been raised to our proposal.

In the first place, the Japanese delegate told us that he had carefully read Article 8 and that he even reads it every day. I think I might say that perhaps he has read Article 8 too often; in any case, he sees in the sixth paragraph of that article a restriction which does not exist. I mean the restriction of reducing armaments “to the lowest point consistent with national safety”, which is contained in the first paragraph of this article, but is not repeated in the sixth paragraph. When we are trying to grasp the exact meaning of the sixth paragraph, we must remember it does not refer to information which has already been published before the existence of the League of Nations, for there would be no point in providing in a Convention an obligation to exchange information which has already been published. It is therefore clear that the paragraph refers to information which has previously been kept secret. Article 8 would indeed be of very little value if it only referred to information published in the yearly reports of the different States, or information which could be obtained from budgetary and other official publications. If it is clearly understood that paragraph 6 of Article 8 refers to information which has previously been kept secret, I should like to point out that Lord Currie, during the discussion on the limitation of naval material, emphasised the importance of this exchange of information in reducing the competition in armaments. If that paragraph does indeed refer to such information, I fear that the Japanese delegate’s attitude will be prejudicial to the meaning of the sixth paragraph and will considerably reduce its importance.

If the sixth paragraph means that the High Contracting Parties will exchange such information as in the interests of their national safety need not in their opinion be kept secret, this paragraph, in my opinion, would be of no further value.

The French and Italian delegations have declared that they agree with the Japanese delegate’s statements. I wonder just how far this agreement goes and whether these delegates interpret the sixth paragraph in such a way as to make it meaningless. I do not think that this is so.

In my opinion, the proposal of the Netherlands delegation is in such close agreement with Article 8 of the Covenant that I would see no objection to adding to this proposal the following words : “in order to give effect to paragraph 6 of Article 8 of the Covenant”. Thus, we might take Article 8 as the true basis of the Netherlands proposal.

The French representative has spoken of the danger of lists. We might write a whole volume on the subject of dangerous lists. The French delegation might be able to add a great deal to this volume, since its own proposal includes a large number of tables. The divisions involved in this proposal have been much discussed, especially by the Italian delegate. Lists and tables are always of a controversial nature; but is that a reason for never using them? In rejecting them we are disparaging not the proposal of the Netherlands delegation, but the whole system of statistics and, primarily, international statistics. Moreover, this has often been done before, but we have never yet been able to abolish statistics. If the Powers wish to exchange information on the scale of their armaments — this expression is still metaphorical — they must do this by means of figures, which they must insert in a table, or by a list with a number of subdivisions. I think, therefore, that the proposal of the Netherlands delegation must not be condemned on the ground that it involves analytical lists.

The honourable delegate for the Kingdom of the Serbs, Croats and Slovenes has raised the point of the inequality which would result from the application of the Netherlands delegation’s proposal to States which possess an armaments industry and States which have none, if we do not at the same time exact from armaments complete publicity on all points concerning this industry. If I understand his proposal aright, he wishes to have two sets of figures, since he would like to add to the table contained in the Netherlands proposal another table on the manufacture of arms. He therefore goes further than the Netherlands delegation. But then I do not understand why he objects to our proposal. If we reject part of the statistics we shall never obtain complete figures. I should understand it better if our colleagues were
to make a reservation. He might state that, at the second reading, his delegation could only accept the statistics contemplated by the Netherlands proposal if they are completed by other statistics on the manufacture and trade in arms. I think therefore the objection raised by the representative of the Kingdom of the Serbs, Croats and Slovenes is not a sufficient reason for rejecting our proposal.

M. Yovanovitch (Kingdom of the Serbs, Croats and Slovenes). — I owe the Netherlands delegate an explanation. He asked me why I could not accept his proposal, under certain reservations, since I ask more than the proposal contains.

I ask neither more nor less, but I say that inequality exists between countries possessing an armaments industry and countries which have no such industry. It is not only important to know what armaments a State possesses in its arsenals but also to know how much it can manufacture in the way of armaments. At present we do not know how much States are capable of manufacturing, since the Convention for the Supervision of International Trade in Armaments and in Implements of War has not been ratified.

Thus, in accepting the proposal of the Netherlands delegation, countries which do not possess an armaments industry would be, as it were, subjected to a twofold publicity, since they would have to publish what they buy and, afterwards, what they possess, while countries which can produce arms would not be obliged to publish the amount produced.

If the Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War had been ratified I should see no difficulty in accepting the Netherlands proposal, but since this is not the case, I do not wish to set the seal on the inequality which exists between manufacturing and non-manufacturing countries.

Count Clauzel (France). — I should like to offer my apologies to the Netherlands delegate for having, perhaps, given him the impression yesterday that I was lacking in deference towards such an important science as that of statistics. I was far from doing this — especially as I am aware that the International Institute of Statistics has its seat at The Hague and that its President is a Frenchman, M. Delatour. I have recently, moreover, had occasion to protect it against certain attacks.

But it is clear that all statistics are open to criticism, either because they attempt to be too complete or because they are incomplete. I will confine myself to recalling what I said yesterday at the end of my speech: The French delegation emphasises this point — publicity, either by statistics or by any other method, must be subjected to supervision, which is for us all the more necessary as (I pointed this out yesterday when I supported M. Sato's objections) this publicity might present very serious disadvantages from the point of view of national security and defence. If these statistics are to be useful, they must be absolutely sincere, and whatever the good faith of those who draw them up, it is undeniable that they should be capable of being submitted to a system of supervision. This is one of the chief causes of anxiety to the French delegation and was the reason why I yesterday supported M. Sato's reservation.

There is a second point which I must emphasise, and that is the very exact interpretation M. Sato gave to Article 8. We should all read it and reread it in order not to lose sight of the connection which exists between its different parts. It is this connection, as M. Sato reminds us, between the last paragraph, which deals with the scale of armaments — a point which I do not wish to discuss at present but which has reference to publicity by statistics as recommended by the Netherlands delegation — and the first paragraph, which deals primarily with the question of the relationship between disarmament and security. Until this problem of security has been solved, it is impossible to determine from a purely defensive point of view what engagements can be entered upon regarding questions which touch national security so closely. I am not so pessimistic as M. Sato, and I would not say that it would be necessary to await a second Convention, but until all the problems have been defined at a second reading it is very difficult to take a definite attitude to-day towards undertakings which the form of statistics laid down in the Netherlands proposal would involve.

This is a brief summary of the remarks which I made yesterday in support of M. Sato's reservation.

M. Rutgers (Netherlands). — I do not wish to protract the debate.

The President. — I cannot say that we all agree on M. Rutgers' proposal. We will therefore merely take note of it.

95. Examination of the Synoptic Analysis. Part II. Point 18.

18. The present Treaty shall not affect the terms of previous treaties, under which certain of the High Contracting Parties have agreed to limit their military, naval or air armaments, and have thus fixed in relation to one another their respective obligations and rights in this connection, the present Treaty being within these limits inapplicable between the said Powers.

Count Bernstorff (Germany). — I had no other desire to express here than to see us reach a general disarmament which should be as complete as possible. I think all my colleagues will admit that my speeches here have had no other purpose than this.

Article 28 of the French draft Convention refers to previous treaty provisions, among which are the Treaty of Versailles, with the Preamble to Part V. It has repeatedly been
recognised, and, in particular, M. Paul-Boncour solemnly admitted the other day, that Germany, by reason of that Preamble, has a legal and moral right to claim that the other High Contracting Parties should effectively disarm. This right is the basis upon which Germany is attending this Conference. The situation of Germany is therefore fundamentally different from that of the other States, since the others will have to undertake new obligations to disarm, while Germany is simply making good her claim to see the disarmament of the other High Contracting Parties of Versailles put into practice. That is the point of view which determines Germany's attitude towards the draft Conventions; she will be unable to accede to any Convention which does not do justice to her legitimate claims. We shall not go so far as to demand complete and immediate disarmament; we are ready to be satisfied with a first step. But, since the bilateral obligation entailed by the Treaty of Versailles is recognised, and since Germany has carried out her undertakings and is continuing to carry them out, it would be inadmissible for the other High Contracting Parties to try to postpone to the Greek kalends the carrying out of their undertakings. Germany must be in a position to convince herself that we are taking a real step and one which meets the needs of the present situation, Germany could not accept a Convention which failed to fulfil these conditions, nor could she consider such a Convention as doing justice to her legal and moral claims. What is lacking at the present moment to enable us to judge whether the results of our discussions are such as to give us satisfaction, is the figures which might show us what the future convention is really to be. In any case the question whether this Convention can be considered by Germany to disarm, while Germany is simply making good her claim to see the disarmament of the other States, since the others will have to undertake new obligations to disarm, cannot avail themselves, has not hitherto even been touched on. Accordingly, Germany will not be able to decide definitely until later as to the attitude which she will take up towards Article 28, and I beg the President to take note of my reservation to this effect in the collection of texts discussed at the First Reading. Furthermore, I ask the President to place at the end of these texts the following general reservation:

"The draft Convention does not yet enable us to foresee whether certain fundamental conditions will be fulfilled; these are the conditions which we formulated in the course of the debates of the third session of the Preparatory Commission. Unless they are provided for, Germany will not be able to regard the Convention as a first step towards disarmament. Furthermore, guarantees must be given that this first step will be followed within a reasonable time by other steps entailing more marked progress towards reduction of armaments".

The President. — I shall take note of the request expressed by Count Bernstorff as regards the insertion of the text which he has read out.

M. de BROUCKÈRE (Belgium). — I should like to say shortly that the Belgian delegation desires to announce, without waiting any further and without knowing what the other provisions of the Convention are to be, that it accepts Article 28 and considers it to be an essential part of the Convention. It considers it to be an essential part of the Convention, because it is necessary to have a clear statement on record that previous engagements are neither cancelled nor weakened. The representative of Germany pointed out just now that the different parties represented here have rights and obligations arising out of these previous treaties. Belgium does not wish to have her rights weakened, nor to avoid accomplishing any of her duties. The representative of Germany pointed out (and I thank him for it, for it is well that this should be repeated from time to time in the course of our discussions) that among the duties arising out of these treaties, for my own country and for others, is the duty of disarming; that this is a moral and legal obligation. For my part I should be very sorry that any reservations of any kind should weaken this obligation by weakening the authority of the previous texts, and making it doubtful whether they are still to be observed, thus eliminating or decreasing the importance of one of the essential bases of our work.

Count CLAUZEL (France). — Mr. President and gentlemen, — I have very little to add to what M. Paul-Boncour already stated very clearly a few days ago on the question which has just been raised by the observations which Count Bernstorff thought fit to make on Article 28 of the French delegation's draft.

I would merely remind you that this article was based (in a much simpler and more condensed form) on clauses which had already been inserted in the 1925 Convention on the Control of the Traffic in Arms and Ammunition and in Implements of War and which, unless I am mistaken, have been reproduced no less exactly in the drafts for a future Convention on private manufacture which are at present under discussion.

I think it well to recall these precedents. Count Bernstorff further mentioned; as he has already done several times, that his participation, brilliant and useful as it has been, in the discussions of the Commission, was directly occasioned by the Preamble to Part V of the Treaty of Versailles. That alone would justify the reference which has been made to all the undertakings contained in previous treaties, although the Treaty of Versailles is not designated by name.

I think, however, that it is well to lay down quite clearly the principles of the undertakings contained in this Preamble to Part V of the Treaty of Versailles. M. de Brouckère did it very
well just now. M. Paul-Boncour, too, had already said loyally and frankly that he considered that it entailed legal and moral obligations for all countries to prepare for a general limitation of their armaments. But if this is valid, so also are all the other undertakings valid which are contained in all the other international documents referred to in Article 28 of the French draft (and the Treaty of Versailles does not by any means stand alone). The undertakings of the signatories to the Convention which the Commission is now working out will in fact be contingent upon respect for the earlier undertakings, just as we shall also be entitled to require that they be also contingent on giving practical shape to the security clauses of which I spoke just now and which figure in the first paragraph of Article 8 of the Covenant. All these undertakings are mutually interdependent with those which arise out of the Convention now being drawn up. I agree, then, with Count Bernstorff that, before taking a final decision, we shall have to wait till we have full knowledge of what these undertakings will be, that is, till the Second Reading is finished, and we know also what figures are going to be inserted in the framework which we are now working out and on which judgment will have to be passed. But the pure principle is the interdependence of the undertakings to be made with those which have already been made and those which may be called for to ensure security, which is the indispensable condition of disarmament.

M. Comnène (Roumania). — First, I should like to thank Count Bernstorff for the tribute he has paid to the Peace Treaty and the sincere desire he has expressed to see it applied in its entirety. I am particularly grateful to him for this because there are countries which are in a situation analogous to his own, which are not represented on this Commission. The declaration made by the delegate of Germany is therefore of primary importance, and I reserve to draw special attention to it.

The representative of Germany has put a legal case which is undoubtedly sound, namely, that when we have a reciprocally binding contract, whether in public or private law, the obligation of one party, in law, certainly arises out of the obligation of the other party, and the counter undertaking of one of the parties is from the strict legal point of view the effective cause of the other party’s obligation. I think we shall be quite agreed on that point and that no undertaking of one of the parties is from the strictly legal point of view the effective cause of the security which all the High Contracting Parties to the Covenant undertook to give her. I have thought it my duty to make these observations to you. On the other hand, I wish to affirm here (and I think that in doing so I am following the instructions given me by my Government) that Roumania will always be happy to carry out her disarmament to the greatest possible extent, particularly when the League of Nations is in a position to give her the security which all the High Contracting Parties to the Covenant undertook to give her by the application of Articles 8, 16 and 17.

M. Sokal (Poland). — I have listened with great attention to the declaration made to us by the representative of Germany. I feel that this declaration obliges me to associate myself with the observations put forward by the delegates of Belgium, France and Roumania. I should like, however, to add this. The Polish delegation declares that in its opinion Article 28 of the French draft can in no way be questioned. This article recognises the existence of obligations arising out of Treaties, which are international undertakings accepted and recognised as such. The Preamble of the Covenant itself refers to them when it lays down that all treaty obligations in the dealings of peoples with one another must be scrupulously recognised. In these circumstances the Polish delegation requests that Article 28 be adopted, in order that there may not be so much as a suspicion that our Commission is exceeding the limits of its competency and is discussing here the possibility of making the obligations arising out of the Peace Treaty dependent on the projected Convention.

Count Bernstorff (Germany). — I feel bound to say a word in reply to M. Sokal, for it is obvious from his speech that there has been a misunderstanding. I never at any moment wished to dispute any of the obligations imposed by existing treaties. On the contrary, I consider that all the treaties should be maintained. What I meant was that, if an obligation falls on one State, it ought to fall equally on the other States. As was said, we have the right, both legal and moral, to expect disarmament from other nations. If I understood M. Sokal...
aright, he gave the impression that I had declared that we did not set store on the treaties. I only said that if the Treaty of Versailles has been very disagreeable to us in many points, it should also be respected in such of its points as are favourable to us. There is no doubt that we have a right to expect disarmament; this is, further, the reason why we accepted the invitation to attend the present Conference, and that at a moment when Germany was not yet a member of the League of Nations. Indeed, the present Conference is not strictly a meeting of the League of Nations, because it includes representatives of States which do not belong to the League.

M. Sokal (Poland). — I beg to thank the delegate of Germany for his statement. I have listened to it with great interest, and it entirely satisfies me. If the representative of Germany does not wish to raise the question of existing treaties, then that question does not arise. But in that case, I do not understand the reservation which Count Bernstorff formulated for Article 28 simply stipulates that the obligations of existing treaties must be maintained.

Count Bernstorff (Germany). — If M. Sokal will kindly read my statement again, he will see my point. I simply wished to emphasise the fact that, under the Treaty of Versailles, we have a right to see that the Convention which we are working out really corresponds to the intentions of the Treaty of Versailles; and, if this Convention is not such as was contemplated by the Treaty of Versailles, it will be for our Government to decide whether or not it wishes to sign it.

The President. — If I have put the right interpretation upon the silence of the delegates who have not yet spoken, I think that we might consider the text of the right-hand column as adopted for Point 18, with the reservation made by the German delegation.

96. Examination of the Synoptic Analysis. Part II. Point 19.

The present Convention shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods. The instruments of ratification shall be deposited at Geneva. It shall come into force for each party whose instrument of ratification has been deposited as soon as the instruments of ratification of the President of the Republic of Germany, the President of the United States, His Britannic Majesty, on behalf of Great Britain and Northern Ireland and all parts of the Empire not separately represented in the League of Nations, the President of the French Republic, His Majesty the King of Italy, and his Majesty the Emperor of Japan have been deposited.

M. Sato (Japan). — The text of Points 19 and those following was drawn up by the British delegation; in fact, if I am not mistaken, by that eminent jurist, Sir Cecil Hurst. It is perfectly lucid, and, that being so, my Government can agree to it.

No other observations were put forward, and the first paragraph was adopted.

The President. — I declare the discussion open on paragraph 2.

Count Clauzel (France). — I did not intend to make any observations regarding this paragraph, but I find that Count Bernstorff’s reservation obliges me to make a reservation in my turn. This second paragraph says that the Convention shall enter into force as soon as the heads of a certain number of States have deposited the ratification. Among these heads of States is the President of the German Republic. But Count Bernstorff has just told us that the German delegation may formulate a reservation. We all hope very much that this fear will prove unfounded; but we shall not know for certain until the Second Reading. I consider it particularly necessary to make this observation since Count Bernstorff has laid much stress on the interpretation which he gives to the Preamble to Part V of the Treaty of Versailles, which he still appears to wish to link with the result of our labours. Everyone knows how anxious the French delegation, like all the other delegations present here, is to see our deliberations lead to a happy result; but I am obliged to remind you that the formula employed by the authors of Part V has in view, not the achievement of these labours but their possibility. It says, word for word:

“In order to render possible the initiation of a general limitation of armaments.”

This is what we are doing to-day. But Count Bernstorff’s reservation must not have the result of preventing the Convention from being put into force by all the other contracting parties. It therefore seems to me impossible to take a decision on this point before the Second Reading, since the representative of Germany has made his unreserved acceptance of Article 28 of the French proposal contingent on that Second Reading.

The President. — I think there would be no objection to leaving a blank in the place of this list. If you all agree, we might leave the Conference the task of filling in the text.
General DE MARINIS (Italy). — A similar question arose the other day when we were discussing the Convention on the Private Manufacture of Arms. M. de Brouckère then made a suggestion which appeared to be universally approved. Might we not accept this suggestion here?

M. DE BROUCKÈRE (Belgium). — I thank General de Marinis for showing me such confidence and asking me to find a solution. But I am not sure whether the two cases are absolutely identical. In the case of the Conference on the Private Manufacture of Arms, the list of countries to be considered was the same for all Powers. The problem was this: No arms-producing State was willing to bind itself if its industrial competitors did not also bind themselves. It was enough to draw up a list of the principal arms-producing Powers.

I think the situation here is different. Every one of us, when he wonders what the attitude of his country will be when the question of ratification arises, thinks that his advice to his Government would be to make its own ratification contingent on that of other countries; but at present each of us has not in mind the list of other countries. Much as I should like to see the Convention ratified by certain great Powers which are far distant from my country, ratification by them is, nevertheless, not essential from my point of view; on the other hand, ratification by a country which is my neighbour however small — the Grand Duchy of Luxembourg, for example — is for me of the highest importance.

Is it possible to get a general list? We shall have, I think, to have recourse to another method. For a considerable time past we have seen diplomatic instruments which are ratified by groups of States, each State making its ratification contingent on that of certain other Governments. It decides for itself which these Governments are, according to its own needs, its own interests. Perhaps it will be well if we adopt a similar procedure. If we do so, it will be enough to leave the paragraph blank. The solution will then be very simple. The Convention will come into force for the States which have ratified it as soon as those States reach a specified number, and each State can, if it wishes, ratify the Convention with the reservation that it must be ratified by other States, so that, when the group which interests that State is completed, the ratification will come into force.

This procedure is perhaps rather complicated. I know that it makes final ratification rather laborious; but I do not see how in practice we can find any other way out. There are certainly some States for which the ratification of the six principal Powers named here would be considered as sufficient; but there are others whose special interests would prevent them from accepting it. However much we expand the list, we cannot meet all requirements. We shall have, then, to leave each Government to determine under what conditions and by what methods it will ratify the Convention.

General DE MARINIS (Italy). — I beg to thank M. de Brouckère for his explanations. I agree with him that, in the Disarmament Convention, we are not faced with the same problem as we were in the Convention on the Manufacture of Arms. We must indeed expect that each country will give its ratification on condition that certain other countries accede to the Convention. As M. de Brouckère said, this makes ratification more difficult, but at the same time it meets various perfectly legitimate preoccupations.

I therefore accept M. de Brouckère's proposal.

M. PEREZ (Argentine). — I entirely agree with M. de Brouckère's remarks, which were very necessary. For the Argentine, for example, ratifications by European Powers are quite valueless; they are merely interesting from the philosophical point of view, from the point of view of the higher interests of humanity, but the Argentine is principally interested in the ratification of the Convention by her neighbours. Disarmament is therefore regional in character, and general disarmament is only the sum of all regional disarmaments.

Sir Cecil Hurst (British Empire). — I understand that the practical proposal now before the Commission is that, instead of mentioning any list of Powers in this second paragraph of Article 19, there should be left a blank. That, I think, is a satisfactory suggestion, provided that the principle is understood that, if and when this draft comes to be adopted as a Convention, there will be some list or system inserted. The difference of principle between the proposals of the text printed on the right-hand side of the page and those printed on the left-hand side is this, that there is nothing in the text drawn from the French draft which is printed on the right-hand side of the page with regard to the coming into force of the Convention except the mere statement of the exchange of ratifications. Now that would entail that every party which has signed the Treaty must deposit its ratification before the Convention comes into force. Our hope is that this Convention will be universal, or practically universal. This means that the coming into force of the Treaty would be delayed until perhaps the least important of all the Powers which signed the Convention had deposited its ratification. That, I think, would be an unreasonable system. I quite realise that, if that system is abandoned, some other substitute must be found to take its place; and the system which was embodied in the British draft, which now forms the provisions printed on the left-hand side of the page, is that of choosing the more important Powers and providing that if the more important Powers do ratify the Treaty, then the Treaty should come into force for every other State which ratified it at the moment of the deposit of its ratification. So long as it is understood that we are not going to be kept waiting in the event of the ratification of this Treaty, for the ratification of the least important of all the Powers, then I am quite content to leave the actual list of Powers blank, though I admit, of course, that that is merely adjourning the difficulty until we reach the Second Reading.
I quite see the force of the argument that has been put forward by M. Perez, that for certain States the ratification of the European Powers is only of secondary interest.

On the other hand, you must bear in mind that from the point of view of the group system, such as that advocated by M. de Brouckère, the question of the universality of naval forces becomes immediately apparent, and it is perhaps more difficult to say that the group system is satisfactory when one comes to remembering the naval chapter of this Treaty, because the mobility of fleets is, after all, an element that is of immense importance. But from the point of view of the immediate proposal now before us, that of leaving a blank, I am quite content, so long as the Commission is content, to accept the idea that we are not going to have the system of view of the immediate proposal now before us, that of leaving a blank, I am quite content, but from the point of view of the immediate proposal now before us, that of leaving a blank, I am quite content, but from the point of view of the immediate proposal now before us, that of leaving a blank, I am quite content, but from the point of view of the immediate proposal now before us, that of leaving a blank, I am quite content, but from the point of view of the immediate proposal now before us, that of leaving a blank, I am quite content, but from the point of view of the immediate proposal now before us, that of leaving a blank, I am quite content.

The greater part of Article 19 will therefore remain blank until the Second Reading.

Count Clauzel (France). — I simply want to assure Sir Cecil Hurst, if there is a blank in the French draft, the French delegate has no intention whatever of waiting for the ratification of the smallest Power, or even of a distant Power, before ratifying the Convention itself. When I spoke before, I showed that our wish was that there should be no circumstance retarding this ratification, but we thought that it was unnecessary to fill in the list as early as the First Reading.

M. Iniguez (Chile). — I wish to declare, on behalf of Chile, that we entirely agree with M. de Brouckère's remarks. There are some countries which are principally interested in concluding regional agreements, but which, in giving their loyal support to the elaboration of a general convention, consider it as a guarantee of the success of our work as a whole. These countries will necessarily have to await ratification by their neighbours, or to arrange that the stipulation of the Convention shall only come into effect for themselves after its ratification en bloc by the whole of those adjacent countries.

The President. — Before we pass on to Point 20, I must observe at once that there is a small gap in the text at this point. After Point 19, a point should be inserted corresponding to Article II of the British draft, in the following terms:

"Each of the High Contracting Parties undertakes that, as soon as the Treaty has come into force for it, it will begin the necessary measures for carrying the provisions of the Treaty into effect."

In any case, it would perhaps be better to take the proposal of the Finnish, Polish and Roumanian delegations now. Does a delegate of one of these countries wish to explain this proposal?

97. Examination of the Proposal of the Delegations of Finland, Poland and Roumania.

The High Contracting Parties agree to recognise that the reservations which will be made by Estonia, Finland, Latvia, Poland and Roumania, when these States sign the present Convention, will be made in order to ensure the suspension of its application in their favour until the date when Russia adheres to the present Convention under the same conditions as the above-named Powers.

M. Sokal (Poland). — I have not much to say on this point. My colleagues and I consider that the Convention which we are now drafting in its First Reading, in a sense, forms a whole with the other Conventions relative to the limitation of the manufacture of arms. It would therefore be well to insert in this Convention (which is a main Convention) a clause which is already found in the Convention on the control of the international traffic in arms, ammunition and implements of war. The clause in question will be found in Article 29, page 46 of the text.

Since this text was adopted in that Convention, we think that it would be well if the text in question was adopted, one might say automatically, in the Convention on which we are now working. To avoid any misunderstanding, I must tell you that, in this text, we have reproduced the list of States (Estonia, Finland, Latvia, Poland and Roumania) as it stands in Article 29. I beg you, however, to consider that neither Estonia nor Latvia are represented here, and these States have therefore been unable to authorise us to speak in their name. Nevertheless, since this is a clause which makes it possible for States to make reservations if they so wish, we have thought it essential to keep the list as it stands in Article 29 of the Convention, and to reproduce it as a whole.

M. Perez (Argentine). — I think that we ought to make this proposal general. We must not grant the benefit of this clause to certain countries only. M. de Brouckère made some valuable remarks on this point. Consequently, I repeat, it is necessary to make this clause general, and to have a stipulation in the Convention that it is possible to make reservations, to give disarmament a general character. I think that I have rightly understood the character of the proposal put forward, and that is why I venture to make this suggestion.

M. de Brouckère (Belgium). — I am very pleased with the success that my proposal has had, but I am beginning to fear that it has had too much success. It seems to me that people are expanding it further than I meant. I never meant to say that the general Convention which we are trying to draw up, which is the only one which can give a really satisfactory answer to the problem of disarmament, ought to be transformed, or broken up into regional conventions.
All I said was that I could understand that certain countries might find themselves in such a position that they would have to make their ratification contingent on that of a neighbour. It seems to me that this is rather what the authors of the proposal were aiming at. But after listening with great attention to what M. Sokal has said, and after understanding all the importance of his proposals, I am led to wonder whether the form chosen by the authors of the proposal is that which best answers to the aim which they have in view. I do not think that the analogy between the Conference for the Control of International Traffic in Ammunition and Implements of War and the present Convention is perfect. Article 28 exempts certain of the High Contracting Parties, those enumerated; but from what does it exempt them? From the application of the Convention? Not at all. From the application of two articles, Articles 6 and 9. If the authors of the proposal had drawn it up in the same terms, that is, that until ratification of the Convention by Russia they shall be exempted from the application of certain clauses, I should have understood the purpose of their proposal.

But this is not what they are doing. They declare that until Russia ratifies they shall be exempted from the application of all the articles. But to say that you are exempted from the application of all the articles means that you do not apply the Convention at all; and the way not to apply the Convention is not to ratify it. This being so, could not their idea have been expressed in a much more precise way, and a way which, if they will allow me to say so, would be much less dangerous to its success, if they had declared their intention of only ratifying with a reservation as to ratification by Russia? The result would have been the same, and the idea would have been put more clearly.

I think it would be a pity to put clauses allowing general exemption in the actual text of the Convention. One may wonder what would be the scope of such a clause which let a country say: "I ratify, well and good; but after ratification, I still reserve to myself the right of not applying the Convention". Further, the insertion of such a clause would have one serious drawback, which M. Perez very rightly pointed out. Other States would demand the insertion of similar clauses, in the event of special circumstances; and after spending so much time on reaching agreement on so small a number of rules for disarmament, it would perhaps look rather bad if this ever-emergent number of rules were followed by an interminable list of exceptions. The authors of this proposal would attain their end in a happier way by the procedure which I venture to suggest to them.

M. Comnène (Roumania). — Mr. President and gentlemen — I thought that this point was really already settled, that it was a thing on which everyone was already agreed, since both plenipotentiaries of the Governments here present and of other Governments which are not present here at this actual moment have already given their consent to a treatment which I will not call favoured, but exceptional, and certainly only temporary.

I do not want to go into long discussions, I only venture to point out, firstly, that the Convention signed in May 1925 is a part of the work of disarmament which we are trying to carry out. First, we have supervision of the international traffic in arms; organised supervision, constituting a first step which should be closely followed by supervision of the manufacture of arms, which again should be followed later by the labours of the Commission in which we are now sitting. The three Conventions show that it is important not to introduce contradictions.

The First Conference which met studied the question at length. It examined it in all its aspects, after first having submitted it to a Sub-Commission composed of Mr. Burton, representing the United States; Lord Onslow, representing the British Empire; M. Claouzel, delegate for France, who is here to-day; Senator Chimienti, representing Italy; M. Matsuda, representing Japan; M. Enckell, and the representatives of Roumania, Poland, Greece and Turkey. The results of the work of this Sub-Commission are to be found in document A.13-1925.IX, to which I respectfully venture to draw the attention of the Preparatory Commission. When the Commission examines this work, it will see that all the objections now put forward were raised when that Conference met, and that it was only after long debate that a compromise, embodied in the text before us, was reached.

I cannot say that this has for us the authority of res judicata, for no such authority can well exist for us in such a matter; but it would be difficult for us to begin again the whole debate on a question which we thought had been completely settled. Furthermore, the matter was considered again quite recently by the Commission which met to prepare a draft Convention on the manufacture of arms, and did not give rise to the least discussion. It was considered at once, and I venture to draw your attention to the fact that all the members of the Council of the League of Nations were represented on that Commission.

The question was raised once again before Sub-Commission A. On that occasion the representative of the British Empire declared, with all the authority that he commands, that he perfectly understood the situation of countries such as Finland and Roumania, but that, until ratification of the Convention by Russia they shall be exempted from the application of certain clauses, I should have understood the purpose of their proposal.

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The First Conference which met studied the question at length. It examined it in all its aspects, after first having submitted it to a Sub-Commission composed of Mr. Burton, representing the United States; Lord Onslow, representing the British Empire; M. Claouzel, delegate for France, who is here to-day; Senator Chimienti, representing Italy; M. Matsuda, representing Japan; M. Enckell, and the representatives of Roumania, Poland, Greece and Turkey. The results of the work of this Sub-Commission are to be found in document A.13-1925.IX, to which I respectfully venture to draw the attention of the Preparatory Commission. When the Commission examines this work, it will see that all the objections now put forward were raised when that Conference met, and that it was only after long debate that a compromise, embodied in the text before us, was reached.

I cannot say that this has for us the authority of res judicata, for no such authority can well exist for us in such a matter; but it would be difficult for us to begin again the whole debate on a question which we thought had been completely settled. Furthermore, the matter was considered again quite recently by the Commission which met to prepare a draft Convention on the manufacture of arms, and did not give rise to the least discussion. It was considered at once, and I venture to draw your attention to the fact that all the members of the Council of the League of Nations were represented on that Commission.

The question was raised once again before Sub-Commission A. On that occasion the representative of the British Empire declared, with all the authority that he commands, that he perfectly understood the situation of countries such as Finland and Roumania, but that, until ratification of the Convention by Russia they shall be exempted from the application of certain clauses, I should have understood the purpose of their proposal.

All I said was that I could understand that certain countries might find themselves in such a position that they would have to make their ratification contingent on that of a neighbour. It seems to me that this is rather what the authors of the proposal were aiming at. But after listening with great attention to what M. Sokal has said, and after understanding all the importance of his proposals, I am led to wonder whether the form chosen by the authors of the proposal is that which best answers to the aim which they have in view. I do not think that the analogy between the Conference for the Control of International Traffic in Ammunition and Implements of War and the present Convention is perfect. Article 28 exempts certain of the High Contracting Parties, those enumerated; but from what does it exempt them? From the application of the Convention? Not at all. From the application of two articles, Articles 6 and 9. If the authors of the proposal had drawn it up in the same terms, that is, that until ratification of the Convention by Russia they shall be exempted from the application of certain clauses, I should have understood the purpose of their proposal.

But this is not what they are doing. They declare that until Russia ratifies they shall be exempted from the application of all the articles. But to say that you are exempted from the application of all the articles means that you do not apply the Convention at all; and the way not to apply the Convention is not to ratify it. This being so, could not their idea have been expressed in a much more precise way, and a way which, if they will allow me to say so, would be much less dangerous to its success, if they had declared their intention of only ratifying with a reservation as to ratification by Russia? The result would have been the same, and the idea would have been put more clearly.

I think it would be a pity to put clauses allowing general exemption in the actual text of the Convention. One may wonder what would be the scope of such a clause which let a country say: "I ratify, well and good; but after ratification, I still reserve to myself the right of not applying the Convention". Further, the insertion of such a clause would have one serious drawback, which M. Perez very rightly pointed out. Other States would demand the insertion of similar clauses, in the event of special circumstances; and after spending so much time on reaching agreement on so small a number of rules for disarmament, it would perhaps look rather bad if this ever-emergent number of rules were followed by an interminable list of exceptions. The authors of this proposal would attain their end in a happier way by the procedure which I venture to suggest to them.
The articles in question were the essential parts of the Convention. The Convention aimed almost solely at publicity, and these two articles were precisely those which dealt with publicity.

M. de Brouckère has also made a very interesting suggestion, which I shall certainly bear in mind. He said that nothing was easier for us than not to ratify. Allow me to tell you, in everyday language, you are complaining that the bride is too pretty. We want to do better, we want to ratify the Convention immediately after signing it.

Why do we want to ratify it? In order to invite all our neighbours to do the same, and particularly that neighbour whom we have in view in the text before you. The advantages of this text are not small. When the country in question has signed and ratified the Convention there will be no further formality for our three Governments to carry through, and the Convention will be applicable ipso facto. This is, I think, a great advantage, especially for us who can look back on the excessively large number of conventions which have been adopted by different international conferences and not ratified by the signatory countries.

M. ERICH (Finland). — I should like to confirm the fact that Finland joins in the proposal before you, and to associate myself with the remarks made by the delegates of Poland and Roumania.

Clearly, in providing for possible reservations on the part of Estonia and Latvia, we are not attempting to make any undertaking as regards those countries. We simply wish to make clear that those countries which are not represented in the Commission probably have interests similar to those of the States mentioned in the proposal.

I see no drawback in certain Powers ratifying the Convention, but with reservations regarding its application. This procedure was adopted for the Convention on the Traffic in Arms and Ammunition.

But here we have a case of an absolutely special character. The reservation is based on the consideration that certain States, including Russia, form what may be called a regional unit from the point of view of disarmament and security. For this reason it is necessary that the Convention shall enter into force simultaneously in the States mentioned in the proposal and in Russia. I do not exclude the possibility that, after the Second Reading, when we have the Draft Convention before us, the authors of this proposal may agree to limit the scope of the reservation. For the moment I think it desirable for the proposal to be approved as it stands.

M. SATO (Japan). — I have listened with great interest to the observations put forward by the authors of this proposal. As representing a country whose geographical situation is identical with that of the three countries in question, I well understand the preoccupations of the Finnish, Polish and Roumanian representatives. If my Government does not think it necessary to associate itself with the authors of the proposal, this is because the situation of Japan is, after all, slightly different from that of the three States mentioned above.

On the other hand, the Japanese Government considers that it is impossible to set Russia outside the scope of application of the new Convention, in view of the immense riches of that country, the high figure of its population, and the great area of its territory. My Government warmly hopes that Soviet Russia will one day accede to the Convention which we are preparing. But this leads us to another consideration: so long as Russia has not acceded to the Convention, it is impossible for her immediate neighbours to assume all the obligations arising out of the new Convention. It is therefore quite natural that the Finnish, Polish and Roumanian delegations should present a proposal to be exempted from certain obligations, until Russia accedes to the Convention.

Personally, I am ready to accept this proposal, and I invite the Commission to adopt it, but to give it a provisional character — for possibly in the Second Reading, thanks to M. de Brouckère’s new proposal, we shall find a formula for the ratification of the Convention — which may calm the legitimate preoccupations of the countries adjacent to Russia.

We all hope, I think, that Soviet Russia will accede to our Convention. We must therefore avoid anything which might irritate her and thus make it more difficult for her to accept the conditions of the new Convention. If we find a means of making the ratification by certain countries adjacent to Russia contingent on definite conditions, it will then no longer be necessary to insert a special provision in the Convention. This will be more practical and more general.

Sir Cecil HURST (British Empire). — This is a question which so intimately affects the States which are the near neighbours of Russia that I should certainly hesitate to oppose in any way the provision, if the representatives of those States consider that it is desirable to insert a provision of this sort in the Convention; but I do share M. Sato’s views, and I hope that this may be regarded merely as a provisional matter, because it is so important that we should secure, as far as possible, that any Convention that is made with regard to disarmament should be universal, and therefore we must all hope that Russia will become party to it, and that this provision will become unnecessary. I should not have ventured to make any remarks to the Commission were it not for feeling a great desire to say that, personally, I prefer this proposal in the form in which it was put forward rather than in the form in which M. de Brouckère suggests that it should be couched, namely, that of a suspensory ratification, a ratification made by these States which are the neighbours of Russia upon the terms that their ratification should not become operative until the Treaty is also ratified by Russia. That suggestion, I do think, contains some elements which ought to be considered very carefully before it is adopted. The effect would be that to all intents and purposes these five States would remain outside the Convention until such time as Russia came in. Now, is not that
M. Comnène, in his remarks, drew attention to the fact that this was to a great extent a matter already settled by the agreement which had been come to at the time of the Convention relating to the Traffic in Arms, but I would beg the authors of this proposal to remember that if they will look at Article 29 they will see that in that case it was not the whole of the Convention which was to be suspended in their case, but only certain provisions — only the provisions which it was reasonable to suspend in their case. I will read Article 29:

"The High Contracting Parties agree (that) . . . until the accession of Russia to the present Convention, the application of Articles 6 and 9, as regards both export to and import into these countries by the High Contracting Parties, shall be suspended".

Those are the only provisions which are not to apply. I venture to suggest here, also, that it is really only the provisions with regard to the limitation of effectives in respect of which it is reasonable that these States should ask for suspension in their case, and that other provisions — such as making returns to the League of Nations, making their returns with regard to budgetary expenditure in a particular form, returns as to the number of effectives and so on — should apply even though the provisions relating to the limitation of effectives are not to apply.

M. Hennings (Sweden). — I venture to ask whether, in view of the present political situation, it would not be preferable to postpone further discussion of this problem to the Second Reading. I should like to say that the Swedish delegation wishes to reserve absolutely till the Second Reading its opinion on all questions concerning the proposal of the delegations of Finland, Poland and Roumania.

M. de Brouckère (Belgium). — The advice which M. Hennings, and M. Sato before him, have given us seems to me very sound. It is becoming more and more clear to us how complex and delicate this question is; it would perhaps be well if we took time to consider it.

But I should like to clear up one misapprehension. Several speakers have mentioned an alleged proposal of mine that the States bordering on Russia should make their ratification conditional. I took great care not to make such a proposal.

The question has two aspects. On the one hand, a certain number of States have made us a declaration, to which we have listened with the greatest attention and the greatest respect. This declaration concerns a decision taken by those States, concerning which we should not venture to interfere.

On the other hand, the question arises as to what effect we should give to the decision thus communicated to us. I only venture to say that, in my opinion, the desire expressed by these States might have been satisfied by the procedure which I have indicated. I see all the drawbacks which it involves. I agree with Sir Cecil Hurst that it would be most regrettable if a number of States represented here were to remain outside the Convention, even temporarily, even for a very short time. I should far prefer a solution which would permit them to share in the execution of this Convention, even if only in part. But this is not the choice before us. We are faced with a proposal under which Estonia, Finland, Latvia, Poland and Roumania are to be excluded from the application of all the clauses of the Convention. This being so, the question is rather as follows: We are faced with reservations which are to apply only by the States interested, or whether the whole of the States here represented may associate themselves with them in some fashion. Personally, I think that the proposal presents certain disadvantages and that in any case we ought to study its form. In every way I think the best plan is to do as several speakers have suggested, take time to think the question over and decide this afternoon whether we shall go on with the discussion or postpone it until the Second Reading.
M. SOKAL (Poland). — A certain misunderstanding seems to have arisen in this discussion. M. de Brouckère has suggested that we should not formulate a proposal to exclude temporarily the States mentioned in that proposal until the date of Russia’s adhesion, but simply to say what articles are affected by our reservations.

My colleagues and I would be very glad if we could satisfy M. de Brouckère’s legitimate request, but we are not able to do so, because the work on the Convention in its First Reading has not brought us sufficiently concrete results for us to be able to say exactly what are the provisions on which we have reservations to make.

I venture to thank the representative of Japan for the very clear and convincing arguments which he brought forward. M. Sato is in the best situation of all of us to explain and appreciate the importance of the case under discussion, which is quite special.

Further, I fully agree with Sir Cecil Hurst that it would undoubtedly be a pity to adopt a procedure which resulted in certain States remaining outside the Convention pending the accession of Russia.

We might perhaps decide at once that, during the First Reading, we should adopt M. Sato’s proposal, and wait for the Second Reading to enable the States which have made reservations to say exactly which are the provisions affected by them.

The Commission rose at 11 o'clock.

THIRTY-FIFTH PUBLIC MEETING.

Held at Geneva on Friday, April 22nd, 1927, at 5 p.m.

President: M. LOUDON (Netherlands.)

98. Examination of the Proposal by the Delegations of Finland, Poland and Roumania.

The President. — Before we adjourned this morning, it was decided that we should continue the discussion of the Finnish, Polish and Roumanian proposal. I am glad to say that the representatives of these three countries have agreed to make an alteration in their proposal as follows: “... suspension of the application of Article ... in their favour ...” I believe that this alteration in the proposal will find general acceptance.

M. ERICH (Finland). — In the course of my speech this morning I said that we should not have a final text before us until the end of the Second Reading, and that it might perhaps be possible to limit the scope of the proposal by the three delegations. Other speakers expressed the same opinion. It would therefore be premature to limit or diminish the scope of the Convention, since we should be unable to point to a single article finally drafted to which that reservation should or should not apply.

In those circumstances it would seem useless to discuss the details of this proposal. No objection of substance has been raised against it, and it is simply a question of knowing whether this exceptional and temporary provision should be adopted as it stands or whether we should prepare a draft providing for the suspension of certain articles of the Convention, the articles to which the reservation shall apply being left blank.

At bottom there is no difference, when we consider that, according to the text of the proposal, a reservation made by one of the five Powers mentioned may equally well apply to the whole Convention or to certain specific provisions. The nature and extent of the reservation to be made will not be fixed by the provisions proposed, but will entirely depend upon later considerations. It seems to me therefore that there is no need at all to modify the original text; we could just as well consider a reservation limited to certain articles to be left blank and to be determined later, and I therefore agree with the proposal made by the President.

M. PEREZ (Argentina). — I adhere to my view with regard to the proposal by the States which border on Russia. Out of deference and sympathy for those countries, however, I am prepared to accept provisionally the proposal made, reserving the right to revert to the matter at the Second Reading.

M. INIGUEZ (Chile). — Mr. President, I consider that a final decision on this question should be left for the Second Reading for I think that this particular provision, which is in itself a sound one, but which raises a rather more difficult general problem, would gain if it were settled at a time when the preparatory work of the Convention as a whole is at a more advanced stage.

It is obvious that the ideal to be reached is universal acceptance of the Convention. It must be recognised that there are different degrees of exceptional circumstances; firstly, countries bordering on a large nation which is not a Member of the League — the case we are discussing at the moment; secondly, the neighbours of certain countries which, although Members of the League, have kept away from the League for a considerable period of time so that we cannot anticipate their collaboration in the near future; thirdly, the neighbours of countries which, while Members of the League, have notified their intention of withdrawing from it.
We must therefore find a solution for those special cases, either by adopting a special clause to cover all of them or by waiting to ascertain at the Conference itself whether these countries will modify their attitude and take part in our work.

It is certain that countries in the situations which I have just mentioned cannot give final undertakings at the Conference or at any rate will not be able to ratify the Convention which they may have signed without undertakings being given or ratification being made simultaneously by neighbouring States.

M. HENNINGS (Sweden). — I should like to draw the attention of the Commission to the reservation made this morning by the Swedish delegation, which desires to reserve until the Second Reading its opinion regarding all questions in which Russia is concerned. I will therefore request the President to include the Swedish delegation's reservation in the form of a note to be appended to the First Reading text.

To dispel any possible misunderstanding, I may add that this reservation does not in the least mean that the Swedish delegation is opposed to the principles which underlie the proposal in question.

General de MARINIS (Italy). — After the explanations which have been given by the authors of the proposal during the discussion, I have no further objection to the proposal being inserted in the text adopted at the First Reading.

M. SOKAL (Poland). — I should like to thank the Swedish and Italian delegates very cordially for the support they have given to our proposal, and I must also thank the honourable delegate for the Argentine for his statement.

The Polish delegation shares the views expressed by M. Iniguez. We think that the question he has raised will come up at the Second Reading, and I may say at once that the point of view of the Polish delegation is similar to that just expressed by the representatives of the Argentine Republic and Chile. For the moment, however, I think that all my colleagues will agree that the proposal, together with the amendment just made, should be inserted in the First Reading text as a special provision.

Count CLAUZEL (France). — I think the discussion is now exhausted. After the explanations given by M. Sokal and by the representative of Finland, and in view of the amendment made to the original text in order to meet the well-founded legal objections put forward by M. de Brouckère, it would seem that the text proposed may be provisionally adopted, as M. Sokal and Sir Cecil Hurst said this morning. It is, however, understood that the final adoption of this text will be reserved for the Second Reading, which will also meet the point raised by the Chilian delegate.

That being so, I think it is impossible not to insert this proposal in the First Reading text, for inclusion among the texts submitted to the Council and referred to the Second Reading.

M. INIGUEZ (Chile). — I quite with M. Sokal and the French representative, it being understood that we reserve for the Second Reading any observations which we consider necessary.

The amended proposal by the delegations of Finland, Poland and Roumania was accepted.

99. Examination of Point 11 of the British Draft.

Each of the High Contracting Parties undertakes that, as soon as the Treaty has come into force for it, it will begin the necessary measures for carrying the provisions of the Treaty into effect.

The PRESIDENT. — The discussion of Point 11 in the British draft is now open; this point was omitted from our synoptic analysis.

This article was adopted.

100. Examination of the Synoptic Analysis. Part II. Point 20.

The present Convention shall remain in force for ten years from the date of its coming into force, except Chapters II and IV, which shall remain in force for five years from that date.

In case none of the High Contracting Parties shall have given notice to terminate two years before the expiration of the said periods, the provisions of the Convention shall continue in force until the expiration of two years from the date on which such notice shall be given by one of the parties. Notice may be given to terminate the Convention as a whole or Chapter II, III or IV separately.

If the Party by which such notice is given is among those mentioned in the last paragraph of Article 13, all the High Contracting Parties shall, within one year of the date of the notice, meet in conference to consider the continuance of the provisions to be terminated. In the event of any such conference failing to come to an agreement, accepted by all the parties other than the party which has given the notice, as to the continuance
of the provisions to be terminated, or as to the substitution of others, they will terminate on the expiration of the two years provided for in the notice. If the High Contracting Parties other than the Party which has given notice to terminate, agree upon the terms of other stipulations in substitution for those to be terminated, the latter shall continue in force for all parties other than that which gave the notice until the coming into force of the new stipulations.

If the party by which notice to terminate is given is not among those mentioned in the last paragraph of Article 13, the Convention will remain in force for all High Contracting Parties other than that by which the notice was given.

Notice under this article shall be given to the Secretary-General of the League of Nations and shall be deemed to have been given on the day on which the notice was received by him.

The President. — The discussion is open on the two texts of paragraph 1.

Count Clauzel (France). — Sir Cecil Hurst expressed a fear this morning in reference to a similar passage that the blank space in the French text concealed an intention to await the ratification of the smallest State in order to obtain the ratification of other countries. I at once explained that all we intended was that the blank should be filled in either on Second Reading or when the Convention was signed. The same applies to the present case. The French delegation left the term of the Convention blank, because it thought it better, for the reasons which I have given, to refer this point to the Second Reading or to leave it for the Conference itself to fix this term as soon as we know the exact nature of the undertakings which will be included in the Convention. The French delegation was also inspired by another motive, which has several times been explained by M. Paul-Boncour. It was thought that the same system should apply to the different chapters of the Convention, whether they refer to naval armaments or to land and air armaments. For this reason we did not think it possible to provide for different terms as is done by the left-hand text, namely, ten years for some of these armaments and five years for others. Without anticipating the ultimate decision in this matter and after explaining to you the position of the French delegation, we might perhaps avoid a discussion by adopting a proposal which the President made in a similar case, and by leaving the term of the Convention blank, either until the Second Reading or until the Conference itself decides what shall be the term of this Convention.

M. Rutgers (Netherlands). — According to the two proposals now being discussed, the Convention will remain in force for a limited period, which, according to the right-hand column, will date from the exchange of ratifications, and, according to the left-hand column, from its coming into force. The Convention, however, will not enter into force on the same date for all contracting parties, and the same is true of the exchange of ratifications. I consider, however, that it would be desirable that the Convention should expire for all States on the same date. But if we fix a specific term, which will start on different dates for the different signatories, the treaty will also expire at different times for the different signatories.

Sir Cecil Hurst (British Empire). — If I may deal first with the point which has been raised by the honourable delegate of the Netherlands, may I point out that, when we reach the third paragraph of Point 20, I think he will find it is so worded as to give him satisfaction. The provisions of this draft of Point 20 in the left-hand column seem at first to be a little complicated, but they have been prepared with every intention of dealing with the real practical necessities of the situation, and one cannot help bearing in mind that consequence must be given according to the importance of the Power from which emanates the notice to terminate the provision. If the notice emanates from a very important Power it will almost certainly be necessary to hold a new conference for the purpose of arranging either a new Treaty or of arranging new provisions on some particular point. There is a provision that, if that new Conference fails to arrive at a conclusion, then the whole treaty will terminate for all parties on the date of the expiry of the original notice.

With regard to the point to which Count Clauzel referred, the idea underlying the different periods for which the Treaty was to remain in force was as follows: The whole system and science of aviation is undergoing rapid development. It seemed to the British Government that it was unlikely that States would be content to pledge themselves in a Disarmament Convention for a very long period in respect of their air armaments. The same feeling was experienced with regard to the land forces. It was thought that it would be more acceptable to States that the disarmament provisions should be for a short time; but those provisions do not apply when you come to the consideration of naval armaments. After all, the important element in naval armaments consists of ships, and, the larger the ship, the more difficult it is to design, the more it costs, and we hope, when it is built, the longer it lasts. Therefore, there must be much greater stability with regard to naval armaments; and it was for that reason that it was thought wise and prudent to draw a distinction between the period for which the naval provisions of the Disarmament Treaty would last and the period for which the army and the air provisions would last. I am aware that it does cut across the principle which M. Paul-Boncour enunciated — that there ought to be similarity of treatment for all three arms; but nevertheless, from the practical point of view, this did seem to the British Government to be
a case in which it was desirable that an exception should be made. I am giving these explana-
tions at the present stage in order that other delegations may know what was in the the mind
of the British Government, but I certainly do not think we should object in any way if it is
so desired that the matter should be regarded as one which is open for discussion on Second
Reading; but, even if it is left for discussion in the Second Reading, I trust that the delegations
may be glad to know what was in our minds at the time.

General DE MARINIS (Italy). — I support the proposal by the French representative to
refer the discussion of this matter to the Second Reading, and for the time being to leave the
term of the Convention blank and to make no distinction between the three categories of
armaments. I think, too, that this adjournment is in keeping with the view expressed by the
honourable delegate for Great Britain.

M. RUTGERS (Netherlands). — I agree with Sir Cecil Hurst that, should the application
of the Convention be prolonged beyond the date fixed for its expiry, there is no objection
to that date of expiry being different for the different Powers. In the contrary case, however,
that is to say, if the date of the Convention's expiry were not prolonged, it would not be desirable
that States which ratified the Convention one or two years later than others should be bound
by it for one or two years longer than others. In this case it would be better that a single date
should be fixed.

I agree that we should discuss the matter again at the Second Reading.

The Commission referred the examination of the question to the Second Reading.

The President. — The discussion is open on the second paragraph of Point 20, for which
we have only a British proposal.

Count CLAUZEL (France). — I must apologise for repeating myself, but I must make the
same reservation in regard to the last three lines of this paragraph as I did in regard to the
previous paragraph, when Sir Cecil Hurst met my difficulty by agreeing that the question
should be left over until the Second Reading.

Sir Cecil HURST (British Empire). — The suggestion I would make with regard to this
point is that these special provisions in the various paragraphs in this Point 20 which relate
to the difference between the periods for which the various parts of this Convention may last,
and the right to give notice to terminate the Convention only as applied to air armaments or
land forces separately, should be in some way indicated in the document which will sum up
the work of the Commission in the First Reading. It can easily be done. It would be desirable
that there should be some mention of the British proposal. It can be done either by the
addition of a paragraph in brackets at the end containing the British proposal, or by means
of a reserve set out in the margin; but it would be desirable that the proposal which was made
by the British Government should be indicated, in order that it may be carefully considered
by the various Governments in the meantime.

The President. — The Commission of course accepts the insertion of a note to this
effect.

Count CLAUZEL (France). — I have no objection, but I must claim the same treatment for
the reservation which my strict instructions compel me to demand in regard to the indivisibility
of the three categories of armaments. This reservation may take any form which the Bureau
thinks best, appearing either as a counter-reservation to the British reservation or in any other
suitable form. The important thing is that note should be taken of the formal reservation
which I express on my Government's behalf.

The President. — The same treatment shall be extended to the reservations put forward
by the British and French delegations.

I now open the discussion of the third paragraph of Point 20.

Sir Cecil HURST (British Empire). — I should like to point out to M. Rutgers, if I may,
that I do not think he quite understood the intention of the sentence which comes in the
middle of this third paragraph. May I read it:

"In the event of any such conference failing to come to an agreement, accepted by
all the parties other than the party which has given the notice, as to the continuance
of the provisions to be terminated, or as to the substitution of others, they" —

that is, the provisions as to which the notice was given —

"will terminate on the expiration of the two years provided for in the notice" —

that is to say, they will terminate for all parties. If one of the contracting parties gives notice
to terminate either the whole Treaty or part of it, and a conference is held and fails to come to
an agreement, then the whole Treaty will come to an end for all parties at the date of the two
years; or, if notice was given not in respect of the whole Treaty but in respect of part of the
Treaty, then only that part of the Treaty will come to an end for all parties at the moment of
the expiration of the two years. That was the intention of this sentence, and I think it exactly
meets the point which M. Rutgers had in view, because, if notice is given, then not only will
the one Power which gives the notice cease to be bound by it, but if that Power which gives
the notice is one of the important Powers and no new agreement can be come to, then either
the whole Treaty or that part, as the case may be, will terminate for all parties.
M. DE BROUCKÈRE (Belgium). — I should like to ask Sir Cecil Hurst for an explanation of one small point on which I am not yet quite clear.

The paragraph which we are now discussing sets up machinery whereby the Convention may be revised or brought to an end. It is clear that this paragraph should be read in the light of the whole text of the draft Convention and especially in the light of Point 8, which we discussed this morning. That Point says that "the present Treaty shall not affect the terms of previous treaties".

Consequently, it does not affect the Covenant of the League of Nations. In Article 8 of the Covenant I read the following:

"The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments".

I take it that that is the work upon which we are now engaged, at the direction of the Council.

This paragraph is followed by another, which says:

"Such plans shall be subject to reconsideration and revision at least every ten years".

Of a revision, the examination of which you are all aware, namely, that:

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

If I understand that text aright — and I speak tentatively, because I am putting the question to eminent jurists — this means that, once the plan of limitation is laid down for the Members of the League, it remains compulsory. It may be revised every ten years, but in that case it is replaced by another plan, so that at all times there is a scheme of limitation in force which remains compulsory.

In certain circumstances I read that the Convention may be denounced in its entirety and may cease to bind the parties, particularly those which are Members of the League of Nations, who would in this way be entirely released from their obligations. Do I understand that this general provision in the left-hand column is a general rule which applies to all the parties, but which does not prevent those parties which are members of the League of Nations from applying the stricter rules of Article 8? If that is so, I have no objection to the text; but, if it is not, I must draw attention to a rather grave consequence which ensues, in that we should be adopting a text in contradiction to another text the binding effect of which we have just affirmed.

Sir Cecil Hurst (British Empire). — M. de Brouckère puts a question and looks to me as if he expected that I should endeavour to answer it at once. I hesitate to answer any question he puts to me as to the interpretation of the Covenant without taking time for reflection; but may I point out that clearly nothing in the Convention we are preparing can in any way override the provisions of the Covenant? If M. de Brouckère is right in saying that the provisions of Article 8 of the Covenant already embody stricter rules than we are engaged now in drawing up, it is quite clear that those stricter rules must remain in force and will remain in force for all Members of the League. But I hesitate to endorse the interpretation which he is placing upon the provisions of Article 8. I would suggest that he is giving a somewhat excessive interpretation to paragraph 4 of Article 8 when he quoted the words, "After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council". The whole of this Article 8 is, to my mind, consistent with the view that the rules which are to be formulated by the Council are to be rules which are to be adopted by the Governments. Those are the very words which figure in Article 8, which says that the function of the Council is to formulate plans. But those plans only come into force when they are adopted by the several Governments. Clearly, therefore, it is open to the Governments to adopt those plans by means of a Convention, and the extent to which those plans are adopted can be determined by the Convention in which the plans are adopted and made binding upon the Governments. Therefore, I think there is nothing inconsistent with the provisions of Article 8, which article says that the terms for which the various plans have been formulated and adopted shall be terminable by means of the Convention in which they are embodied. Now that, I think, is what we in England would call a common-sense interpretation of Article 8. But may I point out that, if that interpretation of Article 8 is not open to us, we are really engaged on work which is somewhat superfluous, because much of this Convention would, if my interpretation is wrong, be inconsistent with Article 8. I do not for a moment wish to undermine the importance or the authority of Article 8 of the Covenant, but it must be remembered that the framers of the Covenant were at work upon a document providing for an organism which they all thought at the time would be universal in character, and that many provisions of the Covenant have worked out in practice somewhat differently from what the framers of the Covenant imagined, by reason of the want of universality of the membership of the League. But I do suggest that (1) as a principle we cannot override the Covenant by this Convention, and (2) that there is nothing inconsistent with the provisions of Article 8 in the provisions we are inserting here if they are adopted in Point 20, which provides for the termination of the Convention by which the plans are to be adopted.

M. DE BROUCKÈRE (Belgium). — I must thank Sir Cecil Hurst for his explanations, which, as usual, are both clear and learned. On the main point I am entirely satisfied.