I will now put to the vote the opinion formulated by the Bureau.

The opinion formulated by the Bureau was adopted.

M. Litvinoff (Union of Socialist Soviet Republics). — I should like one moment to say a word on the question which has just been voted upon. I wish to point out that the text of the Bureau has not been accepted by the Soviet delegation, nor by the Turkish delegation, nor by the Chinese delegation, which are in favour of the Commission voting upon the principle of the Soviet delegation's declaration.

I should like to say that I must reserve to myself the right to make a statement on the situation which has been created by the rejection of the second draft Convention of the Soviet delegation. Unfortunately, I only received the text of the Bureau this morning, half an hour before the beginning of the meeting, and had no time to prepare a statement. I therefore hope that the President will allow me to make this statement at to-morrow's sitting.

The President. — The debate being closed, I cannot authorise M. Litvinoff to make an oral statement, yet he is free to present his statement in writing. (Annex 5.)

11. Statement by the Swedish Delegate concerning the Preparation of a Report by the Commission.

M. Westman (Sweden). — Mr. President, before the Commission goes on to discuss the text drawn up at the first reading and the questions connected with it, I should like to make a few general remarks on the work of the present session. It is not my intention to prolong the discussion by enumerating all the reasons which make it so highly desirable that we should eventually arrive at definite results. Those reasons are all too familiar to all of us.

The decision which the Commission reached a few days ago to proceed to a second reading or, if you prefer it, a fresh reading of the text might be taken as a happy augury. At the same time, I feel that we ought not to delude ourselves, but that we should do better to adhere to what our President said in his opening speech and realise completely the difficulties which lie before us if we are going at this present time to draw up a final text for a draft Convention which will mark the termination of our preparatory work.

We must therefore face the possibility that we may not be able during this session — perhaps not even before the next session of the Assembly — to come to an absolute understanding which will enable us to lay before the Assembly the agreed text of a draft Convention for international disarmament.

This being so, it seems to me that our obvious course is to return to a suggestion which was made in 1927, namely, that we should have a report drawn up recapitulating the Commission's work. I think that at the present juncture there is every justification for having such a summary prepared.

The texts — some of them alternative — already adopted and those we shall produce at the present session can only give a somewhat incomplete idea of the true situation.

To understand the present position of the Commission's work and to judge of the exact value of what has been done and the obstacles which still strew the path of disarmament, it is necessary to study an immense volume of material — the Minutes of the Commission as well as all the numerous documents and reports submitted by its Sub-Committees and by various Committees of Experts. A study of this kind is extremely difficult; many of the statements and conclusions referred to still retain their force, while others are to be regarded as obsolete and of secondary importance in the present circumstances.

This report, as I see it, should recapitulate, in as concentrated and at the same time as clear a form as possible, the results that have been achieved and the various essential views that have been put forward in the course of the Commission's proceedings. It should include such notes as may be necessary to illustrate the actual effect of the texts and resolutions adopted. To borrow a phrase used by M. Sokal two years ago, the report would be a moral balance-sheet of the Commission's work, for which there has long been a strong demand; and, in my opinion, it would tend to dissipate misunderstandings which have arisen on several points.

Another and the most important feature of this summary is that in making it we should be complying, as we are bound to do, with the resolution passed by the Assembly last September, in virtue of which this meeting has been summoned.

The Assembly would then be in a position to judge of the effect of its action, and, at its next session, should it see fit to do so, to cover the whole ground of the disarmament problem and decide whether that ground can be regarded as adequately cleared from the technical point of view.

It would have in its possession information which would aid it in reaching decisions as to what further work in the field of disarmament it regards as unavoidable or desirable.

I should like to say that there is no new principle involved in my suggestion. As long ago as 1927, the Commission prepared a report, though this was merely a brief introductory note to the draft Convention.

I have put this suggestion forward in the early stages of the present session in order that, if the Commission regards it with favour, there may be sufficient time to take steps. Obviously, the drafting of a general report of this kind cannot be put off to the end of the session; explanations and further details on certain particular points will be wanted from the various delegations, and those responsible for drawing up the report will need to make systematic preparations.
For the moment, I shall not make any formal proposal on this subject. It might be desirable to appoint a Drafting Committee, or it might be better to leave the drafting of the report to the Bureau. The essential point is that we should know what we mean to do, and that we should be agreed right at the beginning of this session as to the necessity of acquainting the Council and the Assembly with what the Commission has done, so that they may take any necessary steps at their forthcoming meetings.

The President. — M. Westman's remarks will undoubtedly have been listened to with the greatest interest, and his suggestions will, of course, be noted.


Lord CUSHENDUN (British Empire). — Mr. President, in my judgment, we are for the first time in this session commencing our serious business. For four days we have discussed various interesting propositions which, have very little to do with our real work, and as in my opinion what we want, and have wanted, more than anything else is a convention for the reduction and limitation of oratory, I have endeavoured to expedite matters as much as possible by maintaining silence. But now we are coming to the discussion of the real proposals of the Commission. In my view, I would like to make a few observations at the outset of this discussion, and perhaps I may remind the Commission in a very few words of how we have reached the present position. It will be remembered that we started our work by the discussion of two draft Conventions, these being submitted by the British and the French delegations. These draft Conventions gave rise to a close examination and a very detailed discussion on a great number of points, and the first thing I should like to emphasise is that there was a good measure of agreement reached — and I think it would be an advantage if, at some time in the course of this session, we could have a state statement drawing up showing the amount of agreement which was arrived at in the early stages — but there was, of course, a certain amount of disagreement, and the disagreement centred on a few points of very great importance. In the following year, we had an adjournment to give an opportunity for discussion, and, if possible, an arrangement, with regard to the disagreement which had arisen in relation to naval disarmament. Unhappily, these efforts have not up to the present been successful. We have not yet succeeded in coming to an arrangement on these points, but — and I would ask the Commission to carefully consider this — although there has not been that agreement, it is necessary to remember that, outside the Preparatory Commission altogether, the leading naval Powers which signed an agreement at Washington have actually effected a large and important measure both of reduction and of limitation, and that should not be forgotten. As I say, we have not yet succeeded in overcoming other differences with regard to naval disarmament, but I suggest, in view of the progress that has been made and to which I have just referred, that during this present session we should get on as far as we can with the other branch of the subject, that is to say, limitation as applied to land and air forces. I have no doubt that the naval difficulties will be overcome, but, while they are still obstructing progress, there is no reason, in my judgment, why we should not get on with the other branch of the subject, and I think we should make a very determined effort to do that, and on that branch of the subject, limitation by land and air, I have something I wish particularly to say, because I hope that it may prove of some assistance in arriving at an agreement.

The British Government is keenly zealous to arrive at some definite measure of agreement which will enable us to open the Disarmament Conference. I myself must confess to a large measure of impatience. I have been very impatient, and sometimes inclined to feel a little exasperated, at the slow progress made, and in my judgment, unless we effect a good deal during the present session, we shall very likely finally fail altogether and certainly make ourselves exasperated, at the slow progress made, and in my judgment, I hope that we shall not give them that satisfaction. Speaking for myself and for the Government that I represent, I am prepared to make great sacrifices in order to reach the agreement that we desire. On former occasions, when we have discussed at first reading these various propositions, the British delegation, as represented first by Viscount Cecil and afterwards by myself, have expressed strong views on many of the points in dispute, and I am not going to pretend that we have altered our opinions. We still hold to these opinions; we still hold that the principles which we have expressed are the most likely to lead to good results; but, on the other hand, while holding to those views, we recognise that this branch of the subject is not that in which we have most interest. We do not, therefore, intend to repeat now the arguments which Viscount Cecil and I myself have used on earlier occasions in regard to the different points on which differences have arisen.
Of course, if I saw a chance of converting my colleagues to my point of view, I should certainly endeavour to persuade them, but I am not going to adopt an attitude the only result of which would be to wreck the work of this Commission by making agreement impossible. I thus hope to facilitate agreement in the Commission, and, while reserving my right to examine the results of the Commission’s labours as a whole, I repeat that my Government, through me, will endeavour to accept, and feel confident that they will be able to accept, any scheme which meets with the approval of the rest of the Commission.

What I have just said applies to land armaments.

As regards air armaments, air power is, of course, of very special importance and interest to an Empire as scattered as ours, and embracing such wide stretches of relatively undeveloped territory. My country’s home-defence problem is, however, broadly speaking, the same as that of the Continental countries, though its forces are at present considerably smaller than those of other European countries. My Government would therefore expect, as in the case of land armaments, to be able to agree to any further principles in connection with the limitation of air armaments that may secure the unanimous approval of other countries.

Mr. President, that being the attitude which I, on behalf of my Government, take up, I shall hope to be able to economise oratory in the course of our discussions, because I repeat that it appears to me that we are in danger of failing to effect much progress owing to the difficulty of curtailing discussion. I shall therefore myself, I hope, set a good example in this respect, while, of course, I reserve the right to intervene if necessary from time to time to express the views that my Government holds.

13. Discussion of the German Proposal concerning the Last Paragraph of Article 8 of the Covenant.

The PRESIDENT. — Gentlemen, as stated in the observations which I submitted with regard to the agenda at the beginning of the session, the proposal put forward by the German delegation concerning the last paragraph of Article 8 of the Covenant refers to the Armaments Year-Book, but involves in reality an amendment of the clauses of Chapter V, Section II, of the 1927 Draft, which makes it desirable, in connection with the examination of these proposals, to proceed immediately to an examination of this section article by article.

Count Bernstorff (Germany). — At an earlier meeting, Mr. President, I intended at the end of the discussion to propose that the question of effectives should be placed on the agenda. We think it is essential to consider the crucial questions first if anything definite is to be done at this session. You closed the discussion, however, and I had no opportunity of making my suggestion. It is for this reason that I now propose that, as soon as we have dealt with the German delegation’s proposal, we should pass on to the question of effectives.

Before making my statement on the German delegation’s proposal, I should like to know what method you intend to follow in examining it. I will make a suggestion on the point, if I may. We think the best procedure would be to open a general discussion and then, when that is finished, to appoint a small sub-committee to discuss our proposal in detail. Further, the sub-committee should include representatives of those countries which are specially affected by our scheme. I feel that a proposal of a so markedly technical character could not easily be thoroughly gone into and settled by such a large body as this Commission.

The PRESIDENT. — I quite agree with Count Bernstorff that we shall have to begin with a general discussion, but I do not see how we can decide whether to appoint a sub-committee until we come to that discussion.

Count Bernstorff (Germany). — In submitting my proposal, I have already stated my reasons for doing so and the object towards which it is directed. I said that:

"Exact information as to the armaments of States is the basis of that confidence which constitutes one of the surest guarantees of peace. It is impossible for States to estimate the requirements of their national security until they are informed concerning the armaments of other States which might threaten that security. Finally, no starting-point can be found for a general scheme of disarmament unless it is known what armaments are in existence before disarmament is carried out."

In my proposal, I have simply taken up ideas which were already in the air, and I should like to remind you that, ever since it was formed, the League of Nations has been occupied with the problem of the exchange of information. The Sixth Committee considered the question at the 1920 Assembly, and said in its report that it attached great importance to the execution of the provision in the Covenant concerning the exchange of information. The preparation of a questionnaire and tables were even then contemplated. The Permanent Advisory Commission drew up such a questionnaire "to be sent to Governments with a view to the exchange of information regarding armaments."

The Council accepted the questionnaire.

I have no doubt, therefore, that the German proposal is in the direct line of development of the problem of publicity. It is linked up with previous work, and at the same time it points the way to a final solution of the problem. I have suggested that the German proposal should be used to complete the Armaments Year-Book, especially since the Armaments Year-Book...
was compiled for the express purpose of "realising forthwith the intentions of the last paragraph of Article 8 of the Covenant". References are frequently made to the idea of progressing by stages. The Council resolution of July 1923, under which the *Armaments Year-Book* was compiled, constituted the first stage. Now we ought to go on to the second stage.

In my opinion, the German proposal is by no means identical with the arrangements contemplated in Chapter V, Section II, of the texts of the draft Convention accepted at the first reading in 1927. The exchange of information as contemplated in 1927 was to be a consequence of the putting into effect of disarmament — as it were, a supplementary registration of the state of affairs after disarmament had been carried out. The main object of the German proposal is to establish a starting-point for the negotiations of the Disarmament Conference, since it is obvious that the aim which the Disarmament Conference must have in view — a levelling of armaments — can never be attained unless the existing position in regard to armaments is known.

To demonstrate that my proposal and its object are entirely in conformity with the principles of the Covenant, I need but quote the statements made by Viscount Cecil, at a plenary meeting of the Assembly on October 1st, 1921, in his capacity of Rapporteur. Nobody can dispute that that eminent statesman, who has contributed so largely to the solution of the great problem with which we are concerned, is competent to interpret the intentions of the Covenant.

Viscount Cecil said:

"In Article 8 it is provided that there is to be an interchange of full and frank information as to the scale of their armaments by the Members of the League. It will be readily acknowledged that the reduction of armaments is the chief business, the chief object, and that the interchange of information, that is to say, publicity — here as always recognised to be one of the chief weapons of the League — publicity, or the knowledge of what armaments exist, is a means to secure reduction of armaments, and a security, once they are reduced, that they will not be again enlarged. It is therefore one of the things that lie at the very root of any scheme for the reduction of armaments."

I would further observe that Tables XIII and XIV in the German proposal are not connected with the manufacture of war material and the negotiations on that subject in the Special Commission on the Private Manufacture of Arms, etc. In the negotiations regarding the manufacture of arms the question at issue is what quantity of material has actually been manufactured, whereas in our proposal concerning industry the object is to make it possible to ascertain how much material could be manufactured.

In conclusion, allow me to say that the German proposal seeks to furnish suggestions and in no way excludes any modifications or improvements of the proposed tables which might assist us to attain the object aimed at. It is not the form of these tables which is the essential matter; it is their contents.

M. Markovitch (Kingdom of the Serbs, Croats and Slovenes). — The proposals of the German delegation, taken by themselves, are of great interest and may be considered as a very valuable contribution to one of the essential problems of disarmament.

I say "by themselves" advisedly, that is to say, apart from the possibilities, both legal and political, of completely carrying them into effect. While accepting them as concrete, definite and valuable proposals, I desire to make a few preliminary remarks in the interest of the very object which the German delegation has at heart.

It appears to me necessary to be clear as to the exact scope and character of the German proposals. Are they meant simply to give application to Article 8 of the Covenant? Or does the German delegation consider that the League of Nations and the Council, in their endeavour to apply Article 8 of the Covenant, have not gone to the extreme limit of what is possible and feasible? Or does the German delegation desire to discuss the question of the exchange of information within the ambit of the work with which we, in our capacity as the Preparatory Commission for the Disarmament Conference, are specially entrusted?

If the German delegation desires that the Commission should devote very special attention to the question of the exchange of information, and if its object is to draw the attention of the Council to the fact that the *Armaments Year-Book* is not adequate, that it contains gaps or that there are possibilities of giving wider and more adequate application to Article 8 of the Covenant, then this is a subject which we should discuss entirely separately.

I am of opinion that the Preparatory Disarmament Commission is entitled to submit to the Council of the League of Nations suggestions outside the scope of its essential task.

On the other hand, if the German delegation desires to keep within the compass of the work we are doing, if it desires that its draft should be embodied in the Convention which we are preparing, then it should be dealt with in its own place, that is to say, in the place where the question of exchange of information is already to be found, *i.e.*, in Section II Chapter V. I entirely agree with the honourable representative of Germany as to the very great importance of this question of the exchange of information. But he himself, in the statements he has just made, laid still greater stress on the problem of effectives.

If so, why should we extract this solitary question of the exchange of information and discuss it outside the compass of our general programme?
I ask this quite frankly, so that we should not lose ourselves in useless discussions, since it is important that we should deal with the problems and subjects in their logical order. If the Commission desires to discuss the German proposals thoroughly and to refer them ultimately to a sub-commission, it ought to be made perfectly clear that this is to be regarded as a second reading of our Draft (Miscellaneous Provisions, Sections I and II, Chapter V) in the interest of the good order of our debates. It must be definitely stated that we are discussing the special question of the exchange of information at a second reading.

After having heard the explanations given by the honorable representative of Germany, I desire to express a few ideas on the substance of the German proposals.

I am under the impression that Count Bernstorff desires, in regard to this special problem, that the work of this Commission should be kept within the framework of the provisions of the Covenant. In my opinion, however, the Disarmament Conference will be entitled to go beyond the limits of Article 8 of the Covenant, if it so desires, so far as the question of the exchange of information is concerned, although the German proposal would appear to imply that the object aimed at would be more readily attained if we remained strictly within the limits of the provisions of Article 8.

I believe that, from the point of view of the practical application of these provisions, the German proposals, on the one hand, exceed the true scope of Article 8 and, on the other hand, do not sufficiently emphasise certain points which are contained in that article.

I venture to point out that Article 8 of the Covenant is couched in very definite terms. It speaks of the "scale of armaments." I think that this word "scale" is a perfectly clear term, and its real scope is easy to understand. It then speaks of "military, naval and air programmes." I consider that the word "programme" is also sufficiently clear. The Covenant further mentions the "condition of such of the industries as are adaptable to warlike purposes".

If we remember the prudence and caution with which the terms of the Covenant were drawn up, and if we wish to remain within the sphere of actual facts, the work which it is proposed we should undertake must remain within the limits of the three headings I have just quoted.

I would also draw attention to a very important point, to which, unfortunately, I find no reference in the German proposal, i.e., the mutual exchange of information mentioned in Article 8 of the Covenant. The obligation assumed by one Member of the League of Nations is conditional upon the acceptance of the same obligation by another Member. Here the important question arises whether this obligation is purely moral or legal. In the latter case, some organisation for control is necessary. These two conceptions cannot be considered separately. If the obligation is purely moral, then control is obviously superfluous, but in that case the object aimed at by the German delegation would not be attained.

In conclusion, I venture to request the President to be so good as to give us a clear definition of the real meaning of the German proposals. Are they to be considered as proposals outside the scope of the preparatory work which we are doing, to be discussed apart from the draft Convention we are called upon to prepare? If so, we will treat them as such. If, however, the real object of this proposal is to find an adequate solution of the problem of the exchange of information, which is one of the points already submitted to us for discussion and which is dealt with in our 1927 draft Convention it must be clearly understood that in discussing the German proposal we are discussing Section II of Chapter V. We must then consider the proposals of the other delegations referring to the same chapter and dealing with the question as a whole.

The President. — In reply to the last speaker, I repeat that as I have already said, it is understood that the German proposal implies an amendment to Section II of Chapter V of the 1927 texts. It would be desirable to consider this proposal when we come to review the various articles of that section.

M. Sato (Japan). — I should like to touch on one or two of the points which have been quite rightly emphasised by the delegate of the Kingdom of the Serbs, Croats and Slovenes. I was very glad to hear him raise the question whether the German proposal is within or outside the compass of the draft Convention. The President holds that this proposal is closely related to Chapter V, Section II. If this is really the case, I entirely agree with the honourable delegate that it would be better to go into the question when we come to discuss Chapter V, Section II.

The President proposes that we should discuss the question at once. For my part, I feel that this method would raise certain difficulties, since some of the delegations which took part in our Commission's work two years ago took the view that it was very difficult to contemplate publicity in connection with certain aspects of disarmament until the number and nature of the forms of armaments to be limited or reduced should be decided. I do not see how we can undertake at present to give extensive publicity to all sorts of armaments when we do not yet know whether they will be covered by the Convention.

In the first place, the German proposal contemplates publicity for effectives. Table I is subdivided into three categories: effectives with the colours, effectives available without mobilisation and effectives in reserve. The Preparatory Commission has not yet, however, been able to reach a unanimous opinion as to what treatment should be laid down for trained reserves in the matter of limitation. I think it would be entirely superfluous to give any publicity before we know under exactly what conditions the reduction or limitation of trained reserves can be carried out.
I naturally attach great importance to the connection between disarmament and publicity. At the same time, publicity must be applied to all the forms of armaments which the Commission schedules for reduction or limitation.

Again, as regards war material, the German proposal provides for publicity both for material in service and for material in stock. The Commission will certainly remember that we discussed the same question two years ago, in March and April 1927. In Chapter V, Section II, we found ourselves confronted with a similar proposal by the Netherlands delegate, and a number of delegations were unable to accept it. We had long discussions, and eventually we found that we could not reach an agreement as to the methods and the extent of publicity in regard to material in stock. The Commission will readily understand that for delegations like mine, which were not able at that time to accept the Netherlands proposal for publicity, it is very difficult to pronounce to-day in favour of the similar proposal put forward by the German delegation.

For that reason, it seems to me absolutely necessary that we should decide first the question of effectives and the question of war material. When we know exactly what forms of armaments are to be reduced or limited, we shall be able to determine the extent of the publicity to be given. This is a further opportunity for me to say that publicity must take place under the same conditions as disarmament itself, and to the same extent. I cannot in any way accept the idea that publicity is one thing and disarmament another, and that they can be dealt with separately.

At the end of the German proposal, there is a chapter dealing with manufactures and a table entitled "Industrial Establishments utilised in Time of Peace for the Manufacture of War Material." This question was touched upon by Count Bernstorff this morning. He told us that a kindred question was at present under consideration in a Special Commission — of which, by the way, he is Chairman — but that the work of that Commission, which deals with the question of Private Manufacture, is distinct from the subjects to which the last two tables refer. I do not entirely agree; in my view, the question is exactly the same. In both cases, what is being dealt with is publicity for material manufactured, both in private and in State factories — publicity for the material produced in terms of numbers or in terms of value and for the quantities manufactured during the year.

The Preparatory Commission is well aware that we have not yet reached a unanimous agreement in the Special Commission. We have not been able to agree upon the forms of armaments to which publicity should be given with reference to private manufacture and State manufacture. Until we are absolutely certain of the practical result which will be reached in the Special Commission, we cannot do anything definite in connection with Tables XIII and XIV.

Consequently, if the German proposal is accepted by the Commission, it will be incomplete until the Special Commission on Manufacture has itself come to a unanimous agreement.

I would add a few words about the remarks and explanations just given by Count Bernstorff. If I am not mistaken, he said that publicity is a very important factor in the ultimate bringing about of disarmament. I shall certainly not contradict that; but at the same time, I should prefer not to attach too much importance to publicity. Count Bernstorff said that publicity must be the starting-point of disarmament. I cannot entirely accept that statement. If publicity is really the starting-point of disarmament, unless we can arrive at a satisfactory arrangement for giving complete publicity, we cannot arrive at disarmament. To my mind, that is a rather dangerous idea, and one that might jeopardise the progress of disarmament.

Every country has a fairly good idea of the armaments of its neighbours. In many countries there are specialists, military attaches, whose profession it is to know about the armaments of countries in which they are interested. Speaking generally, I think that the approximate figures we have are a quite sufficient basis for a first step towards disarmament. It is not publicity given by Governments that must be the starting-point of disarmament. If we are going to wait for communications of this nature from Governments, we shall waste a lot of time before we take our first step.

In short, we must first of all make up our minds about effectives and material. Then we can discuss the question of giving them publicity. Then we can wait for the Special Commission to come to a conclusion some day, and then we shall have some chance of deciding about publicity for the manufacture of armaments. Lastly, I would lay stress upon the necessity of taking a step forward at once without waiting for such publication as the Governments may agree to.

(The meeting rose at 12.45 p.m.)
14. Discussion of the German Proposal concerning the Last Paragraph of Article 8 of the Covenant (continuation).

Count Bernstorff (Germany). — Since the general discussion on our proposal seems to be concluded, I desire to offer some observations.

Yesterday, M. Sato, with his usual courtesy, made some criticisms of my proposal; I venture to recall also that two or three days ago he criticised my eagerness for the Commission to proceed to the second reading of our Draft. On that occasion he supported the agenda as suggested by the President. What I understand by a second reading is the discussion of our 1927 Draft point by point, as has been done before. Now that I have accepted the President's programme, and that I am willing to discuss the question of publicity, M. Sato says that the questions of effective and material should first be discussed. That is a view I have maintained from the start, because I think that every time we wish to discuss a question we shall always be told that effective and material must be discussed first of all.

We are fully prepared to consider publicity whenever the Commission so desires. All that matters is that it should be considered, and progress be made with our work. The procedure employed is of lesser importance, but I agree with what Lord Cushendun said yesterday, that if we do not make some progress now we shall become the laughing-stock of the world.

I propose that a sub-committee should be set up because I think that it is difficult for a large Commission of twenty-eight members such as ours to solve difficult problems, and especially to formulate proposals to be submitted to a future Conference. At the time when we were first convened, nearly four years ago, we were only eighteen. Obviously the Council then thought that number sufficient. Now we are twenty-eight, and at the same rate, if our work goes on for another few years, we shall end by being fifty!

If we desire to achieve results, the German proposal must be discussed by a sub-committee, and if M. Sato prefers that material and effective should also be discussed by sub-committees, I will fully support his proposal.

For the moment, the essential point is that the German proposal should be discussed. It would be advisable to say from the start that we have the intention to set up sub-committees, without necessarily fixing any dates. These sub-committees can meet when we have discussed the other questions. I do not desire for the present to enter into a discussion of the details; all I ask is that the Commission should settle down to work and not adjourn the discussion of each question until some other question has been discussed, for in that way we shall never achieve concrete results.

M. Massigli (France). — Yesterday Lord Cushendun and just now Count Bernstorff both expressed the opinion that it was essential that useful work should be accomplished. I entirely agree with these views. We must do useful, practical and rapid work.

But the first question which must be settled is in what order this work is to be done. From yesterday's discussion and M. Markovitch's lucid statement, a clear idea seems to me to have emerged. Count Bernstorff's proposal really includes two proposals which differ in substance. One refers to the Armaments Year-Book of the League of Nations and the other to the cognate, but essentially different, question of the "Exchange of Information" chapter of the draft Convention.

As regards the Armaments Year-Book, it is obvious — and M. Markovitch left no doubt about it — that our powers are extremely limited. This Year-Book was established in its present form in virtue of a formal resolution adopted by the Council in 1923 which laid down that only official and public documents should be used for its compilation. It is not for us to change these principles. All we can do in this matter at any stage of our work is to submit suggestions to the Council.

Should this work, if we undertake it, be referred to a sub-committee? I have some doubts on this point because, once this work has been undertaken, it will soon be found that questions of principle arise at every step.

On the contrary, the essential point for this Commission, in Count Bernstorff's view as in my own, is that the draft Convention for the Limitation and Reduction of Armaments should be brought into being, and I think we can readily agree that at the present moment the most important thing to do is to keep Count Bernstorff's proposal in the form in which it relates to the Convention, and to the extent to which it does so.

M. Sato stated yesterday most forcibly the reasons why, in his opinion, it would be difficult to take the discussion of Count Bernstorff's proposal, regarded from that point of view, at the beginning of our proceedings. He pointed out that, in connection with each of the tables annexed to the proposal, grave questions of principle would arise in regard to effective and material. If these questions have not been settled previously a decision regarding them must
be taken. For reasons of convenience, M. Sato therefore proposed that the question should be postponed for a little while.

This suggestion was not at all unwelcome to Count Bernstorff, who has told us to-day that he is willing to agree to a postponement.

Meanwhile, we have before us the agenda proposed by the President, and we have accepted it. Items 3 and 4 are questions which — at all events in the case of Item 3 — received very little attention at the first reading. Indeed, Item 3 was expressly reserved for the second reading.

I had not the honour of being present at the first reading, but I have seen the Minutes. I should like to say that I was struck by the fact that when, after a long and exhaustive discussion, you finished with the most important questions, you cleared off — perhaps a little too quickly — as much of the Convention as still remained to be decided upon.

Therefore, if in this second reading — which is really a first reading as regards certain points — we take things in the same order as in 1927, the same consequences will follow, and on certain points, such as Item 3, “Chemical Warfare”, the discussion will be cut too short.

Could not some way be found of reconciling all the views on this question by adhering, partially at least, to the programme that has been laid before us? Items 3 and 4 might be taken in their proper order, and when we came to Item 5, which is merely concerned with certain articles in the chapter dealing with effectives, we could make an exhaustive study of the whole chapter on effectives.

This procedure would enable us to discuss immediately problems which we regard as of secondary importance, but which are nevertheless not devoid of interest. Then we could pass on to the really serious questions which we all of us are anxious to tackle.

Count Bernstorff (Germany). — The President is well aware that it is not our fault that our proposal is in the place in which it now appears. From the outset our idea was that Chapter I should be taken as the first item on the agenda, and that our proposal should not be considered and discussed until the corresponding points in the draft Convention came up for discussion.

I am very glad to find now that our idea of starting forthwith on the important questions that we are bound to discuss before we break up has obtained general acceptance.

That, in my view, is the essential point, and I am quite ready, in a conciliatory spirit, to accept M. Massigli’s proposal. It must be understood, however, that the chapter on effectives will be genuinely and seriously discussed at the end of this session. Lastly, I still think that on the most difficult questions it would be a very good thing to set up sub-committees.

M. Sato (Japan). — I am very glad to see that we are in a fair way to conciliate the different views.

For my own part, I take pleasure in supporting the very reasonable and judicious proposal which has been made by M. Massigli and accepted by Count Bernstorff. Indeed, I will go further. I will accept the proposal that a small sub-committee should be set up on the question of publicity, to consider how the publicity already given in the Armaments Year-Book can be supplemented.

I should also like to inform the Commission that the Japanese delegation is always ready to discuss all difficult and important questions still unsettled in any circumstances.

The President. — Gentlemen, — We have now to take a decision on M. Massigli’s proposal regarding the order of work.

To avoid any misunderstanding, I will recapitulate the terms of the proposal. It is proposed that the following change should be made in the agenda: instead of continuing the discussion on Item 2, we should proceed forthwith to Item 3, “Chemical Warfare”; Item 4, “Material of Air Armaments”; and then Item 5, enlarged so as to cover the whole of Chapter I of our draft Convention, including Article A, which on our original agenda was reserved for Item 9.

Baron Rolin Jaequemyns (Belgium). — If I have understood rightly, the Commission generally is in favour of passing at once to the question of chemical warfare.

Personally, I have not the least objection; my only anxiety is that we should get on with the work.

At the same time, I think it might be unwise to take an irrevocable decision at the present moment to deal with air armaments immediately after chemical warfare. After all, we might find during the discussion that Count Bernstorff was mistaken in what he said in his note, and that chemical warfare is not particularly closely connected with air warfare.

My own idea is that we may quite possibly find it preferable to take some other question than that of air armaments after Item 3.

All I ask is that we should not commit ourselves too far ahead — that we should proceed to deal with chemical warfare, since we are all agreed on that, and then decide afterwards what point to take next.

The President. — I cannot see any inconsistency between M. Massigli’s proposal and Baron Rolin Jaequemyns’ observations. Apart from that, I am bound to remind you that,
at Lord Cushendun’s request, I agreed that a certain latitude should be allowed as to the arrangement of the agenda.

Subject to that reservation, the Commission will no doubt agree to adopt M. Massigli’s proposal.

Agreed.

15. Discussion of Chapter IV, “Chemical Warfare”.

The President. — M. Litvinoff desires to speak. I should like to know whether he intends to speak about the subject with which we are now dealing — chemical warfare.

M. Litvinoff (Union of Socialist Soviet Republics). — I would first of all raise a question of procedure and then offer a few observations on the subject of publicity. Yesterday I asked leave to speak, but could not take part in the discussion this morning because I came too late. On arrival, however, before the debate was closed, I again notified the President of my desire to speak.

The President. — M. Litvinoff may speak on a point of procedure. The discussion on the question of publicity, however, was adjourned and we should not be proceeding with the necessary method if we reopened the discussion at this juncture. I can, however, refer the matter to the Commission, which may not object to M. Litvinoff speaking on the subject of publicity to-day since he was unable to do so yesterday.

M. Litvinoff (Union of Socialist Soviet Republics). — If a vote of the Commission is required every time a member of the Soviet delegation desires to speak, I will abstain from speaking.

The President. — Chapter IV of the text agreed upon at the first reading in 1927 deals with chemical warfare and contains a Draft submitted by the Belgian, Polish, Serb-Croat-Slovene, Roumanian and Czechoslovak delegations. This draft has not yet been discussed by the Commission.

I would remind the delegates that the question of chemical warfare was dealt with by our Sub-Commissions A and B (see the report of Sub-Commission A, document C.739 M.278, 1926. IX, page 172, and report No. 1 of Sub-Commission B, document C.P.D/29, pages 8 and 10-13).

I would also remind you that the subject of chemical warfare was discussed by the 1925 Conference on the Traffic in Arms and on that occasion a Protocol was signed by a large number of countries. Up to the present, this Protocol has been ratified by nine States, which are as follows: Austria, Belgium, Egypt, France, Italy, Liberia, Poland, Union of Socialist Soviet Republics and Venezuela. Recently Count Bernstorff has submitted further observations on the problem of disarmament (Annex 2) and these also deal in Chapter II (b) with chemical warfare.

Count Bernstorff (Germany). — I should like to point out that Germany is not among the States you have just mentioned, merely because the instruments of ratification have not yet been deposited, but the Protocol has been ratified by Parliament.

M. Markovitch (Kingdom of the Serbs, Croats and Slovenes). — I have the honour to inform the Preparatory Commission that on April 17th the Serb-Croat-Slovene Government ratified the Protocol on the use of poison gas and that the instruments of ratification were deposited in Paris as prescribed in that Protocol. Consequently, the Kingdom of the Serbs, Croats and Slovenes is bound by the provisions of the Protocol in relation with the other States which have ratified it.

I take the liberty of offering some remarks regarding the question with which we have to deal at present. Our delegation has submitted a text to be inserted in the Convention on Disarmament and which refers to the prohibition of the use of poisons in warfare. It might well be asked whether a Disarmament Convention is really the proper place for such a text. The Serb-Croat-Slovene delegation, however, in agreement with other delegations, still maintains its point of view; it considers that definite rules should be laid down forbidding the use in warfare of all weapons which are generally considered those of savages.

As regards the actual drafting and contents of our proposals, we are ready to accept any modifications which may be considered desirable.

M. Rutgers (Netherlands). — I would inform the Commission that the Government of the Netherlands has also decided to propose the ratification of the Geneva Protocol of 1925.

M. Antoniade (Roumania). — According to information I have received, I may state that the Roumanian Parliament has also ratified the Protocol of 1925 and that the instruments of ratification will be deposited forthwith.

I entirely concur with the views of the delegate of the Kingdom of the Serbs, Croats and Slovenes, and I think it would be useless at the moment to enlarge upon the necessity for the proposals he has submitted to you. It is absolutely essential that the obligation assumed in 1925 concerning chemical and bacteriological warfare should be renewed.

I would add that the Roumanian delegation is ready to accept any other proposals which might serve to define and strengthen the prohibition in this respect.
Baron Rolin Jæuemyns (Belgium). — As the President has observed, this is a proposal tabled by the Belgian Government jointly with the Polish, Serb-Croat-Slovene, Roumanian and Czechoslovak Governments.

I share Mr. Markowitch's view that the question might have been raised whether this elementary rule of international law ought to be introduced into a Convention on Disarmament. However, I agree with him that it is wise to do so, because the rules of international law as generally understood, especially the rules governing the law of war, are rules recommended to the attention of Governments so that they may pass them on to their armies, which should respect them as far as possible. They are, however, essentially different in character from any rules that might result from obligations entered into here in a Convention such as that of which we are now considering the draft.

Is this rule in itself sound and reasonable? In this connection, I would like to remind you briefly of its origin. It is derived from the old principle of international law forbidding the poisoning of springs. In those days, nobody thought of disseminating gases, microbes, etc., but the principle is the same. I would remind you that the application of this principle has not been confined to Europe. If we look up the old instructions drawn up by Lieber for the Federal Armies in the War of Secession, which constituted the first codification of the laws of war, we find that they formally prohibit "the use of poison in any form, whether to contaminate wells, food or weapons".

Again, the Brussels Declaration of 1874 prohibited the use of poison and poisoned weapons, and the regulations embodying the laws of war drawn up by the Hague Peace Conference of 1899, and confirmed with a few slight amendments by the Hague Conference of 1907, expressly forbid in Article 23 (C) the use of poison or poisoned weapons. This is all to show you, gentlemen, that in formulating the rules for which the Belgian Government with other Governments is responsible, we have in no sense departed from the traditionally accepted principles of international law.

Going back to the end of the last war, in the Peace Treaties of 1918 it was pointed out that the use of asphyxiating, poisonous or similar gases, and of all analogous liquids, substances or processes, was to be regarded as prohibited.

Then we have the Washington Treaty of February 6th, 1922, Article 5 of which likewise reprobated the use in time of war of asphyxiating, poisonous or similar gases as being contrary to international law. This treaty, however, in which other prohibitions were also embodied, obtained scarcely any adhesions.

The question was then taken up, as the Commission has already been reminded, by the 1925 Conference on the Trade in Arms. That Conference drew up a Protocol which stated that the use in war of asphyxiating, poisonous or similar gases and of all analogous liquids, substances or processes was prohibited, and explicitly extended this prohibition to the use of bacteriological methods of warfare.

In this connection, the speakers who preceded me have told us that their Governments have already ratified that Protocol. I am happy to say that this also applies to Belgium, which a few weeks ago deposited the instruments of ratification. It might perhaps be desirable to add that this ratification, like that of the majority of other States, we believe, has been made with the reservation that this prohibition would be enforced only in respect of States which have themselves assumed the same obligation. The text submitted to you, which is based on the Protocol, might therefore eventually be completed and defined accordingly. Further provisions might also be added, and that is still another reason for not being satisfied with the 1925 Protocol and for inserting the introduction in question in the text of the Disarmament Convention.

Munir Bey (Turkey). — As I had the honour of notifying the Secretary-General of the League, after being approved by the Turkish National Assembly, the Protocol for the abolition of asphyxiating gases in war has been ratified by my Government.

The President. — I am thus happily able to state that, instead of nine countries having ratified the Protocol concernng the prohibition of the use of asphyxiating gases in war, we have now the following thirteen countries: Austria, Belgium, Egypt, France, Germany, Italy, Liberia, Poland, Roumania, the Kingdom of the Serbs, Croats and Slovenes, Turkey, Union of Socialist Soviet Republics, Venezuela, in addition to the Netherlands, which are making arrangements to ratify it.

We will now discuss the first paragraph of Chapter IV:

"The High Contracting Parties undertake to abstain from the use in war of asphyxiating, poisonous or similar gases and of all analogous liquids, substances or processes."

M. Cobian (Spain). — Having heard the statements made by the honourable delegate for Belgium, it appears to me that one condition has perhaps not been clearly enough expressed in this paragraph. The high contracting parties undertake to abstain from employing these means of destruction. This implies that if one contracting party is attacked by a non-contracting State by this means, it is permitted to use these means in its defence. I think that that is what the Commission means, but it would be desirable that some sentence should be inserted in the text in order to express this idea clearly, i.e., the principle of reciprocity.

Count Bernstorff (Germany). — Baron Rolin Jæuemyns has already spoken on the subject of our observations. They are before my colleagues and I will not repeat them. I would
only say that, in my opinion, it would be preferable to say “chemical arm” instead of “chemical warfare”. There is no such thing as “chemical warfare” excluding the use of other arms. There exists simply a “chemical arm” which is employed simultaneously with other arms.

Apart from these explanations, we are of opinion that this paragraph should be accepted, since it is necessary to have, not only the Protocol, which has been ratified by fourteen States, but also a text which will be equally binding upon other States.

There is another point. Count Bernstorff, on the basis of the note which he has submitted in the present Convention are only applicable as between the contracting parties. That would mean that, outside the scope of this Convention, we should come back into the field covered by common law. I should not like to be understood to say that this principle, which is of such importance from the point of view of the general rules of war, shall only be applied as between the contracting States. I think we should go further, or at any rate not diminish the force of this rule.

For this reason, I think perhaps that we might draw up a text, to be inserted at the end of the Convention, stating a general rule that all the principles and undertakings embodied in the present Convention are only applicable as between the contracting parties. That would mean that, outside the scope of this Convention, we should come back into the field covered by common law. I should not like to be understood to say that this principle, which is of such importance from the point of view of the general rules of war, shall only be applied as between the contracting States. I think we should go further, or at any rate not diminish the force of the rule of international law according to which methods of this kind must always be prohibited. I am convinced that you all agree with me.

I am also of opinion that the point raised as to the use of the words “chemical arm” for “chemical warfare” might be reserved. Personally, I see no objection to either of these terms, and I am rather inclined to agree with Count Bernstorff’s opinion, without, however, attaching any special importance to the matter. I think that, in the text of the last paragraph we might say: “They further undertake to abstain from the use of...as chemical arms”, but that is a question which should be dealt with separately.

There is another point. Count Bernstorff, on the basis of the note which he has submitted to us, has spoken just now of the connection of this question with that of aerial warfare. In this connection, I repeat the observation I have made just now. I should be afraid to diminish the force of the principles which we are endeavouring to lay down in Chapter IV by implying that its application was limited to aerial warfare. If I am to be poisoned with bacilli which are not specially undertaken not to use them, would be violating an essential and fundamental principle of international law. I do not think that the effect of our Convention should be to appear to diminish the force of this rule.

For this reason, I think perhaps that we might draw up a text, to be inserted at the end of the Convention, stating a general rule that all the principles and undertakings embodied in the present Convention are only applicable as between the contracting parties. That would mean that, outside the scope of this Convention, we should come back into the field covered by common law. I should not like to be understood to say that this principle, which is of such importance from the point of view of the general rules of war, shall only be applied as between the contracting States. I think we should go further, or at any rate not diminish the force of the rule of international law according to which methods of this kind must always be prohibited. I am convinced that you all agree with me.

Apart from these explanations, we are of opinion that this paragraph should be accepted, since it is necessary to have, not only the Protocol, which has been ratified by fourteen States, but also a text which will be equally binding upon other States.

Therefore, in the interests of our work, I would suggest that, as President, you lay down a definite rule that no amendment and no proposal can be considered which has not previously been circulated in writing to the Commission.

Lord CUSHENDUN (British Empire). — Mr. President, I merely want to make a suggestion in the interest of order and speed. This is going to be a difficult investigation in any case with a large Committee and a great number of important points to be considered, and we shall never get on if it is to be open to any one of us at any moment to make an amendment which is to be immediately discussed. One will perhaps suggest a verbal alteration, another will perhaps propose another verbal alteration, and we shall never get through the business. Therefore, in the interests of our work, I would suggest that, as President, you lay down a definite rule that no amendment and no proposal can be considered which has not previously been circulated in writing to the Commission.

Count BERNSTORFF (Germany). — In principle, I am entirely in agreement with what the honourable delegate of Great Britain has just said. I regret that I did not make sooner the proposal to which Lord Cushendun referred. I could not, however, foresee that the discussion would reach this stage to-day. We submitted this proposal at that moment, because this is the only place in the draft Convention in which such prohibitions are mentioned. All the other paragraphs deal with reduction or limitation. However, I do not wish to complicate or hamper the discussion. If this prohibition can be inserted elsewhere, I am perfectly ready to agree.
I quite understand M. Massigli's observation on the subject of the words "chemical arm" instead of "chemical warfare", but I think that this is a minor verbal point. We considered whether the term "chemical arm" or "chemical warfare" should be used, because we have "naval warfare", "land warfare" and "aerial warfare", but we do not speak for instance, of "gun warfare". "Chemical warfare" may be waged in various ways, and our intention was to provide for all eventualities, that is to say, to prohibit the use of all chemical methods of whatever kind in peace-time as in war-time.

We all have the same object in view and are prepared to refer this question to a drafting committee in order to prepare a final text.

The President. — I quite agree with Lord Cushendun that the discussion should not be uselessly prolonged. It would obviously be better to adopt a general rule which already exists and is followed in most of the League Committees, namely, that all amendments to the text with which we are dealing should be communicated to the Commission on paper before they are discussed. Amendments to such amendments may, of course, be moved and discussed on the spot.

Is the Commission agreed on the first paragraph?

Baron Rolin Jaquemyns (Belgium). — If we are not going to add "subject to reciprocity", I wish that last point to be held over, as I have proposals to make.

The President. — The Commission can agree on the proposed wording with the proviso that the word "mutually" may be interpolated or added at the end.

The first paragraph was put to the vote and adopted.

The President. — We will now go on to the second paragraph:

"They also undertake to abstain from the use of all bacteriological methods of warfare."

The second paragraph was put to the vote and adopted without discussion.

The President. — Now we have the third paragraph:

"They also undertake to abstain from any preparation in peace-time of the use of the methods of warfare stated in the two preceding paragraphs."

Lord Cushendun (British Empire). — Mr. President, I do not object in any way to this paragraph except that I think it wants precision. If the Commission accept it in its present form, "to abstain from any preparation in peace-time of the use and methods of warfare", what does it mean exactly? Does that mean to abstain from the preparation of any substance which would come under the prohibition in the first paragraph, and, if so, why does it not say so? "Methods of warfare" seems to be a departure from the language in the first paragraph, and I think it is wanting in precision. I am not sufficiently knowledgeable in these matters to raise any definite point with regard to the preparation of these substances, but I have been informed that there are some of these lethal substances which are in use in ordinary peaceful commerce. I do not make any definite objection to it, but I think it requires consideration whether it would be possible to prohibit, as completely as is laid down in this paragraph, the preparation of any substance which might be used in time of war for lethal purposes but which is a perfectly legitimate substance for use in commerce in time of peace, and I think that ought to be carefully considered before this paragraph is adopted.

The President. — I might point out to Lord Cushendun that his remark applies rather to the fourth paragraph, which refers, among other matters, to the manufacture of substances. The paragraph we are now discussing deals only with the preparation in peace-time of the use of such substances.

Lord Cushendun (British Empire). — That is quite true, Mr. President, but what, then, is the meaning of "preparing the use of methods of warfare"? If you prepare the substance, you prepare the use of it. It is just to avoid the ambiguity which appears to me to lie in the language as at present drafted that I want the Commission to make certain what it is doing.

The President. — Could the British delegation perhaps suggest a correction of the text?

M. Sato (Japan). — I am entirely in agreement with Lord Cushendun. Like him, I see no difficulty in adopting the principle laid down in our third paragraph — that it is prohibited to prepare in peace-time the substances referred to in the two previous paragraphs. What worries me is, as Lord Cushendun very rightly pointed out, the difficulty of finding a practical and effectual means of preventing such preparation.

This question has already been very carefully gone into in Sub-Commission B, of which I was a member and which also included a German delegate. In that Sub-Commission we came to the conclusion that it was impossible to prohibit the preparation in peace-time of such poisonous gases, because, apparently, these gases are produced in the course of the manufacture
of dyestuffs. The fact remains that, although these poisonous gases may not be specially prepared for use in time of war, they are available for use in time of war.

I cannot see any practicable way of preventing the preparation of such gases. I, of course, accept the fundamental idea, the principle of the prohibition laid down in the third paragraph, but, in the absence of effectual and practicable means, it seems to me very difficult to accept the wording proposed.

M. Massigli (France).—Mr. President, I am entirely in agreement with Lord Cushenden and M. Sato as to the necessity of making it absolutely clear what we mean. In the first paragraph we have laid down the principles of the chemical warfare prohibited. The third paragraph, on the other hand, appears to mean: I undertake to abstain from making preparations for chemical warfare, or, in other words, I undertake to abstain from cheating.

Is that what it was really meant to mean? I suppose so, but I do not know.

Clarity is particularly necessary because I read recently in a pamphlet, written by a Frenchman, nor written in French this astonishing remark:

"A knowledge of war gases is necessary, not only to every soldier, but to every educated man."

On reading the Minutes of the first reading, I observed that the third paragraph was not in the original proposal, which consisted only of the other three. This paragraph was inserted at the request of another delegation, which did not make clear what it meant. Perhaps it would now explain what it did mean.

M. Litvinoff (Union of Socialist Soviet Republics).—As far as I see, the only way in which this chapter on chemical warfare differs from the Protocol already adopted and ratified by many States is in the inclusion of this third paragraph. The first two paragraphs are also contained in the Protocol. If we accept the proposal to exclude the third paragraph, we shall have merely a repetition of the Protocol which has already been adopted. I do not think it is worth while wasting time adopting a second time what has already been proposed to the Governments and ratified by some of them. I do not think such work would appear to be very serious, even to the honourable representative of Great Britain.

As far as this paragraph is concerned, I think it leaves some room for misunderstanding.

The first two paragraphs deal with the use of poisonous and asphyxiating gases and bacteriological methods of warfare during war. It is natural we should prohibit the preparation of these gases also in time of peace, but if we leave this paragraph as it stands it contains an under-taking to abstain from any preparation in peace-time, and one might infer that in war-time preparation is allowed. It should not be allowed either in peace-time or in time of war. It would therefore necessary to leave out the words "in peace-time".

This paragraph deals only with gases. I think it would make it much more difficult to infringe this paragraph if we prohibited also the manufacture of appliances for gas warfare. I therefore suggest that, instead of the third paragraph of Chapter IV, the Commission should adopt Article 31 of the Soviet draft Convention which has been rejected, and which reads as follows:

"All methods of, and appliances for, chemical aggression (all asphyxiating gases used for warlike purposes, as well as all appliances for their discharge, such as gas projectors, pulverisers, balloons, flame-throwers, and other devices) and for bacteriological warfare, whether in service with troops or in reserve or in process of manufacture, shall be destroyed within three months of the date of the entering into force of the present Convention."

I think this is the most comprehensive article on the use, not only of gases, but of all appliances.

M. Antoniad (Roumania).—I am bound to admit that the remarks that have been made show that this paragraph is not very felicitously drafted.

At the same time, if I rightly understand its meaning — I should point out, by the way, that my delegation was not responsible for it — it does not mean what it has been said to mean. The preparation, in the strict sense, of these means of chemical and bacteriological warfare is really dealt with in the following paragraph. The third paragraph, if I understand it rightly, prohibits the preparation in peace-time of these methods of warfare, but not the preparation of poisonous substances as such. The idea is to prohibit simply the preparation of the use of methods, such as military training with a view to the use of poisonous substances. In short, the prohibition laid down in this paragraph would only affect military training and technical preparation.

Mr. Wilson (United States of America).—I find myself in the position of a good many other speakers on this article, in that I am not entirely clear as to what it means. If it means something to the effect that we agree to abstain in peace-time from preparation for the utilisation of any forms of chemical warfare, then we are entirely in agreement with the principle. If such an article seems advisable in our draft, I have a thought which does not seem to be included and which might create a difficulty. Preparation for chemical warfare would probably also mean preparation for the means of defence against it. Take, for example, gas masks. Would such an article exclude the preparation of defence? I hasten to add that I hope the necessity to use them would never arise if we adopted such a Convention. Nevertheless, I cannot go so far as our Belgian colleague when he said that this is an integral part of international law. The fact that it has been ratified by thirteen States which have
signed the Geneva Protocol against chemical warfare does not as yet constitute it as international law, in my opinion, and therefore some provision must be made for methods of defence in the case which we unfortunately must envisage.

Count BERNSTORFF (Germany). — I may reply that it was not the intention of those who drafted this paragraph to prohibit industries from making gases which could be used for chemical warfare, nor was it, at least for the moment, intended to prohibit the manufacture of gas masks. We have not yet reached the point at which we can prohibit the manufacture of gas masks; but one day we hope that they will be needless. Our meaning in this paragraph is, in the first place, that countries should not stock materials for chemical warfare with the intention of using them in war; secondly, that bombs must not be prepared with chemical gases; and, lastly, that soldiers must not be specially trained for chemical warfare.

If the Commission thinks that this text is not clear enough, I see no reason why this paragraph should not be referred to a sub-committee with instructions to draw up a perfectly clear text.

The President. — In order to meet the views of all the members of the Commission, I propose the following text:

"They therefore prohibit all preparation in peace-time with a view to the utilisation in war of the methods of warfare stated in the two preceding paragraphs."

M. MASSIGLI (France). — I should like to thank Count Bernstorff for the explanation he has given us, which makes the question much clearer. At the same time, I am not sure whether we have yet gone far enough in this direction. I mean that I am not sure whether, with the text just proposed by the President, we shall cover the whole field. What will be the position of a Government which has in its territory certain of its own nationals, either clever men or simply practical manufacturers who study questions of chemical warfare on their own account and carry on propaganda on the subject, by no means directed against it, and even readily give instruction in regard to the tactical use of these methods of warfare? If a Government tolerated such practices, after having signed the engagement we are now discussing, would it have discharged its obligations?

M. FIERLINGER (Czechoslovakia). — My Government is one of those which proposed the chapter we are now discussing. For that reason, I should like to say just a few words in reply to Count Bernstorff's doubts about the main idea which led us to make the proposal.

Our idea was to insert in the present Draft provisions similar to those already embodied in the Protocol which has been ratified by a certain number of countries. The intention was that the signatories of this Convention should enter into the undertaking which logically derived from the Protocol already ratified, because otherwise the scope of the Draft now under discussion would undoubtedly be diminished. Moreover, we thought it essential that a certain uniformity should be secured.

Count BERNSTORFF (Germany). — I would simply like to say that I should be very glad if M. Massigli could find a formula to meet the objection that has been raised, and that, so far as I am concerned, no such formula could go too far. I am absolutely decided to accept any formula prohibiting chemical warfare. I may add that I do not see the slightest possibility of error, seeing that preparations for war are always made by Governments and not by individuals. I think, therefore, that we could easily find a formula which will effectually prohibit the preparation of chemical warfare.

M. MASSIGLI (France). — I am sorry I have not a formula ready, because I did not think that we should get on to this discussion this morning; but I am willing to look for one, and I think it is worth doing because, apart from the Governments, there are sometimes perverted spirits who amuse themselves on their own account with experiments and hypotheses. Consequently, we must remember that when drafting a text.

The President. — I think we might leave the discussion on the third paragraph and go on to the fourth.

Agreed.

The President. — The fourth and last paragraph says:

"They undertake, moreover, not to permit the importation, the exportation or the manufacture on their territory of substances utilisable for chemical or bacteriological warfare when they are imported, exported or manufactured with a view to this use."

Lord CUSHENDUN (British Empire). — I am rather doubtful about the last line of this paragraph: "when they are imported, exported or manufactured with a view to such use". That appears to me to be open to the same objection which I feel — though I have not expressed it — to your text of the previous paragraph, that is to say, it is always impossible, always ineffective, to base legislation on motive. How is anybody to say the motive of a manufacture
or of an importation? You never can prove the motive, and it seems to me it is liable to be totally ineffective if you base a prohibition upon the use to which it is supposed to be put.

M. LITVINOFF (Union of Socialist Soviet Republics). — I would suggest that, since the Protocol is not likely to be improved upon, there should merely be a draft resolution urging all the Governments to accelerate the ratification of the Protocol which already exists. That Protocol should, however, be extended by adopting new paragraphs not foreseen by the Protocol. I would also suggest that this should be embodied in a special resolution or a special additional Protocol, which would come into force prior to the adoption of the draft Agreement for the reduction of armaments. It is obvious that any convention or protocol in regard to chemical warfare can be carried out independently of any reduction or limitation of armaments. I am very much afraid that if we leave in this draft Convention a special chapter on chemical warfare, we shall certainly retard the ratification of the Protocol by those Governments which have not been in a hurry to ratify it, and there would certainly be an excuse for not doing so, i.e., waiting for the adoption of this draft Agreement for the reduction of armaments, and who knows when this draft Agreement will be adopted? Therefore the work of this Commission with regard to chemical warfare would be quite negative. Let us at least conserve that little good which has already been achieved; let us not undertake anything that would undo what has been done in the working out of the Protocol in regard to chemical warfare.

M. SATO (Japan). — I think M. Litvinoff is perfectly right. In order not to complicate matters, we ought to have an identical text in both cases. Or else we might either simply say that the ratification of the present Convention, i.e., the Convention on the Limitation and Reduction of Armaments, involves ipso facto the ratification of the Protocol. The whole difficulty can be got rid of in a couple of lines.

M. Rosso (Italy). — The Italian delegation shares M. Litvinoff's view. We do not think that the Protocol can be improved, but we are quite willing to endeavour to find some possibility of improving it. I think there is a danger that the chapter under discussion may duplicate the Protocol.

Count BERNSTORFF (Germany). — I also quite understand what M. Litvinoff wants, and I think we could perhaps find a solution by separating the entire question of chemical warfare from our Draft, since this is the only part that contains a prohibition, while all the rest deals with limitation and reduction. Nobody could then say that he considered he must wait until the draft Convention was adopted before assuming the obligation to prohibit chemical warfare.

MUNIR Bey (Turkey). — I am of opinion that this question of chemical warfare should be separated from the other questions dealt with in the draft Convention.

M. FIERLINGER (Czechoslovakia). — The idea of proposing this chapter was to bring out the value of the proposal upheld by the Belgian delegate, and at the same time to secure uniformity of obligation for all States which signed the Convention. If we adopted the proposal supported by the Italian delegation, I think we should be departing from this idea; States which did not ratify the Convention would be free of these obligations. I regard it as most important, however, that there should be uniformity of obligation in this matter.

The President. — I think the best way would be for those delegates who have a formula to propose to hand it in to the Bureau to-day, so that we can agree on the final text on Monday. I would further ask those delegates who have spoken on this question to agree among themselves, if possible, in order to facilitate the discussion.

Count BERNSTORFF (Germany). — Would it not be simpler to have a meeting of the Drafting Committee this afternoon?

M. MASSIGLI (France). — I do not think we can talk about drafting just yet. We do not yet know whether we are keeping the text, or cutting it, or deleting it, and we shall have to decide that first.

Baron ROLIN JAEQUEMYN (Belgium). — If our reflection is to be of any use, the Commission must have all the facts in the question before it. In any case, I wish to state that M. Cobian and I beg to propose to the Commission the addition to the article of a new paragraph, containing the clause of reciprocity, reading as follows:

"These prohibitions may not be disregarded except against Governments which themselves make use of such methods of warfare."

M. FIERLINGER (Czechoslovakia). — I think we might ask the Belgian delegate to draw up a text taking into consideration the remarks that have been made by the various delegates. This will make the discussion easier.

The President. — May I repeat my suggestion, which is in conformity with our procedure? Those delegates who have texts to put forward will kindly hand them in, and we will resume the discussion on that basis at the next meeting.

(The meeting rose at 12.45 p.m.)
16. Declaration by the Delegate of the United States of America on the General Policy of his Government with regard to Disarmament.

The President.—Before we commence to-day’s agenda I would propose to allow Mr. Gibson, First Delegate of the United States of America whom we are very glad to see here again after his few days indisposition, to make a general statement to the Commission.

The Hon. Hugh Gibson (United States of America). — Mr. President, before making the declaration which I desire to make on behalf of my Government, I should like to take this opportunity to pay a tribute to the very important and helpful statement made by Lord Cushendun at our sixth meeting. It is encouraging and refreshing to hear a statement in this generous spirit, and I hope I may be able to contribute in like manner to the successful conclusion of our labours.

I have sought your permission to make a general statement of the views of my Government in regard to the question of disarmament, and have felt warranted in doing so at this stage of the proceedings because, while we have not entered upon a second reading of the draft Convention, we are bringing up for reconsideration various questions which have been previously discussed. It is felt, therefore, that, in view of certain changed conditions, it may facilitate the approach to these questions if I am permitted to take this occasion for stating my Government’s views as to the means best calculated to promote an early agreement.

During the first reading of the draft Convention, it was the duty of each one of us to put forward the views of his Government on the various problems before the Commission, to urge them upon his colleagues and endeavour to persuade them that those views should be adopted. It was only in this way that we were able to throw full light upon the complicated questions the solution of which we seek. When we come to the second reading, however, a renewal of the old discussions is no longer in order. Our first duty is for each one of us examine all phases of the problem before us with a view to discovering what measures of concession can be offered by each delegation. Agreement upon a single text can be achieved only by a maximum of such concession.

For the purposes of my presentation this morning, the disarmament problem may be divided into two parts, land and naval armaments. As regards land armaments, the American delegation will be able, when we reach this question in our discussion, to defer to the countries primarily interested in land armaments with such measure of concession as I trust will materially facilitate agreement between them.

My country’s defence is primarily a naval problem. The American Government has found no reason for modifying its view that the simplest, fairest and most practical method is that of limitation by tonnage by categories—a method which has been given practical and satisfactory application in the Washington Treaty. While it is realised that this does not constitute an exact and scientific gauge of strategic strength, we have nevertheless found that it constitutes a method which has the advantage of simplicity and of affording to each Power the freedom to utilise its tonnage within the limitation of each category according to its special needs.

The American delegation has urged this view throughout the first reading, but, in view of the inacceptability to some other delegations of our unmodified thesis, my Government has sought, in the various methods presented, some solution which might offer the possibility of compromise and general acceptance. It will be remembered that, during the third session of the Preparatory Commission, the French delegation brought forward a method which was an attempt to combine its original total tonnage proposals with the method of tonnage by categories. Under this method, a total tonnage was assigned to each nation and this total divided among categories of ships by specified tonnages. If I am not mistaken, certain modifications were suggested, in informal discussions, so as to provide that the tonnage allocated to any given category might be increased by a certain percentage to be agreed upon, such increase to be transferred from any other category or categories not already fixed by existing treaty.

In the hope of facilitating general agreement as to naval armaments, my Government is disposed to accept the French proposal as a basis of discussion. It is, of course, the understanding of my Government that this involves an agreement upon the method alone and not upon any
quantitative tonnages or the actual percentages to be transferred from one category to another. All quantitative proposals of any kind should properly be reserved for discussion by a Final Conference.

My Government is disposed to give full and friendly consideration to any supplementary methods of limitation which may be calculated to make our proposals, the French thesis, or any other, acceptable to other Powers, and, if such a course appears desirable, my Government will be prepared to give consideration to a method of estimating equivalent naval values which takes account of other factors than displacement tonnage alone. In order to arrive at a basis of comparison in the case of categories in which there are marked variations as to unit characteristics, it might be desirable, in arriving at a formula for estimating equivalent tonnage, to consider certain factors which produce these variations, such as age, unit displacement, and calibre of guns. My Government has given careful consideration to various methods of comparison and the American delegation will be in a position to discuss the subject whenever it comes before the Commission.

In alluding briefly to these possible methods, I desire to lay special emphasis on the fact that, for us, the essential thing is the achievement of substantial results. Methods are of secondary importance.

I feel that we are able to deal to best advantage with the specific questions on our agenda only if we bear clearly in mind the recent important changes in world conditions.

Since our last meeting, the nations of the world have bound themselves by solemn undertaking to renounce war as an instrument of national policy. We believe (and we hope that our belief is shared by the other nations) that this agreement affirming humanity's will to peace will advance the cause of disarmament by removing doubts and fears which in the past have constituted our principal obstacle. It has recently been my privilege to discuss the general problem of disarmament at considerable length with President Hoover, who has always been an ardent advocate of peace and good understanding. I am in a position to realise, perhaps as well as anyone, how earnestly he feels that the Pact for the Renunciation of War opens to us an unprecedented opportunity for advancing the cause of disarmament, an opportunity which admits of no postponement.

Any approach to the disarmament problem on purely technical grounds is bound to be inconclusive. The technical justification of armaments is based upon the experience of past wars and upon the anticipation of future wars. So long as the approach to the problem is based upon old fears and old suspicions, there is little hope of disarmament. The lessons of the old strategies must be unlearned. If we are honest, if our solemn promise in the Pact means anything, there is no justification for the continuation of a war-taxed peace. Great armaments are the relic of another age, but they will remain a necessary relic until the present deadlock is broken and that can be accomplished only by the decision of the Powers possessing the greatest armaments to initiate measures of reduction.

In the opening statement at the Three-Power Naval Conference in 1927, I took occasion, in suggesting certain tonnage levels as a basis of discussion, to say that the United States is prepared to agree to a plan for limitation at still lower levels which maintain the relative status of existing treaties with respect to the Powers represented at that Conference. This is still the attitude of my Government, and I am authorised to state that, on this basis, we are willing to agree to any reduction, however drastic, of naval tonnage which leaves no type of war-vessel unrestricted.

A large part of the suggestions for limitation hitherto made seem to have been of such a nature as to sanction existing armaments or even to set higher levels, with tacit encouragement to increase existing establishments. This is only a timid expedient, and an agreement on the basis of existing world armaments (or at higher levels) can never be justified before enlightened public opinion as a positive achievement. At best, it is purely negative. Fundamentally, our purpose should be to release large numbers of men from military service to productive effort, and, secondly, to reduce the heavy burden of taxation. So long as the nations are burdened with increasing taxation for the maintenance of armaments, it is idle to pretend that the world is really advancing toward the goal of disarmament. In recent years, the word "limitation" has come to be used chiefly in describing agreements at existing levels or still higher levels, and is generally looked upon as having nothing to do with actual reduction. It is useless to attempt to correct this impression by explaining that limitation may be at any level, lower or higher than those existing. As a practical matter, it would seem to be best to accept the general public understanding of these terms. Let us therefore take the bold course and begin by scrapping the term "limitation" in order to concentrate upon a general reduction of armaments.

My Government believes that there can be no complete and effective limitation of armament unless all classes of war-vessels, including cruisers, destroyers and submarines, are limited. It could not agree to any method which would result in leaving any class of combatant vessels unrestricted. In its reply, under date of September 28th, 1928, to communications from the British and French Governments concerning an understanding reached between them as to a basis of naval limitation, my Government pointed out that this understanding applied to only one type of cruiser and one type of submarine and would leave totally unlimited a large class of effective fighting units. This note also called attention to the American position
The willingness of my Government, I may even say its eagerness, to go to low levels is based upon the fundamental belief that naval needs are relative, namely, that what we may require for our defence depends chiefly upon the size of the navies maintained by others. Aside from the signatories of the Washington Treaty, there is no conceivable combination of naval power which could threaten the safety of any of the principal naval Powers. There is therefore no need to maintain large naval armaments as against the rest of the world. As between the principal naval Powers, what justification can there be for the Powers which lead in the respective classes of naval vessels to sanction further building programmes in those classes?

In the case of the United States, we have already expressed our willingness to agree on a basis that would mean a substantial reduction of our present destroyer and submarine forces. In the case of cruisers, it is only possession by others of greatly superior strength in this class that has led to the adoption of the present building programme.

My Government cannot find any justification for the building and maintenance of large naval establishments, save on the ground that no Power can reduce except as a result of general reduction. Let us ask ourselves honestly what these establishments are for. As regards the relations of the maritime Powers among themselves, there is no need for them. Even if the danger of war is admitted, it could be guarded against just as well by the maintenance of relative strength at low levels as at higher levels. The principal naval Powers have nothing to fear from the naval strength of the countries non-signatory to the Washington Treaty. There is no conceivable combination of naval strength among the non-signatory Powers which need give concern. As an example, the cruiser strength of all the non-signatory countries in the world does not attain to one-half of the cruiser tonnage of the greatest single fleet.

The people of every country are crying out against the burdens of taxation and demanding the suppression of unnecessary expenditure. My Government is convinced that expenditure for disproportionate naval establishments is indefensible in that it can be avoided by a sensible agreement among the naval Powers. And we must recognise that the people who pay taxes are bound to feel well-founded resentment against any policy which commits them to needless taxation through failure to reach rational agreements.

My Government believes firmly in its idea that naval needs are relative and that radical general reduction is possible only on the theory of relative needs. I trust that these views may commend themselves to other Governments and that it may be possible to agree upon such reductions. If, however, it is impossible to agree on this thesis, it is obvious that there will remain only the thesis of absolute naval needs. This would mean that all thought of reduction is abandoned, that each country retains a free hand in building, with an inevitable tendency toward competition. Surely we can hardly envisage such a sequel to our solemn undertaking to keep the peace?

My Government has always felt that we need no exact balance of ships and guns which can be based only upon the idea of conflict — what is really wanted is a commonsense agreement, based on the idea that we are going to be friends and settle our problems by peaceful means. My Government has never believed that an effective approach to the problem of disarmament could be made by methods of reduction of armaments alone. It feels that genuine disarmament will follow only from a change of attitude toward the use of force in the settlement of international disputes. It is for that reason that I venture to make this appeal that the countries here represented examine the whole problem afresh in the hope that they will find in general world conditions, and in the solemn obligation they have taken among themselves, a reassurance as to their security, and that they will find in this the confidence to enable them to dispense with the armaments which hitherto have seemed so essential.

Lord Cushenden (British Empire). — Mr. President, I think it must be obvious that it would be impossible for any member of the Commission to deal in any adequate way at this moment and offhand with the declaration which has been made by the delegate of the United States of America. But that declaration strikes me as being so important that I would like to make one or two observations upon it without delay. No one can fail to have been struck with the friendly, conciliatory and helpful spirit of Mr. Gibson’s declaration, and I should like, so far as I am concerned, speaking on behalf of the British Government, to say that it is in that spirit that we also desire to approach this very complicated and difficult question, and that, so far as there are points in dispute, either with the United States or with any other State represented here, we shall endeavour to meet them in exactly that same spirit.

I can go a little further than that. I cannot commit myself at the present moment with regard to any specific proposition contained in that declaration to which we have just listened. We should have to see it in print before we could do that. But, following it as closely as I could, I am able to say that, so far as any general principle is concerned, I think there was...
nothing that Mr. Gibson has said with which I cannot express my agreement. Certainly I am in agreement with the generality of the remarks he has made and the principle which he has laid down. One thing that he said I welcome particularly, and that is his allusion — it was only a passing allusion — to the Kellogg Pact. Having had the personal privilege of signing that great instrument on behalf of the British Government, I certainly am not disposed to belittle its importance. I believe that it is most profoundly important with regard to the whole outlook of the world. I believe that the signing of the Kellogg Pact has done more to promote the security of the world, on which disarmament must proceed, than any other event. I do not think it has even yet been fully realised how important it is, and I am therefore very glad indeed that the delegate of the United States has insisted upon that point.

Another point on which I am in full agreement with Mr. Gibson is when he says that in naval matters we desire not only limitation but reduction. That is also the desire of the British Government, and we, like the United States, desire limitation and reduction to be applied to all classes of vessels. In some negotiations which have taken place between the Great Britain and the United States, we have, provisionally at all events, consented to a scheme of reduction which left any classes of vessels outside, that was not because we considered that an ideal solution of the problem, but merely because, in the interests of agreement, we were willing to forego some part of our ideal in order to get agreement upon others. We have never concealed the fact that we desire, if we can get agreement upon it, limitation and reduction as applied to all classes of vessels. When one is speaking about reduction, I hope I may be allowed to remind the Commission that this time twelve months ago I publicly intimated that the British Government would be glad to see a further reduction in the size of the ships in those categories covered by the Washington Agreement and also the prolongation of the life of those ships, that is to say, a longer period should elapse before they could be replaced. We also intimated our readiness, if our colleagues would agree, for the total abolition of submarines. Therefore we have already shown our willingness to carry further the principle of reduction of which we have tentatively laid the foundation, and we are anxious to promote it to the fullest possible extent.

One very important matter which was laid down by Mr. Gibson and on which I cannot say very much until I see his words — but I notice how very important it is — was when he spoke of equivalent naval values, and I think he intimated that the Government of the United States had been examining the problem from this point of view, with the object of arriving at some system of equivalent values based upon other factors besides mere tonnage. I think he mentioned speed and some other factors. I do not like to say very much upon that point until I have further information, but I may say that, for myself, I entirely agree that it is along those lines that we ought to investigate the problem. I think that the British Government has also to some extent been investigating the possibility of arriving at equivalent values, taking into account those factors, but obviously this is a matter which is extremely technical. It is a matter which my Government could only examine in conjunction with expert advice, and I will refrain from saying more at the present moment than that I am quite certain that any suggestions of that sort which may be made by the Government of the United States, and any information as to the course of their study of this subject, will be most carefully, and in a friendly spirit, examined and considered by the British Government. I cannot, of course, commit them in any way to the result that might flow from that examination, but I certainly welcome the whole spirit in which Mr. Gibson has spoken to us to-day, and I am sure that my colleagues will feel the same, whether they represent naval Powers or not, because he has spoken in a spirit which cannot but be helpful for the progress of our work.

Finally, may I say this: I think that his declaration is so important and has such a close bearing upon the whole of the naval question that it must profoundly affect our work here. I am not prepared at the present moment to make any proposal with regard to how we should treat it, but I think that the Commission will agree with me that it is a declaration which cannot be passed over, and which is likely to have the most profound influence upon our deliberations.

M. Sato (Japan). — We have just heard two very important statements, one by the representative of the United States of America and the other by Lord Cushendun. I am very glad to find that both these statements help to clarify the unfortunately somewhat obscure atmosphere which has surrounded the questions of disarmament and naval forces.

I fully share Lord Cushendun's sentiment when he referred to the cordial and friendly spirit of Mr. Gibson's statement. The United States representative has shown us the path we must follow, in order to bring about a reduction in naval armaments. My Government will, of course, give careful consideration to all the points raised by Mr. Gibson. At the same time, in view of the far-reaching importance of the question, I cannot give an opinion at the present moment on every point in the statement; all I can do is to say that I will duly communicate this statement to my Government, which will give it thorough and careful consideration.

I need not add anything as to my Government's attitude towards disarmament in general or towards the specific question of the reduction of naval forces; that attitude has more than once been made known to the whole world. My colleagues on the Preparatory Commission are, I am sure, quite familiar with that attitude. The Japanese Government will therefore be very glad to hear that a proposal for the reduction of naval armaments is to be made by one or more of the Governments. Any proposals which have an equitable and reasonable
Lord Cushendun touched upon the question of the comparative value of naval forces. As regards the idea mooted in Mr. Gibson's statement, I quite agree with Lord Cushendun. The study of this new question by the Government of the United States of America will be of interest to us all, and will afford valuable aid in the search for a rapid solution of the question of the reduction of naval armaments. Until I have studied the text of Mr. Gibson's proposal, I can hardly say what my Government's observations on the subject will be. I may say now, however, that the best means of comparing naval forces is to utilise the simplest possible elements, and if the American proposal entails the introduction of complex elements it will be difficult to apply it under present conditions.

Before concluding, I should like to say a few words on what my Government has done regarding the division of warships into categories. My Government's attitude on this point is already known to the Preparatory Commission. The principles it has adopted were explained in 1927 and again at the Naval Conference. It has not changed those principles; it still considers that the reduction of naval forces must affect four categories of warships.

Our efforts are now being directed towards revising the division of ships among the various categories. We have carefully considered the observations made at the Three-Power Naval Conference in 1927 and those since communicated to our Government by several other Powers. We have thus found it necessary to modify the system of division, more particularly as regards the subdivision of the categories of auxiliary surface ships and aircraft-carriers.

As we have not yet completed our study of the question, I cannot as yet give you any detailed communication on the subject; but, at the present session of the Commission or on some future occasion, when I have received instructions from my Government, I will submit a fresh proposal to the Commission. In the meantime, I would beg my colleagues to give careful consideration to this proposal.

Dr. Riddell (Canada).—It must indeed be a matter of satisfaction to us all to have listened to the declarations made by the representatives of the three great naval Powers. As a member of the Three-Power Naval Conference, possibly I can appreciate these declarations as much as anyone. In my judgment, it is a splendid augury for the success of our Commission at this session, and I think we are greatly indebted to those representatives.

For almost two years now, we have turned aside from our immediate task of preparing a draft Convention for an International Conference on the Reduction of Armaments to that of devising ways and means of strengthening security. In the latter field we have met with very considerable success, and it is to be hoped that the improved security afforded by the Covenant, by the Locarno Treaties and by the increasing mass of bilateral and regional treaties, together with the Kellogg Pact, which I was delighted to hear referred to this morning, will, sooner or later—I hope very soon—be appraised at its full value, for never before have the nations of the world been bound so closely together for the maintenance of peace. If the reduction of armaments depends upon security, then the Commission has never taken up its work under more favourable circumstances, for when has security been greater than to-day? The Assembly and the Council and our Commission have recently been centring their attention on strengthening security, but we all realise that the time has now come to lay the emphasis, not so much on security, although this is of great importance, but on the reduction of armaments. The last two years have been called "Security years", and, if our Commission at this session carries out its task, the next two years will be known to history as "Disarmament years". Ten years have passed since Article 8 of the Covenant first outlined the obligations of the signatory States in regard to the reduction of armaments, and for almost that period the Council and the Assembly have had the question before them, and I regret to say that it still remains for this Commission to reach sufficient agreement to make possible the summoning of the first Conference for the Reduction of Armaments.

The Canadian delegation is not only willing but anxious to lend every aid towards bringing about to the fullest extent possible the realisation and attainment of definite and constructive results in this preparatory work. Our task here, as I look upon it, is to prepare the seed-bed, to remove the rocks of ambiguity, to destroy the noxious weeds of suspicion and distrust and so to cultivate the soil that the seed of disarmament which will be sown by the Disarmament Conference may produce a harvest of confidence and goodwill.

I again wish to thank the speakers of this morning for the great impetus they have given to the task which we all have at heart.

M. Massigli (France).—I have no desire to delay the examination of the Commission's agenda, but the declarations which we have just heard, and particularly the declaration made by Mr. Gibson at the beginning of this meeting, are of such supreme importance that I must ask your permission to submit a few brief observations.
I think I am right in describing the spirit which inspired Mr. Gibson’s declaration as a spirit of conciliation, a spirit of realisation, and it is in the same spirit that the French delegation desires to support the labours of this Commission. It is to the same spirit that it looks to bring those labours to a successful conclusion.

I think that, if we approach the question of land armaments in that way, our work cannot fail to proceed rapidly. If we remember, indeed, that all the questions of principle now under discussion were discussed in all their aspects for nearly two months a couple of years ago, that all the arguments on the subject were developed at length, and that all the delegations are now fully acquainted with one another’s point of view; if we remember that we have come here for a second reading of the proposals and not to revert to questions of principle but to bring forward texts and to agree on them; if we confine ourselves to submitting to the Commission definite amendments in regard to specific points, we should have no difficulty in rapidly clearing the ground.

As regards the question of naval armaments, the Commission was left after the first reading with alternative texts, so that the situation is obviously somewhat different. One naturally feels the greatest difference in venturing upon what is still subject to modification. It seems fair to describe the controversy into account or failed to satisfy those requirements, the movement for the limitation and reduction of naval armaments as a controversy between a system of rigidity and a system of flexibility. The French delegation has never concealed its preference for the second of these two systems, but other delegations maintained an opposite view.

When the Commission was sitting two years ago, the French delegation proposed a compromise between the two methods, but that compromise did not succeed in obtaining acceptance.

Still in the same spirit of conciliation, we pursued our efforts to find a solution. When asked to explore the possibilities of other methods, we set about this task and arrived at a second solution. This, however, was not acceptable to the other Powers. No matter.

To-day, Mr. Gibson has informed us — and, speaking on behalf of France, I cannot but note our satisfaction at his statement — that his Government is prepared to look for a solution on the basis of the proposals which France submitted to the Preparatory Commission by way of a compromise in April 1927.

I need not assure you that the French delegation is prepared to assist in this task. I may add that, true to the spirit of accommodation and conciliation of which it gave proof at the discussions at the first readings, and enlightened by the subsequent discussions as to the difficulties and requirements of other navies, my delegation would not dream of urging any solution which failed to take those difficulties into account or failed to satisfy those requirements.

For me it is obviously impossible for me to have reported to my Government all the declarations made this morning. My present statement, therefore, is explained by the fact that the French Government, I know, is moved by the very preoccupations to which Mr. Gibson’s words bear witness. The honourable delegate of the United States of America spoke just now of the Briand-Kellogg Pact, and the responsibilities which it lays down. The French Government and the French Minister for Foreign Affairs took too big a part in the framing of that Pact for there to be any doubt that their co-operation can be counted on in advance in any policy designed to translate into deeds the fundamental declarations in regard to principle which it contains and to construe the Treaty which we all signed on August 28th last as implying as a logical corollary the organisation of peace and the limitation and reduction of armaments.

M. Litvinoff (Union of Socialist Soviet Republics). — Gentlemen, we find ourselves unexpectedly entered upon a general discussion on the fundamental principles of disarmament — a discussion desired by the Soviet delegation and opposed by the Commission, and even stigmatised by the first delegate for Great Britain as unseverious work, unworthy of the Commission’s attention. I myself and, I think, the rest of the Commission will not regret having caused procedure to suffer by breaking the rule laid down by the President of adhering strictly to the agenda. The Commission will perhaps now be ready to admit that, by discussing and trying to come to an agreement on general principles, we may contribute more to the success of the work of the Commission than by indulging in the technicalities we have been invited to embark upon.

I shall not dwell just now on details of the American delegate’s statement. Suffice it for me to say that, like myself, he too insisted on the necessity for doing away with the much-abused term “limitation of armaments” and of substituting for it “reduction”. I would further note that the United States delegate seemed to me to support also the principle of proportional reduction, since he mentioned that the equal application of the principle of reduction to all States would not alter existing relative forces and would therefore not be detrimental to the security of any State. It will be seen that to the few replies hitherto given by delegations to the three fundamental questions put by the Soviet delegation has now been added a definite reply also by the American delegation.
The experience I have had in this Commission does not dispose me to pass suddenly from the pessimism expressed in my statement circulated a day or two ago among members of the Commission to exaggerated hopes (Annex 5). General statements, however favourable they may be, have to be translated into definite proposals, which has so far been done by the Soviet delegation alone, not only setting forth principles, but embodying them in a draft Convention. It is not, however, too much to hope, after the American statement, that the Soviet proposals will be regarded in a new light by the Commission, and that, during the continuance of its work, not only the fundamental principles advanced, but the Soviet draft Convention, will cease to be regarded as rejected as unworthy of attention.

General de Marinis (Italy). — I fully share the satisfaction which has been expressed by previous speakers in regard to the spirit of friendliness and accommodation which inspire Mr. Gibson's declarations. Those declarations are of the utmost importance and I am convinced that they will tend to expedite the progress of our work.

Naturally, I am not in a position at present to express a considered opinion on the proposals put forward by the honourable delegate of the United States: the scope of his proposals and the various considerations which they raise will require to be thoroughly examined by experts specially qualified for the study of such questions. I can, however, assure all my colleagues that my Government will give the fullest and most careful consideration to Mr. Gibson's suggestions, anxious as it is to reach a general agreement in regard to this very important part of the draft Convention.

The President. — As no one else wishes to speak, we will proceed with the examination of the agenda. I think, however, that the Commission can congratulate itself on the important speeches which have been made this morning and which are bound to give a fresh impetus to our work.

I, personally, regard these declarations as a matter for congratulation since, as you know, I have always been convinced that the ultimate success of our work must depend on the settlement of important questions relating to naval disarmament between the Great Powers. In closing this discussion, I would hasten to add that this does not imply that it cannot be reopened later.

17. Discussion of Chapter IV, "Chemical Warfare" (continuation).

The President. — I think that we should first decide whether we are going to delete Chapter IV of the draft Convention and replace it by an additional Protocol, or whether we are going to keep it in its present form.

M. Restrepo (Colombia). — Mr. President, now that we are about to continue the discussion, already somewhat involved, of this particular question, the Commission will, I trust, forgive me if I venture to submit a criticism of the whole of the discussion on Chapter IV of the text adopted on first reading under the heading of "Chemical Warfare"; this, in my opinion, invalidates and discards all the prudent and, at the same time, practical measures which the Great Powers are now adopting with a view to abolishing and outlawing war.

The purpose of these provisions is, by generally prohibiting the use of this weapon in time of war, to do away with one of the most efficacious and cheapest methods of winning a victory and placing the enemy at such a disadvantage — reducing him, indeed, to impotence — that he is obliged to surrender on the spot. Thus, on the pretext of philanthropy, we are allowing all kinds of horrible weapons of slaughter to subsist, and are simply abolishing one of those weapons. I personally, like everyone else, consider that we are running counter to the object we have in view — the abolition of war — if we forbid the belligerents to employ the full force of their skill and inventive prowess in arriving with the least possible delay at their ultimate object, which is to render the enemy powerless to inflict injury and oblige him to surrender unconditionally, that is, to win the war in order to achieve peace as quickly as possible.

My country is one of the most peacefully disposed countries in the world and has signed all the arbitration treaties it could possibly have concluded with its neighbours and even with the most distant nations in the world. It has eagerly come to the League of Nations and rejoices in the creation of institutions like the Permanent Court of International Justice, and, lastly, it has adhered to the Kellogg-Briand Pact for the outlawry of war. It will do all that is compatible with its rights and duties to maintain that peace which it regards as the summum bonum to which it can aspire. It has no great armies, it is modest and is very quick to respond sympathetically when others are in trouble. But precisely by reason of its pacific intentions it considers that any action to eliminate wholly or partly the horror of war is directly contrary to the object in view, namely, to make an end once and for all of that savagery known as war.

Moreover, my country considers that, for the weaker nations which do not possess hundreds and thousands of guns, formidable dreadnoughts, armoured tanks, torpedo-boats, submarines, Berthas, and what not, it would be a fool's game to assist in abolishing a method of offence which may be at their disposal and be of assistance to them in defending all that they hold most dear.

Colombia, I repeat, responds very readily to the misfortunes of others, but is not the victim of a certain sentimentality from which the masters of the world sometimes suffer. In 1856 at the time of the great Conference in Paris privateering was abolished as being barbarous. My country did not adhere to this resolution, which deprived it of an effective means at its disposal of defending itself against huge navies which might attack it unjustly. I am afraid that at the present time it might refuse to adhere to the abolition of chemical warfare, a detestable
arm, which is nevertheless necessary to enable the weak to defend themselves. I would even venture to say that, by inventing and employing in the most scientific manner possible the most destructive and abominable implements of war, that war will one day, through its own action, see itself definitely driven from the face of this earth.

General KASPRZYCKI (Poland). — Mr. President, one of the tasks entrusted to the Preparatory Commission was to consider the whole problem of rendering future chemical warfare impossible. With a view to studying this question in all its details, the Commission appointed Sub-Commissions A and B to consider a series of definite and concrete points.

In its replies, which were mainly adopted unanimously, Sub-Commission A noted that, generally speaking, factories of chemical products normally and legitimately employed in manufacturing these products, including dyes, might be rapidly and even immediately adapted for the manufacture of poisonous gases.

The period required to effect the change from the legitimate manufacture of chemical products into the manufacture of poison gases depends solely on the state of the industry in question and the nature of the gases to be manufactured. Generally speaking, this period is a very short one, and in some cases the change could be made immediately. A well-developed and carefully organised chemical industry might in less than three months be largely transformed from a peace into a war industry. As a practical measure, it is impossible to formulate any proposals for the prevention or hindrance of the utilisation of chemical-product factories for the production of gases.

In certain cases, aircraft already existing in peace-time might immediately, without any previous adaptation, be used to spread poison gas — for instance, civil aircraft provided with smoke-producing apparatus for advertising purposes.

These replies of Sub-Commission A seem clearly to prove:

1. That there are no technical means available for preventing an ill-intentioned State from resorting to chemical warfare or even placing any obstacle in the way of its activities in this respect.

2. That, consequently, a limitation or reduction of chemical armaments similar to that of the other categories, such as land, sea or air armaments, would be either impossible or valueless.

3. That preventive supervision of the chemical industry and the preparations for chemical warfare, similar to the supervision proposed for other armaments, would in most cases be absolutely ineffective and illusory.

I think that these conclusions prove with sufficient clearness that we must treat this part of the Convention differently to the other chapters in which we propose limitation or reduction, supervision and publicity. In the matter of limitation, we deal separately with effectives and implements (or budgetary expenditure). This method cannot be applied to the chemical arm.

At this point, I would venture to refer to some of the proposals before the Commission the purpose of which would be to limit, reduce or even abolish the various elements which, so it is said, constitute chemical implements, though these are really intangible.

In particular, we have before us a Soviet proposal to the effect that, within three months after the coming into force of the Convention, all means of chemical aggression should be destroyed, namely, fighting gases and all means for spreading the same: gas projectors, pulversisers, balloons, flame-throwers and other methods. This proposal also suggests that all production of means for chemical and bacteriological attack should be discontinued.

I must state at the outset as clearly as possible that we are in no way opposed to this proposal, and would ask for nothing better than that all instruments of chemical warfare should be destroyed. Unfortunately, after careful consideration of this suggestion, we have come to the same conclusion as Sub-Commission A, namely, that by reducing or even abolishing any given implement of chemical attack, we should be simply creating an illusion without in fact solving the problem of chemical warfare.

The text of Chapter IV, proposed by a number of countries and subsequently amended by the French delegation with regard to paragraphs 3 and 4 (which we accept), is the result of the work and the conclusions of Sub-Commission A, as I have already stated them. Seeing no true technical means of preventing chemical warfare, the authors of this text have devoted all their attention to legal methods by proposing to take up once more the prohibition of chemical and bacteriological warfare. This is the only right and rational method of procedure. Does that, however, mean that we must say we are satisfied with this solution? By no means — we must obviously go further than that.

The history of these last few years clearly demonstrates that all theoretical or incomplete undertakings, with no provision for punishment, are of very little use. Historical experience, both in chemical warfare and in air and naval warfare, proves this fact in a manner which is clear and in many cases tragic.

The only effective way of escaping from this dilemma is to create, as against any contracting parties which may at any time act in bad faith, a method of additional pressure in the form of reprisals and punishment.
This question was placed before Sub-Commission A in the following terms:

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

Poland is one of the eight countries which have always been categorically in favour of organising both mutual assistance and penalties on as effective a basis as possible.

Moreover, I wholeheartedly support the proposal of the Belgian and Spanish delegates to the effect that the employment of chemical or bacteriological warfare should be authorised against any State itself employing that method of warfare.

Failing that, an effective system of mutual assistance and penalties is a sine qua non for the effectual suppression of all barbarous methods of warfare that are contrary to international law. Poland agrees to include this system in Chapter IV and consequently accepts the proposals of the Roumanian and Serb-Croat-Slovene delegations to the effect that this principle should be embodied in Chapter IV.

The President. — I will, if you will allow me, summarise the position of the Commission regarding this question of chemical warfare.

The Commission has adopted the first two paragraphs of Chapter IV, subject to a reservation by the Belgian and Spanish delegates to the effect that the prohibitions in question might not be disregarded except against Governments which themselves make use of such methods of warfare. A discussion was opened on the two other paragraphs and a number of proposals were submitted. The Soviet delegation has submitted the following proposal:

"I. Whereas the fundamental points in Chapter IV of the 1927 Draft reproduce the Protocol on chemical and bacteriological warfare signed at Geneva on June 17th, 1925, the Preparatory Disarmament Commission decides, with the object of bringing the above-mentioned Protocol into force as soon as possible, to omit Chapter IV of the 1927 Draft and to adopt the following decision:

"The Preparatory Commission for the Disarmament Conference appeals to all States which have signed the Protocol of June 17th, 1925, but which have not ratified it to ratify it with as little delay as possible.

"II. The Preparatory Commission similarly approaches all States which have signed the above-mentioned Protocol and proposes that they should sign a supplementary Protocol annexed thereto and consisting of the following articles:

"Article 1. — All methods of and appliances for chemical aggression (all asphyxiating gases used for warlike purposes, as well as all appliances for their discharge, such as gas-projectors, pulverisers, balloons, flame-throwers and other devices) and for bacteriological warfare, whether in service with troops or in reserve or in process of manufacture, shall be destroyed within three months of the date of the entry into force of the present Convention.

"Article 2. — The industrial undertakings engaged in the production of the means of chemical aggression or bacteriological warfare indicated in Article 1 shall discontinue production from the date of the entry into force of the present Protocol.

"Article 3. — In enterprises capable of being utilised for the manufacture of means of chemical and bacteriological warfare, a permanent labour control shall be organised by the workers' committees of the factories or by other organs of the trade unions operating in the respective enterprises with a view to limiting the possibility of breaches of the corresponding articles of the present Protocol."

The Japanese delegation proposes that Chapter IV of the text of the Convention should be deleted and suggests that it would suffice to stipulate in the draft Convention that its acceptance involves ispo facto the acceptance of the Protocol of June 17th, 1925, by States which have not already acceded thereto (Annex 6).

The Italian delegation, while declaring its readiness to accept any solution which might render more effective in practice the prohibition of chemical warfare as defined in the Geneva Protocol of 1925, suggests either that the provisions of this Protocol be inserted in the text of the Draft or that the present text be replaced by an undertaking to ratify the said Protocol as soon as possible (Annex 7). The first alternative would appear to imply the same effect as the Japanese proposal. The second alternative does not go so far and would make it possible for a Government after ratifying the Disarmament Convention, not to be bound by the Protocol of 1925.

The Belgian delegation, in agreement with the Spanish delegation, had proposed that a clause should be inserted in Chapter IV to the effect that the prohibitions in question might not be disregarded, except against Governments which themselves make use of such methods of warfare. The Belgian delegation subsequently withdrew this proposal, substituting for it a proposal which consists of the redrafting of the first two paragraphs of Chapter IV and the
deletion of the last two paragraphs. According to the new Belgian proposal, the article in question would read as follows:

"The High Contracting Parties undertake, subject to reciprocity, to abstain from the use in war of asphyxiating, poisonous or similar gases and of all analogous liquids, substances or processes.

They undertake unreservedly to abstain from the use of all bacteriological methods of warfare."

In his statement concerning this last proposal (Annex 8), the Belgian delegate also takes into account an observation of the United States delegation in regard to means of defence against chemical warfare.

The French delegation has submitted the following draft of Paragraphs 3 and 4:

**Paragraph 3.**

"The High Contracting Parties also undertake to abstain from any preparation in peace-time with a view to the use in war of the methods stated in the two preceding paragraphs, and undertake as soon as the Convention is put into force to take effectual steps to prevent private persons from making preparations in their territory for the use of such methods in war.

**Paragraph 4.**

"The High Contracting Parties undertake, moreover, to take effectual steps to prevent the manufacture in their territory, the importation or the exportation of substances utilisable for chemical or bacteriological warfare, so far as these have no normal utility in peace-time. If such substances have a normal utility in peace-time, the High Contracting Parties undertake to restrict the importation, exportation or manufacture of those substances to commercial requirements."

This proposal also takes into account certain observations submitted by delegates at the discussion yesterday. The proposal concerning the paragraph 3, however, still retains the words "in peace-time" whose deletion the Soviet delegate had proposed.

The Roumanian and Serb-Croat-Slovene delegates propose to add the following as paragraphs 5 and 6.

**Paragraph 5.**

"The High Contracting Parties undertake to place at the disposal of any State which is the victim of an aggression by means of poisonous or bacteriological substances such raw materials, products and appliances as may be necessary to meet this aggression.

**Paragraph 6.**

"The High Contracting Parties further undertake to participate themselves, as far as distance will allow, in collective reprisals by employing the chemical and bacteriological means at their disposal against the State which has been guilty of an aggression by such means."

It may be noted that the proposal concerning the paragraph 6 differs, as regards bacteriological methods, from the Belgian delegate's proposal in that, according to the last-named proposal, bacteriological warfare is prohibited in all circumstances and not only against an enemy who himself respects such prohibition. The Polish delegation agrees with this paragraph 6.

Lastly, the Commission has before it the following German proposal:

"The High Contracting Parties mutually undertake not to launch weapons of offence of any kind from the air by means of aircraft, nor to employ unpiloted aircraft controlled by wireless or otherwise, carrying explosive or incendiary gaseous substances.

They further undertake to make no preparations of any kind for the use of the weapons of offence referred to in the previous paragraph."

Further, I point out that the German delegation proposes to substitute for the term "chemical warfare" the term "chemical arm".

Finally, I received a communication from the first delegate of Persia which embodies the following proposal:

"The Persian delegation holds that it will be preferable either to adhere to the amendment put forward by the Italian delegate or to consider in Chapter IV of the draft Convention what urgent steps could be taken by the Council of the League of Nations to compel parties to renounce chemical warfare and observe the provisions of the 1925 Protocol."

**M. COBIAN** (Spain). — My delegation welcomes the new text proposed by the Belgian delegation for — even more so than the former text — it is calculated to allay our anxiety on
this point. It is in keeping with the observations I had the honour to submit at our last meeting.

The President. — In order to facilitate our discussion and the eventual drafting of the text, I would propose that the whole Commission should meet in Committee. The meeting will be a private one.

The President's proposal was adopted.

(The meeting rose at 12.50 p.m.)

NINTH MEETING (PRIVATE)

Held at Geneva on Monday, April 22nd, 1929, at 5 p.m.

President: M. Loudon (Netherlands).


The President stated that a proposal had been submitted by the Belgian and Spanish delegates to the effect that an exception to prohibition should be allowed as against Governments which themselves resorted to chemical warfare.

Baron Rolin Jaequemyns (Belgium) pointed out that, if the proposed amendments to paragraphs 3 and 4 were adopted, his proposal would no longer be necessary. It would therefore be better to consider first of all the amendments to paragraphs 3 and 4.

Count Bernstorff (Germany) supported Baron Rolin Jaequemyns' proposal. He asked that they should first of all discuss the French proposal, which went furthest and with which he was in agreement.


The President read the French proposal in connection with Paragraphs 3 and 4.

Paragraph 3.

"The High Contracting Parties also undertake to abstain from any preparation in peace-time with a view to the use in war of the methods stated in the two preceding paragraphs, and undertake as soon as the Convention is put into force to take effectual steps to prevent private persons from making preparations in their territory for the use of such methods in war."

Paragraph 4.

"The High Contracting Parties undertake, moreover, to take effectual steps to prevent the manufacture in their territory, the importation or the exportation of substances utilisable for chemical or bacteriological warfare, so far as these have no normal utility in peace-time. If such substances have a normal utility in peace-time, the High Contracting Parties undertake to restrict the importation, exportation or manufacture of those substances to commercial requirements."

M. Massigli (France) explained that the object of this amendment was to come to closer grips with this problem than in the original text. Naturally, the French delegation did not, in submitting the new paragraph 3, wish to prevent the manufacture of gas masks. He added that this text was bound up with the question of supervision, which would arise later on in the course of their discussions.

He thanked Count Bernstorff for supporting the French proposal.

M. Politis (Greece) stated that he would accept all proposals in connection with the chemical arm, although he was very sceptical with regard to prohibitions in war-time. If they were going to be at all practical, they must make provisions for the possible violation of these stipulations.

He asked for explanations on the following points in the text submitted by the French delegation:

1. Reference was made in paragraph 3 to "the effectual steps which might be taken to prevent private persons from making preparations in their territory for the use of such methods of war". Were they to conclude that the preparation by public authorities would still be allowed?

2. If the regulation of the means of causing injury were to have any practical value, there must be a certain guarantee that they would be effectively applied. Otherwise the
practical consequence would be that the more honest countries would be misled by these rules, the smaller States being the greatest sufferers. Consequently, he asked what form of supervision the new text of the French delegation had in view.

M. Massigli (France), in reply to M. Politis on the first point, stated that the French delegate had proposed this addition to the former text of paragraph 3 to cover the acts, not of Governments, but of private persons. He considered that the original text of paragraph 3 only applied to Governments, and left them free to tolerate any private preparations in their territory. No doubt the text of the amendment would have to be revised, in order to express the full idea intended.

M. Massigli agreed with M. Politis as regards supervision, but it was not for him to discuss this question too, since it was the subject of a special article of the Convention. Obviously, if it were eventually found that supervision were not practicable, provisions such as this would have to be revised, as certain engagements of this kind would be meaningless in the absence of supervision.

M. Fierlinger (Czechoslovakia) said that his delegation had hitherto refrained from making any proposal, because it was aware that proposals would be submitted by other delegations and attempts would be made to bring them into accord. He now desired to make his own view clear; he supported the French delegation's proposal, which seemed to him very reasonable, because it gave a clear statement of the situation and corresponded to the ideas which he himself had recently expressed, and also to the observation made by the British delegate.

He therefore accepted the proposal formulated by the French delegation, on the understanding that all the provisions relating to supervision laid down by the present Convention would also be applicable to the chapter now under discussion.

He thought that this last observation would also meet the point raised by the Greek delegate.

M. Rutgers (Netherlands) desired to ask two questions in regard to the French proposal.

1. Does paragraph 3 of this proposal prohibit or not the preparation of defence against a chemical attack — not merely defence in the strict sense of the term, by the use of masks, for example, but also defence by a counter-attack? That question would become still more important if the Commission adopted the Belgian proposal, which made the prohibition of chemical warfare subject to reciprocity.

2. In the text proposed by the French delegation for paragraph 4, the words in the last paragraph of Chapter IV of the draft Convention; “when they are imported, exported or manufactured with a view to such use” were omitted, and he himself thought that this was an advantage.

He wondered whether the new criterion established by paragraph 4 of the French proposal namely, that, “if such substances have a normal utility in peace-time, the High Contracting Parties undertake to restrict the importation, exportation or manufacture of those substances to commercial requirements”, was of a very practical nature. He thought that, although a Government could, within certain limits, verify the requirements of its own country, it would find it very difficult to determine the commercial requirements of the world.

M. Litvinoff (Union of Socialist Soviet Republics) stated that the French proposal was framed for the same purpose as the Soviet proposal, but the Soviet delegation did not insist on claiming priority for its own proposal. Its main desire was to reach the object in view.

M. Politis had observed that the question of supervision was vital, and the various proposals which had been made did not contain any provisions prescribing such supervision. He thought, however, that, though they had to contemplate a system of supervision as regards the reduction of armaments, they could not employ the same machinery to supervise the manufacture of materials intended for chemical warfare. The Soviet delegation, in its proposal, provided for a system of special supervision which would be exercised by the workers through the trades unions, which would keep watch on the activities of manufacturers.

Lord Cushendun (British Empire) pointed out that M. Rutgers had drawn the Commission's attention to the last part of paragraph 4 proposed by the French delegation, which referred to the question of restricting “the importation, exportation or manufacture of those substances to commercial requirements”. How would it be possible to ensure that this limit had not been exceeded? If a works manufacturing chemical products carried out a foreign order, how could it be known that a part only of this order was intended for strictly commercial purposes?

It would seem that the wording of the French proposal was somewhat loose, and the commitments it involved would have to be made more precise.

M. Massigli (France) replied that the criticisms of his proposal revealed all the difficulties of the problem. What were the inferences that should be drawn? The French proposal already had the effect of making the extremely vague texts of paragraphs 3 and 4 somewhat more precise.

He wanted to consider the problem anew under conditions which would enable the Governments and people to obtain from the texts adopted guarantees which would be somewhat less shadowy. The objections which had been raised were very weighty. Should they seek to introduce other amendments giving added precision in this very difficult matter or should they draft texts of a more general nature?
He himself was prepared to consider any suggestion which would provide a satisfactory solution of the problem.

The Hon. Hugh Gibson (United States of America) referred to the special situation of his own country. As regards the prohibition contained in paragraph 3, which provides for "effectual steps to prevent private persons from making preparations... for the use of such methods in war", he pointed out that the Federal laws of the United States would not enable them to subscribe to that provision. These measures could only be taken by the individual States, each within its own jurisdiction.

Similarly as regards paragraph 4, the importation and exportation of the substances in question could be regulated by the Federal Government, but their manufacture could be supervised only by the individual States. The Federal Government could not intervene.

M. Fierlinger (Czechoslovakia), in view of the difficulties which had been raised, reverted to the Japanese delegation's proposal to insert in the draft Convention a clause to the effect that the acceptance of the Convention would connote the acceptance of the Geneva Protocol. This clause might be drafted as follows:

"Whereas all the provisions relating to supervision provided for in the said Convention shall be applicable also for the purposes of the said Protocol."

The Czechoslovak delegate made this proposal in the event of the French delegation's proposal not being found acceptable.

General de Marinis (Italy) thought that the wording of the proposal was too vague; he could not approve it as it stood. He realised the difficulties to which M. Massigli had alluded in regard to making the wording more precise. On the other hand, he desired to say that the Italian delegation had taken up a definite position on the question of supervision. If the exercise of supervision were implied, even though the text were more precise than that submitted, his delegation could not possibly accept it.

M. Sato (Japan) agreed with General de Marinis as regards the objections to retaining the second paragraphs, and he himself began to doubt the desirability of doing so.

As regards the question of supervision, he wished to say that his delegation was in exactly the same position as the Italian delegation.

Baron Rolin Jaequemyns (Belgium) recalled how the question to which the French delegation's two amendments referred had arisen. At Saturday's meeting, the original text of Chapter IV, paragraph 4, had been severely criticised. It had been observed that it would be an extremely difficult and complex matter to distinguish between what might constitute importation, exportation or manufacture for purposes of chemical warfare and importation, exportation or manufacture in time of peace. An amendment making the prohibition more definite had been laid before the Commission. Apart from the very delicate question of supervision, Baron Rolin Jaequemyns did not think that the new text made it any easier to accept paragraph 4. Indeed, he thought the difficulty had increased, because the prohibition applied even to private manufacture which might, at first glance, appear innocent. Either it would have to be proved that the manufacture, importation or exportation of gases by a private person was intended for a purpose other than an ordinary industrial purpose, or else the manufacturer would have to prove the contrary.

As regards paragraph 3, it was very desirable that self-defence in case of attack should be possible by processes of this kind or, if necessary, by the same processes. If the original paragraph 3 appeared to bar this possibility, the paragraph in its amended form was, in his opinion, still more open to objection. It appeared to prevent any means of studying methods of self-defence and to prohibit analytical laboratories or gas chambers which soldiers could be trained to enter with masks.

Accordingly, he thought that, apart from the difficulties relating to supervision, it was extremely unlikely that paragraphs 3 and 4 could be adopted.

M. Markovitch (Kingdom of the Serbs, Croats and Slovenes) desired to make an observation similar to that offered by Baron Rolin Jaequemyns.

He pointed out that, before discussing the text, it would be better that the Commission should first agree on questions of principle. Accordingly, he proposed that both parts of paragraphs 3 and 4 should be examined as definite proposals.

In the first part of paragraph 3, the text proposed was intended to prohibit in time of peace any preparation with a view to the use in war of the methods stated in the two preceding paragraphs. They should ascertain whether the Commission was agreed on this principle. They must then ascertain whether the Commission thought that in practice it would be possible to find a system which would provide sure guarantees of the execution of the international obligation referred to in the second part of paragraph 3. Otherwise it would be better not to accept the text proposed.

The same applied to paragraph 4, the two parts of which should be examined separately. The Commission must decide whether it could take up the question of the production, importation and exportation of the substances referred to, or whether it should confine itself to a more general obligation, such as had been the original intention of the Serb-Croat-Slovene delegation. If the Commission encountered difficulties which prevented it from agreeing upon a text involving precise and definite obligations, giving guarantees of enforcement and providing for the necessary means of supervision, it would be better to agree upon a compromise
which would still represent an obligation of a general nature. He understood that M. Massigli was quite prepared to withdraw his proposal.

M. Valdés-Mendeville (Chile) said that his country had always approved the prohibition of the use of all inhumane methods of warfare. It had taken a great part in the adoption by the Santiago Conference of a resolution condemning the use of asphyxiating and poisonous gases, etc. There had been only one abstention from that vote. There was a serious objection to the acceptance of the French proposal, namely, the avowed necessity of supervision, as to which his delegation fully shared the misgivings expressed by the delegates of Italy and Japan.

He also thought that the Convention should be such as to secure the maximum number of unreserved ratifications. The Protocol had been ratified by a number of countries, but these ratifications had in general been accompanied by reservations relating mainly to the question of reciprocity.

The text should be so drafted as to avoid too many reservations in the ratifications, and, to obtain this, it appeared to him essential that the text should contain the clause of reciprocity.

M. Massigli (France) stated that, in a conciliatory spirit and with a view to practical achievement, he would withdraw his amendment provided that paragraphs 3 and 4 of the original text were deleted. As regards the first paragraphs, he would agree either to a text based on that proposed by the Belgian delegation or to one of a similar kind.

M. Fierlinger (Czechoslovakia) supported this proposal.

M. Markovitch (Kingdom of the Serbs, Croats and Slovenes) also supported this proposal, with a reservation regarding paragraph 3. He thought it strange that they could not accept this paragraph, which provided that the States should prohibit any preparation in peace-time with a view to the use in war of the methods stated in the two preceding paragraphs. The absence of this paragraph would seem to indicate that the preparation of such methods was permissible, so that in the end they would have to decide in individual cases whether poisonous gas should be used or not. He was anxious that the omission of paragraph 3 should not in any way reduce the force of the obligation undertaken in the previous two paragraphs.

The Hon. Hugh Gibson (United States of America), who shared M. Markovitch's misgivings, doubted whether it was necessary to retain the third paragraph. He thought it was a question of good faith. If good faith existed, the paragraph was needless; otherwise the paragraph, which would not afford any further guarantee, was useless.

M. Antoniade (Roumania) agreed that paragraphs 3 and 4 should be omitted, on the understanding suggested by the delegate of the Kingdom of the Serbs, Croats and Slovenes.

General Kasprzycki (Poland) emphasised that there were no fundamental objections to paragraphs 3 and 4; the difficulty arose solely out of the interpretations of those articles, particularly as regards supervision. The Polish delegation preferred that the two paragraphs should be retained, but would not object to their omission if the majority of the Commission so decided.

Dr. Riddell (Canada), while approving the purport and intention of the third paragraph, was ready to accept the United States delegate's suggestion that the Belgian proposal should be adopted, as it was the most practicable and seemed to have the greatest measure of support.

Count Bernstorff (Germany) said that he was in favour of retaining paragraphs 3 and 4, but would not press the matter for the moment.

The President asked whether the other proposed amendments were to be retained—in particular, the amendment proposed by the Roumanian and Serb-Croat-Slovene delegations to add two paragraphs to the end of Chapter IV.


Paragraph 5.

"The High Contracting Parties undertake to place at the disposal of any State which is the victim of an aggression by means of poisonous or bacteriological substances such raw materials, products and appliances as may be necessary to meet this aggression."

Paragraph 6.

"The High Contracting Parties further undertake to participate themselves, as far as distance will allow, in collective reprisals by employing the chemical and bacteriological means at their disposal against the State which has been guilty of an aggression by such means."

M. Antoniade (Roumania) stated that the proposal submitted by the Roumanian and Serb-Croat-Slovene delegations had originated in an invitation addressed in 1926 by the Commission to Sub-Commission A to consider what effective suggestions could be proposed for the enforcement of the international undertaking not to employ poisonous gas or bacteria in warfare. Sub-Commission A was divided by a question of principle.
The delegations of the Argentine, British Empire, Chile, Germany, Italy, Japan, Netherlands, Spain, Sweden and the United States of America were of opinion that, as the proposal for sanctions submitted by the other members of the Commission was based on essentially political considerations, a Sub-Commission such as Sub-Commission A, which was a purely technical body, was not competent to express any opinion.

On the other hand, the delegations of Belgium, Bulgaria, Czechoslovakia, Finland, France, Poland, Roumania and the Kingdom of the Serbs, Croats and Slovenes, submitted a different reply, adopting the principle of reprisals and sanctions, and indicating the provisions to be inserted in an article concerning the prohibition of chemical warfare. This reply states that:

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

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

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

Further, in the second part of their reply, the same delegations (with the exception of Bulgaria) noted that:

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

"Under the circumstances:

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

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

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

As the Preparatory Commission consisted of political delegates, the reluctance of certain experts to express an opinion on political questions should not apply to the Commission, which could quite well state its views on this question of sanctions. Thus delegations which had hitherto been prevented from giving their opinion on this account would now be able to do so.

There were other technical objections also. One emanating from the Netherlands delegation referred to the difficulty of determining chemical or bacteriological aggression. The obvious reply to this objection was that there would be no difficulty in determining whether a State had used poisonous gases as a weapon of war, because the terrible effects of the use of such means were perfectly apparent and could easily be ascertained.

Another technical objection was submitted by the German and Netherlands delegations, who stated that the application of sanctions would make chemical warfare general. The results would be terrible, and this form of war would thus become a method of warfare recognised by international law. That objection was, he admitted, a strong one. M. Antoniade was of opinion, however, and this opinion was confirmed by what had happened during the discussion of the previous paragraph, that sanctions were the only effective means, and that, faced with this prospect, any Government would hesitate before resorting to chemical and bacteriological warfare. On the one hand, it would have to consider possible reprisals and, on the other, its responsibility to its own nationals.

The Roumanian delegation has noted with great interest that the proposals submitted by various delegations unanimously recognised that it was necessary for the Preparatory Commission to include in the draft Convention provisions concerning the prohibition of chemical and bacteriological warfare. It also noted that two great industrial Powers, Germany and the Union of Socialist Soviet Republics, had made proposals for defining and extending obligations with a view to prohibiting chemical and bacteriological means of warfare.

The Roumanian delegate considered that the organisation of the proposed sanctions was the only effective solution, but as this question of sanctions, which involved mutual assistance in regard to chemical warfare, might cause Governments which were not yet prepared to accept the principle of this assistance to raise objections to it, M. Antoniade proposed that the delegations represented on the Commission should first express an opinion on the question of sanctions as it had been submitted to Sub-Commission A, and that their views should be submitted to the Disarmament Conference. In the meantime, Governments might study the question and give a definite reply at the Conference.

Hussein Khan ALA (Persia) said that the Persian delegation supported the proposal of the Roumanian and Serb-Croat-Slovene delegations.

M. Rutgers (Netherlands) regretted that he could not agree with the proposal. The Netherlands delegation thought that countries which stood outside a conflict could not intervene with methods which had been condemned by the whole civilised world.
The arguments that had been put forward in that sense only gained strength now that they were considering, not only the chemical, but also the bacteriological arm. The adoption of the proposal advanced would come as a shock to public opinion throughout the world. It was impossible to contemplate the giving of an undertaking by any country to supply any other country which might be attacked by the bacteriological arm with the necessary raw materials for retaliatory action.

Further, there were certain political arguments against the adoption of the proposal. To take an example: suppose a country A to be attacked by a country B. Under Article 16 of the Covenant, the Members of the League were obliged to assist country A. If, however, the latter, in defending itself, employed the chemical or the bacteriological arm, then, according to the proposal before the Commission, the Members of the League would be obliged to assist country B. It would be absurd for them to be helping both sides at once.

M. Massigli (France) took the view that the Commission had to consider two questions: the question of the action to be taken against a country violating the principle that chemical warfare was prohibited, and the question of the nature of the action to be taken.

He did not see that there was any difficulty in laying down the principle that action should be taken against a country which broke its solemn undertaking not to employ the chemical arm.

M. Rutgers had asked what would happen if the country attacked, to which the Members of the League were bound to give help under Article 16 of the Covenant, should make use of the chemical arm. Such a case ought not to arise. The country which was in the right would know that it was in its interest not to use illicit methods of warfare if it did not wish to lose the promised help.

What should be the nature of that help? Should it consist in the use of the same arms? In the Belgian proposal, it was specified that the undertaking to refrain from the use of the chemical arm was reciprocal. If, therefore, help were given to a country attacked, and if that country itself were attacked with the chemical arm, would not all those giving assistance be entitled to use that arm? The question might reasonably be asked, but it need not be settled forthwith. The Roumanian and Serb-Croat-Slovene delegations merely asked that the Conference's attention should be called to this extremely grave problem. It was quite easy, therefore, to bring the question to the notice of the Governments without offering any opinion.

Count Bernstorff (Germany) said that he had been greatly impressed by M. Massigli's closing words. If, however, the Commission limits itself to what M. Massigli had proposed, what was the use of its present meeting? He understood that there would be no Minutes of the meeting. In that case, no trace of it would remain.

It was the German delegation, however, that had proposed the third paragraph, and it was most important that the public should know that, in this matter of chemical warfare, the German delegation was anxious to go as far as possible. If they accepted any Protocol regarding a prohibition of this kind, they, the German delegation wished to tell the Conference that they were anxious to go as far as possible in that direction.

The President said that Minutes of the meeting would be taken. He asked Count Bernstorff whether he thought it desirable to discuss the German delegation's proposal immediately.

Count Bernstorff (Germany) observed that the proposal was simply to replace the expression "chemical warfare" by the expression "chemical arm". The second part of his proposal was quite independent of the chapter under discussion, and it could be considered when the Commission had finished with the chapter on chemical warfare.


M. Litvinoff (Union of Socialist Soviet Republics) said that the Soviet delegation did not withdraw its proposal, but obviously, if the other members of the Commission would not accept it, they could not be compelled to do so. In any case, the Soviet delegation was willing to accept any proposal for prohibiting chemical warfare.

Referring to the Roumanian delegation's proposal, he said he had understood that it was not being pressed for the moment. Perhaps, therefore, there was no need for him to give his views upon it. He would like to say, however, that he agreed with the remarks made on the subject by various speakers, especially M. Rutgers.

Further, on behalf of his country, he would oppose any scheme of punitive action for reasons which he would explain in due course.

The President said he had not quite understood M. Litvinoff's statement. Had the Soviet delegation withdrawn its proposal, or was it maintaining the proposal without pressing for a discussion, and with the intention of returning to the matter on another occasion?

M. Litvinoff (Union of Socialist Soviet Republics) replied that the Soviet proposal was covered by the French proposal, which had met with a certain degree of opposition, so that he saw no point in having his proposal discussed at present. His Government was, however, quite prepared to accept all the obligations the proposal would involve.
Referring to the second part of the German proposal, he said he would not press the point, because the German delegation had stated that it would take up the question again when the Commission came to deal with air armaments.

The Soviet proposal contained a provision to the effect that the Commission should pass a resolution requesting those Governments which had not yet done so to ratify the Protocol on Chemical Warfare of June 1925 as quickly as possible. No objection had been raised to that proposal, and he therefore thought that the Commission might adopt it.

The President observed that the issue of this discussion was that the Commission generally, did not think it necessary to keep or to amend paragraphs 3 and 4 of the chapter under discussion.


Baron Rolin Jacquesmyns (Belgium) pointed out that the Belgian delegation’s statement (Annex 8) referred to the case, where paragraphs 3 and 4 being omitted, the Commission would agree — as he understood it proposed to do — that, subject to reciprocity, if one country used certain prohibited methods of warfare against another, the latter might in turn use those methods.

The question was whether this rule of reciprocity should be admitted with regard to bacteriological methods of warfare as well as regards gas. He himself thought not. They could quite well say in a Convention that the use of asphyxiating gases and bacteriological methods was prohibited, even on a basis of reciprocity. In the case of gases, however, the Convention would be contemplating a method of warfare which essentially could not be employed except in war. If an army projected asphyxiating, poisonous or similar gases into the ranks of the enemy, it would thus kill a certain number of men; but the shells it sent over would do quite as much damage. That, therefore, was a method which was not in itself intended to be used against the “innocent”, i.e., civilian population, and which would therefore be admissible — at any rate, subject to reciprocity.

On the other hand, it was beyond question that bacteriological methods would inevitably affect everybody, and that was why it was essential to prohibit such methods absolutely. If a country resorted to such horrible methods against another country, that was no reason why the other country should be entitled to use them in turn against the attacker, especially according to the formula advocated by the Roumanian delegation. It was really inconceivable that countries should ever be entitled to send to others poisons which would attack the entire population. Any really civilised Government would refuse to employ such methods.

The Belgian delegation, therefore, thought it absolutely essential that a distinction should be drawn. For that reason, it proposed that the Article should be drafted as follows:

“...The High Contracting Parties undertake, subject to reciprocity, to abstain from the use in war of asphyxiating, poisonous or similar gases and of all analogous liquids, substances or processes.

They also undertake unconditionally to abstain from the use of all bacteriological methods of warfare.”

The Belgian delegation further supported the German proposal to abandon the expression “Chemical Warfare” as the heading of the chapter, and to replace it by the expression: “Chemical Arm”. This expression, it is true, might be open to criticism, because not only arms are involved. He thought, however, that it was better than the previous expression, taking into account the headings of the other chapters of the draft Convention.

M. Politis (Greece) thought it doubtful whether, in a Convention aiming at the limitation and reduction of armaments, it was desirable to have a special chapter with provisions prohibiting chemical and bacteriological warfare. The difficulty had always been felt, for it had been proposed to alter the title of the chapter and call it “Chemical Arm”. That was quite comprehensible when they had, in the draft of the chapter, clauses designed to limit military preparation for chemical and bacteriological warfare; but these special clauses had been dropped out. What remained was a statement of the general principle that the use of certain new methods and processes regarded as particularly inhuman and as not effectively serving the ends of the belligerents should be prohibited. That, however, was a matter that had no connection with the limitation of armaments; it was a general rule for which the proper place would be in a Convention on the laws and usages of war, and which had already been embodied in the Protocol of 1925.

He therefore saw no point in going back upon a text which had already been ratified by half a score of countries.

On logical grounds, he was inclined to support the idea, put forward by the Japanese, Soviet and Italian delegations, that it should simply be stated, in an appended Protocol or in a final article, that such signatory States as had not yet done so undertook to ratify the Protocol of 1925. Or, if they wished to go further, with the Japanese delegation, they could say that the ratification of the present Convention on the Limitation and Reduction of Armaments involved ipso facto the ratification of the Protocol of 1925. Accordingly, he thought it useless to enter upon a reconsideration of the 1925 text, for it was too late to try to improve a text...
which was in process of ratification by most of the countries who had signed it. Chapter IV should therefore be entirely omitted.

Baron Rolin Jaequemyns (Belgium) admitted the force of the arguments put forward by M. Politis, but, as they were deciding not to make use of an extremely important weapon, it would be most regrettable that that should not be mentioned in the Convention.

It was quite true that the prohibition had already been embodied in a Protocol, but its duration would not necessarily be the same as that of the present Convention. Moreover, some countries, including Belgium, had adhered to the Protocol with reservations, and others without reservations. The Commission ought to try to secure uniformity.

If they kept the chapter in the Convention, it would be impossible for any country to accede to the Convention without acceding to the Protocol or to accede to the Protocol with reservations. The Commission's object in that connection should be to have absolutely definite information as to the position. The best way would be for a definite undertaking to be given by all countries, and to be embodied in the Convention.

M. Politis (Greece) replied that he had the text of the 1925 Protocol before him, and it made no mention of any time-limit or of any reservations. Indeed, it had been so clearly understood at the time that the prohibition was a universal and perpetual rule of international law that it had been entitled a Declaration.

Baron Rolin Jaequemyns (Belgium) said that certain ratifications of the 1925 Protocol were given only with reservations, and this was the case, in particular, with the Belgian and French ratifications.

M. Politis (Greece) replied that there were no reservations in the actual text.

(The meeting rose at 7.20 p.m.)
be to address an invitation to the countries to ratify the Protocol of 1925. For the rest, he did not see how the adoption of the Belgian proposal would help matters, if the Belgian Government has ratified the Protocol without reservations, which would bind it for a period of three years.

Baron Rolin Jaqueumyns (Belgium) observed that there was a mistake on a question of fact: the Belgian Government had indeed ratified the Protocol, but with this very reservation regarding reciprocity.

M. Rutgers (Netherlands) said that, as regards reciprocity, it would be better to have a text saying exactly what they meant rather than to leave room for doubt. Otherwise, no one would be sure of the obligations incurred, either as regards chemical or as regards bacteriological warfare.

As regards the Protocol of 1925, he did not believe that the present discussion on the prohibition of chemical methods would have the effect of delaying ratifications of that Protocol; as a fact, they had been discussing the condemnation of chemical warfare for some time past and nevertheless a large number of States had already ratified or were preparing to ratify the Protocol.

M. Markovitch (Kingdom of the Serbs, Croats and Slovenes) repeated that his delegation maintained its point of view. They considered it essential that provisions forbidding the use of chemical weapons in war-time should be inserted in the Disarmament Convention. The honourable delegate for Greece felt scruples which appeared to be chiefly of a legal character. He thought it was illogical to insert provisions concerning the prohibition of special engines of war in a Disarmament Convention. That question had already been discussed by the Belgian delegate and by himself; they had pointed out that, as they were dealing with a rule of international law, it might perhaps be unnecessary to have a special Chapter prohibiting resort to chemical warfare. His own opinion was that, to strengthen the Protocol of 1925, it was essential that the Commission should consider the insertion of some such provision and should, if necessary, elaborate it in closer detail.

M. Cobian had advanced an argument based on practical grounds. These important questions had been under discussion for two days and they could not conceal the fact that the armies of different countries were making preparations to employ chemical methods of warfare. Could they be content to quit the meeting with the assurance that these discussions were nothing to add to what the honourable delegate for Greece had said.

M. Markovitch's last remarks, appealing to M. Politis not to maintain his proposal, had, however, obliged him to intervene. He quite understood the importance of the Serb-Croat-Slovene delegate's proposal urging that they should insert in Chapter IV the clause prohibiting resort to chemical methods. But a Protocol had been drawn up in 1925; would not its value be diminished if a new provision were drawn up to the same effect? If they were to add anything to Chapter IV it should merely take the form of emphasising the importance of the Protocol of 1925.

M. Sato (Japan) observed that the Czechoslovak delegate had emphasised the importance of the Japanese proposal, but he feared that his latest remarks would modify its effect. M. Politis, on the other hand, had shown the expediency of adopting it, and he himself had nothing to add to what the honourable delegate for Greece had said.

M. Markovitch maintained his point of view. They considered it essential that provisions forbidding the use of chemical weapons in war-time should be inserted in the Disarmament Convention. As regards the Protocol of 1925, he did not believe that the present discussion on the prohibition of chemical methods would have the effect of delaying ratifications of that Protocol; as a fact, they had been discussing the condemnation of chemical warfare for some time past and nevertheless a large number of States had already ratified or were preparing to ratify the Protocol.

In regard to reciprocity, the Japanese amendment was no obstacle to what had been proposed. The ratifications could quite well be accompanied by a reservation concerning reciprocity by any country desiring to make it. That was merely a question of finding suitable words and he hoped that the President would assist them in doing so.

The Hon. Hugh Gibson (United States of America) said it seemed obvious to him from the discussions of this morning that a number of delegates were rather deeply influenced by worries as to the effect upon public opinion of the Commission's day-to-day procedure. He very much deplored this tendency to subordinate the proper handling of the work to some imaginary effect on outside opinion. It seemed that, in taking this attitude, the Commission risked sacrificing their purpose in order to shield themselves. He thought the Commission might be justified in taking this into account to a certain extent if they were sure that public opinion throughout the world was feverishly anxious as to their day-to-day procedure. But, as a practical matter, he was convinced that public opinion was supremely indifferent as to the method followed in handling these questions from day to day.

For that reason he wanted to urge the Commission to devote itself to, and concentrate its efforts on, handling these questions exactly as they thought they ought to be handled, without taking into consideration such external factors as some possible effect upon public opinion. He thought this could be done in the full assurance that it would gain the approval of public opinion and give it a very agreeable surprise when some definite results were produced.

M. Sokal (Poland) said that after Mr. Gibson's very important statement of yesterday, the discussion on chemical warfare seemed to have been relegated to the back-ground. It had been more a discussion on form and procedure, since the Commission did not consider it
advisable to go into the substance of the question, and to consider the whole extent of the problem of chemical and bacteriological warfare. He did not wish to revive the discussion. The Commission had before it a Belgian, or rather a Spanish-Belgian, proposal and a proposal of M. Politis supported by M. Sato, M. Litvinoff and other delegates. Was it true that since 1925 no progress had been made as regards the problem of chemical warfare? If so, M. Politis's proposal was perfectly logical. The Commission need only state that there was no need to add anything to the Convention beyond a simple reference to the 1925 Protocol. Although the initiative in regard to that Protocol had been taken by Poland, M. Sokal did not hesitate to state that it was obsolete. Since then there had been the Kellogg Pact, which should not be overlooked by the Commission. The 1925 Protocol was nothing more than a declaration to the effect that chemical warfare must be prohibited. Nothing else could be done in 1925.

Was it possible to go a step further to-day? The Initiative in this respect was by the French delegate if the Commission really meant to add something regarding to the question of chemical warfare to the Protocol. If paragraphs 3 and 4 or the French proposal were adopted, then it would be logical, and would show that the Commission was going a step further than the Protocol of 1925, but it had been decided to include only the first two paragraphs, which were identical with the 1925 Protocol. If the Commission said that they were not going to include chemical warfare in the Convention, because of the existence of the Protocol of 1925, people would understand that they had not dealt with the question, but if the Chapter on chemical warfare were included and yet did not go further than the Protocol of 1925, the Commission would be open to criticism, and would be asked why it had not improved upon it. He proposed that this Chapter should be left out, which did not mean that they were closing the doors so as to prevent the Conference making further improvements, and that the Draft Convention should contain a note to the effect that the 1925 Protocol should be included in the final Convention forming an integral part thereof. The Commission would only discredit its work if the Protocol as it had already been accepted by the majority of States, were included in its existing form and he thought the authority of the Commission would not be improved thereby.

The recent discussion was confined to procedure. No unanimity was reached in regard to what would be the most appropriate step in order to make further progress. Nevertheless, it should not be asserted forthwith that future progress was impossible. He was still optimistic. In spite of the pessimistic views held by Sub-Commissions A and B, he thought it was possible to find more effective means than those recommended in 1925, and that possibility should not be excluded. That was what would happen if the Commission were to declare forthwith that it was not possible to insert in the Convention a provision going further than the Protocol.

M. Sokal drew the Commission's attention to the fact that Chapter IV could not be isolated from all the others. The various proposals were closely connected, i.e., there was the relation between Chapter IV and the French proposal concerning a Permanent Disarmament Commission. Consequently, Chapter IV could not be examined apart from the rest. It depended to a certain extent on the other Chapter of the Convention.

With due deference to Mr. Gibson, it should not be forgotten that public opinion was deeply concerned at the thought that, in a future war, chemical and bacteriological means might play such an important part. At that very moment an important Conference was being held in Rome to discuss the means of protecting the civil population from chemical warfare and its effects. This showed that legitimate and justifiable anxiety was being felt throughout the world in regard to this matter. If nothing could be done in this connection, the consequences would be disastrous to the whole Convention. Like the pacifists, the experts all declared that chemical warfare would be the warfare of the future, and emphasised the danger involved. In these circumstances, the Commission could not assert that the employment of various weapons, such as bayonets which are no longer in use should be limited and reduced, and leave the question of the means of chemical and bacteriological warfare alone.

In conclusion the speaker suggested that the Belgian proposal should be inserted in Chapter IV, and that every effort should be made to discover effective and practical means of improving this text, so as to ensure the practical prohibition of chemical warfare. He was an optimist and did not think that the Commission would allow public opinion to take the view that it was incapable of working for the future.

M. Massigli (France) said that he desired to support the observations made by M. Sokal, which, in his opinion, were very impressive and greatly to the point. He had also been impressed by the soundness of M. Markovitch's remarks. He considered that a gap would be left in the Convention if Chapter IV were deleted, for the Convention would limit land, sea and air armaments and would be silent as to chemical armaments. The latter were prohibited only in a Protocol which had not been ratified by all countries. The Convention would thus in fact seem to authorise chemical armaments.

In spite of the cogency of the legal and logical arguments submitted by M. Politis, he considered, for the reasons he had given, that they should try to adopt the Belgian proposal or a similar text.

In conclusion, he asked M. Politis, General de Marinis and M. Sato whether they could not see their way to accept a proposal of this kind.

M. Litvinoff (Union of Socialist Soviet Republics) said that, with regard to the point of view expressed by M. Sokal concerning the effect which the decision might have on public opinion, he had come to another conclusion. He would associate himself with the appeal of the Polish delegate if the Commission really meant to add something regarding to the question of chemical warfare to the Protocol. If paragraphs 3 and 4 or the French proposal were adopted, then it would be logical, and would show that the Commission was going a step further than the Protocol of 1925, but it had been decided to include only the first two paragraphs, which were identical with the 1925 Protocol. If the Commission said that they were not going to include chemical warfare in the Convention, because of the existence of the Protocol of 1925, people would understand that they had not dealt with the question, but if the Chapter on chemical warfare were included and yet did not go further than the Protocol of 1925, the Commission would be open to criticism, and would be asked why it had not improved upon it. He proposed that this Chapter should be left out, which did not mean that they were closing the doors so as to prevent the Conference making further improvements, and that the Draft Convention should contain a note to the effect that the 1925 Protocol should be included in the final Convention forming an integral part thereof. The Commission would only discredit its work if the Protocol as it had already been accepted by the majority of States, were included in its existing form and he thought the authority of the Commission would not be improved thereby.
Count Bernstorff (Germany) wished to know whether the Commission would make a declaration in public session and whether delegates could still make observations at that time. If not, and should the discussion be concluded in Committee, he would like to add a few words.

The President replied that it was his intention to make a declaration in public session, summarising in a few words the conclusions of the Commission's work. Count Bernstorff might make his declaration on that occasion, but it would be better if he did so at once.

General Tschang Tsoping (China) stated that, though China had not signed the Geneva Protocol of 1925, she nevertheless desired to co-operate with the delegates on the Commission in the abolition of chemical warfare. The Chinese delegation was prepared to accept the Belgian proposal as being more effective than the inadequate Protocol of 1925. It considered that there would be no disadvantage in making the text as detailed as possible, so that humanity should no longer be threatened with chemical warfare.

Baron Rolin Jaequemyns (Belgium) thought it his duty to remind the Chinese delegate that the text of which he spoke in such favourable terms had been submitted in 1927 not only by the Belgian delegation, but also by the Polish, Serb-Croat-Slovene, Roumanian and Czechoslovak delegations. Under that text chemical warfare was prohibited in express terms. In the 1925 Protocol, agreement had been reached only between the signatory Powers; in 1927, some progress had been made and they had inserted in the proposal the words: "The High Contracting Parties undertake to abstain etc. . . ." without reservation or restriction.

The Belgian proposal aimed merely at including in this absolute formula the clause of use of gas.

Count Bernstorff (Germany) desired to indicate more precisely his point of view.

As he had said more than once, his Government was prepared to go as far as possible in the way of prohibiting the chemical and bacteriological weapon, and he thought it would be desirable to prohibit in the Convention, in explicit terms, not only the use of this weapon but also preparation for its use. The enforcement of the prohibition, or at least the belief that it would be enforced, would remain doubtful if States accumulated poisonous gases in time of peace, prepared military appliances for their use and trained troops for this special weapon.

He had proposed on an earlier occasion that they should adopt the principle of prohibiting the preparation of poisonous gases, and he accordingly appreciated the amendment proposed by the French delegate to strengthen the text of paragraphs 3 and 4 of Chapter IV. He regretted that the French delegation, in withdrawing its amendment, had thought it desirable to delete paragraphs 3 and 4, and that the majority had accepted this view. After careful examination, he had decided not to oppose this change, provided definite expression was given to the idea put forward by the delegate of the United States, i.e., that the logical interpretation of paragraphs 1 and 2 alone led to the conclusion that States should abstain in peace-time from preparing for the use of the chemical and bacteriological weapon. It seemed hardly consistent with good faith that a State should assume an undertaking in relation to its co-signatories in good faith, there was no use in making a supplementary provision.

The President said, in reply to Count Bernstorff, that, as had been decided the previous day, minutes would be circulated to the members of the Commission. Moreover, a report to the Conference would indicate the various opinions expressed in the Commission.

The Hon. Hugh Gibson (United States of America) wished to correct a point mentioned by Count Bernstorff. The latter had assumed that Mr. Gibson had said that acceptance of the first two paragraphs of Chapter IV assumed the observance of the other two. He thought it would be found from the records that what he had said was that, if the provisions of the first two paragraphs were observed in good faith, any supplementary provisions were entirely superfluous. On the other hand, if the provisions of the first two paragraphs were not observed in good faith, there was no use in making a supplementary provision.

M. Fierlinger (Czechoslovakia) said that his delegation was prepared to accept any formula with which the majority agreed, even if that formula did not entirely satisfy certain scruples of a juridical or aesthetic nature, such as those which M. Politis and M. Litvinoff had put forward. He would, however, prefer the adoption of the Belgian formula. No delegate had advanced any serious arguments against this proposal; consequently, they might conclude that the formula satisfied, and might be adopted by, all delegations.

He would request his colleagues to be good enough to accept the Belgian formula.

M. Valdés-Menéndez (Chile) said he also preferred the Belgian proposal.

M. Sato's last suggestion seemed to imply that this formula would be equivalent to encouraging States to ratify with reservations, since it took account of the reservations made when the Protocol was being ratified.
He would venture to make a suggestion which might to a certain extent satisfy those who desired to refer to the Protocol or have the Protocol reproduced.

Chapter IV might begin as follows:

“The High Contracting Parties once more condemn recourse to chemical warfare, which is prohibited under numerous treaties and under the Geneva Protocol of 1925, and undertake, subject to reciprocity, . . . etc.”

He also proposed that when the vote was taken the two paragraphs should be voted upon separately.

M. Politis (Greece) said he wished to reply as briefly as possible to the scruples which had been expressed concerning his proposal. An appeal had been made to his spirit of conciliation, with a request that he should agree with the proposal put forward by several delegations, and lastly by the Belgian delegation. It would have been ungracious on his part not to have yielded to this appeal, if he had not been convinced that a considerable misunderstanding on a question of pure form had dominated the whole debate. This question of form, which might seem to some an insignificant one, was in his eyes a matter of very great importance.

To what misunderstanding did he refer? All the delegates were agreed that it was not only useful, but necessary, to maintain and, if possible, to reinforce the prohibition of chemical and bacteriological warfare. On that point the Commission was unanimous.

The question was whether it was desirable to repeat this prohibition, which had been included in several treaties and in particular in the 1925 Geneva Protocol, in the form of a fundamental provision in the body of the Convention, or to adopt another system which would establish a close connection between the Draft Convention for the Limitation and Reduction of Armaments, and the general principle of the prohibition of chemical and bacteriological warfare. These two methods had been put forward. The first was that proposed by various delegations and expressed in its final form by the Belgian delegation. The second was that which had the support of the Italian, Japanese and Soviet delegations, and, finally, of the Greek delegation.

Was it necessary to choose between these two methods? What were the respective advantages and disadvantages of each? He had indicated the day before the reasons which led him to propose the second system, supported by the three delegations. It had been said that he had done so on juridical grounds, and the honourable delegate for Czechoslovakia had even added that he had done so for aesthetic reasons. He had been actuated by something stronger than juridical or aesthetic considerations, although both of these were of some weight, particularly in establishing a text such as that which to-day formed the basis of their discussions. His real reasons were deeper. They were connected with considerations of a practical and, above all, of a political nature. All those who had had any experience of legislation — and the same rule applied to the preparation of international treaties — knew that it was a very bad method to insert in a text provisions foreign to the general sense of the law or treaty in question. That would be the case in this instance. They would be inserting a provision of principle affecting the general right to wage war, and particularly the choice of methods by which the enemy might be injured, in a Convention, the object of which was very important but at the same time limited, namely, the reduction of preparations for war.

In connection with this question of preparation for war, it should be noted that the previous day they had practically been compelled to admit failure. The Commission had been forced to admit, after all the efforts made to circumscribe and limit preparations for chemical and bacteriological warfare, that no text could be drawn up which would not be either too laconic or too vague. It had therefore abandoned this idea, and, having done so, had gone outside the framework of the Convention they were engaged in preparing.

If they maintained, under the heading “Chemical Arm”, provisions which referred, not to the preparation of these armaments but to the prohibition of their employment, the result must be to emphasise still further, in the face of public opinion, the impossibility of legislating on preparations for this kind of warfare. This was a first and, he thought, fairly serious drawback.

There was also a consideration of a political nature connected with this same aspect of the question. If they adopted the proposal to include provisions of a general nature in a Convention concerning the reduction of armaments, they would be opening the door to difficulties of every kind. Would it not be quite legitimate, for some delegation to request, when the Disarmament Conference met, the insertion, in Chapter IV or in a neighbouring Chapter, of rules concerning other methods of injuring the enemy which might be regarded as inhuman or useless? Would they not thus be causing a confusion of ideas and, perhaps, making a successful issue impossible if they sought to deal simultaneously with two extremely difficult problems, one of which might lead to a solution, but the other of which could not attain any practical result, namely the preparation of a code of the laws of war.

He reminded the Commission that, as a result of the Washington Conference of 1921-1922, it had been decided that the ground should be explored, so to speak, by a Conference of Jurists appointed to consider whether it would be possible to revise the 1899 and 1907 Hague Conventions on the Laws and Customs of War. They were aware of the result. The jurists in question had been obliged to admit that the question was not sufficiently ripe to allow of a successful issue.

He drew his colleagues’ attention to these difficulties. He asked them not to insert in the Convention, already very difficult to establish, rules of a general nature which would open the door to the codification of the laws of war, such codification being at present admittedly impossible. He hoped that one day it might, after further study of the question of warfare, be possible to convene a special Conference which would be the sequel to the 1907 Hague
Conference, for the purpose of revising the 1899 and 1907 Conventions. That would be a very difficult and complicated task which they should keep quite distinct from their present work.

By refraining from inserting in the actual body of the Draft Convention these general provisions proposed by the Belgian delegation, would they be reducing or limiting in any way the unanimous desire to maintain and, if possible, reinforce the prohibition of chemical and bacteriological warfare? In no way.

What he had proposed, in agreement with the delegations he had mentioned, was to establish by another method a very close connection between the Draft Convention and the prohibition of chemical and bacteriological warfare. He proposed that they should omit Chapter IV, and add at the end of the Convention a final article to be worded roughly as follows:

"The ratification of the present Convention implies, ipso facto, the accession without any reservation of each of the High Contracting Parties to the Protocol concerning the prohibition of the use of asphyxiating, poisonous, or other gases and of bacteriological methods of warfare, signed at Geneva on June 17th, 1925."

They would thus be reinforcing the obligation which had been subscribed to in principle, but had only been ratified by a few States. Not only would the acceptance of the Protocol be obligatory for all who definitely accepted the Convention on the Limitation of Armaments, but they would avoid creating that confusion of texts to which M. Sato rightly referred. Such confusion should be avoided at all costs. They would not be closing the door which M. Sokal desired to see left open for the amplification, if necessary, of the 1925 Protocol by more complete and detailed provisions.

When the Disarmament Conference came to consider the drafting of the final article he proposed, it would be free to add such additional provisions as it thought fit.

Did the Belgian delegation's proposal present any advantages over this system? Did it go further? Baron Rolin Jaequemyns thought so, but the speaker could not agree. He thought that they had, to a certain extent, lost sight of the wording of the 1925 Protocol, which did not possess the limited meaning attributed to it. On the contrary, the aim of the Protocol, though perhaps badly expressed and somewhat excessive, but in any case quite clear, was to make the prohibition of chemical and bacteriological warfare a universal rule of international law. The text ran as follows:

"The undersigned Plenipotentiaries, etc......

"Whereas the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilised world; and

"Whereas the prohibition of such use has been declared in Treaties to which the majority of Powers of the world are parties; and

"To the end that this prohibition shall be universally accepted as a part of International Law, binding alike the conscience and the practice of nations;

"Declare: That the High Contracting Parties, so far as they are not already parties to Treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare, and agree to be bound as between themselves according to the terms of this declaration."

It was perhaps this last sentence which Baron Rolin Jaequemyns had regarded as limiting and being less satisfactory than his own proposal. He feared that this was a serious illusion, for, in whatever form an international law might be promulgated, that law would imply, nolens volens, the principle of reciprocity.

He reminded the Commission of what had occurred in the case of the Paris Pact. A number of Powers had desired that special mention should be made in this Pact that the outlawry of war as a means of national policy should be understood to be subject to reciprocity. It finally had to be admitted — the diplomatic correspondence was there to prove the fact — that it was quite useless to state this because the rule was implied in all international regulations. The indisputable fact had then been realised that the Paris Pact was a universal rule, but that when, unfortunately, any of the Contracting Powers violated this rule, the other Powers would be immediately and ipso jure absolved from its effects in respect of that Power.

It would be the same in the case of the clause concerning chemical and bacteriological warfare, whether they stated the fact or not. It was obvious that, if this clause, as everybody hoped, became a universal rule, whenever any one State was sufficiently unscrupulous to violate it, the other States, and particularly the State victim of such violation, would be absolved as against the aggressor and might employ against him the same methods as he himself used.

Arguments of a humanitarian character had been brought forward, and Baron Rolin Jaequemyns had said yesterday that reciprocity should be understood, and even mentioned in the case of chemical warfare, but not as regarded bacteriological warfare. Bacteriological warfare, he said, was far more inhuman than chemical warfare, and it was inconceivable that a country, even if it were the victim of such methods, could so lower itself as to resort to similar methods against the enemy. He was bound to admit that he could not understand such humanitarian scruples; if, however, such scruples were felt in the case of civilian populations, the same should apply to all methods of causing injury, and in particular with equal force to attacking an absolutely innocent civilian population by means of long-range guns. If they came
to consider methods of destroying the enemy army, he could not see what difference there was, from a humanitarian standpoint, between killing the adversary by devastating artillery fire, by thousands of machine guns, by asphyxiating gases, by millions of typhus microbes or any other method. He drew a distinction between combatants and non-combatants, though he admitted that this distinction, which was possible in theory, was becoming more and more difficult to establish in actual practice. But when it was a question of employing methods of injuring the enemy as an organised combatant force, he could see no difference between the various means which might be used.

He thought the proof proved, therefore, that the 1925 Protocol was as far-reaching as could be hoped for at the present time in the way of prohibiting chemical and bacteriological warfare. There was, therefore, no need further to define the principle of reciprocity which was implied, or to exclude the last sentence of the declaration of the 1925 Protocol, which he thought was necessary in the very nature of things.

To sum up, he held that it would be advantageous in every way to omit Chapter IV and insert in its place a final provision making the prohibition of chemical and bacteriological warfare compulsory for all the contracting parties. On these grounds he ventured to ask the Commission to reflect once more before deciding on one form of procedure instead of another.

After giving the above explanations, he would not allow the author’s pride in his work to overstep the bounds of polite usage, and if the Commission, having all the various considerations before it, decided to adopt Baron Rolin Jaqueymyn’s proposal he would submit to the opinion of the majority.

MUNIR Bey (Turkey) agreed with M. Politis’s view. He pointed out that the States signatories to the 1925 Protocol had not formulated any reservations with the exception of the Swiss Government, whose reservation concerned ratification, and the British Government, which had accepted a reservation concerning certain Dominions or Colonies. The reservations which had taken place might or might not be accompanied by reservations in regard to reciprocity.

Taking into account the fact that certain States would wish to submit such reservations, the speaker thought that a provision on the lines of the Belgian delegation’s proposal might tend to produce some ambiguity. As M. Politis had pointed out, there was reason to think that certain delegations had abstained from formulating reservations of this nature, as they had been of opinion that reciprocity was understood. Accordingly, if such a reservation were introduced now, this might appear to indicate that States which had not submitted reservations in 1925 were prepared not to take advantage of the provisions of the clause.

Such being the case, it would be expedient to leave the question untouched, and simply to say that acceptance of the Convention implied the ratification of the 1925 Protocol. If the Protocol admitted of reservations, the standpoint of States which desired to put forward reservations was duly safeguarded, but if it did not admit of them the standpoint of the other States was equally provided for. These purely objective considerations led the speaker to conclude that it would be better not to state specifically that reservations would not be admitted in regard to reciprocity.

In conclusion, the speaker accepted the formula proposed by M. Politis with the exception of the words “without any reservation”.

BARON ROLIN JAEQUEMYNS (Belgium) declared himself virtually in agreement with M. Politis on many points. M. Politis, in short, wished merely to repeat in the Convention the prohibition concerning chemical and bacteriological warfare contained in the Protocol, but the speaker would prefer that this prohibition should figure explicitly in the text, while mentioning explicitly the principle of reciprocity, at least as far as gases are concerned. Should the Commission be practically unanimous concerning a provision which amounted to almost the same thing, he would, if necessary, accept the proposal though still preferring his own system.

Nevertheless, he was troubled over the objection put forward by the Turkish delegate. Belgium, for example, like France, had acceded with a reservation. Could the Belgian delegation agree to a text which provided that the ratification of the present Convention implies further the unreserved accession of each of the contracting parties? If nothing were said, there might appear to be some doubt. That was why he preferred the system laid down in Chapter IV, as amended by himself. He repeated, however, that he was prepared to support a text which met with general acceptance rather than a text which obtained only a majority vote.

M. SOKAL (Poland) stated that M. Politis’s lucid statement had not been without effect on those who had supported a somewhat different view. Speaking on behalf of his own delegation and of certain other delegations, he announced his readiness to support M. Politis’s text.

Lest it might be thought, however, that everything possible in regard to this important question had been done, he urged that a declaration might be inserted to the following effect:

“The Preparatory Disarmament Commission reserves the right to submit to the Conference proposals concerning the chemical and bacteriological arm, in order to supplement and extend the provisions of the 1925 Protocol.”

The Commission had not succeeded at that meeting in finding an efficacious and adequate method. This question, however, should not be separated from all the others, and it should be possible to submit to the Conference a complete Convention in which the question of the chemical and bacteriological arms would be dealt with like the others.
Hussein Khan Ala (Persia) stated that, at the preceding meeting, he had not had an opportunity of explaining the reasons on which the Persian proposal, to which reference had been made by the President, was based. His aim was twofold: he did not wish to weaken the scope and moral effect of the Protocol by introducing an element of reciprocity; on the other hand, he wished that the text should include guarantees for insufficiently protected countries, such as Persia, which had no chemical industries. He was prepared, however, in the interests of conciliation, to support M. Politis's proposal, with the addition of the resolution put forward by the Polish delegation.

The President enquired whether M. Litvinoff wished to maintain his draft resolution recommending all the States which have signed the Protocol, but have not ratified it, to do so with as little delay as possible.

M. Litvinoff (Union of Socialist Soviet Republics) replied that the two proposals were not mutually exclusive.

M. Politis (Greece) saw no objection to the Turkish delegate's proposal to delete the words "without any reservation" provided that it was made clear in the report that reciprocity was understood.

He thought that it would be well to repeat that, if one of the contracting parties violates the undertaking, all the other contracting parties are, ipso facto, released vis-à-vis the first-named party from the obligation in question.

He also declared his readiness to accept M. Sokal's amendment. The Polish delegation had proposed that the minutes and the report of the Commission should note that every delegation would be perfectly free to put forward any amendment or addition at the Disarmament Conference. The speaker would go even further, and say that every delegation should have the right to do this, even if for some reason the Commission did not deal with the question.

He thought that M. Litvinoff was under a misapprehension as regards his proposal. M. Litvinoff proposed a recommendation to the effect that all the States which have not ratified should ratify with as little delay as possible. The speaker suggested a provision laying down that the contracting parties to this obligation should be, ipso facto, bound by the 1925 Protocol. His proposal thus went even further than the one put forward by M. Litvinoff.

M. Litvinoff (Union of Socialist Soviet Republics) agreed that there was some misunderstanding. M. Politis had proposed that a text should be introduced into the Convention making the provisions of the 1925 Protocol automatically binding on States which might sign the Convention. At this rate, however, before the 1925 Protocol could come into force, it would be necessary to wait for the Disarmament Conference, and then the framing, signature, and ratification of the Convention, and this was very far ahead. The Soviet delegation urged that the Governments should be asked to ratify the Protocol at once, in order that its effects might be felt as soon as possible.

The President interpreted M. Litvinoff's idea as being that a separate resolution should be passed independently of the text of the Draft Convention.

M. Litvinoff (Union of Socialist Soviet Republics) replied that this was the case.

Count Bernstorff (Germany) hoped that the Commission would now proceed to vote. He supposed that the proposal on which they would have to vote would be the one submitted by M. Politis with M. Sokal's addition as interpreted by M. Politis. He agreed with the interpretation, which would mean that the Governments and not the Commission would have to submit proposals to the Conference. He hoped that this session of the Preparatory Commission might prove to be the last before the convening of the Conference, in which case the Commission would hardly be able to make suggestions.

M. Sato (Japan) supported M. Politis's last proposal. He agreed with M. Litvinoff as to the desirability of a resolution with a view to hastening ratification of the Protocol. M. Litvinoff's proposal in no way excluded M. Politis's proposal. If the Convention framed by the Commission were coming into force in the near future, M. Litvinoff's suggestion would obviously be superfluous; but, unfortunately, this was not the case and, as it would probably be some years before the Convention was ratified, it was advisable to frame a resolution on the lines indicated by M. Litvinoff. The resolution might even be submitted to the Council at its June session.

Lord Cushendun (British Empire) said that Count Bernstorff had said they were about to take a vote. He wished to know what they were to vote on and how it was going to be taken. They had been discussing for two and a-half hours a very small, rather narrow point, and, he thought, a very unimportant point. The discussion began on some time and then almost imperceptibly the Commission slipped into a parallel discussion of a proposal by M. Politis. It had not been brought forward, as far as he understood, as an amendment to the original proposal. The Commission wished to ascertain, he supposed, which of the two was most favoured. Personally, he thought it was a matter of very small importance. It really came to this: Should they put in the Convention a provision with regard to poison gas, or should it be done by reference to the Protocol? It was a mere question of method and procedure.