Count Bernstorff (Germany). — I have no objection to the proposed procedure, but I should like to point out that the examination of the German proposal concerning publicity was postponed until the end of the second reading.


Observations and Reservations.

The second paragraph of Article H has not been discussed in connection with naval and air effective.

The delegations of France and Italy declare that the clauses of the first two paragraphs must apply in the same conditions to land, naval and air effective, and that it can only accept them subject to this reservation.

The delegations of the British Empire, Chile, Japan, and the United States of America do not accept the third paragraph.

The provisions contained in the first paragraph of this article equally apply, mutatis mutandis, to the tables in Article A relating to naval and air armaments.

First Reading.

In order to prevent the number of officers, warrant officers and sergents from exceeding the legitimate requirements of each army, the tables relating to land armaments mentioned in Article A above shall indicate a maximum number of officers, warrant officers and sergents which each High Contracting Party shall undertake not to exceed.

Similarly, for the same reasons as those given above, the said tables shall show the maximum figure which each High Contracting Party undertakes not to exceed in respect of other ranks whose period of service is longer than the longest period at present in force in the conscript armies of the High Contracting Parties.

The tables relating to land armaments mentioned in Article A above shall indicate a maximum number of officers which each High Contracting Party shall undertake not to exceed.

Second Reading.

The tables relating to land armaments mentioned in Article A above, shall indicate a maximum number of officers which each High Contracting Party shall undertake not to exceed.

The said tables shall further fix the maximum number of soldiers, other than officers, who may have completed more than x² years of actual service with the colours.

In conscript armies, the number of men whose service exceeds the legal period in force in their respective countries but is less than x² years, shall be shown for each High Contracting Party in the annual statements for which provision is made in Article IA of Chapter V.

The tables relating to air armaments mentioned in Article A shall indicate, in the form of aggregate figures for officers, non-commissioned officers and men together, the maximum number of soldiers who may have completed more than x² years of actual service with the colours.

The number of men of the class mentioned in the second and fourth paragraphs of the present article who are actually with the colours shall be shown every year for each High Contracting Party in the annual statements which provision is made in Article IA of Chapter V.

Each country may, if it so desires, show for purposes of information, in a special column in Publicity Table IA of Chapter V, the proportion of recruits not trained as defined in the national legislation who are embodied in the effective of its armed forces.

(The to be discussed later as far as Naval Effectives are concerned.)

SUB-COMMITTEE’S PROPOSAL.

“Article H. — Naval Effectives.

“Between the third and fourth paragraphs of the second-reading text insert the following:

“The tables relating to naval armaments mentioned in Article A shall indicate the total of naval forces in the form of aggregate figures for officers, non-commissioned officers and men together.

The President. — We will now pass on to Article H. The examination of this article, as regards naval effective, was postponed until the second part of the Commission’s sixth session. The Sub-Committee, which was asked to draw up an acceptable formula, discussed several proposals, the last of which has just been circulated and is as shown below.

SUB-COMMITTEE’S PROPOSAL.

“Article H. — Naval Effectives.

“Between the third and fourth paragraphs of the second-reading text insert the following:

“The tables relating to naval armaments mentioned in Article A shall indicate the total of naval forces in the form of aggregate figures for officers, non-commissioned officers and men together.

Note. — This figure will be determined by the duration of the longest period of actual service with the colours which is in force in the conscript armies of the High Contracting Parties at the time of the signature of the Convention.
"It is understood that separate particulars will be furnished in the annual statement, for which Article IA provides, of the number of officers and men who have completed more than \( x \) years of effective active service."

This proposal by the Sub-Committee was not accepted by the whole Sub-Committee, but only by a majority. The French delegation has maintained its reservation at the first reading to the effect that it would only accept the limitation of the number of officers and men of the land and air forces who have completed more than \( x \) years' service provided a similar rule is applied to naval forces.

**PROPOSAL BY THE SOVIET DELEGATION: VOTE ON THIS PROPOSAL.**

**The President.** — Since the wording proposed by the Sub-Committee does not satisfy the Soviet delegation, the latter has asked for a vote to be taken on its proposal. Consequently, before a decision is taken on the addition proposed by the Sub-Committee, we must vote on the Soviet proposal.

I will now put to the vote the Soviet proposal which is as follows:

**AMENDMENT PROPOSED BY THE SOVIET DELEGATION TO THE TEXT ADOPTED AT SECOND READING.**

"Article H.

Considering that the increase in the number of officers, warrant officers and seamen in general remaining in active service after serving for the full term required in their navy, above and beyond the existing proportion, facilitates the deployment of the naval forces in case of mobilisation and makes it possible, inter alia, for the navy to utilise commercial tonnage, the Soviet delegation proposes the addition of the following paragraph to Article H:

"... The tables concerning naval armaments referred to in Article A shall indicate separately a maximum number (1) of officers, (2) of warrant officers and seamen remaining in active service after serving the full term required in their navy. 1 The High Contracting Parties undertake not to exceed this number.""

This proposal was rejected by six votes against to one for.

**VOTE ON THE SUB-COMMITTEE'S PROPOSAL.**

**The President.** — I will now put to the vote the Sub-Committee's proposal.

M. Massigli (France). — I am obliged to maintain the views which I put forward in the Sub-Committee. I shall abstain from voting and I would ask that the French delegation's reservation be inserted at the side of the article.

The Sub-Committee's proposal was adopted by twelve votes for to one against.

80. Beginning of the Third Reading: Procedure.

**The President.** — I propose that we should now begin the third reading.

M. Lounatcharsky (Union of Soviet Socialist Republics). — It is understood that the Soviet delegation will have its amendments ready for the Commission to-morrow.

M. Westman (Sweden). — I think it would be advisable to have a text printed before we proceed to the third reading; otherwise we should be obliged to search the Minutes for the exact form of the texts adopted, and that would be no easy matter.

The President. — In these circumstances, it would be best to adjourn the meeting.

81. Appointment of Rapporteurs.

Lord Cecil (British Empire). — I have one proposal which might be made without any difficulty. Some of us have been thinking the Rapporteurs should be appointed as soon as possible, as there will be a good deal of work to do, and, owing to the rapidity of this Commission, we may suddenly find ourselves compelled to discuss the report. I venture to propose we should appoint M. Politis and M. Cobian as our Rapporteurs. I understand the former has some little doubt as to whether he can accept.

1 This term refers to ordinary seamen remaining in effective active service for a term longer than the compulsory term of service in the navy of the country in which effective active service is the longest.
M. Politis (Greece). — In other circumstances, I should have been very glad to accept the invitation with which I have been honoured, but, unfortunately, I am obliged to decline it as I am still in a state of convalescence and am not well enough to undertake such a heavy task. I feel sure that M. Cobian will be able to draw up a report which will give the Commission full satisfaction, but, in view of the enormous amount of work which it will entail, I suggest that we should add another Rapporteur and I venture to propose M. Bourquin, who has already given us proofs of his sound judgment and zeal.

M. Cobian (Spain). — I desire to thank the Commission for its further proof of confidence and to support M. Politis' suggestion.

M. Bourquin (Belgium). — I wish to thank M. Politis and M. Cobian, but as I am a newcomer I doubt whether I am in a position to perform this task satisfactorily and whether, to use a term frequently employed here, I can be regarded as a ‘trained reserve’.

Lord Cecil (British Empire). — I deeply regret that M. Politis is not able to accept the duty which we hoped to entrust to him, and I am still more sorry that his inability to accept is owing to his convalescence not being entirely complete. I am sure I voice the wishes of all my colleagues in hoping that that period will be a very short one, and that he will soon be restored to the complete and admirable exercise of his abilities. The only thing that comforts me is his suggestion that M. Cobian should take his place, and I feel sure that we could not do better than appoint M. Bourquin to assist him. I am quite certain that if M. Bourquin’s training is not sufficient now, it will be long before he has finished the report.

The President. — Although we regret that M. Politis is unable to accept this duty, we are all very glad to note that M. Cobian and M. Bourquin have agreed to draw up the report.

Count Bernstorff (Germany). — I would remind the Commission that only the first paragraph of our proposal in regard to the first-reading text of Article I, Chapter I, was voted on; it was rejected, but the second and third paragraphs are still before the Commission. I would ask the President to be good enough to submit them to the Commission at the beginning of to-morrow’s meeting.

The Commission rose at 10.50 a.m.

SIXTEENTH MEETING.

Held on Wednesday, November 26th, 1930, at 3.30 p.m.

President: M. LOUDON (Netherlands).

82. Discussion of the Texts proposed by the Sub-Committee entrusted with the Examination of Certain Parts of Chapter V.

The President. — You will remember that, on Friday last, we decided to set up a Sub-Committee to undertake the preliminary examination of certain proposals relating to Chapter V, in particular Sections I and IV.

This Sub-Committee held three meetings under the chairmanship of M. Politis. The results of its work are given in documents C.P.D.278 and C.P.D.279, which contain respectively the report by the Sub-Committee and the texts proposed by it.

I think the Commission should be extremely grateful to the Sub-Committee for discharging the task entrusted to it so quickly and with such lucidity.

Perhaps M. Politis will be good enough to add some explanations to the report which we have received, and I will ask him to address the Commission.

STATEMENT BY THE CHAIRMAN OF THE SUB-COMMITTEE.

M. Politis (Greece). — You have before you the Sub-Committee’s report, which has been distributed in document C.P.D.278.

I should like to give you a brief summary of this report in order to facilitate the discussion of the articles which the Sub-Committee submits for your approval.

You will remember that the Sub-Committee had first to examine the various amendments proposed to Article OA relating to organisation and to the institution of a Permanent Disarmament Commission. There was the question whether such a Commission should be set up and, if so, what were to be its composition and functions.

1 Note by the Secretariat. — See Annexes 3 and 4.
In the first place, the Sub-Committee naturally considered the possible activities of such a Commission. It was unanimously of opinion that its primary duty—as, indeed, it must normally be for any such organ—would be to watch over the application of the Convention which is now being drawn up, to collect information in regard to its execution, and to submit an annual report to the parties concerned, the Council of the League and the world’s public—since its report would be published.

This, then, would be its primary function. From the first-reading texts, it appeared that the Commission might have a second duty—that of dealing with complaints. If one State complained that another State, party to the Convention, had not carried out the articles of that Convention properly, or had infringed, or attempted to infringe, the provisions of any article, it must be enabled to state its complaint to some authority; and so it would be necessary to have an organ to investigate such complaints, not as a court, but as a commission of enquiry—an examining commission. After investigating the case, the Commission would give its opinion, and that opinion could then be utilised by the contracting parties in conferring with each other upon the situation which had arisen as a result of the breach of the Convention.

Again, when examining the article relating to derogations, the Sub-Committee considered that the Permanent Commission might undertake a third function. It recognised that this clause, although necessary, was of a very grave nature and that the suspension of the Convention, whether wholly or in part, in the event of a situation arising which endangered the safety of a country, was, I repeat, an act which might become necessary, but which was none the less the less of the greatest gravity. It would therefore be essential to delimit the cases in which this right could be exercised, to provide guarantees, and here again to have an organ competent to examine the situation and to give an opinion to the contracting parties and, so far as they are Members of the League, to the Council. Here again the Sub-Committee considered that the Permanent Disarmament Commission would be the most suitable organ for the purpose.

Fourthly, and lastly, in the event of the French delegation proposing—as it had announced—to supplement the general clauses providing for a revision of the Convention in exceptional circumstances, and of this proposal becoming an article of the Convention, it would be necessary for such requests for revision to be examined by some organ which would render an opinion; and the Permanent Disarmament Commission appeared to be the most appropriate organ.

This completes the review of the possible functions of the organ which will have the duty of watching over the application of our Convention.

The Sub-Committee considered it essential to establish such a Commission. It was unanimously of opinion that it was necessary to provide in the Convention itself for a permanent body having the functions, or at all events some of the functions, which I have just described.

What would be the composition of this body?

On this point, the Sub-Committee was not unanimous. The minority was in favour of universal membership—that is to say, that all the contracting parties should have the right to appoint a member. The majority of the Sub-Committee, however, considered that an organ consisting of more than fifty members would be unwieldy, and that its duties would not be performed with the necessary despatch or elasticity. They therefore held that the Commission should have a limited number of members, but that it was difficult, if not impossible, at the present moment to go into further details, and to say exactly how many members this Commission should include and by which Governments they should be designated. That is an eminently political question, which can only be decided by the Conference according to the opinions expressed and the general course of the proceedings.

The Sub-Committee accordingly proposes that you should lay down in the Convention—to be precise, in Article OA—the principle that there should be a Commission with a limited number of members, and that their number and the States which will nominate them are to be determined by the Conference itself.

A second question, relating to the composition and nature of this Commission, was examined by the Sub-Committee, which unanimously recognised that, whatever the number of members and by whatever countries they were appointed, they should not, strictly speaking, be Government representatives, but should be independent and able to act according to their conscience and in the general interests entrusted to them.

However, certain delegations—for instance, the French delegation, which was good enough to agree provisionally to these findings—made a reservation, asking that the question should be examined later, as their original preference had been for a Commission of an essentially technical character.

The remaining questions were not difficult to settle. The Sub-Committee unanimously agreed that, in a Convention such as ours, it was better not to establish a rigid procedure, but that it was sufficient to lay down general principles and leave it to the Commission to draw up its own rules of procedure, within the bounds of the Convention, whose execution it was to watch over, and to regulate in this way the discharge of its functions. The Sub-Committee proposes, therefore, that you should merely lay down in the Convention certain general rules regarding the quorum, methods
of voting, principles relating to procedure and election, and, finally, regarding the publication of the report, which would be the final act after the investigation of a case by the Commission.

The Sub-Committee has accordingly redrafted Article OA under the title of "Organisation". It has added to this article a certain number of other texts expressing the various proposals which I have just mentioned. These are the Articles from OA to 0I.

For the same reason, the Sub-Committee proposes a new text for Section II (Exchange of Information). This is Article IF, which provides for the collection and publication of information.

It also submits a new text in Section III (Derogations) setting out the proposals which I have just mentioned.

Lastly, in Section IV (Procedure regarding Complaints and Revision), the former Article ZA is divided into two parts and has been redrafted.

I understand that the French delegation has already submitted a text to supplement the general provisions at the end of the Convention. This text mentions the subsidiary rôle of the Permanent Disarmament Commission. These, then, are the reasons for which the Sub-Committee proposes a series of new texts. It would be glad if you would examine them in the same order as that of the old texts of the Convention, as adopted at first reading.

DISCUSSION ON THE TEXTS PROPOSED BY THE SUB-COMMITTEE.

The President. — I thank M. Politis for his very clear statement. I propose that we should take document C.P.D.279 1 as a basis of discussion and examine each article separately.

"SECTION I. — ORGANISATION.

"New Article OA.

"There shall be set up at the Seat of the League of Nations a Permanent Disarmament Commission with the duty of following the execution of the present Convention. It shall consist of x (figure to be fixed by the Conference) members appointed respectively by the Governments of the following High Contracting Parties . . . (list to be drawn up by the Conference).

"Members of the Commission shall not represent their Governments. They shall be appointed for x years but shall be re-eligible. During their term of office, they may be replaced only on death or in the case of voluntary resignation or serious and permanent illness.

"They may be assisted by technical experts."

Lord Cecil (British Empire). — Might I say once for all, so as not to be continually making observations about translations, I take it that this is a very rapid translation into English and that it will no doubt be revised. There are several corrections which should be made.

M. Westman (Sweden). — I was very much impressed by the French delegation's proposal that the Permanent Commission should be completely independent. Is it necessary to lay down in Article OA that the members of this Commission are to be appointed by the Governments of the contracting parties from a list drawn up by the Conference?

Could not the members of the Commission be appointed directly by the Conference itself?

It would be just as easy for the Conference to agree upon the names of the members to be elected as it would be for it to designate the Governments which in their turn are to choose a representative.

In any case, I think it is premature to exclude this possibility at the present stage, when we are discussing the various methods of constituting this Commission.

M. Rutgers (Netherlands). — I understand that the words "Members of the Commission shall not represent their Governments" mean that they will not commit their Governments and will possess complete independence. For this reason, I think that we should mention a matter which is not referred to in any other article; I am alluding to the expenses of the Commission. In order that it may be completely independent, I think that the simplest thing would be for the cost of the meetings, the travelling expenses of the members and their technical experts, the cost of publications, etc.—which would not be very heavy—to be borne by the League. If necessary, it might be stipulated that the League will defray the expenses of its Members and that non-Member States will pay their own expenses according to a scale to be fixed. Without some such provision, it would be impossible for the proposed Commission to act independently, or even to act at all, if it had not the necessary funds at its disposal. It might also be allowed to draw up its own budget, as it should be a practically autonomous organisation.

Dr. Woo Kaiseng (China). — I should like to thank M. Westman for supporting the Chinese proposal in regard to the election of the Commission and to make the following statement:

The Chinese delegation had the honour of being represented on the Sub-Committee and took part in the discussion of the various texts of Section I of Chapter V relating to the constitution of a permanent organ.

1 Note by the Secretariat. — See Annex 4.
Before discussing the substance of the question, I should like to express the pleasure I feel in co-operating with you in a task of such profound humanitarian value and one which will consolidate peace.

I am well aware of the difficulties that still have to be overcome in regard to the organisation and composition of the Commission; we shall ask the Conference for a practical solution of these difficulties.

After studying the Sub-Committee’s report, the Chinese delegation is of opinion that, in order to ensure a fair settlement of the question and in particular to safeguard the sovereignty of States Members of the League, it is prudent and logical that all the signatory States should be represented on the Commission. The principle laid down in the Turkish proposal should therefore be carefully considered.

However, the majority of the Sub-Committee was in favour of a small Commission; therefore the question for the Chinese delegation is: What method of nomination would be the most practical? We consider that the States must be designated by the Conference. The Commission which the Sub-Committee has proposed to you must be a semi-judicial organ, whose working must be impartial. The members of the Commission will not represent their Governments. If the Commission is to be independent and stable it must be designated by election, and this election must be carried out by the Conference. Any one of the contracting parties should be eligible as a member of the Commission, provided it fulfils one of the two following conditions:

(a) Is a present or former Member of the League Council;
(b) Whether a Member of the League or not, is in a special position in regard to disarmament, owing to its geographical situation, the size of its population and the extent of its territory.

Why should we consider such a method of election unsuitable for the Commission? I would remind you of Point XI4 of President Wilson’s message to Congress of January 8th, 1918, which reads as follows:

“A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small States alike.”

and on February 11th, discussing before Congress the reply of the German Chancellor, Count Hertling, to the statement of allied war aims, President Wilson said that:

“Each part of the final settlement must be based upon the essential justice of that particular case and upon such adjustments as are most likely to bring about a peace that will be permanent; people and peoples are not to be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game, even the great game, now for ever discredited, of the balance of power . . . all well-defined national aspirations shall be accorded the uttermost satisfaction that can be accorded them without introducing new or perpetuating old elements of discord and antagonism that would be likely in time to break the peace . . . ”

I do not wish to refer to all the proposals before us, which all possess a technical value, but which, unfortunately, do not conform to the spirit of fairness which ought to dominate our great international work. Notwithstanding the goodwill of my Government and the fervent desire of our people to strengthen still further the ties of friendship which unite them to other countries, an international institution based on equal conditions would never be acceptable to my country.

I have no intention at the moment of criticising any particular method, as the Sub-Committee has decided to leave that question to the Conference. If the Preparatory Commission is in agreement with the Sub-Committee’s report, I shall therefore take part in the general discussion.

I feel certain that all the difficulties we have encountered, and which still lie before the Preparatory Commission, will be settled in a satisfactory manner at the Conference. The sage who said that it was impossible for the most powerful man in the world to create a star did not foresee the work of disarmament.

China will always associate herself with the generous efforts made in a field where the greatest goodwill is necessary to achieve the results which we all desire. “In order to attain this object we will co-operate with the peoples of the world who meet us on a footing of equality and will go forward side by side with them.” Those words are the political testament of President Sun Yat-Sen.

Colonel Ali Khan Riazi (Persia). — As regards the method of selecting the members of the Commission, my delegation, although it agrees with the principle of universal membership advocated by the Turkish, Chinese and Finnish delegations, considers that since, for practical reasons, the majority of the Commission is in favour of a limited composition, account should be taken of a factor which has not yet been mentioned—namely, that the functions of that Commission may sometimes lie outside the international sphere and that it may be one day called upon to supervise the national armaments of a country. This would necessitate, at all events in theory, absolute equality between the contracting parties.

I agree that the great Powers, whether Members of the League or not, have themselves more authority than the rest put together and that, in maintaining the principle of equality, they are entitled to permanent representation; if there is to be real disarmament, and if account be taken of the support which those Powers can give to common action; but I do not agree that the other Members of the Council have necessarily a right to be represented on this Commission, which must be of a universal character.
My country has always been a faithful supporter of the League, of which it is a Member. It has been a Member of the Council for the last two years and hopes to remain a Member, but the choice of the Members of the Council depends solely on the goodwill of the Assembly and sometimes on the hazard of events or of the vote, irrespective of the defensive requirements of groups of countries which, being neighbours, are directly interested in the maintenance of equilibrium between their armed forces.

I contend, therefore, that the other members of the Commission should be appointed for a certain period in rotation and that countries (whether they are members of the Council, or members of the League, or not) belonging to groups which have common military interests—a list of which countries should be submitted to the Conference by a Committee of Experts—should be treated on a footing of equality.

Moreover, in the case of a grave emergency, the Commission would work in conjunction with the Council; and the non-permanent Members of the Council would naturally desire to be heard. The advantage of this system, which would make the Commission independent of the Council, would be that if certain other Powers became Members of the League, the machinery of the Commission would continue to function normally without any disputes or the necessity for revision.

This is merely a suggestion; but I reserve the right of my Government to return to it at the Conference if, in allocating the seats on the Commission, countries which voluntarily agree to a certain measure of investigation into their military affairs over a given period are not given an opportunity of discharging this function in respect of other contracting parties during the next following period of the Permanent Commission's mandate.

M. Fierlinger (Czechoslovakia).—Our delegation felt certain doubts in regard to this text and had originally intended to make observations similar to those of the Netherlands and Swedish delegations; on further reflection, however, we consider that this text takes account of all eventualities. We fully realise the importance of restricting the size of this Commission, since it must be organised so as to be able to meet as often as required and to take decisions.

We think the Conference will be regardful of all political and geographical considerations. We are, however, a little sceptical of the rule in this article that "Members of the Commission shall not represent their Governments", although we fully understand the important reasons which led the Sub-Committee to emphasise the personal responsibility of the members.

We are of opinion that the appointment of the members should be left to the respective Governments; first, because—for obvious reasons—the Council must be entirely eliminated, and, secondly, because the Conference will not be a permanent body.

It should therefore be left to the respective Governments to appoint the members of this Commission in the case of resignation or death.

The question of the expenses of the delegates also arises and will have to be discussed further, but it appears to us that the respective countries should pay their own members. We have not yet reached a final conclusion on this point, but we regard it as a secondary question. There are some other organs of the League whose members are paid directly by it and perhaps the same rule might apply in this case.

You see, therefore, that after feeling certain doubts in regard to the text, I am now in favour of this article and I wished to explain the reasons.

M. Colban (Norway).—The suggestion in the second paragraph of Article OA is a new one, and I doubt whether the Commission has had sufficient opportunity to weigh the arguments for and against it.

I am prepared to accept the text before us and consider that as far as possible the Permanent Commission should be independent of the individual Governments. However, I hope that mention will be made in the report of the Swedish delegate's suggestion, with which I agree, and that the Conference will examine other methods in addition to the principle laid down in this text.

M. Lounatcharsky (Union of Soviet Socialist Republics).—In the last statement made by its first delegate, the Soviet delegation expressed its views as regards the formal questions now before the Commission.

The true effect and value of the miscellaneous provisions in Chapter V depends entirely on the final solution of the problems of disarmament adopted by the Conference itself. The Soviet delegation will abstain from voting on the system of supervision which has been proposed, especially as the draft drawn up by the Sub-Committee, of which M. Politis was chairman, has left all the important questions unsettled.

I would add that the Soviet delegation is in favour of the idea of the complete equality of all countries in regard to the organisation of the proposed Commission. My delegation will reserve the right to state its views in regard to certain other sections of Chapter V.

Lord Cecil (British Empire).—With regard to what has been said by the Swedish, Norwegian, Chinese, Czechoslovak and Persian delegates, it is quite evident that, if we accept this paragraph, all those questions will be open to the Conference to consider. Therefore, I do not think I should be really justified in discussing the particular proposals that have been put forward.

With regard to what fell from the Netherlands delegate, may I say that that matter was very carefully considered by the Sub-Committee. They thought that on the whole it would be better to leave it for the present and to see how the Commission was finally constituted before entering into the question—which never has proved a difficulty in any of our organisations—as to exactly
how the members are to be paid. They will be paid, no doubt, either by the countries to which the
delegates belong or out of some central fund—the League fund or a fund contributed by all the
contracting parties. I hope that is not a point which is likely to be of serious difficulty; it has never
proved so in the past.

I myself attach the very highest possible importance to the creation of this body. I think if
we can get that done it will be an immense step towards the organisation of the reduction and
limitation of armaments. You will then have a permanent international body always studying
this question, always watching over the execution of whatever convention is agreed upon, and
always ready to propose improvements and perfections with regard to it. In my view, that will
start an entirely new era in the whole question of armaments. Therefore, I attach enormous
importance to it.

No doubt it is very important that the principle of the equality of States should never be
forgotten, and we must certainly make provision—or the Commission must—in regard to that
principle; but I very earnestly hope myself that, in having regard to that principle, we shall
not lose sight of the even greater importance of constituting a body which will be independent,
vigorous, and powerful. I think that is what we want most of all, and, therefore, I personally should
have some little difficulty in ascertaining to many of the proposals which have been made, because
I am afraid that in practice they would mean a form of selection which experience has not altogether
justified. I will not put it higher than that. Therefore, I personally am very glad that the
Sub-Committee did leave it in this way for further consideration by the Commission. As the views
of the British delegation were clearly stated before the Sub-Committee, and are stated in the report,
I need not develop them on the present occasion.

M. Massigli (France).—Like Lord Cecil, I will make my remarks very brief, since my
observations in the Sub-Committee are mentioned in the report.

Although, as Lord Cecil pointed out, the question is still open, I should like, in view of the
importance of the problem, to state briefly the reasons why the French delegation advocated a
somewhat different system from that proposed in the draft; it reserves the right to return to that
system at the Conference.

We think it desirable that the members of the Commission should be appointed by the
Governments. If they are dependent on the Governments—although only to a very small extent—
the members of the Permanent Commission will not be likely to take hasty decisions. Since they
will not represent their Governments, they will not commit them, but will merely give technical
opinions and the Governments will be left to decide what political action is to be taken in regard
to those opinions. Lastly, as technical experts, they will give opinions based solely on technical
considerations, which are the only considerations they will have to take into account.

These are the three principles underlying the French proposal, and my Government reserves
the right to put them before the Conference.

Dr. Markovitch (Yugoslavia).—The second paragraph contains the following phrase:
"They shall be appointed for x years . . . ." Does this refer to the term of office of the members
of the Commission, so that they may be appointed in rotation, or does it refer to the duration of the
Convention?

M. Politis (Greece).—The duration of the term of office of the members of the Commission.

The President.—Note will be taken in the report of the observations made by the various
members.

Article OA was adopted.

"Article OB.

"The Commission shall meet for the first time, on being summoned by the Secretary-
General of the League of Nations, within three months from the entry into force of the
present Convention to elect a provisional President and Vice-President.

"Thereafter it shall meet annually in ordinary session on the date fixed in its Rules of
Procedure.

"It may also, if summoned by its President, meet in extraordinary session in the cases
provided for in the present Convention and whenever an application to that effect is made
by a High Contracting Party."

Article OB was adopted.

"Article OC.

"The Commission shall have full power to lay down its own Rules of Procedure on the
basis of the provisions of the present Convention."

Dr. Markovitch (Yugoslavia).—This article provides that "the Commission shall have
full power to lay down its own Rules of Procedure on the basis of the provisions of the present
Convention." To what provisions does this refer?

M. Politis (Greece).—To all the provisions of the Convention.

Dr. Markovitch (Yugoslavia).—I cannot see which provisions apply to the Rules of Procedure
of the Commission.
M. Politis (Greece). — As I have already explained, the Commission will have several duties. Those duties will be governed by the various provisions of the Convention—in particular, by the sections relating to information, derogations and revision. The Commission will have to take into consideration all those provisions when it draws up its Rules of Procedure. It will have to take into account all clauses which relate, whether directly or indirectly, to its existence and working. If we had wished to explain this more fully we should have had to draw up a very long article and the Sub-Committee considered this unnecessary. It was of opinion that a clause drawn in general terms was sufficient to indicate clearly the mandate given to the Permanent Commission.

Dr. Markovitch (Yugoslavia). — I do not wish to add to the length of Article OC. I merely thought that it would be better to omit the words “on the basis of the provisions of the present Convention” since the Commission is to draw up its own procedure. However, I will not press the matter.

Article OC was adopted.

“Article OD.

“The Commission may only transact business if at least two-thirds of its members are present.”

“Article OE.

“Any High Contracting Party not having a member of its nationality on the Commission shall be entitled to send a member appointed for the purpose to sit at any meetings of the Commission during which a question specially affecting the interests of that Party is considered.”

“Article OF.

“Each member of the Commission shall have only one vote.

“All decisions of the Commission shall be adopted by a majority of the votes of the members present at the meeting.

“In the cases provided for in Articles . . . (cases of complaint and cases of threats to national security) the votes of members appointed by the Parties concerned in the discussion shall not be counted in determining the majority. “

“A minority report may be drawn up.”

Articles OD, OE and OF were adopted.

“Article OG.

“Each member of the Commission shall be entitled on his own responsibility to have any person heard or consulted who is in a position to throw any light on the question which is being examined by the Commission.”

M. Rutgers (Netherlands). — This article stipulates that “Each member of the Commission shall be entitled on his own responsibility to have any person heard or consulted who is in a position to throw any light on the question which is being examined by the Commission”. I do not think it is our intention to give a member of the Commission, as the text appears to imply, the right to conduct an enquiry on his own initiative. I think it would make it clearer if we were to say that the Commission shall be entitled to hear or consult any person who is in a position to enlighten it.

M. Politis (Greece). — No doubt is possible. Each member will be entitled to have any competent person heard or consulted, so as to enlighten the Commission. It is the Commission itself which will hear the evidence or opinion of that person and which will thus be enlightened on the question which is being examined by it.

M. Rutgers (Netherlands). — I will not press the matter further.

Article OG was adopted.

“Article OH.

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

Article OH was adopted.

“ArticleOI.

“All reports by the Commission shall, under conditions specified in each case in the present Convention, or in the Rules of Procedure of the Commission, be communicated to all the High Contracting Parties and to the Council of the League of Nations and shall be published.”

M. Rutgers (Netherlands). — In Article 0I it is stated that “all reports by the Commission shall be communicated . . . ”, and in Article IF, third paragraph, that “all reports shall be communicated forthwith . . . ”. Would it not be better in both cases to use the text of the second paragraph of Article IF: “The Commission shall . . . “, as these reports are to be published by the Commission and not by the Secretariat.

M. Politis (Greece). — Does M. Rutgers’ observation refer to the fact that the word “forthwith” is not included in Article 0I?

M. Rutgers (Netherlands). — It is stated that the reports shall be communicated, but it is not stated by whom, and, in the second paragraph of the following article, which is a better
text, it is stated that the report shall be communicated by the Commission. It is necessary in each case to say by whom the report shall be communicated, whether by the Commission or by the Secretariat.

M. Politis (Greece). — In this particular case the wording is the same. All the Commission's reports will be communicated, and, in the third paragraph of Article IF, it is stated that all the Commission’s reports shall be communicated forthwith. By whom? Obviously by the Commission. Moreover, in Article 01, which is the general article, it is stated that the method of effecting this communication in each case, the question of date, form, etc., will be determined by the Rules of Procedure of the Commission. This makes it possible for the Commission to go into all the details of procedure. The text merely lays down a general rule.

M. Rutgers (Netherlands). — If it is understood that the Commission is to publish the report I am satisfied. Article 01 was adopted.

"SECTION II. — EXCHANGE OF INFORMATION."

"New Article IF."

"The Permanent Disarmament Commission shall receive all the information supplied by the High Contracting Parties to the Secretary-General of the League in pursuance of their international obligations in this regard."

"Each year, the Commission shall make at least one report on the information submitted to it and on any other information that may reach it from an authorised source and that it may consider worth attention, showing the situation as regards the fulfilment of the present Convention."

"All reports shall be communicated forthwith to all the High Contracting Parties and to the Council of the League, and shall be published on the date fixed in the Rules of Procedure of the Commission."

Article IF was adopted.

"SECTION III. — DEROGATIONS."

"New Article XA."

"If, during the life of the present Convention, a change of circumstances constitutes, in the opinion of any High Contracting Party, a menace to its national security, such High Contracting Party may derogate temporarily, in so far as concerns itself, from any article or articles of the present Convention, other than those expressly designed to apply in the event of war, provided:

"(a) That such High Contracting Party shall immediately notify the other High Contracting Parties and at the same time the Permanent Disarmament Commission, through the Secretary-General of the League of Nations, of such temporary derogation, and of the extent thereof.

"(b) That, simultaneously with the notification referred to in point (a), the High Contracting Party shall communicate to the other High Contracting Parties and, at the same time, to the Permanent Disarmament Commission, through the Secretary-General of the League of Nations, a full explanation of the change of circumstances referred to above.

"Thereupon the other High Contracting Parties shall promptly take concerted counsel as to the situation thus presented.

"When the reasons for such temporary derogation have ceased to exist, the said High Contracting Party shall reduce its armaments to the level agreed upon in the Convention, and shall make immediate notification to the other High Contracting Parties."

M. Colban (Norway). — I can vote for this article in the same sense as the British Prime Minister, who stated at the London Naval Conference that this stipulation was inserted in the hope that it would never be necessary to apply it.

M. Lounatcharsky (Union of Soviet Socialist Republics). — All the derogations have a common object—namely, to enable any particular State to cancel the whole Convention at a favourable moment, and thus nullify its value, which is small enough already. It is useless to add that a breach of the Convention by one of the signatory States will necessarily serve as a pretext for its infringement by other signatories. I must therefore declare that the Soviet delegation cannot accept any system which, by means of articles providing for derogations will deprive the Convention of all value, and furnish a legal pretext for an increase in armaments.

The President. — I think the whole Commission will share the hope expressed by M. Colban.

Lord Cecil (British Empire). — I just want to say that, if I construed the article as M. Lounatcharsky construes it, I should certainly not be prepared to assent to it, nor do I think that any member of the Sub-Committee would assent to it. We do not contemplate, and I do not believe any of my colleagues contemplate, that the object of this article would be to reduce the Convention to a nullity, or enable any contracting party to escape from its obligations. We suppose that this provision can only be put into force, or used, under very, very exceptional circumstances. I share to the full M. Colban's aspiration that it will never be used, and I share
it with some confidence for I feel sure there is little likelihood of its being used if the Convention be adopted.

If anyone reads paragraphs (a) and (b) and the paragraph that follows these two particular paragraphs, they will see that it is practically impossible that these can be used lightly, or casually, or dishonestly, and I am sure that no Power which consents to this Convention would agree to action of that kind; if it did it would suffer heavily for it.

M. Massigli (France). — I should like to support Lord Cecil’s observation. It would be most regrettable if it were thought outside the Commission that, in drawing up this Convention, we desire to nullify its value. Any Government conscious of the importance of the declarations which it makes and publishes, and which desires to apply Article XA, must bear in mind, not only that it is obliged to notify the action which it takes, but also to justify that action and to justify it before a Commission consisting of competent persons who are in a position to ask it for details and explanations, and if these are not satisfactory, to place it in an awkward position.

To suggest that this article was drawn up by representatives anxious to provide a means of enabling their countries to evade their obligations, is really to misconstrue the work which we are doing here. Surely, it was necessary to provide for grave circumstances which might arise. That is the only reason for the proposed article.

M. Politis (Greece). — As Chairman of the Sub-Committee which drew up this text, I think it my duty to confirm what Lord Cecil and M. Massigli have said.

If you read the text you will see at once that this exceptional right granted to contracting parties could not be used unless a State were actually confronted with circumstances of exceptional gravity which endangered its national security, and that it could not otherwise assume so important and grave a responsibility.

I am therefore convinced that, when M. Lounatcharsky said just now that this text would furnish a pretext for cancelling the Convention, he did not really comprehend the purport of this article.

The Hon. Hugh Gibson (United States of America). — Perhaps I may be permitted to elaborate certain remarks made in regard to this article.

The American suggestion regarding the original Article XA concerning derogations has been circulated and is reproduced at the beginning of the Minutes of our fifteenth meeting. It is now before us in a slightly modified form.

I should preface my remarks by the statement that the form in which this suggestion is couched is not motivated by our own concern. We have accepted in two instances—in the Washington and London Treaties—much more rigid forms of escape clauses. Our concern is to make the Convention, which we hope to write, generally acceptable, and, in the present Treaty, we are, as far as the United States is concerned, prepared to accept much more rigid conditions for escape clauses than any thus far suggested. However, it is obvious that the delicate problem of release from Treaty obligations is one of infinite variety, applying in a different measure and in different ways to nearly every country. It is clear that we cannot expect to embody in this Treaty provisions applicable to any one set of conditions alone. Furthermore, it seems to us that it is hopeless to seek to lay down in such an article, an itemised statement of all the various special sets of circumstances which would justify a country in seeking relief from its obligations under the Treaty.

Our point of departure is the belief—and we are convinced it is sound—that, when a menace to international security exists in the opinion of any people, no Treaty provisions will survive as against the imperious demands of self-preservation. Moreover, however carefully we draw up an itemised statement of the various sets of circumstances which would justify a State in seeking relief from its Treaty obligations, many of them would doubtless feel a genuine and understandable reluctance to bind themselves for a definite period, because of the unforeseen and unforeseeable relief which might arise menacing their very national existence, beyond any prescribed in our list. Aside from the clearly foreseen factors and those I have referred to as unforeseen and unforeseeable, there exists a third category—namely, definite apprehensions as to the future which cannot be entered in any Treaty.

In view of these considerations, I feel the soundest course is to provide the broadest possible escape clause, and we feel that, by broadening the opportunities for escape, we shall, in fact, increase the probability of observance. In the first place, with its right of self-preservation fully safeguarded, a nation will feel more fully justified vis-à-vis its own people in laying down low figures for the duration of the Treaty. In the second place, they will be willing to undertake the obligations of this Treaty without specific reservations covering their national apprehensions.

It may be objected that we are leaving altogether too wide a latitude to each country to decide for itself the circumstances under which it must be freed from its Treaty obligations, but, as a practical matter, we feel that no State would be likely, for light and frivolous motives, to assume the very heavy responsibility of upsetting a worldwide agreement, thus risking the opprobrium of an outraged public opinion. When, added to this, it is realised that every State must give in full
to the other contracting parties an explanation of the reasons for which it justifies its action, then I firmly believe that we have such a check that only the most vital and serious causes would induce it to take such action, and would surely be included within any list of derogations, were we gifted with sufficient vision of the future to draw up such a list.

M. Lounatcharsky (Union of Soviet Socialist Republics). — I am perfectly ready to admit that when they drew up the text before us the members of the Sub-Committee were animated by the best intentions; but in the eyes of our delegation this section of Chapter V is very dangerous and is unacceptable to the Soviet delegation. I think it would be much better to abide by the general rule of absolute observance of the obligations contracted; that would be a much surer basis for the Convention. We should not provide for entirely exceptional cases of this character.

VOTE ON ARTICLE XA.

The President. — In view of M. Lounatcharsky's declaration I am obliged to put this article to the vote.

Article XA was adopted by twenty-three votes for to one against.


"Article XB.

The High Contracting Parties shall, as an exception, be entitled to exceed the figures accepted by them under Article I as a limit for the total period of service which their annual contingent is compelled to serve, in so far as, owing to a falling-off in the number of births, such an increase may be necessary to safeguard the rights conferred upon them by Article A. "Nevertheless, they may not exceed the figure laid down in virtue of Article I as a uniform standard for the period of service."

M. Bourquin (Belgium). — Our proposal provides for an exception to the rule of the limitation of the period of service. I desire to state at once that we have not the slightest intention of decreasing the value of the principle of the limitation of the period of service. I need not remind you that the Belgian delegation was one of the first supporters of this limitation, and I can assure you that it is certainly not the object of our proposal to detract from the practical value of that principle.

We have, however, to face hard facts, which we cannot ignore. I know that we have not met to discuss figures. I would nevertheless ask your permission to mention just a few, to show the considerable decline in the birth-rate in belligerent countries during the war. As regards Belgium, the number of male births in 1910, which provides the present contingent, was 90,149; by 1915, they had fallen to 63,483 and, by 1918, to 43,654; the births in 1918 will provide the 1938 contingent. If you compare the figures for 1918 and for 1910 you will see that there is a decrease of over 50 per cent. This is a fact I wished to point out.

No Government can afford to overlook that fact. There is the difficulty. As regards effectives we have agreed on two rules of limitation: first, the rule in Article A, which limits average effectives, the maximum average effectives being determined by two factors—the size of the contingent and the period of service. The second rule is the limitation of the actual period of service. If the period of service be limited conventionally under Article I and if the contingent be reduced in the proportion which I have just mentioned as a result of the decline in the birth-rate, some countries will have a shortage of effectives which may be so considerable as to endanger their national safety.

After careful reflection we considered that, in order to retain the full value of the rule for the limitation of the period of service, the most practical and the safest course would be to provide for a derogation, but of a strictly limited character.

I would draw your attention to the fact that our proposal strictly circumscribes the application of the exception for which it provides. First, as regards cause; there is only one case, which is clearly specified, in which an exception could be allowed to Article I—namely, a falling-off in the number of births. That is a definite fact which can be verified by everyone, and there is nothing arbitrary about it. We have also limited the extent of our derogation by stipulating that the period of service may be increased up to the maximum, but solely in so far as this increase may be necessary to safeguard the rights conferred upon States by the provisions of Article A fixing the maximum average effectives. Moreover, it is provided that in no case may what has been called the uniform standard—that is to say, the maximum period of service for all countries—be exceeded.

I think, therefore, that we have taken the necessary precautions to prevent any improper use of the exception.

I would draw your attention to what will happen if this proposal be not accepted. The Conference is going to be held, and, at the Conference, the Governments will propose figures in regard to the maximum period of military service.

It will then be necessary for the Governments to bear in mind the state of affairs to which I have called attention—namely, the very considerable falling-off in the number of births during a certain period. Unless the proposed safety valve be provided, they will ask for a maximum period sufficient to meet all the dangers arising out of this situation. It must not be forgotten that the maximum period of service will not only serve as a limit, but also as a magnet.
maximum will attract the Governments, who will be inclined to work up to it. This is a fact which I have already pointed out.

I am very anxious that the lowest possible maxima should be fixed in our Convention. If this is to be done we must take the necessary precautions; and I cannot see any other way of doing this than the way we have proposed.

**AMENDMENT PROPOSED BY THE CZECHOSLOVAK DELEGATION.**

**M. Fierlinger** (Czecho-Slovakia). — Everyone will recognise the justice of the arguments submitted by M. Bourquin in favour of his proposal, which is a logical consequence of fixing the period of service. You will remember that we have already had a very interesting discussion on this matter, when we endeavoured to show that countries having conscript armies were anxious to reduce the period of service to the shortest possible time. But there are certain logical conclusions resulting from the falling-off in the number of births; and in compensation for the resulting deficiency, it would obviously be necessary to raise the maximum to some extent.

I shall therefore vote in favour of M. Bourquin’s amendment, but think that it might be better to say *expressis verbis:* “. . . in so far as this falling-off in the number of births may affect the number of effectives in service fixed by the present Convention”. This wording seems to me somewhat clearer, but I will not press the matter if this is really what M. Bourquin’s proposal means.

**M. Massigli** (France). — When we were discussing Article I, I endeavoured to explain how Articles A, I and E, taken in conjunction would operate, and I referred to the problem which has so clearly put before us by M. Bourquin. I should now like to say that, since France is in the same position as Belgium, and the curve of the birth-rate during the war in France was in precisely the same direction as in Belgium, my delegation fully supports the Belgian proposal. The problem with which the Governments will be confronted is a very grave one. They will have to choose between several different solutions, which it may perhaps be possible to combine. M. Bourquin’s proposal offers us one solution, and I shall therefore vote in favour of the proposed text.

As regards M. Fierlinger’s amendment, this seems to agree in principle with the Belgian delegation’s amendment, but I think that the latter is clearer.

**M. Cobian** (Spain). — When we were discussing Article I, I brought this point very strongly before the Sub-Committee and I received the assurance that mention would be made in the report of the very grave objections to the present wording of Article I when it is taken in conjunction with the table in Article A.

I therefore opposed the establishment of a uniform standard in addition to a maximum for each country, which would naturally take into account all the factors we are now discussing. The fixing of a common maximum might make it very difficult for some countries to reconcile the strength of their contingent with the period of service.

That is exactly the problem which has been stated by the Belgian delegation. I entirely agree to the exception proposed by M. Bourquin, but I am not sure whether the best place for this exception is in the chapter dealing with derogations or whether it would not be better to insert it in Article I, which has not yet been finally adopted.

In these circumstances, I venture to make the following proposal: Would it not be best to do away with the second maximum—that is to say, the uniform standard mentioned in paragraph 2? If that were done, all these difficulties would disappear.

**AMENDMENT PROPOSED BY THE BRITISH DELEGATION.**

**Lord Cecil** (British Empire). — I fully recognise the point and the difficulty which M. Bourquin has pointed out, and I quite agree that something ought to be done to meet it.

I am a little anxious about the actual form of his proposal. It leaves it entirely to the contracting party in question to say at any moment that, owing to a decline of births, it is to be entitled to increase the period of service. I understand very clearly from him—and, of course, I recognise that—that in no case is the party to be allowed to increase the total number of effectives.

He does not desire or suggest that.

It is only the period of service that is to be increased, in order to enable the total number of effectives to be reached. That, of course, makes the proposal of much less importance. At the same time, I have a little reluctance to give to any Power of its own *ipse dixit* the right to suspend the operation of one of the articles of the Convention, and I should be very much happier if M. Bourquin were prepared to accept an amendment introducing the Permanent Disarmament Commission here as a safeguard against any unauthorised or improper application of the kind. I am taking M. Bourquin’s original form—not with M. Fierlinger’s amendment—and I would ask him whether he would allow it to read like this:

“The High Contracting Parties shall, as an exception, be entitled to exceed the figures accepted by them under Article I as a limit for the total period of service which their annual contingent is compelled to serve . . .”

And then, instead of “in so far as”, say:

“. . . if the Permanent Disarmament Commission is satisfied by them, or by such High Contracting Party, that owing to a falling off in the number of births . . .”
And so on, so that it would depend on satisfying the Permanent Disarmament Commission.

I suggest that to M. Bourquin for his consideration and for the consideration of the Commission.

M. Bourquin (Belgium). — I desire to thank Lord Cecil for recognising the justice of our proposal. Our object is quite clear. We are not in any way seeking to evade the rule as to the limitation of the period of service but, on the contrary, to retain its full value. We are prepared to submit the application of this exception to any control or supervision. No doubt can exist as to our intentions, especially as we have made a proposal which has just been submitted to you and to which we shall refer later, providing that all disputes concerning the interpretation or application of the Convention will be submitted to the Permanent Court of International Justice. This shows that there is no question of leaving the matter to the discretion of the various Governments; on the contrary we court every possible supervision.

At the same time, I have considerable difficulty in accepting Lord Cecil's amendment in the form he suggests, for the reason that, in principle, he proposes to give the Commission, not only the right to be notified of, and to examine, the question, but also the right to decide. This would transform the character of the Commission and I could not agree to this for the reasons which I explained the other day in private conversation with Lord Cecil. I think that there might at a given moment be some overlapping between the powers of the Permanent Disarmament Commission and those of other organs such as the League Council. I should feel some apprehensions about allowing the Permanent Disarmament Commission to give decisions, but I am quite prepared to agree that if a country makes use of the right mentioned in the proposed text, it should be bound to notify the other contracting parties and the Permanent Disarmament Commission. If the Commission thinks fit to adopt the proposal which we have submitted in regard to the competence of the Permanent Court of International Justice, I am sure Lord Cecil will feel that all necessary safeguards are provided, since recourse will be had to a court of justice.

M. Rutgers (Netherlands). — I am not opposed to the Belgian proposal but I should like to be sure that I understand it rightly. I followed M. Bourquin's statement very carefully and I take it that the words "as an exception" and "falling-off in the number of births" refer to the exceptional circumstances which he mentioned and not to a steady and permanent decrease in the number of births.

Withdrawal of the British Amendment.

Lord Cecil (British Empire). — I am much obliged to M. Bourquin and perhaps his suggestion would meet me. There is to be included, I understand, somewhere or other, the substance of sub-paragraphs (a) and (b) of Article XA, and he also proposes to add to the Convention a general article requiring the application and interpretation of its terms to be submitted to the Court if anyone challenges anything done under it. With these two provisions I think you get a clear control by an outside body if there be any attempt to misuse the powers in this article.

M. Massigli (France). — The Permanent Disarmament Commission will have no difficulty in understanding the position, since the period of service is fixed by law and can only be modified by another law, the discussion of which is bound to give rise to very full explanations.

Withdrawal of the Czechoslovak Amendment.

The President. — M. Fierlinger has withdrawn his amendment. No objection having been made to M. Bourquin's proposal, we can regard this as adopted by the Commission; the question whether it would be better to insert this in Article I will be settled later.

The Belgian proposal was adopted.

84. Discussion of the Text proposed by the Sub-Committee entrusted with the Examination of Certain Parts of Chapter V (continuation): Section IV. — Procedure regarding Complaints and Revision (Texts intended to replace all Articles in Section IV).

"New Article ZA.

"The High Contracting Parties recognise that any violation of the provisions of this Convention is a matter of concern to all the Parties."

New Article ZA was adopted.

"New Article ZB.

"If, during the term of the present Convention, a High Contracting Party is of opinion that another Party to the Convention is maintaining armaments in excess of the figures..."
agreed upon or is in any way violating or endeavouring to violate the provisions of the present Convention, such Party may lay the matter, through the Secretary-General of the League, before the Permanent Disarmament Commission.

"The Commission, after hearing a representative of the High Contracting Party whose action is questioned, should such Party so desire, and the representative of any other Party which may be specially concerned in the matter and which asks to be heard, shall present a report thereon as soon as possible to the High Contracting Parties and to the Council of the League. The report and any proceedings thereon shall be published as soon as possible.

"The High Contracting Parties shall take concerted counsel on the conclusions of the report.

"If the High Contracting Parties directly concerned are Members of the League of Nations, the Council of the League shall exercise the rights devolving upon it in such circumstances in virtue of the Covenant of the League of Nations, with a view to ensuring the observance of the Convention and to safeguard the peace of nations."

M. Westman (Sweden). — I should like to have confirmation of my understanding of the second paragraph of this article, dealing with a complaint made by one Government against another, the latter having the right to send a representative to plead before the Commission. I understand that this right to send a representative does not exclude the right granted under Article OE to a Government to send a member to sit at any meetings of the Commission during which a question specially affecting its interests is considered. I understand therefore that the Government would have two representatives: one to plead and the other to sit on the Commission.

M. Politis (Greece). — M. Westman's interpretation is quite correct.

Dr. Markovitch (Yugoslavia). — I think that there is an omission in the second paragraph of Article ZB. I do not know whether this is intentional or not. It is stated that: "The Commission . . . shall present a report thereon as soon as possible to the High Contracting Parties and to the Council of the League". Since the word "report" is used, it would appear that the Commission has only to state the facts of the case, whereas, in the third paragraph, it is provided that: "The High Contracting Parties shall promptly take concerted action on the conclusions of the report". In my opinion, the Commission should have the right to submit conclusions as to the complaint in question. I accordingly propose that the second paragraph should be drafted as follows:

"The Commission, after hearing a representative of the High Contracting Party whose action is questioned, should such Party so desire, and the representative of any other Party, which may be specially concerned in the matter and which asks to be heard, shall give its opinion in regard to the complaint in question and shall, as soon as possible, present a report thereon to the High Contracting Parties and to the Council of the League."

This text makes it clear that the Commission's task would not merely be to give a statement of the facts, but also a definite opinion on the question.

M. Politis (Greece). — The meaning of Article ZB is that suggested by M. Markovitch. This is shown not only by the explanation given in the report and the verbal explanations which I had the honour to submit at the beginning of this meeting, but also by the following paragraph which deals with conclusions. The reason the text was drafted in this manner—which is possibly imperfect—was to provide greater elasticity and to avoid going into details which might have been inconvenient to some of the delegations. But there is no doubt as to the meaning.

Dr. Markovitch (Yugoslavia). — I am satisfied with M. Politis' explanation.

Article ZB was adopted.

The President. — As some amendments to Section V (Ratification, Entry into Force, Denunciation) have not yet been submitted, I will adjourn the discussion of this question until to-morrow.

The Commission rose at 6 p.m.

SEVENTEENTH MEETING.

Held on Thursday, November 27th, 1930, at 10 a.m.

President: M. Loudon (Netherlands).


Proposal by the Belgian Delegation to Insert a New Article among the Final Provisions.

"The Belgian delegation proposes to insert among the Final Provisions of the Convention an article reading as follows:

"The High Contracting Parties agree to submit to the Permanent Court of International Justice all disputes concerning the interpretation or application of the present
Convention, unless they agree in any particular case to have recourse to some other judicial procedure or to arbitration."

M. Bourquin (Belgium). — I do not think our proposal calls for any lengthy explanations. Yesterday Lord Cecil expressed some anxiety regarding the derogations which we are compelled to insert in our draft Convention, and I share his anxiety. Manifestly we must take steps to avoid abuses, and I think that the best way to avoid them is to provide for judicial supervision by an organisation whose impartiality is beyond question, and which is, so far as possible, removed from political considerations.

Our proposal, which provides that disputes concerning either the interpretation or the application of the Convention are to be referred to the Permanent Court of International Justice at The Hague, or, in any particular case, to some other arbitral tribunal, is primarily intended to prevent abuses from arising.

I admit, however, that it has also another aim—namely, to afford to countries which are unjustly accused of infringing the Convention the opportunity of justifying their action, and of doing so in the most effective manner.

For instance, if my own country were accused of unduly increasing its armaments, I would wish to defend myself, and to do so in such a way that the atmosphere of suspicion which inevitably surrounds accusations of this sort should be entirely dissipated. For that reason, I would wish to be heard by judges.

I think that a country which could say to its accusers: "Let us state the case fully and frankly before a judicial or arbitral tribunal, whose decision I will accept in advance"—such a State, I say, would thereby give evidence of its good faith. I therefore believe that this article, which we submit to the Commission, offers a twofold practical advantage: it constitutes a check on abuses, and at the same time it affords protection to countries unjustly accused. I should say that there is yet a third reason of a more general and, if you will, of a more theoretical character.

We all know that international life is in process of organisation, and it is admitted that, in this new process, the development of judicial procedure is playing a supremely important part. It forms indeed the natural pivot for the working of that organisation.

In these circumstances, we should take every opportunity which offers to develop that idea, to propagate it, and better still, to assist countries to put it into practice, and it would be a sign of real progress if, in a Convention concerning armaments—i.e., concerning something which most closely touches the sovereignties of States—we were to affirm the principle that, above all sovereignty, there exists a reign of law, and a procedure for judicial control; that would indeed be a step forward and it was one of the reasons which led us to make this proposal.

M. Politis (Greece). — I heartily support the Belgian delegation’s proposal and I would add a reason to those given by M. Bourquin—namely, that the clause which he suggests has become a common form in the last few years in all Conventions, and it would really be surprising if it were omitted from a Convention so important as ours.

AMENDMENT PROPOSED BY THE UNITED STATES DELEGATION.

The Hon. Hugh Gibson (United States of America). — I need hardly say that the United States Government is in very hearty accord with any movement to increase the force and authority of judicial procedure in the settlement of international difficulties.

In looking over the text of the Belgian proposal, it has occurred to me that we might render it somewhat more clear and make it somewhat more acceptable to certain States. I do not want to make a counter proposal, but I should like to read a suggested phrasing with the suggestion that it be referred to whatever Committee puts this Belgian proposal into final form for such consideration as it may be possible to give it. The suggestion I put down in these terms:

"The High Contracting Parties agree that all disputes concerning the interpretation or application of the present Convention shall be submitted to the Permanent Court of International Justice or to any judicial or arbitral procedure which may at the time be in force between them."

M. Bourquin (Belgium). — I gladly accept the wording proposed by Mr. Gibson.

Lord Cecil (British Empire). — I am entirely willing to accept that also. The only thing is that I agree with Mr. Gibson that it had better go to the Drafting Committee to see whether it is all right from a strictly technical point of view. I support in the warmest way M. Bourquin’s proposal.

The President. — The Drafting Committee will naturally have to give final shape to the texts we adopt.

Dr. Markovitch (Yugoslavia). — As the Belgian proposal, which I support, is going to the Drafting Committee, I ask you to consider whether the word “application” is essential to the text.
Everyone will agree that the interpretation of the Convention must be submitted to the Permanent Court of International Justice; but as regards application, the Convention has already provided certain means of supervision in the shape of the Permanent Disarmament Commission.

M. Bourquin spoke of the desire that a country might feel to justify itself in view of an accusation brought against it before the Permanent Disarmament Commission. That leads me to ask the following question: If a country which is justly, or unjustly, accused of infringing the Convention be requested by the Permanent Disarmament Commission to justify its action, what will be the situation if it invokes the article we are now considering? Which of the two procedures will apply?

If the Commission is not prepared to discuss this question at the present moment, I ask that the Drafting Committee may bear it in mind.

M. Politis (Greece). — The point raised by M. Markovitch is more than a question of drafting; it is an extremely important question of substance. As was pointed out yesterday, the Permanent Disarmament Commission will not be a court; it is an organ, of a remarkably flexible character, which will not render judgments but only express opinions. It may be regarded as representing the rôle of an examining magistrate in the system of procedure which we are now considering. It is probable, and it is certainly desirable, that disputes will be regarded as settled when the Permanent Disarmament Commission has rendered its opinion. Still, we must provide for cases where such opinions, having no obligatory force, are not accepted by the parties; the dispute will then become a suit at law, and we need a judicial or arbitral procedure to settle it.

I therefore press for the maintenance of the word "application" in the Belgian proposal and I do not think it will produce any gap in our system.

Dr. Markovitch (Yugoslavia). — I confess I am not wholly reassured by M. Politis' explanations. He seems indeed to contemplate a radical change in the system we have been elaborating. According to him, the Permanent Disarmament Commission will in reality be the Permanent Court at The Hague. I did not think that was the intention of our Commission.

When a complaint is pending before the Permanent Disarmament Commission, and before that body has expressed its opinion, will it be open to the defendant country to invoke the present clause in order to set aside the opinion of the Permanent Disarmament Commission, which is alone competent to decide the question?

In any case, I would like an answer to the following question: Has the Permanent Court of Justice at The Hague the necessary competence to deal with military and political questions? For the questions will be of that nature; and I should have thought the Permanent Disarmament Commission was best qualified to resolve them.

That was the ground of my hesitation. The word "application" appears unnecessary, since from that point of view we have the various arbitration Conventions, and the Covenant of the League, which may be invoked when a dispute arises between two parties. The word "interpretation" should therefore be sufficient.

The President. — As M. Markovitch has not made any definite proposal we shall now vote on M. Bourquin's amendment, bearing in mind Mr. Gibson's proposal, which will be revised by the Drafting Committee.

M. Sato (Japan). — I felt some doubts, similar to those of M. Markovitch, and I listened with great interest to his explanation of his apprehensions concerning the Belgian delegation's text. This is a very important question. If the text stand as it is, there might be a conflict, as M. Markovitch has pointed out, between the powers of the Permanent Disarmament Commission and those of the Hague Court.

I think the question has not yet been sufficiently studied and should be further examined before we take a decision. I am not sure how that can best be done, but perhaps the Bureau can suggest the means, either by appointing a committee of jurists, specialists in these questions, or in some other way. Once we have taken a decision it will become harder to alter it.

Lord Cecil (British Empire). — I hope my friend, M. Sato, will not insist on his proposal, because I really think myself there is no danger such as he fears. I have been looking again at the text of the clause we adopted with regard to the Permanent Disarmament Commission, and it is quite clear that the function of that Commission is to examine the facts and present a report thereon. There is no question of a controversy between any two particular States. It may or may not amount to that; but they merely present a report on the facts, and it seems to me there is a very great advantage, from both points of view, in having the possibility—as M. Bourquin has pointed out—of going to a judicial tribunal which will express a definite opinion as to whether the Convention is being properly applied or not. What I would venture to suggest to my friend, M. Sato, is this: Suppose we accept this now on second reading, before we get to the third reading of this item, there will be ample time for all the jurists connected with the various delegations to examine the matter, and if there really be a difficulty on this question it can be raised later on. I prefer that course to referring the matter to another sub-committee, which means considerable delay, and is open to other objections which M. Sato is well aware of.

The President. — I also would ask M. Sato not to press his proposal, though I do not agree with Lord Cecil as to the possibility of examining the question further at the third reading—but
simply because M. Sato's observations will be mentioned in the report, which will go to the Conference, and the latter will therefore have an opportunity of discussing them.

M. Sato (Japan). — I am quite satisfied with Lord Cecil's explanations regarding the possibility of a more careful study of this question during the third reading. I think, however, that it would be better to leave such studies to the Conference itself.

The President. — I would remind the Commission, to avoid any confusion, that the third reading will serve only for the discussion of certain amendments relating to exceptional cases. It will not be a general third reading in the legal sense.

M. Fierlinger (Czechoslovakia). — There is no difference between us regarding the principle, only certain doubts regarding the text, as the wording causes some of us to fear a conflict of powers between an arbitral tribunal, or the Hague Court, and the Permanent Disarmament Commission. It is very important to note that we are agreed on the principle of arbitration or judicial settlement; but we wish to avoid any conflict of powers. I also think that a further study of the article will be necessary for that purpose.

86. Procedure: Proposal for the Other Articles of Chapter V to be examined by a Sub-Committee.

M. Fierlinger (Czechoslovakia). — I take this opportunity of asking the President what procedure he proposes for the discussion of the other articles of Chapter I. Experience has shown that it was an excellent plan to entrust the revision of these articles to a Sub-Committee under M. Politis' chairmanship, and its work has been of great advantage to us. Would it not be possible to refer the texts now before us to a similar sub-committee, or to the same Sub-Committee, and to provide thus for a further study of M. Bourquin's proposal? In that case, we could now go straight on with the third reading, and, after completing it, proceed with the other articles.

M. Holsti (Finland). — I support M. Fierlinger's proposal. There are other articles of Chapter V which will have to be examined in detail, and I agree with him that we might refer them to M. Politis' Sub-Committee.

Dr. Markovitch (Yugoslavia). — If I have understood Lord Cecil, he proposes that we should take no decision for the moment on the Belgian proposal, but leave it open to delegates to submit further amendments or new texts between now and the third reading.

The President. — Accordingly, M. Markovitch, if there are any amendments they will be brought up at the third reading.

The Hon. Hugh Wilson (United States of America). — The suggestion made by M. Fierlinger is a very sympathetic one to the American delegation, not necessarily in its application to M. Bourquin's proposal only, but also to the rest of the clauses of this Convention. It seems that if they can be studied in sub-committee before coming to the Commission it would certainly result in a saving of time.

Proposal by the German Delegate that Article EA be discussed in Plenary Commission.

Count Bernstorff (Germany). — I have never objected to the procedure favoured by the majority. Nevertheless, it seems to me that Chapter V ought not to be sent to a sub-committee until we have had a public debate on Article EA. I think it is impossible to discuss that article in private meeting.

The President. — We must decide whether the articles of Chapter V are to be sent to a sub-committee—perhaps M. Politis' Sub-Committee—or if we are going to debate them now in full meeting.

Lord Cecil (British Empire). — I think there are two separate questions before us. First, what to do with the Belgian proposal, and we must dispose of that according to the rule laid down a few days ago. In regard to it there are several proposals; first, that the matter shall be adjourned generally; secondly, that we should accept the principle of it now and leave to any delegation the right to bring up amendments on the third reading, if it be desired to have further discussion, and thirdly, that here and now it should be referred to a sub-committee.

I personally do not think any case has been made out for sending the proposal to a sub-committee now. It may be desirable later on. I therefore venture to think that for this particular proposal—I am not dealing with the rest of the chapter—the best course is for us to accept it, as there is a very general agreement as to the principle; we can then leave to each delegation the right to bring up amendment later on if they think it desirable.
The President. — M. Fierlinger had proposed referring the whole question to a sub-committee; but, as Lord Cecil has said, we all agree in principle with M. Bourquin's proposal. It seems logical, therefore, to begin a discussion of this text, and I do not even think that a formal vote will be necessary.

The second question to settle is whether the articles of the section under discussion are to be referred to a sub-committee.

Count Bernstorff (Germany). — I have no objection to M. Fierlinger’s proposal, except as regards Article EA.

The President. — The question is whether the Commission desires to refer the whole section to a sub-committee, or if it is in favour of Count Bernstorff’s proposal.

Dr. Markovitch (Yugoslavia). — Since the German delegate desires that one question contained in Chapter V should be discussed by the Commission, I see no object in dividing the articles into two classes, one for the sub-committee and the other for the plenary Commission. I think we should do better to discuss the whole section in plenary meeting, and then send controversial questions and drafting points to a sub-committee.

M. Massigli (France). — I would gladly have agreed—if the Commission were of that opinion—that these questions should first be studied by a sub-committee; but, since Count Bernstorff desires a public debate, I have certainly no wish to avoid it.

Lord Cecil (British Empire). — Of course, I quite agree with what M. Massigli has said, but if any member of the Commission desires immediate discussion in public of these articles, he is entitled to ask for it, and personally I should not refuse it. I would, however, suggest to Count Bernstorff that no one doubts that the whole question must be discussed in full Commission, and the only question is whether we shall discuss these articles now or ask a sub-committee to draw up a text for that discussion. If Count Bernstorff wishes a discussion now, I personally do not want to oppose it in any way. As a matter of order, if these articles are ultimately to be referred to a sub-committee, I should have thought it would have been better to begin their discussion now.

M. Fierlinger (Czechoslovakia). — I think Count Bernstorff’s request is quite legitimate. I venture to make a proposal to facilitate our debate, from a technical standpoint. When we have discussed the articles which some delegates desire to have examined at once in plenary meeting, I will have a suggestion to make in regard to the subsequent work of the sub-committee.

Count Bernstorff (Germany). — We have always maintained that sub-committees should only deal with technical questions. Article EA relates to a point which is purely and pre-eminently political—the most political question in the Convention. It would be a strange procedure to refer it to a sub-committee, and it might lead the public to suppose that we were afraid of discussing political questions before it. I see no reason why we should fear to debate this question in the light of day.

The President. — This Commission fears nothing! We have always spoken frankly and clearly, and we shall do so to the end. I therefore ask if the Commission is agreed to begin the discussion of Article EA at once. We can then decide whether to send other articles of this section to a sub-committee.

M. Morfoff (Bulgaria). — After what has been said by previous speakers, I feel compelled to offer a few explanations, as delegate of a country subjected to a special military system. It is clear that we have met to draw up provisions for submission to the future Disarmament Conference with the object of progressively reducing armaments to the minimum consistent with the national security of all countries.

The President. — I regret to interrupt M. Morfoff, but before debating the substance we must decide on the question of principle.

PROPOSAL BY THE BULGARIAN DELEGATION TO REFER ARTICLE EA TO THE CONFERENCE.

M. Morfoff (Bulgaria). — It was the principle that I was going to deal with; I wish to move that this question be referred to the Conference itself. In these circumstances, I venture to continue what I was saying: but this national security is relative. Indeed, all great things are relative in this world. If some are small, it is only because others are great; if some are weak it is only because others are stronger. Finally, a country is considered defenceless only because other countries are powerfully armed.

I have willingly voted for all the clauses of the draft which will assist us in arriving at our goal; I have abstained from voting only in regard to certain articles which are incompatible with our military system, for I considered that these articles did not offer us the security laid down in Article 8 of the Covenant. But I was content to abstain, without discussing the question, and leave it to the experts to decide how a comparison could be drawn between our forces and those of other countries which possess reserves and can provide ample armaments to ensure to us a degree
of national security, perhaps not equal to that of every other country, but, at any rate, comparatively acceptable.

I adopted this attitude because I recognised that this was not merely a technical question, but one of great political importance—so great, indeed, as to bring it outside the sphere of the Preparatory Commission. For this question might lead us into legal discussions on the provisions of treaties, and such discussions are not within our competence. I therefore feel that we should not approach this question of comparison, but refer it to the future Disarmament Conference. In support of that view, I would remind you that only yesterday the Committee which had drawn up the text of Article OA, dealing with organisation, encountered difficulties and decided to refer the most important part of that question to the future Conference. All the more, then, should we decide to leave the Conference to examine this Article EA, which deserves careful study, bearing in mind all its political aspects.

Finally, I would say that our aim is national security, as laid down in the Covenant of the League and a good understanding between all peoples.

Munir Bey (Turkey). — I agree with what the Bulgarian representative has just said, all the more so because there are some countries specially affected by this article who are not represented on the Preparatory Commission.

VOTE ON THE GERMAN PROPOSAL TO DISCUSS ARTICLE EA IN PLENARY COMMISSION.

The President. — We have listened with great interest to the speeches of the Bulgarian and Turkish representatives. But we have first to decide on the following preliminary question: Does the Commission, or does it not, desire to discuss Article EA in plenary meeting?

The Commission decided by nineteen votes against one to discuss Article EA in plenary meeting.

87. Discussion on Article EA.

Observations and Reservations.

The German delegation makes a general reservation with regard to Article EA, in view of the fact that the Draft Convention does not yet show whether certain fundamental conditions will be fulfilled; these conditions were formulated during the proceedings at the third session of the Preparatory Commission and, without them, Germany could not regard the Convention as a first step towards general disarmament. In addition, guarantees should be given that this first step will be followed, at suitable intervals, by other steps towards the progressive reduction of armaments.

First Reading.

Article EA.

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

Proposal by the British Delegation.

"Article EA (First Reading).

"Should read:

"The present Convention shall not diminish the obligations of previous Treaties, under which certain of the High Contracting Parties have agreed to limit their military, naval or air armaments, and have thus fixed in relation to one another their respective obligations and rights in this connection."

Amendments proposed by the French Delegation to the Proposal of the British Delegation.

"Article EA.

"The present Convention shall not in any way diminish the obligations of previous Treaties, under which certain of the High Contracting Parties have agreed to limit their
military, naval or air armaments, and have thus fixed in relation to one another their respective rights and obligations in this connection.

"The following High Contracting Parties . . . signatory to the said Treaties, declare that the limits fixed for their armaments under the present Convention are accepted by them in relation to the obligations referred to in the preceding paragraph, the maintenance of such obligations being for them an essential condition for the observance of the present Convention."

The President. — We now have two proposals to consider: first, the Bulgarian proposal, supported by the Turkish delegation, to refer consideration of this article to the Conference, and secondly, for the alteration of the text of the article, as adopted at first reading.

Does M. Morfoff desire to give the Commission any supplementary explanations in favour of his views?

Lord Cecil (British Empire). — I understood we were to have this discussion in order to enable Count Bernstorff to make a speech. I think we had better hear his speech.

M. Massigli (France). — As I am the author of an amendment which, in part, reproduces the British proposal, I desire to give some technical arguments in support of it.

Both the proposal and the amendment are so clear in themselves that I doubt whether any commentary is really necessary.

In the first place, I wish to make a correction of form, or rather of translation, in the British proposal; the words which we now propose "ne restreint en rien" are a better translation of the idea embodied in the English text.

As regards the paragraph we add to the British proposal, I wish to state briefly our reasons for submitting it.

We have just decided that the Permanent Court of International Justice may intervene in disputes arising on the interpretation or application of the Convention. Now the Court gives legal decisions; it decides according to texts; we therefore wish to ensure that the texts before it shall be perfectly clear. Indeed, even if the Hague Court were not going to be concerned, our duty would be the same; the Convention we are preparing is so important, it may involve such grave consequences for Governments, the obligations which it involves are so serious, that we are bound to do the utmost in our power to make its meaning perfectly clear.

When the Conference meets, a certain number of Powers, including France, will submit proposals in figures for the limitation of their armaments. These proposals will be calculated in relation to a given situation; they will correspond to a given degree of security. In determining this situation, this degree of security, the regime which results from the strict application of the military clauses of the Peace Treaties forms an essential factor.

The amendment which I submit to the Commission is solely intended to make the situation clear and, by forestalling any doubts in regard to this or that provision of the Convention, to obviate the effects which such doubts might produce. By this text, the Powers concerned define the conditions under which they accept the figures for limitation to be inserted, in regard to themselves, in the Convention. It is a reservation, if you will, but one of which the other signatory Powers will be cognisant in advance, and which will thus become, for those Powers who submit it, an essential condition of the obligation they accept.

I have nothing further to add.

Count Bernstorff (Germany). — If I am not mistaken, we have three proposals before us: a French proposal, a British proposal and a proposal by the Bulgarian and Turkish delegations.

If the Commission desire to accept the Bulgarian-Turkish proposal—which is to omit Article EA and leave it for discussion at the Conference—I should be prepared to accept that course. In that case, we could say in the report that this question was so essentially political in character that the Commission thought best to leave it to the Conference. I have no objection provided that the Conference meets in the near future.

I must, however, reply in a few words to Lord Cecil. I think that my desire to speak on this occasion was perfectly legitimate, since the article in question aims at excluding us permanently from the disarmament system. It is not surprising, therefore, that I should wish to state my Government's opinion.

Article EA refers to the treaties of Washington and London, regarding which I have nothing to say. It also refers to Peace Treaties in which certain obligations well known to you were undertaken towards us.

The Commission will remember that, in 1927, I made a general reservation in regard to this article. Since then, the removal from our Convention of certain fundamental provisions compelled me, in the spring of last year, to dissociate myself definitely from the programme of the majority. Events which have happened during the present session have abundantly convinced me that this formal declaration was justified. In the draft, in its present form, the idea of genuine disarmament, as regards land armaments, only survives in the title.

If the majority of our Commission would only realise this deplorable result of its five years' work, they would avoid placing this artificial work, through Article EA, in relationship with the earlier Treaties. It is true that, if the majority accept Article EA, their decision will only
affect countries who propose to sign the draft Convention. I am certainly not of that number: On the contrary, I shall take the opportunity offered by Article EA to vote against the draft Convention as a whole.

It may be that some delegates here are under the impression that my Government might be induced to accede to a Convention which, instead of leading to genuine disarmament, would merely serve as a cloak for the actual state of the world’s land armaments, or—even worse—would make it possible to increase those armaments. That, in my opinion, would be tantamount to renewing the German signature to the Disarmament clauses of the Treaty of Versailles.

I beg you, Gentlemen, to renounce any such illusions.

As for the amendment which the French delegation has just submitted, I wish to make the following declaration: You are all acquainted with the conditions which the German Government considers essential if this Convention is to be regarded as discharging the obligations incurred by other nations towards disarmed Germany. For many years past the official representatives of Germany have lost no opportunity of repeating them. We consider that Germany cannot recognise anything as a first Disarmament Convention unless the solution which it provides is just and equitable, and pays regard to the security of all States. Only a few weeks ago, Dr. Curtius, the Reich Minister for Foreign Affairs, repeated these conditions here at Geneva, and I myself have always spoken in the same sense.

Accordingly, in estimating the value of the Disarmament Convention, Germany will have to consider whether it is calculated to realise, at length, the principles of parity of security. The draft which the majority of this Commission has drawn up during the past five years is very far from giving effect to that principle.

Lord Cecil (British Empire). — I have no desire to intervene in any controversial matter more than I can help. The big question as to parity raised by the German delegate seems to be a matter which we cannot very well discuss here. It is obvious that if parity, as he calls it, is to be attained, it can only be attained as the result of careful and anxious consideration, and it obviously seems to be a matter which will be discussed not in this Preparatory Commission but in a special Conference on the subject, if such a conference ever takes place. I did not rise to say so much as that, but for two other purposes; first, to protest very earnestly against the statement made by Count Bernstorff, that the proposed Convention will not really amount to any limitation or reduction of land armaments.

It is to me quite astounding that anyone who really has followed the proceedings of this Commission—any serious and responsible person not carried away by passion and prejudice—should have made such a statement as that. Let me remind the Commission, very shortly, what we have agreed to with regard to land armaments. We have agreed to a limitation of the total numbers; we have agreed to a separate limitation of the officers, non-commissioned officers and professional soldiers of every army. We have therefore agreed inferentially, and as a necessary consequence, to the limitation of those soldiers who are neither officers, non-commissioned officers nor professional soldiers in conscriptionist countries. I do not see how a limitation of numbers could well proceed farther than that. We have further agreed to a limitation, by budgetary limitation, of the total expenditure on armaments, including land armaments, and also specifically to limit the expenditure, in the more technical sense, on land armaments.

I am quite certain that it passes the wit of man to arm a force unless money is available for that purpose. If you limit the money you limit the arms, and in my judgment—a judgment I have constantly expressed—I do not believe that there is any other effective method by which you can limit the armaments of a land force. It is for that reason that I have always been so warm a supporter—certainly of recent times—of that particular method. It does seem to me that, in the face of these facts, which are incontrovertible, to say that we have done nothing which can result in the limitation of land armaments is to make a statement which is absolutely devoid of foundation.

The other thing I wanted to say was purely in regard to the technical aspect of this proposal. Count Bernstorff thinks only of one particular question—the limitation of land armaments. He should remember that there are other treaties in existence providing for the limitation of naval armaments and we, at any rate, being parties to those treaties, desire very strongly that nothing should be done to diminish their effect. Therefore I hope that for that reason, if for no other, we shall pass this article.

The French delegation has proposed an amendment to clear up what it conceives to be a doubt as to the effect of the article, and I do not gather that Count Bernstorff is opposed to that. Its object is to make it quite clear that, if there be an infringement—let me take it in the case of ourselves or any of the parties to these Treaties—although there is no likelihood of such a possibility—that if there be an infringement of the Washington Treaty, or the London Treaty, we desire that that should be treated as an infringement of whatever is agreed to under the general Treaty of Disarmament.

I am a little doubtful as to the actual phraseology which M. Massigli has proposed, and perhaps he will agree that the matter should be referred to the Drafting Committee for it to consider that point. The point I have a little doubt about is this. I may be wrong, but as I read his amendment, if there were quite a small infraction of one of those other Treaties—for instance the Washington
Treaty—if there were some relatively minor infraction, that would release the parties to those Treaties from the whole of their obligations under this Treaty. I am sure that is not what M. Massigil intends, but I am a little afraid that would be the result. I hope he will agree to refer it to the Drafting Committee, for the purpose of putting the limits which exist in those Treaties on the same footing as the limits which will be provided in this Treaty.

If that be the principle, I do not think that our legal advisers will have any difficulty in devising a text on the subject.

May I conclude by expressing my deep regret at the attitude which Count Bernstorff has been instructed to assume. I had hoped very much that, in this meeting, we should have had the active and practical co-operation of the German delegation in making as far as we could—and, granting the limits of practicability, which all must recognize at the present time—the best skeleton treaty for disarmament that is possible. I repeat, I had hoped very much that we should have had the constant co-operation of Count Bernstorff in that connection, and had suggestions made as to how this or that practical detail might be improved, and I am bound to admit that I do not think we have had very much assistance in that respect from him. I can only express my deep regret and my hope that this does not mean a fixed and determined policy on the part of the German Government.

General de Marinis (Italy).—Our Commission was instructed to prepare a draft Convention which would enable effect to be given to the obligations of Article 8 of the Covenant; these obligations are related to those previously mentioned, in regard to certain Powers, in the preamble of Part 5 of the Treaty of Peace.

The real question for us to consider, in my view, is whether our Convention fulfils those obligations? To reply to that question we would need to be in a position to estimate the true value and actual effects of our Convention; but hitherto we have only had before us a skeleton of that instrument; the vital part, which will enable us to appraise the extent of disarmament, is still lacking, because in this Commission we have not, and could not have, discussed the figures.

I therefore consider that the question now under debate should be left to the Conference. It cannot be decided here. I am so sure of that, that if this question is to be discussed I shall refrain from speaking; and if the Commission votes upon it I shall abstain.

M. Massigil (France).—Lord Cecil has perfectly understood me. We agree that the Drafting Committee should examine my amendment, so far as concerns its form. What I regard as essential is that the idea contained in it should appear in the Convention.

While fully appreciating General de Marinis’ reasons for wishing us to refer a political discussion—which is certainly out of place here—to the Conference, I still think that the article in question—which is not new—must appear in our draft, because it constitutes an essential factor which the Governments require to know in order to work out the figures which they will propose for the Conference.

Count Bernstorff for his part has reminded us of his Government’s arguments and has refrained from repeating them. For the same reasons I will not repeat or re-state the French arguments, which are well known to you, and which have often been stated here and elsewhere. I will only refer to one point. I was much interested to hear the German delegate just now use the word “security.” I regard that as an acceptance of a conception which the French Government has always defended, and I note it with satisfaction.

General Kasprzycki (Poland).—I think that the Commission is inclined to refer this whole political question to the Conference. I do not oppose that course, but it is none the less necessary that we should declare our views, not with any desire to debate the political aspect of the question, but to define the starting-point of our work. We have adopted a doctrine—I refer to the recent resolution of the Assembly—which is the basis of all our work. I mean the doctrine of existing security, which is the starting-point of the disarmament obligations. Disarmament will be in relation to the security existing at the moment when the Convention is finally concluded.

Now, one of the most important factors of security is the military system of the countries disarmed in accordance with the Peace Treaties. That is the one stable element—so long as the obligations of those treaties are strictly maintained. The other factors of security are constantly evolving, and often in an opposite direction from what might be expected when precipitate demands for complete disarmament are being made.

The Polish delegation considers that the maintenance and the strict observation of the disarmament obligations incurred by certain Powers in the Peace Treaties of 1919 are prerequisite condition for the acceptance and maintenance in force of the present Convention by other Powers. I cannot accept the quite unjustified estimate of our work which we have just heard. First, I would remind you—and here I agree with general de Marinis—that the draft Convention is merely a skeleton without figures.

But there is also another important aspect of this question. As an expert and as a soldier, I would point out that, during the present session, we have accepted methods which affect certain vital aspects of armaments. We have encroached on the sphere of national defence. And I would further emphasise the fact, of far-reaching importance, that this is the first time that the sphere of national defence, hitherto reserved for the sovereignty of States, has become the subject of international regulation.
For these reasons I unreservedly support the text of the article, as submitted by the British delegation, with the French amendment. As far as its wording is concerned we can refer it to the Drafting Committee in order that some trace of this debate, which is really the starting-point of our work, should, at any rate, remain in the text of our draft Convention.

Dr. Markovitch (Yugoslavia). — I agree with the French proposal and with the views of that delegation concerning the political and legal aspect of the Disarmament question, as it relates, on the one hand, to countries disarmed in virtue of the Peace Treaty, and, on the other hand, to Members of the League who have undertaken to disarm in virtue of Article 8 of the Covenant.

M. Antoniade (Roumania). — After my Polish and Yugoslav colleagues, I desire also to express the view of my delegation regarding the necessity of inserting an article corresponding to the former Article EA at the beginning of Section V, I entirely agree with the British proposal, together with the addition (which we regard as essential) proposed by the French delegation.

Count Bernstorff (Germany). — I do not desire to prolong this debate, but in view of my very old relations with Lord Cecil, and that we have stood on so many platforms together and so often been of the same opinion, I always feel very sorry when he does not share my opinion and I have to differ from him. It is necessary for me to say a few words in this respect. Never in my life have I been carried away either by passion or prejudice on political questions.

I would only like to ask Lord Cecil a few questions. Is it void of foundation that the sea and air armaments are to be directly limited and the land armaments not? Is it void of foundation that budgetary limitation allows unlimited increase of armaments in stock from now on? Is it void of foundation that the central force of all the continental armies, trained reserves, is to be sacrificed to the question of sea armaments. That is quite an impossible view for the representative of a country whose interests are eminently land interests, to take, and one who cannot possibly take any other point of view of disarmament. Land armaments are for us the chief part of the whole thing. That is why I have absolutely nothing against security; only if there is to be security there must be parity of security and security for all.

M. Colban (Norway). — I am somewhat embarrassed by the turn which the debate has taken. I thought that we were discussing the text of Article EA; and now we are engaged on a debate, in which I have no intention of joining, on a highly important political question. If I vote for the British proposal with the French amendment am I thereby defining my attitude on these political questions? I am not sure. It is the text of the British proposal together with the French amendment—as interpreted by Lord Cecil with the assent of the French delegate—which is to be put to the vote. But after the political discussion which has now taken place, it is difficult to know if one can vote for this text which, without this debate, might have been regarded as perfectly natural.

M. Sato (Japan). — I think M. Colban's observation is perfectly reasonable. To give him satisfaction I propose that the Commission should adopt the present text of the British proposal, with the French amendment, and to leave the political aspects to be debated by the Conference.

Lord Cecil (British Empire). — I hope we shall not have any political discussions of this kind anywhere. I think we ought to consider this, and I wish to thank M. Colban for calling us back to the real subject which we ought to be discussing—namely, the desirability of this as a matter of drafting of this Convention. To my mind, you have to say one thing or the other. Is this Convention to supersede other treaties or not? I think you must know it is not to supersede other treaties. That must be done by a definite proposal of that kind, which must be made in the usual and proper way. Here we have merely to say what is to be the relation between this Convention and other treaties. It is in that sense that the British delegation desired to have this matter discussed. It did not desire to raise any political question at all. The British amendments are only questions of drafting. I hope we shall accept that and the French amendment also, subject to revision by the Drafting Committee.

The Hon. Hugh Gibson (United States of America). — I rise to explain the vote of the American delegation. I propose to vote for the British amendment. I wish to make it clear that this vote will be on grounds having no connection with the question which has been under discussion.

As the representative of a Power already definitely bound by two naval treaties, I am concerned that somewhere in our Convention it be clearly stated that our naval treaties remain a binding force.
VOTE ON THE BULGARIAN PROPOSAL.

The President. — What Mr. Colban said is perfectly correct and true, but we could not avoid a political discussion on this question. Fortunately it has been limited, and I think that now it is closed.

I put to the vote M. Morfoff's proposal, seconded by General de Marinis, for the omission of Article EA, as now worded. Mention will be made in the report of the discussion which has just taken place on that article.

The Bulgarian proposal was rejected by twelve votes against five for, with some abstentions.

VOTE ON THE BRITISH PROPOSAL AS AMENDED BY THE FRENCH DELEGATION.

The President. — I now put to the vote the British proposal, as amended by the French delegation. It is understood that the drafting of the text is reserved.

This proposal, as amended, was adopted by fourteen votes with some abstentions.

REFERENCE OF THE BRITISH AND FRENCH TEXTS TO THE DRAFTING COMMITTEE.

The President. — I propose that we refer the British and French texts to the Drafting Committee.

Agreed.

88. Discussion on Chapter I. — Effectives (continuation): Article I (continuation).

Observations and Reservations.

This Article has not been discussed in connection with naval and air effectives.

The delegation of France declares that the clauses of this Article must apply in the same conditions to land, naval and air effectives.

First Reading.

In each Contracting State having the conscription system, the total period of service which the annual contingent is compelled to serve shall not exceed the figure accepted by each of the High Contracting Parties.

For each man the total period of service shall be the total number of days of active service and of days of service during the periods of training which he undergoes.

Texts drawn up at First Reading.

AMENDMENT PROPOSED BY THE GERMAN DELEGATION.

"In each Contracting State having the conscription system, the annual contingent and the total period of service which the annual contingent is compelled to serve shall not exceed the figure accepted by each of the High Contracting Parties."

"For each man, the total period of service shall be the total number of days of active service and of days of service during the periods of training which he undergoes. The period of active service shall be shown separately."

"No register shall be kept of persons whose military obligations are terminated."

The President. — We must now vote on the second and third paragraphs of the above German proposal. I would, however, observe that the second paragraph of the German amendment is similar to the second paragraph of Article 1 adopted by the Commission on November 8th. I would ask Count Bernstorff to withdraw his proposal concerning the second paragraph; we can then vote on the last paragraph only of his amendment.

Withdrawal of the German Proposal.

Count Bernstorff (Germany). — I am informed that the two texts of the second paragraph referred to by the President are not on the same lines. As I said yesterday, I asked for a vote on my proposal because this question has now been formally settled. For my part, I have already said that, as the first paragraph of my proposal was rejected, I did not specially press for a vote on the other two paragraphs. In these circumstances, I have no reason to press my proposal, and I accordingly withdraw it.

The President. — The question is thus settled and no vote is required.
89. Procedure: Discussion of Remaining Articles of Chapter V, Section V, and of Article AD: Reference of these Articles to a Sub-Committee.

The President. — In order to leave the Drafting Committee time for its work, I propose, that the next plenary meeting should meet to-morrow afternoon.

Lord Cecil (British Empire). — I have no objection to that; but what has happened to the rest of Chapter V?

The President. — We will take that section at our next meeting.

Lord Cecil (British Empire).— We must be regular in our proceedings. Article EA refers simply to the interrelation between our Convention and other treaties. That is one point. Then follow the ordinary provisions—provisions contained in every Convention—dealing with ratification and the length of operation of the treaty. These are very important matters, and there are other matters, but they are quite separate from Article EA. If it be thought desirable to postpone those matters to another day I am quite content, but as we are going through the whole of this Convention in second reading I think it would be better to deal with each part of it, after which we can begin the third reading. We can say that there are some parts which require further consideration and therefore that we do not propose to deal with them immediately, but personally I think it would be better, in the circumstances, to adjourn now and take up the rest of Section V before we start a discussion on, for instance, the German proposal, which is an entirely separate matter.

M. Holsti (Finland). — I suggest that the remainder of Section V should be referred to M. Politis' Sub-Committee.

The President. — That would be an excellent method.

M. Sato (Japan).— I wish to point out that we have not yet discussed Article AD concerning air armaments. We had reserved that article till we had taken a decision on Article ZD; but, as a result of the amendment adopted yesterday, the latter article has now disappeared, and we do not know what is to become of the principle laid down in the former Article ZD. Whatever may be decided on that point, the question raised in Article AD subsists and must be discussed.

M. Sato (Japan).— I feel some doubt as to the proposal to send Article AD to the Sub-Committee which is to study the coming into force and the revision of the Convention. The main question raised by Article AD is not the revision of the Convention; it deals with a special point. We had reserved this question until we had decided on Article ZD, as it seemed easier to examine the two articles in conjunction; but now that Article ZD has disappeared—at any rate, in its present form—it seems logical that we should discuss Article AD.

M. Massigli (France).— I think M. Sato would be satisfied if we decided to discuss Article AD as soon as the Sub-Committee has reported on Section V.

M. Politis (Greece). — We must not be too formal in these matters. Article AD was reserved until we had decided on Article ZD. The latter article no longer exists, but the idea which it contained has been embodied by the French delegation in an amendment to Section V. We cannot therefore discuss Article AD until we have settled on the text of Section V.

To facilitate matters, I propose that we refer Article AD to the Sub-Committee on Section V; in that way the Commission will have a coherent text to discuss, and we may avoid long discussions. The Sub-Committee will be in a better position to see if there is any connection between the two texts. If there is not, M. Sato's point will be fully met, for Article AD will subsist intact and will be discussed by the Commission. On the other hand, if a connection does exist, the Sub-Committee will ascertain the fact and report accordingly.

Reference of the Articles discussed above to the Sub-Committee presided over by M. Politis.

The President. — I propose that we refer all these articles to the Sub-Committee which will continue to sit under the able chairmanship of M. Politis and will be strengthened by Count Bernstorff and M. Westman.
Count Bernstorff (Germany). — I would prefer not to be a member of that Sub-Committee.

The Commission rose at 12.40 p.m.

EIGHTEENTH MEETING.

Held on Friday, November 28th, 1930, at 3.30 p.m.

President: M. Loudon (Netherlands).

Welcome to Dr. Beneš.

The President. — We have much pleasure to-day in welcoming in our midst one of the great friends and defenders of our cause, the Czechoslovak Minister for Foreign Affairs, M. Beneš. I welcome him in the name of the whole Commission. We are happy to see him with us. We know the work he has done up to the present as President of the Committee on Arbitration and Security.

He has been good enough to join us for the close of our labours, and I thank him for doing so. I say "the close"; that may astonish you; but it is a fact that we are approaching the close. I believe that, in a week from to-morrow, we shall be at the end of our task, because we have done particularly good work latterly. We have worked with method, with the desire not to create confusion, with the intention to adhere strictly to the established procedure. The method we have followed latterly of referring matters to sub-committees is the best way of working. I am sure we shall conclude well before the date we had had in mind, because we have worked with a will, because we knew that the work on which we are engaged is a great work, and because we have avoided playing to the gallery.

Dr. Beneš (Czechoslovakia). — I thank you for your kind words. I will only say that I regret immensely that I was not able to be present at the beginning of your labours, but have arrived only at the end. But it will be a happy end—of that I am sure.

Discussion on the German Proposal concerning Preparation for the General Disarmament Conference.

GERMAN PROPOSAL CONCERNING PREPARATION FOR THE GENERAL DISARMAMENT CONFERENCE

BY FURNISHING DETAILED INFORMATION AS TO THE PRESENT STATE OF ARMAMENTS.

"As stated at the opening meeting of the second part of the sixth session of the Preparatory Commission for Disarmament, the task of the Commission is to prepare as thoroughly as possible for the future Disarmament Conference. It is for the Commission also, therefore, to place the Conference in a position to form from the outset an accurate idea of the present state of armaments of all States. It is not sufficient to submit to the Conference the text of a draft Convention indicating the methods by which the Commission proposes to limit and reduce armaments. To enable the Conference to apply a particular method, it must be furnished at the same time with accurate and complete information as to the present position of armaments.

"For example, if the London Conference were successful, that was largely due to the document which was submitted to it on the day the Conference opened, containing complete and minute details as to the position of all the navies in question. This document served as a basis for the work of the Naval Conference.

"In the case of the navies, there were sufficient official sources for drawing up this document. That is not the case with the other armaments. The Armaments Year-Book of the League of Nations cannot fill this gap, since it has not at its disposal sufficient official sources of information, and the information which it contains is still much too vague for the special purpose of the future Conference. It is therefore for the Preparatory Commission to prepare this indispensable information. With this object, the Preparatory Commission should ask all the Governments that are to be represented at the Conference to supply detailed information as to the present position of their armaments. In order to enable this information to be supplied from uniform standpoints, the Preparatory Commission should draw up model tables.

"The German delegate proposes that the above suggestion be discussed."

The President. — We are now about to consider, in the first place, the German proposal regarding preparation for the general Disarmament Conference by detailed notification of the present position of armaments.

At the end of this proposal it is stated that:

"With this object the Preparatory Commission should ask all the Governments that are to be represented at the Conference to supply detailed information as to the present..."
position of their armaments. In order to enable this information to be supplied from uniform
standpoints, the Preparatory Commission should draw up model tables."

We have, therefore, first to decide whether we shall or shall not adopt the principle of this
proposal.

Count Bernstorff (Germany). — I have nothing to add to what is contained in the document.
It appears to me quite essential that a Conference which wishes to discuss disarmament should
be informed as to existing armaments. I quoted the example of the London Naval Conference
in this document. I said:

"If the London Conference was successful, that was largely due to the document
which was submitted to it on the day the Conference opened, containing complete and
minute details as to the position of all the navies in question. This document served as
a basis for the work of the Naval Conference."

It seems to me that we ought to set about matters in the same way in the case of the
Disarmament Conference. It is for this reason that I have made my proposal; but I have not
submitted tables, because I thought it was not necessary to do so until the principle had been
considered. It is on the principle that I now ask you to decide.

M. Massigli (France). — I welcome Count Bernstorff's proposal as embodying an idea
which is very sound, though it may seem a trifle paradoxical, at this stage of our labours, that
preparation should be necessary for the Conference.

It is certain that, when we submit a draft Convention to the Council and to the Governments,
our task will be far from being at an end. There will still be meticulous work to be done if the
Conference is to meet, if not with every chance, at any rate with a good chance, of success.

It will therefore be necessary to make very extensive enquiries of the Governments, and
these enquiries will have to relate in part to the position of their armaments.

Count Bernstorff very rightly quotes the example of the London Naval Conference. What
happened at London? The object of the Conference was known and clearly defined, and each
Government came with its case ready within the limits of the programme. I think it will be
extremely useful if each Government will again come with its case ready, within the limits which
we are about to lay down. But, in the first place, I should not like the German proposal to be
regarded as limitative, or the Governments to feel that all they have to do is to supply information
and figures in accordance with the draft Convention. In the second place, I see serious difficulties
in the way of the Preparatory Commission itself asking the Governments for information, because
that is not the Commission's business at all. We have been appointed by the Council for a
precise purpose. We have no answer to a number of questions. I do not know whether we have
answered them all; but, at any rate, we are answering by a draft Convention. We may, at the
same time, draw the Council's attention to the fact that there are other useful enquiries to be
made; but I do not think we are qualified to put questions to the Governments, and I am sure
Count Bernstorff agrees.

All I understand, therefore, by Count Bernstorff's proposal, is that we are to draw attention
in our report to the interest attaching to an enquiry of the Governments. How is that enquiry
to be made? To what will it relate? I do not wish to limit or define it at the present moment.
It will of course involve information and figures. Possibly it will include other elements, and
I wonder to what extent we should take up a position on this point. I think we should do well
to confine ourselves to drawing attention to the question.

Count Bernstorff (Germany). — I am very pleased to find myself in complete agreement
with M. Massigli. The essential point, to my mind, is that this question should be put to all
the Governments, and that there should be replies to it; but I have some doubt as to the Council,
because this question concerns also Governments which are not Members of the League.

At any rate, I shall be glad if the Commission will take a decision on the principle involved
in this question, and say whether at this stage such preparation is necessary.

I should prefer the Commission to express its opinion on this point here and now; but, if
the majority think it would be better to inform the Council and let the matter go through the
Council, I will defer, and we will express our wishes in our report.

Lord Cecil (British Empire). — I entirely agree with the proposal. Preparation of this
kind is absolutely essential, but I do very much agree with M. Massigli that it is only part of
a great many other things of the same kind that will have to be done before the Conference
can hope to meet successfully. Undoubtedly the Council—because it is the Council that names
the date of the Conference—will have to take measures, before the actual work of the Conference
begins, in some way or another. It seems to me that the best thing we can do is to call attention
in our report to this motion of the German delegation, and say that we recognise that preparation
of that kind, and probably going much further than that, will be necessary; and that we hope
the Council will take the matter into serious consideration. Our Rapporteur could probably
draft a paragraph to that effect.

M. Sato (Japan). — As regards the principle involved, I have no difficulty in accepting
the German proposal. As detailed information as possible is required for the Conference.

I would point out, however, that while it is quite true that in London we gave as full details
as possible of our warships, those details were already known to some extent. We simply
confirmed or supplemented the information, in order that all the delegations there might have accurate data.

The position now is quite different and I am doubtful whether we can give such full details. According to the German proposal, the Commission, or the Council, would ask all the Governments to supply detailed information as to the position of their armaments. That is exactly the point that we are dealing with at present.

To take land armaments, for example, information would have to be given concerning effectives, a question that has already been settled, and concerning material, a question on which, on the contrary, we have not yet reached agreement, so that we cannot pass a resolution specifying the exact scope of the information which all the Governments will be required to supply.

In this Commission, we must first discuss the provisions to be made in the draft Convention for publicity. Even when that point is settled, however, we cannot yet tell whether all the Governments will or will not accept the draft Convention. That we shall only know when we come to the Conference. Such being the case, how could we ask the Governments to give information regarding land material, to mention no other point?

While I fully agree with the object of the German proposal, I wonder what the Governments’ attitudes will be in the matter. They will certainly feel very much embarrassed if this proposal be adopted. They do not know themselves what the Conference may decide.

At the same time, I should be prepared to accept this proposal if it were amended so that all the Governments would be asked to supply the Conference with such information as they might feel able to give.

General de Marinis (Italy). — The German delegation’s proposal should be thoroughly gone into. In framing any disarmament plan, we have to determine the basis, the starting-point for the whole of the work. I need not dwell upon this very obvious principle, which previous speakers have already mentioned.

Moreover, I agree with M. Massigli and Lord Cecil, who share Count Bernstorff’s view. The report should mention that the Commission agreed that the information referred to in the German proposal should be supplied by the Governments concerned, the Council being asked to consider the best means of obtaining such information; the Council would have to say whether it is necessary to call upon the Permanent Advisory Commission or any other committee that it may decide to set up for this purpose, unless it feels itself competent to determine the manner in which such information should be supplied. In any case the report should mention the expediency, I might even say the necessity, of obtaining this information.

The President. — I would ask Count Bernstorff whether he agrees to M. Sato’s proposed addition.

Count Bernstorff (Germany). — Naturally we can obtain only such information as the Governments may care to give. If the Council thinks that it should ask the Governments for information, it will have to declare itself satisfied with the information it receives: it cannot go beyond that. The essential point is that the Council should make this request to all the Governments represented at the Conference.

Dr. Markovitch (Yugoslavia). — If I have rightly understood the position, the suggestion is to refer the German delegation’s proposal to the Council, which will decide whether it is expedient to address such a request to the contracting parties. Or is the suggestion that we should agree to the German delegate’s proposal and call upon the Council to lay it before the Governments? I raise this point because in the latter case I should wish to submit the same reservation as the Japanese delegation, since we have not yet decided as regards publicity for material in reserve, and I think that we should be guilty of inconsistency if we decided against publicity for such material and, at the same time, asked for full information as to the present position of armaments.

The President. — We have now to decide whether the Commission is agreed on the principle embodied in the German proposal, and whether it is to be mentioned in our report, in order that the Council may consider the means of obtaining the information in question, in accordance with General de Marinis’s suggestion.

Lord Cecil (British Empire). — I do not want a resolution passed as to the meaning of which we are not quite clear. I hope we shall say something of this kind in the report, though we cannot decide definitely before we have seen the terms of the report. I think we should recite the substance of the German proposal in the report and say that no doubt information of this description—and much else—will be necessary, and that we hope the Council will take steps to prepare for the Conference on these lines. I do not wish us to bind ourselves to saying that this particular information must be asked for from the Governments. It is part of the general preparation that will be necessary, and that is what I think Count Bernstorff has in mind.

Count Bernstorff (Germany). — I quite agree with Lord Cecil that this should be regarded as a suggestion.

The President. — We are all agreed, and there is no need for any further explanations.
Discussion on the Report of the Sub-Committee of Military Experts appointed to examine Article IB (first reading text).

Observations and Reservations.

Owing to the various considerations brought forward by the Japanese delegation at the meeting of the Commission on April 21st, 1927, it formally opposes this proposal, and also the proposal of the German delegation opposite Article TA (Chapter II).

The Italian delegation agrees with the above remarks of the Japanese delegation.

First Reading.

(Netherlands Draft.)

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

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

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

The President. — I will now call upon M. Cobián, Chairman of the Sub-Committee of Military Experts, from whom we have received a report, and in case the delegates have not all had time to read that report, I would ask him to give us a summary of the results of the Sub-Committee's proceedings.

M. Cobián (Spain). — Everyone was agreed as to the difficulty and delicacy of the task which the Committee entrusted to the Committee of Experts, that task being to investigate one of the most thorny problems submitted for discussion in the Preparatory Commission. The experts embarked upon their task, as usual, with a full sense of their responsibility. They went thoroughly into the various questions, each maintaining his point of view firmly and without wavering.

Real convictions, however, are always based on definite facts and rational considerations, so that it is always possible, as regards certain ways and means, to find some common ground which will enable the Commission to come to a decision on these grave problems.

One question examined by the Sub-Committee was whether there was any great objection, from a technical or military standpoint, to agreeing to publicity for material in reserve, and at the same time for material in service.

As regards publicity for material in reserve, the Sub-Committee was divided: there was not actually a majority either for or against the proposal. You will find the arguments on either side better set forth in the report than I could reproduce them here.

Note by the Secretariat. — See Annex 5.
With regard to publicity for material in service, the position was fortunately quite different, and I think I may say that, in principle, all the experts agreed that there was no objection to the proposal, though some of them regarded it as unnecessary and ineffective, and consequently saw no point in it.

A table was prepared, however, for publicity for material in service, and this table, subject to the reservations to which I have just referred, was accepted by almost all the experts, some of them expressing the view that it should be applicable also to material in reserve.

Publicity as contemplated by the experts applies, it may be noted, only to land material, the Committee having been practically unanimous in its opinion that it was unnecessary to extend it to naval and air armaments, though two or three experts made explicit reservations on this subject.

I have the honour accordingly to submit to the Commission a table with the text of an article which I think I may claim expresses the views of the Committee of Experts as regards publicity for material in service. Various amendments to the table were also accepted. You will find them in the annex distributed with the report. If the Commission feels that a discussion and vote are necessary on the texts in the annex and on the table itself, we might first decide the question of publicity for material in service and then that of material in reserve, on which point the Sub-Committee was divided, so that we were unable to submit a draft resolution on the subject.

One expert, moreover, suggested that, instead of publicity in terms of numbers for material in service as proposed in the table, we should have publicity in terms of the value of such material. The Sub-Committee felt unable to adopt this suggestion, and has referred it to the Commission. The latter thus has to consider two questions: the Sub-Committee's solution embodied in the table relating to material in service and the Japanese expert's suggestion concerning publicity in terms of the value of the material in service on the one hand, and on the other hand the general question relating to material in service and the Japanese expert's suggestion concerning publicity in terms of value. After adopting one or other of these methods, and after adopting the proposal, the Commission will have to take a decision as to whether the table is or is not applicable to publicity for material in service. It accordingly introduced the following clause before the table now submitted to you:

"Each of the High Contracting Parties shall prepare an annual statement under the headings given below, showing the number of weapons in service in its land forces and existing on the date of . . . of the preceding year."

This is equivalent to saying that the table applies only to publicity for arms in service, but, as the report states, the three experts who drew up the table are of opinion that it can also be used for material in reserve. That was why it was decided to introduce a note after the words "shall prepare". The Commission will therefore have to decide a question concerning which the Sub-Committee has not submitted any proposal. The Sub-Committee, being composed of experts, did not feel competent to take a decision on the question of principle. Its task was to examine the question, and the result of its examination is the table now submitted to you. At the same time, opinion having been practically unanimous as regards publicity for material in service, it is fair to say that the Sub-Committee suggests this table being approved for such material.

In my view, the Commission will first have to take a decision on this table in relation to publicity for material in service. It will then have to examine the suggestion submitted by one of the experts on the Sub-Committee, that direct publicity (publicity of numbers) should be replaced by publicity in terms of value. After adopting one or other of these methods, and after adopting or rejecting the table, in so far as it concerns publicity for material in service, the Commission will have to take a decision as to whether the table is or is not applicable to publicity for material in reserve. That represents the results of the Sub-Committee's work, and that, in my view, is what it remains for the Commission to do.

The President. — I think that, as M. Cobián proposes, the Commission must first decide on whether it accepts the table for material in service.

Proposal by the British Delegation.

Lord Cecil (British Empire). — I do not think we really ought to decide this question without any discussion. I should have preferred somebody else to speak, somebody who is better qualified than myself, but as nobody is prepared to do so I must make a few observations.

I think the Commission is put in a very difficult position by this situation. Owing, perhaps, to unfortunate circumstances, I do not think this proposal of the Netherlands delegation has been properly considered by the Governments concerned. I do not think many of us had very precise instructions from our Governments in the matter—it is not the fault of the Netherlands.
I confess I find myself in a considerable difficulty about it. I must say, with the greatest respect, I would be treated as a decision of the Commission representing all that was necessary, and would thoroughly inadequate list, such as the list applying only to articles in service, because that me, this matter presents considerable difficulty. I should be very much against adopting a to say quite frankly that after making enquiries, I have arrived at the conclusion that my own to agree to an annual return of weapons and other armaments in reserve. I ought, I think, to the Sub-Committee, I cannot see much point in publishing details of material in service; I do not think it gives much information of particular value to anybody, because obviously it can be increased at any moment, or decreased, by putting material into reserve or taking it out of reserve, and I do not see great advantage in such returns. On the other hand, it is evident to anyone who reads this report that a number of Governments are not prepared at this moment to agree to an annual return of weapons and other armaments in reserve. I ought, I think, set up a false standard of the information which it was desirable to have, and it would do harm rather than good. I am speaking as one who desires as much publicity as possible, and therefore I doubt whether the adoption of a list of articles in service would really be of any advantage at all, and it might be of great disadvantage.

On the other hand, I think an attempt to adopt here, by a bare majority, a system which maybe a great number of Governments are not prepared to approve at the present moment, a system of establishing publicity for articles in reserve and so on, would probably only make it very difficult for the Governments afterwards perhaps to take a different and a more enlightened view.

I think the best thing we can do is to postpone the details of this table and leave it to be decided on by the Conference. After all, the principle on which we proceed right through our discussions is to avoid giving decisions on details. We have tried to lay down the general principles upon which disarmament ought to proceed, but we have almost always refused to go into details as to what exactly ought to be done. It seems to me that we might usefully point out that some table of the kind ought to be prepared, and that some interchange of information of this kind ought to be given. I would suggest that we could not do better than reaffirm, as applying to all the contracting parties, the general principles which now apply only to the members of the League of Nations. I would suggest that the best way out of the difficulty would be to recite in our report the substance of this report, set out this table and point out the considerable authority that was behind it and the various suggestions that were made; and put into our Convention an article to this effect:

"The High Contracting Parties undertake to interchange full and frank information as to the scale of their armaments according to Table . . . ."

I do not pretend that that is a very satisfactory solution, but it is the only solution that occurs to me as likely to obtain any real measure of support on the Commission at the present time. I feel that it is better to advance even a very little way than only to make a pretended advance which we might afterwards have to withdraw.

BUDGETARY PUBLICITY: PROPOSAL BY THE FRENCH DELEGATION.

M. Massigli (France). — I must confess that I, too, feel very much perplexed by the Sub-Committee's report. When a mere layman like myself reads an experts' report, he approaches it with a desire to find new light, and even, perhaps, to find arguments at variance with those of his own experts. In a word, he wants to form a sound opinion. In this report, however, I have not discovered material which would enable me to form any opinion. I have found contradictory views—very interesting views, it is true, but I find it very difficult to draw any conclusion from them. The only conclusion to be derived from them was indicated by Lord Cecil—namely, that some measure of agreement had been arrived at (with a number of abstentions) as regards the possibility of publicity for material in service. But, like Lord Cecil, I must say that publicity for material in service seems to me of very doubtful value, since we may say that the amount of material in service is in strict correlation with the number of units, and there is nothing confidential about that.

What are we to do? I must confess that Lord Cecil's proposed solution—that we should wait—does not satisfy me any more than it satisfies him, for I am sure that he really wants something more. I wonder, then, if we could not succeed in finding some other solution.

I, personally, noted with great interest the Japanese expert's allusion to the possibility of publicity in terms of value. True, another expert, of acknowledged authority, immediately declared that such publicity was, if not impossible, at all events difficult of achievement. Is that really the case? This Commission was set up a long time ago, and we may be excused if we have lost sight to some extent of what has been done in the past. At one point, however, it did carry out an exhaustive inquiry into the question of publicity in terms of value, and there was an experts' report numbered, if I am not mistaken, document C.P.D.40, 1 that report contained some very interesting proposals. One delegation, however—I think it was the Italian delegation—regarded the headings proposed, of which there were seven, as too complicated.

1 Note by the Secretariat. — Sub-Commission B, Report No. III.
Then the model statement, a somewhat summary statement, was prepared, which figures as document C.P.D.90\(^1\) in our series of documents. I wonder whether we could not go back to the scheme originally traced by the budgetary experts. Could we not, I do not say revert to the headings that were proposed, but at all events re-examine the question, in order to arrive at an acceptable solution which would make it possible to obtain sufficiently detailed information? If a solution such as this were adopted, I would willingly support it, on the understanding that an article to this effect might be included in our draft, the final solution resting with the Governments when they have ascertained the position of the work.

Such a solution would, in my opinion, offer a further advantage, in that it would facilitate the work of the Commission presided over by Count Bernstorff, which is to meet shortly after the close of our session. I refer to the Special Commission on the Private Manufacture of Arms, etc., which, before it can complete its own task, is waiting for us to settle the problem of State manufacture. The Assembly has definitely instructed the Secretariat to convene that Commission at an early date after the close of our work and, if we do not reach some solution, the Commission on the Private Manufacture of Arms cannot get out of its present impasse. To sum up: If we adopt the principle of detailed publicity in terms of value and submit the question immediately to experts for examination, we might, within some measurable space of time, arrive at a positive solution which would also facilitate the work of the Commission on the Private Manufacture of Arms.

I desire accordingly to submit to this Commission a draft article to this effect. It is simply a provisional text, the final adoption of which would be contingent on the Governments' examination of the experts' conclusions. It would at all events indicate a desire on our part to achieve a provisional text, the final adoption of which would be contingent on the Governments' examination of the experts' conclusions. It is as follows:

"Each of the High Contracting Parties shall communicate to the Secretary-General of the League of Nations a statement, drawn up in accordance with a standard model, showing by categories of materials the total actual expenditure in the course of the previous year on the upkeep, purchase and manufacture of war materials of the land armed forces."

It would provide further that the Governments would have to take a decision, after examining the report framed by the budgetary experts, who would be given an additional task, linked with the one already entrusted to them.

That is my suggestion, in order that we may find some common ground for an agreement representing a real advance.

M. Rutgers (Netherlands). — I wish to say a few words on Article 1B inserted in the first reading draft at the request of the Netherlands delegation.

I think that this question is ripe for discussion; it has been before us now for some years, and we have been able to study it at full leisure. When the article was submitted to the Commission, the latter referred it to a Committee of Experts, whom it requested to examine the table. The real point is that there should be a table, and I think that Lord Cecil feels the same.

As regards the Committee of Experts' report, for our own enlightenment it may be said that the table was accepted by them, and that they had no objection to offer. What shall we be doing if we insert in our draft Convention a textual copy of the sixth paragraph of Article 8 of the Covenant, adding that a table is to be prepared? Who is responsible for preparing the table, if not this Commission? Will not the Council, when it has our report before it, be obliged to set up a Commission to prepare for the Disarmament Conference? There must be a table, then I think that we should be falling in our duty if we did not draw it up.

Moreover, there is no difference of opinion on this point; as the experts have raised no objection, the table may said to have been accepted.

As regards the actual drafting, there is only a Belgian amendment, which the Committee of Experts does not seem to have discussed in detail, and this amendment, I think I may say, is not of capital importance, and does not affect any essential point.

I think, then, that we can take a decision.

I listened most attentively to Lord Cecil, and agreed with a number of the arguments which he adduced, but as regards the adoption of the table for material in service and in reserve, only one argument really matters, and that is that "the Governments will never agree to it."

Why not? Our Japanese colleague has explained why his Government would not agree to publicity, but his arguments were answered by Lord Cecil himself, when he referred to the sixth paragraph of Article 8 of the Covenant.

I think, therefore, that the Commission can, and should, decide now to include publicity for war material in our draft Convention, and should draw up a provisional table, since this is essentially in preparation for the Conference. Unless we do this, we shall not be preparing for the Conference, but shall be leaving that work to others.

I do not think I need, for the moment, dwell further on the sixth paragraph of Article 8 of the Covenant. It was discussed last week, and I fully agree with what Lord Cecil said then.

I simply wish now to say a word in regard to M. Massigli's suggestion that we should draw up a detailed table for annual expenditure.

On November 21st last, we accepted a proposal to the following effect:

"Each of the High Contracting Parties agrees to limit and, as far as possible, to reduce its total annual expenditure . . . . ."

\(^{1}\) Note by the Secretariat. — Committee of Experts on Budgetary Questions (1927) Report, etc.
A Committee of Experts will frame the tables and model statements for publicity of expenditure and such expenditure must be shown in the model statements. That question we referred to the Committee of Experts, and it does not properly come within the scope of this discussion, since document C.P.D.40 relates, not to annual expenditure, but to the budgetary limitation of annual expenditure, a question we have already discussed. What we are discussing now is publicity for material, and what we have to decide is whether we are in favour of publicity for material in service, or for material in service and in reserve; but neither material in service nor material in reserve will be affected by the publication of the annual expenditure.

That was a separate question which M. Massigli raised, a question on which we are already in agreement, so that there is no need to discuss it.

Now, however, we are dealing with the question of publicity for existing material, and I feel that that is no mere detail, but a most essential point. We can hardly say that we are going to hold a Conference for the reduction of armaments, that existing armaments are of no importance, and that it is not necessary to ask for publicity. I hope the Commission will share my view, and will provide in our draft Convention for publicity for material in service and in reserve. I do not think we need accept as conclusive the argument that certain Governments would not agree to supply information is practically useless. As regards value, this varies according to whether the material is concerned, it would be a minimum figure compared with the value of the material, and such information is practically useless. As regards value, this varies according to whether the material

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1 Note by the Secretariat. — Sub-Commission B, Report No. III.
be bought or manufactured. The principle would be very much to the disadvantage of countries that do not manufacture their own arms, and would be of advantage only to countries that do manufacture arms. The cost price for a country that manufactures war material is quite different from the purchase price for a country that does not, and though you may have the same figure for two countries, one of which is a manufacturer while the other is obliged to buy its arms, that figure will not represent the same material; it will represent far more material for the country which manufactures its own arms than for the country which has to buy them. The principle, therefore, is quite unsound.

I fail to see, moreover, why we should try to find a roundabout way instead of a direct way, if we are aiming at publicity for material. Either we want it, in which case we ought to say so frankly; or else we do not want it, and if that be the case, there is no need to employ this second-hand method. If I am not mistaken, we are all in favour of publicity for material in service. The Commission could therefore accept this principle, which I, personally, do not regard as valueless—as I have heard suggested—since actually similar military units of land forces do not possess the same quantity of material in every country. It would be useful, then, to have such information. True, it can be obtained from official documents, or even from the Armaments Year-Book published by the League; but since we have a Permanent Disarmament Commission, it is natural that each Government should send that Commission such information on its own direct responsibility. So much for material in service.

With reference to material in reserve, I am rather surprised that there should be such difficulty as regards publicity. Apprehensions on the score of security are quite legitimate, but it would be a mistake to exaggerate them, or to imagine that big orders for material do not become common knowledge. It is very difficult to preserve secrecy concerning a country's orders for arms—for various reasons on which I need not dwell, connected more particularly with the present facilities for communication, the large number of hands employed in the manufacture of such material, and other points. There is no great secret about such things.

On the other hand, information on the subject of material in reserve might really do a great deal to calm public opinion, which is very uneasy about military preparations. Unless I am mistaken—and if I am you must forgive me—there is no one here who has not been assured by his Government that his country has reduced its armaments to the minimum necessary for defensive purposes. Those not represented in this Commission have taken the opportunity of saying the same in the Assembly. Countries which do not belong to the League of Nations have done the same in their Parliaments and through their Press. They have all felt able to assure the world that their armaments were reduced to the lowest possible minimum. Publicity would be the best means of proving such statements, and thus calming public opinion. I am under no illusions, however, for it seems obvious that the great majority of the Commission is not prepared to give any information concerning material in reserve. What is the use, then, of prolonging this discussion? The delegates have received instructions from their Governments; arguments and words will not change their attitude.

It would be wise, therefore, to take it as settled that the Commission accepts the principle of publicity for material in service, but that the majority is of opinion that information should not be given in regard to material in reserve. I think we can say this without even taking a vote; and, although I am in a minority, I feel that it is no use prolonging this discussion.

Dr. Markovitch (Yugoslavia).—I had no intention of joining in this discussion, because I thought that, after the military experts' report, we should not be reopening a debate that was virtually at an end. It was not I who reopened it. The Netherlands delegate put before us again the arguments which he had already submitted.

M. Rutgers (Netherlands).—I spoke third in the discussion.

Dr. Markovitch (Yugoslavia).—Yes, but you were the first to repeat the arguments you had already brought forward at the last meeting, and in a form which makes it necessary for me to submit certain reservations.

M. Rutgers thinks that the arguments urged by certain delegations against publicity for material in reserve are such that they ought to be submitted to the Conference, and not to the Preparatory Commission.

I do not quite see the meaning of that remark, but I would point out that we have quoted technical arguments which are of real weight and concern the requirements of national defence. We have stated that publicity for all material in reserve would directly affect a country's defence system, and would constitute a menace to certain countries already in an unfavourable position in that respect. I am not aware that this argument has been answered.

Further, M. Rutgers referred again to the argument based on Article 8 of the Covenant, which was very judiciously and objectively quoted by the Japanese delegate. That argument, which I entirely endorse, was answered by the British representative. Accordingly I regarded the debate on that point as closed. I should be sorry, however, that delegations which are opposed to publicity for material in reserve should appear to be trying to evade an express obligation under the Covenant of the League. That is by no means the case. I readily admit that Lord Cecil's argument applied in that particular case, but it is not decisive. I simply wish to make this reservation.

M. Massigli (France).—I had hoped that my proposal would meet with General de Marinis's approval. In 1927, when the question came up for discussion the Italian delegate expressed the view that the principle of detailed publicity for material was too far-reaching. My purpose then in suggesting the method which I recommended was to offer a compromise. I know quite well that, in 1927, the Italian delegate felt that publicity for material in reserve was out of the question.
and unreservedly agreed with the observations of the Japanese and French delegations, but
to-day he has gone much further in the opposite direction, and my intermediate solution was
proposed simply with a conciliatory object.

**General de Marinis (Italy).** — Besides being a delegate to the Preparatory Commission
in 1930, it was my privilege to be a member of the Committee of Military Experts in 1926.

In reply to my friend and colleague M. Massigli, it is quite true that in the Committee of
Experts I emphasised the technical difficulties attaching to publicity for material in reserve.
I have not forgotten that at all; indeed I mentioned it in my statement just now. We must not
forget, however, that there are such things as political considerations. This is not 1927, but 1930,
and public opinion is urging us to do something positive and lasting in the matter of disarmament.
That was why I stated that, despite my strictly technical preoccupations, I was prepared to defer
to political needs and thought that we should go somewhat farther in the matter of publicity for
armaments. My conclusions are, I think, quite compatible with the French delegate’s proposal.
I said that undoubtedly the majority of the Commission would not support the idea of publicity
for material in reserve, that we must lose no time, and that we must duly note the wishes of the
majority.

**M. Lounatcharsky (Union of Soviet Socialist Republics).** — We have frequently heard
suggestions during the discussions in this Commission—especially from the Japanese representative
—that we ought to do something to conciliate public opinion, and make up to it for the absence of
this or that effective measure of direct disarmament by promising to substitute for the latter a very
wide measure of publicity.

The Soviet delegation’s attitude towards publicity in all its various aspects is perfectly clear.
We maintain that publicity cannot possibly take the place of effective measures for the limitation
and reduction of armaments, and further that it may become a specious and fallacious substitute.
It may be the means of creating illusions in the public mind. It may give the impression that the
Commission has succeeded in achieving substantial agreements with a view to disarmament,
whereas those agreements in point of fact would really serve no purpose.

The Soviet delegation did not take part in the examination of the questions relating to
publicity. It is obliged, however, to take account of the trend of the principles which have been
framed, establishing the obligations that States would agree to, with a view to exchanging
information regarding the state of their armaments. Whereas those agreements in point of fact would really serve no purpose.

The Soviet delegation adheres to its view that questions of publicity are of no importance
until real disarmament becomes an accomplished fact. In view, however, of the present situation,
the Soviet delegation supports the opinion of the experts, who have proved that public opinion
should be something more than a mere empty formula. I regret to note that even those
degolutions whose experts were more far-sighted are not pressing this point.

**The President.** — We now have to take a vote. We have before us several proposals, and
I find myself faced by a difficulty. According to the established procedure, which I have always
followed, members of the Commission should have any amendments before them before voting.
This, however, is not the case as regards either the French or the British proposal; but I would
suggest, as the discussion has taken so long, that we might for once make an exception, and vote
without having the text.

If no one objects to this procedure, I shall propose that we vote first on Lord Cecil’s proposal.

**Lord Cecil (British Empire).** — As regards procedure, I personally should greatly prefer
to have M. Massigli’s resolution put first. If it be carried, I should certainly not propose to
proceed with my own.

**VOTE ON THE FRENCH PROPOSAL.**

**The President.** — I see no objection to Lord Cecil’s suggestion, so we will now vote on
the French proposal, which is as follows:

> “Each of the High Contracting Parties shall communicate to the Secretary-General of the League of Nations a return, in accordance with a model form, indicating, by categories of materials, the amount of the sums actually expended during the preceding year for the upkeep, purchase and manufacture of the war material of the land forces.

> “Note. — When giving an opinion on this article, the Governments will take into consideration the reports asked for from the Committee of Budgetary Experts in regard to the number and nature of the categories which should be established and in regard to the details of such publicity, having regard to the provisions of the annex concerning the limitation provided for in Article TA of the present Convention.”

**The Hon. Hugh Gibson (United States of America).** — I rise, not to explain my vote,
but to ask for information. I should like to know whether the text of the amendment proposed
by the French delegation is supplementary to the proposal of the Sub-Committee, or whether its adoption will involve the suppression of that proposal.

The President. — The French amendment would mean, of course, that the Sub-Committee’s proposals would be dropped.

_The French proposal was adopted by nine votes for to seven against, with some abstentions._

The President. — That means that Lord Cecil’s amendment and the Sub-Committee’s proposals fall to the ground.

93. Committee on Arbitration and Security: Results obtained at its Last Session: Procedure regarding Discussion thereof.

The President. — I wish to direct your attention to the progress of the work of the Committee on Arbitration and Security (see document C.P.D. 201, 1 page 9, paragraph 14). The Committee met for its fourth session last March, and I referred in my opening speech to the important work which it had done and to the Assembly’s resolutions on the subject.

I shall, I feel sure, be interpreting the Commission’s opinion in expressing our high appreciation of the excellent results obtained by the Committee at its last session, under the chairmanship of M. Beneš, whom we are delighted to have with us now.

Dr. Markovitch (Yugoslavia). — The President has referred to the work of the Committee on Arbitration and Security, but I am not very clear why he alluded to it.

The President. — The fourteenth item on our agenda was the progress of the work of the Committee on Arbitration and Security.

Dr. Markovitch (Yugoslavia). — Does that mean that there is a document containing the results of the Committee’s work? Shall we have to discuss that document?

The President. — We simply have to take formal note of the progress of the Committee’s work.

Dr. Markovitch (Yugoslavia). — There appears to me to be some slight confusion, and my own idea was somewhat different. If we simply take formal note of the Committee’s work, that automatically precludes any discussion. In my opinion, we should first discuss the results of the work and then take formal note of them. I would venture, in this connection, to remind you that, during the first part of our sixth session last year, I asked the President to include the progress of the work of the Committee on Arbitration and Security in the Commission’s agenda, since the Committee was set up by the Preparatory Commission and the latter held that general and individual security, whether existent or non-existent, constituted one of the factors in the disarmament problem.

I thought that the Preparatory Commission would express itself one way or another, as regards the results of the Committee’s work, in relation to the problem we were studying, and that we should arrive at all events at a theoretical conclusion, correlating the two questions. I asked you whether we should have to discuss the report.

I did not quite understand your reply, but have the impression that you mean that directly the report is distributed, we should take formal note of it.

If no one wishes to discuss the report, I will ask your permission to discuss it when we come to consider the Preamble, as the latter mentions the question of security.

The President. — The Committee on Arbitration and Security was set up by the Preparatory Commission on November 30th, 1927. The Commission took this decision in pursuance of a resolution adopted by the Assembly and by the Council in September 1927. The Council requested the Preparatory Commission to set up a Committee which would be placed at its disposal and whose duty it would be to consider, on the lines indicated by the Commission, the measures capable of giving all States the guarantees of arbitration and security necessary to enable them to fix the level of their armaments at the lowest possible figures in an international disarmament agreement.

The Commission has just noted the results of that examination and expressed its appreciation. I do not see that there is any need to start a discussion. If, however, you wish to make a statement, you are, of course, perfectly free to do so.

Dr. Markovitch (Yugoslavia). — I am not prepared to make a statement at the moment, but shall content myself with referring to the question when we come to discuss the Preamble.

1 Note by the Secretariat. — See Annex 6.
Lord Cecil (British Empire).—I do not wish to prejudice the liberty of action of any of my colleagues, but I do earnestly hope that we are not going to add to our labours by starting a discussion on the security of the world. That would be an intolerable addition to our work at this time. I venture to propose we say nothing until we have finally concluded the discussion on which we are now engaged. Then if anybody desires to prolong the meetings, we can consider the matter at that moment.

Dr. Markovitch (Yugoslavia).—I must apologise for continuing this discussion. I did not mean to suggest that we should discuss all the work of the Committee on Arbitration and Security. I imagined, as I was also a member of the Preparatory Commission at the time, that we should examine the problem of security in relation to the problem of disarmament, and I thought that as we have results, however modest, from the Committee on Arbitration and Security, we should note them, not in a purely abstract fashion, but in relation to the particular problem with which we have to deal.

I asked permission to refer to this question of correlation when we come to discuss the Preamble. I did not bring up any further points, and can assure my colleagues that I have no intention of keeping them any longer here in Geneva. As the Preamble is on the agenda, I request that, when we discuss it, no objection be raised to our also discussing the question of the interdependence of these two problems.

The President.—I note M. Markovitch’s statement that he does not necessarily wish to discuss the question at present.

94. Committee of Budgetary Experts: Composition and Date of Meeting.

The President.—I desire now to refer to the Committee of Budgetary Experts.

On November 17th last, the Commission decided to request me, as President, to ask the Committee of Budgetary Experts to examine the means for applying the budgetary limitation of land war material.

On November 21st, the Commission decided that the Committee of Budgetary Experts should be requested to enquire similarly into the means of applying the principle of limitation of total expenditure on land, naval and air armaments.

Lastly, on November 25th, it was decided that the Committee of Budgetary Experts should also deal with the question of publicity for budgetary expenditure.

The Bureau was asked to reconstitute the Committee of Budgetary Experts. It was understood that the composition of the Committee should be as far as possible the same as it was originally, as regards both the number of members and their identity.

I am glad to be able to inform you that, after the necessary consultations, the Bureau has decided that the Committee shall be reconstituted as follows:

M. BODART (Belgium), Director at the Cour des Comptes;
Brigadier-General A. ELIAS (Czechoslovakia);
Cemal HUSNU Bey (Turkey), Turkish Minister at Berne, Financial Expert;
M. N. ITO (Japan), Deputy Director of the Japanese League of Nations Office, Member of the League of Nations Economic Committee;
Dr. P. JACOBSSON (Sweden), Financial Expert, former Member of the Economic and Financial Section of the Secretariat;
M. Järvinen (Finland), Professor at the University of Helsingfors, former Minister of Finance;
M. JACOMET (France), Contrôleur de 1re classe de l'Administration de l'Armée, Doctor of Economic and Financial Sciences;
Brigadier-General Michael NENADOVITCH (Yugoslavia);
Mr. PINSENT (Great Britain), British Treasury;
M. WORBS (Germany), Privy Councillor at the Ministry of Finance;
M. ZUGARO (Italy), Director General of Logistic Services at the Ministry of War.

The Preparatory Commission expressed the desire that the Committee should meet as soon as possible and conclude its work with all despatch, in order that the Governments might be informed in good time.

I have to announce that the Committee has been convened for December 11th at Geneva. It is understood that the fresh question arising out of the adoption of the French amendment will be referred to the Committee.

The Commission rose at 6.20 p.m.
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NINETEENTH MEETING.

Held on Monday, December 1st, 1930, at 3.30 p.m.

President: M. Loudon (Netherlands).

95. President’s Thanks to the President of the Sub-Committee of Military Experts.

The President. — On re-reading the Minutes of last Friday’s meeting, I noticed that I had been guilty of an omission. I forgot to thank M. Cobian, the Vice-President who assumed the ungrateful task of presiding over the Sub-Committee of Experts, for the very clear statement which he made and for the pains he took to obtain a successful result. On behalf of the Commission I desire to thank him.


Texts proposed by the Sub-Committee appointed to examine Article EB, and the following Articles.

Observations

First Reading.

Article EB.

The present Convention shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods. The instruments of ratification shall be deposited at Geneva.

It shall come into force for each Party whose instrument of ratification has been deposited as soon as the instruments of ratification have been deposited by [list of States to be drawn up by the Conference].

Article EC.

The High Contracting Parties agree to accept reservations which may be made by Estonia, Finland, Latvia, Poland, and Roumania at the moment of their signature of the present Convention, and which shall suspend, in respect of these States, the application of Articles . . . of the present Convention until the accession of Russia to the present Convention under

Proposal by the British Delegation.

Article ii

(EB, first-reading text)

The present Convention shall be ratified by High Contracting Parties in accordance with their respective constitutional methods. The instruments of ratification shall be deposited at Geneva.

It shall come into force for each Party whose instrument of ratification has been deposited as soon as the instruments of ratification have been deposited by . . . (List to be drawn up by the Conference).

Should the present Convention not have come into force in accordance with the preceding paragraph by . . ., the High Contracting Parties shall be invited by the Secretary-General of the League of Nations to meet and consider the possibility of putting it into force. They undertake to participate in this consultation, which shall take place before . . .

The Swedish delegation reserves its opinion on the question till the second reading.

Proposal by the Sub-Committee submitted by the French Delegation. (Cont.)

After paragraph (1) of Article ii to interpolate a paragraph (1a) in the following terms:

“Further, and without prejudice to the provisions of Article ZB, Paragraph 3, the present Convention shall be revised,

(a) If, as the result of a demand by one High Contracting Party, the Permanent Disarmament Commission recognises that the conditions, in which the engagements contained in the Convention were contracted, have undergone modifications justifying the revision of such engagements, by reason of technical changes or special circumstances such as an unforeseen development of civil aviation;

(b) In any case, on the expiry of . . .

Texts proposed by the Sub-Committee appointed to consider and co-ordinate. Articles EB et seq.
the same conditions as the above-named Powers.

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

**Article EF.**
The present Convention shall remain in force for . . . years as from the exchange of ratifications.

In case none of the High Contracting Parties shall have given notice to terminate two years before the expiration of the said periods, the provisions of the Convention shall continue in force until the expiration of two years from the date on which such notice shall be given by one of the Parties.

If the Party by which such notice is given is among those to be mentioned in the last paragraph of Article EB above, all the High Contracting Parties shall, within one year of the date of the notice, meet in conference to consider the continuance of the provisions to be terminated.

In the event of any such conference failing to come to an agreement, accepted by all the Parties other than the Party which has given the notice, as to the continuance of the provisions to be terminated, or as to the substitution of others, they will terminate on the expiration of the two years provided for in the notice.

**Article iv**

(1) If, within six months from the expiry of a period of . . . years from the coming into force of the present Convention, requests to that effect are received by the Secretary-General of the League of Nations from not less than . . . Members of the League or other States Parties to the present Convention, including at least . . . of the States mentioned in Article ii) a conference shall be held for the purpose of revising the present Convention. The Conference shall meet at the seat of the League within . . . from the receipt by the Secretary-General of the . . . request.

(2) The present Convention shall remain in force in so far as it may not be revised as a result of the Conference referred to in the preceding paragraph and will in any case remain binding on any High Contracting Party who does not accept the said revision.

(3) The present Convention shall be open to further revision, in the conditions prescribed in paragraph (1) above, at the period of ten years after the coming into force of the present Convention, if revision has not taken place during that period.

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

**Article EF.**
The present Convention shall in principle have a period of duration of x years, and shall remain in force after the expiration of that period unless it is amended, superseded or denounced under the conditions specified in the following articles.

**Article EG.**
Before the end of the period of x years provided for in the preceding article, and not less than y years after its entry into force, the present Convention shall be re-examined by the High Contracting Parties, which shall meet in Conference. The date of this meeting shall be fixed by the Council of the League of Nations, after taking cognisance of the opinion of the Permanent Disarmament Commission and of the intentions of the High Contracting Parties non-Members of the League of Nations.

The above-mentioned Conference may, if necessary, revise the present Convention and establish fresh provisions in substitution therefor, fixing their period of duration and laying down general rules regarding their examination and subsequent revision, if the latter be required.