First Reading
(Cont.)

If, the high Contracting Parties, other than the Party which has given notice to terminate, agree upon the terms of other stipulations in substitution for those to be terminated, the latter shall continue in force for all Parties other than that which gave the notice until the coming into force of the new stipulations.

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

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

PROPOSAL BY THE BRITISH DELEGATION.
(Cont.)

If the high Contracting Parties, other than the Party which has given notice to terminate, agree upon the terms of other stipulations in substitution for those to be terminated, the latter shall continue in force for all Parties other than that which gave the notice until the coming into force of the new stipulations. Paragraph (2) above will be applicable to any such further revision.

The President. — I would ask M. Politis, Chairman of the Sub-Committee appointed to study and co-ordinate Article EB and the following articles, to inform us of the results of that Sub-Committee’s work.

M. Politis (Greece). — On Thursday last, after adopting Article EA in Section V, you decided to refer the following articles to a Sub-Committee. That Sub-Committee held two meetings on Friday last, and reached agreement on a series of texts which are shown above, and on which I will now briefly comment.

Article EB provides for the ratification and putting into force of the Convention. Its first two paragraphs are identical with those in Article EB of the first-reading text. The third paragraph is an addition proposed by the British delegation as shown above. It provides for the case of the full number of ratifications necessary for the coming into force of the Convention not having been received by a date to be fixed by the Conference. In that case, the Secretary-General of the League has to invite the Contracting Parties to meet and consider the possibility of putting the Convention...
into force. This clause is based on the resolution passed by the last Assembly on the important problem of ratification, which it had referred to its First Committee for consideration. The terms of that resolution are before you in document C.P.D.232. The wording of the third paragraph of the new Article EB is not exactly that of the Assembly resolution, but the Commission thought it unnecessary to go into details of drafting; that can be done by the Drafting Committee, which will compare the two texts and see whether our text can be improved by making it coincide more nearly with the Assembly resolution. The last sentence of this paragraph provides that the Contracting Parties shall undertake to participate in the consultation to which I have just referred, and which has to take place before a certain date to be fixed by the Conference. Such an undertaking is of so elementary a character, and follows so obviously on the preceding clause, that this third paragraph might have been dispensed with. We inserted it, however, for the sake of clearness and as an indication. The Conference may decide to detach this sentence and put it in an annexed Protocol, or in the Final Act of the Conference.

In the first-reading text, Article EB was followed by an Article EC, which had been adopted at the first reading and was designed to define the position of certain countries if the Convention were not accepted by all countries. The delegations of the States mentioned in that article explained to the Sub-Committee the importance which they attached to this text, and stated that they were quite unable to abandon it. Nevertheless, the Sub-Committee felt that there was no advantage in discussing that text here, for two reasons: First, because the text raises an essentially political question; and, secondly, because it also raises a problem of extreme complexity—that of the reservations which the signatory Powers will be allowed to make at the time of signing. Under what conditions may such reservations be made? How can they be combined with the reservations of the other contracting parties? How can they operate in conjunction with the Convention as a whole? All these are very complicated legal and technical questions, which we were quite unable to abandon it. Nevertheless, the Sub-Committee felt that there was no advantage in discussing that text here, for two reasons: First, because the text raises an essentially political question; and, secondly, because it also raises a problem of extreme complexity—that of the reservations which the signatory Powers will be allowed to make at the time of signing. Under what conditions may such reservations be made? How can they be combined with the reservations of the other contracting parties? How can they operate in conjunction with the Convention as a whole? All these are very complicated legal and technical questions, which we were quite unable to abandon it. 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and importance depending on the progress of security, or in other words on the increase of mutual confidence between nations. It would thus be inconceivable that, on the expiry of the period fixed as the normal duration of the Convention, nothing at all should remain. There will be, there must be, something remaining, and that minimum must be our Convention itself.

We must, of course, all hope that, on the expiry of the first period, it will be possible to take a further step to amplify this Convention, perhaps even to replace it by a new Convention providing for a wider and more extensive reduction of armaments. But if that should not prove possible, there must at any rate be no retrograde movement, and therefore it is necessary that our Convention should remain. That is the idea embodied in Article EF, which provides that the Convention shall must at any rate be no retrograde movement, and therefore it is necessary that our Convention should remain. That is the idea embodied in Article EF, which provides that the Convention shall

expiration of that period except in so far as it is amended, superseded or denounced under the principle have a period of duration of x years, and adds that it shall remain in force after the expiration of that period except in so far as it is amended, superseded or denounced under the conditions specified in the following articles.

Before explaining the nature of the conditions specified in the following articles, I must point out, in order that it may be mentioned in our report, that the Sub-Committee considered the question of establishing concordance, as regards their respective durations, between our Convention and those already existing for the limitation and reduction of naval armaments. But as that is rather a complicated question, the Sub-Committee thought it would be better to leave it entirely to the Conference, which will therefore have to see how this necessary concordance can be, and should be, established.

I will now explain the nature of the conditions referred to in the texts I have just commented on.

Article EG deals with the procedure for the reconsideration and revision of the Convention. It lays down at what time, subject to what guarantees, and with what objects in view, the procedure in question may be followed.

As regards the time, you will see that there are two possible limits. The later limit must fall before the end of the normal duration of the Convention, in order to provide an opportunity, prior to the expiry of that period, of considering what is to be the future regime of armaments—that is, whether it is to be the same, or whether it is to be modified or amplified.

The earlier of the two limits must be at such a time after the coming into force of the Convention that useful lessons can have been gained from experience—say five years after. It is therefore between these two limits—I am only mentioning these figures as illustrations—somewhere between the sixth year and the tenth year, both inclusive, that the Conference can and should take place. It will accordingly be held then, and again we have indicated by x years and y years two blanks which must be filled in by the Conference.

What date between those two extreme limits will be chosen? We cannot foresee it, for it must be a question of expediency. If the Conference is to be successful, it must meet at the right time. When will that be? No one can prophesy. We shall require some suitable body to determine the moment, during the march of events; and the Sub-Committee thought that the most suitable body would be that which will have already convened the First Disarmament Conference namely the Council of the League, and that the Council would decide after conferring with the Permanent Disarmament Commission and with the Governments of any contracting States not at that time Members of the League.

A Conference of the contracting parties, and in general of all States Members or non-Members of the League, must therefore necessarily be held a few years after the coming into force of the Convention and in any case before the expiry of its initial term; this Conference will be summoned by the Council at what it may regard as the most fitting time.

This Conference will consider the situation and see whether experience has revealed any gaps, defects or errors in the Convention; in the latter case it will endeavour to remedy them, either by a supplementary agreement or by a new Convention which would supersede the Convention we are now preparing. All will depend on the international situation and the inclinations of the Governments and peoples at the time. All we can do now is to make suggestions. The Sub-Committee proposes that you should say that the Conference shall proceed to a re-examination of the Convention, and to its subsequent revision if the latter be required. It further thinks it desirable to add, still as an indication, that, if the Conference results in a new Convention, it must fix the period of duration of the new Convention—just as we are doing for the present Convention—and lay down general rules regarding its re-examination and subsequent revision. So much for Article EG.

The following Article EH is designed to meet the objects which the French delegation had in view in proposing their addition, to the British amendment. This article provides that the procedure I have just explained under Article EG may, as an exceptional measure, be adopted even before the earlier term indicated.

I mentioned just now five years as an example. It is therefore before the expiry of that period and, at earliest, 5 years before the coming into force of the Convention—for instance, two or three years—that the procedure for examination and subsequent revision may be carried out, as an exceptional measure, if the conditions under which the engagements stipulated in the Convention were contracted have undergone, as the result of technical transformations or special circumstances, changes justifying a fresh examination and, if necessary, the revision of such engagements. For this purpose, a request must be made by a contracting party, and it must have been approved of—that is to say, held to be justifiable—by the Permanent Disarmament Commission.

This reference to "technical transformations or special circumstances" has specially in view unforeseen developments of civil aviation. The British, French and Japanese delegations stated...
in the Sub-Committee that they attached particular importance to a mention of this interpretation in the Commission’s report.

In this connection, the Sub-Committee had to consider Article AD, which appeared in Chapter II—Section III (Air Armaments) of the texts drawn up at first reading. You will remember that that text was adopted at first reading, but was reserved for later discussion; and on Thursday last it was decided that the Sub-Committee should consider, when studying the final clauses, whether this Article AD should be examined. It did examine it, and questioned whether, having regard to the new texts and the statements I have just referred to, there was any real necessity for keeping this text in the Convention.

The Sub-Committee concluded that there was not; it thought that this Article AD might be omitted from the Convention, and that we could content ourselves with referring in the report to the statements of different delegations to the effect that they proposed to bring the whole problem of civil aviation to the notice of the Conference.

I now come to Article EJ, which deals with the right of denunciation. In any multilateral Convention the exercise of this right is a delicate matter, and gives rise to many difficulties. In this case, it is—or would be—more particularly delicate, seeing that the solidarity and reciprocity of the undertakings given constitute the fundamental basis of the Convention. It would almost appear at first sight that the denunciation of a Convention such as this is inconceivable. On the other hand, we must remember that it would be very unwise to add to the difficulties in the way of agreement by asking States to assume indefinite obligations. We must therefore reserve a place, even in this Convention, for the right of denunciation; but it must be as limited as possible, and safeguards must be provided to prevent the exercise of this right causing any grave prejudice to the general interest.

In view of these considerations, the Sub-Committee proposes that you should lay down, in the first place, that the right of denunciation may only be exercised during, and at, one of the Conferences to be held in the circumstances I have just explained. One such Conference must necessarily take place before the expiry of the initial period of the Convention. It is there, and there only, that contracting parties will be at liberty to announce their desire to denounce the obligations they have assumed.

The Sub-Committee further proposes that you should lay down that a denunciation notified under the above conditions shall not take effect until two years after date, and in no case before the expiry of the normal period of duration of the Convention. In other words, if the Conference to which the denunciation is notified be held in the tenth year, the denunciation would only take effect in the twelfth year of the life of the Convention. If the Conference takes place in the sixth year, the denunciation would take effect, not in the eighth, but only in the tenth year. As the denunciation thus provided for would be made to the contracting parties assembled in conference, it would not produce any violent international disturbance. The resulting situation could be immediately considered by the other contracting parties, who would confer as to the best ways of defending their mutual interests.

Various questions will arise if a Government avails itself of this right of denunciation. These questions are so complicated and so technical that your Sub-Committee has not advised you to examine them; and, moreover, even the Disarmament Conference will have to consider whether it is really desirable to go far into the details of technical clauses of purely problematical interest, and to examine all the complications which may conceivably arise from a use of the right of denunciation.

The texts which the Sub-Committee has submitted to you, and which I have commented on, do not contain one clause which usually appears at the end of conventions, relating to the right of accession by third parties. The same reasons which I have just mentioned in regard to the details of denunciation led us to think it superfluous to refer to such accessions. A country could not subsequently become a contracting party to conventions such as ours except by submitting figures for the limitation and reduction of its armaments, and securing their acceptance by all the contracting Governments. Naturally, to attain this result, collective negotiations of a complicated kind would be necessary; and, in practice, they would be difficult, if not impossible. It will be sufficient to say in the report that these difficulties were considered, but the contingency appeared so hypothetical that it was not thought necessary to regulate the question by laying down any rules or preparing a clause for insertion in the Convention. The Sub-Committee has merely drawn the attention of the Commission, in its report, to its attitude in this matter.

Such, then, is the purport of the new texts which your Sub-Committee submits for your approval. It hopes that you will give them your complete approbation.

The President. —Before opening a discussion on the articles proposed by the Sub-Committee, I am sure that I express the views of the whole Commission in conveying to M. Politis not only our thanks for his transparently lucid statement, but also our admiration for all that he has accomplished. I think this is the third or fourth time that I have had to thank M. Politis on behalf of the Commission, and I do so from the bottom of my heart.

I propose that we take these articles one by one and if no one desires to speak we can vote on them immediately.

Article EB.

Article EB was adopted unanimously.

Article EC (First-reading Text).

M. Lounatcharsky (Union of Soviet Socialist Republics). — I wish to speak on M. Politis’ proposal in regard to Article EC, first-reading text. The Soviet delegation has learnt from the
Sub-Committee's report that Article EC, which was aimed directly at the Soviet Union, is not included in the draft Convention.

The Soviet delegation regards that as a matter of course, since the maintenance of this article, which was already quite inadmissible at the time of its adoption—that is, before the Union of Soviet Socialist Republics had begun to take part in the Commission's work—would become, to say the least of it, absurd, now that the Union of Soviet Socialist Republics is represented on the Commission.

Nevertheless, our delegation is amazed to find that the article in question has not entirely disappeared. M. Politis' reference to the right retained by certain delegations to submit this article to the Conference, and his allusion to a special reservation which they might make on this question, are evidence that in one way or another certain features of Article EC are still maintained. I am therefore obliged to demand that this point should be made absolutely clear.

The Soviet delegation accordingly reserves its right to reply to the unexpressed ideas of any delegation whenever they find public expression before the Commission.

The President. — If no one desires to speak, we can now go on to Article ED.

M. Lounatcharsky (Union of Soviet Socialist Republics). — Am I to understand your passing on to the next article to mean that the Commission decides to expunge this Article EC altogether, leaving no trace of it; or is M. Politis' proposal adopted by the Commission? M. Politis proposed that something should be mentioned in the report. We wish to know whether that proposal is or is not adopted.

M. Politis (Greece). — I should like to say a few words on the question of procedure with which M. Lounatcharsky is concerned.

You adopted a text at the first reading. You then appointed a Sub-Committee to consider what should be done with that text. The Sub-Committee considered that it should not be discussed at the present moment, and I explained just now, as objectively as I could, the reasons that led the Sub-Committee to propose that course.

The present situation is as follows: the Sub-Committee proposes that you should not retain the former text of Article EC in the draft Convention, but that you should say in the report that this text (stating its tenor) had been adopted at first reading; that you should add that certain delegations attached very great importance to it, indicating the reasons why it was not discussed at the second reading; and it will rest with the delegations concerned to bring this point up at the Conference.

When we come to examine the report, M. Lounatcharsky will have his opportunity of criticising what I have just said, for, at the present moment, my words do not constitute a text which the Commission is being asked to approve.

For the moment, I repeat, the Commission is considering a proposal that this text should not be included. Unless anyone desires its reinstatement, we can pass to the next article.

M. Lounatcharsky (Union of Soviet Socialist Republics). — If I understand M. Politis rightly, when the report is submitted to the Commission I shall still have an opportunity of discussing this point.

M. Politis (Greece). — Certainly.

Article ED. The President. — We now pass to Article ED, the text of which is exactly as before. I shall not call for a vote by a show of hands every time, but will merely ask whether there is any objection.

Article ED was adopted.

Article EF.

M. Politis (Greece). — I have been asked to make a slight drafting alteration to make the text read in the third line “ except in so far as it is amended, superseded or denounced ” instead of “ unless it is amended, superseded or denounced ”. Some of my colleagues think that would be clearer; and, personally, I have no objection.

M. Cobian (Spain). — What I wish to say does not relate specially to this article, but only to the effect it may have on other articles of the Convention.

I warmly applaud the achievements of M. Politis' Sub-Committee, and I have no objection to offer to this article. I would, however, point out that when we accepted the earlier chapters of the Convention, it was on the assumption that a certain limited duration would be laid down in Chapter V. Now we have an indeterminate period. But, having regard to speeches we have heard, particularly as regards naval material, I think that declarations would be in order to safeguard the interests of certain countries, including Spain.

Dr. Markovitch (Yugoslavia). — I agree with the reservation which the Spanish delegate has just made.

Moreover, if M. Politis sees no objection, I would propose a slight alteration in the wording. Article EF reads:

“ The present Convention shall in principle have a period of duration of x years.”
I propose to omit the words “in principle”. I think that it should be the exception for the Convention to last x years, and that, in principle, it should last longer. After deleting the words “in principle” we should put a full stop at the end of the first line, so that the text would read:

“The present Convention shall have a period of duration of x years. It shall continue in force after the expiration of that period, etc.”

**M. Politis** (Greece). — I think the Drafting Committee might compare the present text with the purely drafting proposal of M. Markovitch. There are certainly logical reasons in favour of his view; but perhaps the Commission may have thought it expedient to have the words “in principle” in the text. The Drafting Committee can decide which wording is the best.

*Article EF was adopted.*

*Article EG was adopted.*

**Article EG.**

**Article EH.**

**M. Massigli** (France). — When we were discussing Article IE, I explained to the Commission the views of the French delegation on the matter of civil aviation. These views were based on considerations which had already been amply explained to the Commission, and which are connected with the progress of civil aviation, its continually increasing importance, and, speaking generally, the accelerated development of aeronautical science.

These considerations were the genesis of two of the first-reading articles: Article AD and Article ZD.

Article AD was concerned with a situation of fact; it indicated the conditions under which the parties to the Convention would be able to accept a limitation of their air armaments. Article ZD provided a procedure for revision, for reasons based on the development of aeronautics.

As regards Article AD, it appeared to us to register a fact without creating any legal obligation, and consequently there was no essential reason to retain it.

As regards Article ZD, the French delegation had replaced it by the amendment to which M. Politis referred just now, and which contained an explicit reference to civil aviation. However, being anxious to meet the objections of various delegations, we concluded that this explicit reference was not essential, provided that no doubt could subsist as to the real intention of the article, and that the situation should be made clear to everybody.

We are going—for that is really the main result—by means of our Convention, to bring the development of military aeronautics to a standstill. We are bringing it to a standstill before what I might call the “capital ship” of the air has been evolved. We shall therefore have none of these giant machines built specially for military objects, while, at the same time, civil aviation will continue its unrestrained march. And the time is at hand when we shall see great air liners, which may become auxiliary air cruisers and bombing machines.

That is the situation which the French delegation has in mind, and when we come to the Conference to fix the limits of our military air forces, those are the facts which will be before our eyes.

Article EH provides that revision of some, or all, of the clauses of the Convention may be demanded if the conditions should have undergone changes as the result of technical transformations or of special circumstances. This text gives us satisfaction in regard to the point which concerns us; we therefore accept it as at present worded, and we shall not press for an explicit reference to be made to civil aviation.

**Lord Cecil** (British Empire). — I only desire to say that I agree with what has fallen from M. Massigli. I think, with him, that, in this part of the world at any rate, it is possible that the development of aviation generally may embody the greatest threat to civilisation that we have yet had to face. In those circumstances, I do think that it is necessary to provide that, in case some great development of a dangerous character should take place, there should be such a power as is contained in this article, for asking for a further consideration of this question.

I am quite satisfied with the wording of Article EH as it is. I only desire to make it plain that, as far as the British delegation is concerned, they accept it because they think it really enables them to raise that question if it becomes necessary.

**M. Sato** (Japan). — I wish to make a statement in the same sense as M. Massigli and Lord Cecil on Article EH and the former Articles AD and ZD.

The opinion of the Japanese delegation, on the relations which may exist between civil and military aviation, is so well known that it is unnecessary for me to explain it in detail again, but we none the less maintain it unchanged. We have always considered that it was difficult to draw a hard and fast distinction between the two categories of aviation, and that, in consequence, the continual development of civil aviation in a given country may constitute a danger to other countries. That factor must therefore be borne in mind when determining the figure for the limitation of air armaments. For that reason, we attached great importance to the retention of Articles AD and ZD, as they stood, in the draft Convention. However, in view of the difficulty which some delegations found in accepting these provisions, we gave way in a spirit of accommodation, and accepted the new Article EH of Section V in place of the former Article ZD. While accepting the new article, the Japanese delegation nevertheless desires, in agreement with other delegations which take the same standpoint, to make an explicit reservation to the effect...
that Article EH, in its present wording, is to be understood to cover, and to refer more particularly to the case of, the unforeseen development of civil aviation in other countries.

As regards Article AD, we have agreed, in the same spirit, to its omission from the present draft Convention, but it is understood that, when we have to submit figures to the Conference for the limitation of air armaments, these figures will be computed and examined with reference to the development of civil aviation in other countries at that time. I would ask the President to cause the above reservations to be mentioned in the Commission’s report to the Council.

The President. — M. Sato’s wishes will be met, and his reservation will be mentioned in the report.

Count Bernstorff (Germany). — The question of civil aviation has been transferred from the draft Convention to the report. I have no objection; but I would ask the Rapporteurs to take note of the following reservation submitted by the German delegation:

"The German delegation considers that the development of a means of peaceful communication must in no case be regarded as a starting-point for armaments, especially since no account has been taken of such vital and purely military standards as war material in reserve or in store, trained reserves, etc., or other important means of communication such as merchant ships, which are even allowed to be fitted with installations for carrying armament."

General Kasprzycki (Poland). — Attention has been drawn by a very full discussion to the development of civil aviation. I do not wish to repeat what has been said. We are nearly all agreed that a large commercial aeroplane is a far more effective bombing machine now than seven years ago. This development is still continuing, and, for that reason, I protest against the parallel which Count Bernstorff seeks to establish between these bombing machines and merchant ships.

On behalf of the Polish delegation I associate myself with the statements made by the French, British and Japanese delegates. I would request the President to take note of my statement, in order that it may be embodied in the report.

The President. — This statement will be embodied in the report.

Due note will be taken of the statements which have just been made, and the article can now be regarded as adopted.

Article EH was adopted.

Article EJ was adopted.

97. Preamble: Drawing up of the Preamble left to the Conference.

STATEMENT BY THE DELEGATE OF YUGOSLAVIA REGARDING THE CONNECTION BETWEEN THE GENERAL PROBLEM OF SECURITY AND THAT OF DISARMAMENT.

The President. — In accordance with the decision we came to at the beginning of our proceedings, we ought now to discuss the Preamble of the preliminary draft Convention. I propose, however, that we do not do so at present, as it would be premature; for you will agree that the Preamble should be an expression of what is contained in the Convention, and that must depend entirely on what the Conference decides. We had therefore better leave the Conference to draw up the Preamble.

Dr. Markovitch (Yugoslavia). — The question of the Preamble is of secondary importance. We can quite well leave its drafting to the Conference. Nevertheless, the text of the draft Preamble we were going to discuss contained an essential principle, establishing a logical and indissoluble connection between the general problem of security and that of disarmament. While accepting the President’s proposal, I desire to make it clear that we do not wish in any way to diminish the important and capital value of this principle.

I had asked to be allowed to raise this question when the Preamble came up for discussion. I now ask to raise it at the conclusion of our proceedings, for I agree with what the President has proposed.

M. Benes (Czechoslovakia). — I support the President’s proposal. It would be superfluous to add further arguments to those he has given us. The best plan will certainly be to leave the question to the Conference.

Agreed.

98. Discussion on the Texts adopted at Second Reading and of the Amendments thereto.

The President. — Documents C.P.D.280 and C.P.D.280(a)1 contain the texts adopted at second reading, and also the exceptional amendments proposed to some of these articles. When

1 Note by the Secretariat. — See Annexes 8 and 9.
we have examined them, the discussion on the Convention itself must be regarded as closed. We shall then only have a final reading of the whole Convention to review the purely formal changes made by the Drafting Committee.

We shall first examine the amendments proposed to Chapter I. Before dealing with the Soviet delegation's amendments to this chapter, I would ask the Commission, and that delegation, whether they would not accept the following very wise suggestion at the beginning of the Drafting Committee's report (document C.P.D.287):

"To avoid too frequent repetition, in the course of the Convention, of the same formula dealing with the limitation and, as far as possible, the reduction of the various kinds of armaments, the Committee, in accordance with precedent, proposes that the principle of this limitation and reduction should be laid down once and for all at the beginning of the draft in a (new) Article I, while the object of the remainder of the provisions will be to define the conditions of application of this general principle."

This suggestion is particularly appropriate because the Soviet amendment is repeated later on in regard to budgetary expenditure.

I would further remark that I asked delegates to preface their amendments with a statement of reasons. I regret to say that only the Soviet and American delegations have complied with that request, which was particularly important because such statements of reasons facilitate or even obviate discussion.

99. Discussion on Chapter I. — Effectives (Second-reading Text): Article A.

The High Contracting Parties agree to limit the effectives in service in the land, sea and air armed forces, or formations organised on a military basis, to the effectives determined in the tables enumerated below and annexed to the present Convention.

1. Land Armaments:

Table I. — Maximum armed forces stationed in the home country.

Table II. — Maximum armed forces stationed overseas.

Table III. — Maximum of the total armed forces of the High Contracting Parties.

Table IV. — Maximum of the forces belonging to formations organised on a military basis stationed in the home country.

Table V. — Maximum of the forces belonging to formations organised on a military basis stationed overseas.

2. Naval Armaments:

Table I. — Maximum armed forces.

Table II. — Maximum forces belonging to formations organised on a military basis.

3. Air Armaments:

Table I. — Maximum armed forces stationed in the home country.

Table II. — Maximum armed forces stationed overseas.

Table III. — Maximum of the total armed forces of the High Contracting Parties.

First Amendment.

Add after the words "to limit", the words: "and to reduce".

Reasons.

1. The term "limit" is ambiguous. "Limiting" may mean not merely reducing armaments but also maintaining them at the existing level and even increasing them above that level.

2. A convention which legalises the great armaments now existing, or their increase, would be of no value.

3. On the proposal of the U.S.S.R. delegation, the Preparatory Commission consented to insert in the chapters of the Convention concerning naval armaments and budgetary expenditure, the obligation not merely to limit but also reduce these armaments.

Second Amendment.

Add a second paragraph:

"The High Contracting Parties agree to limit and reduce the trained reserves of their land, sea and air forces respectively to the figures determined in the said tables."

Reasons.

In view of the great military value of trained reserves, a disarmament convention which neither limits nor reduces this important element of the armed forces would be seriously defective.

2. Proposal by the French Delegation.

After the words "formation organised on a military basis", add "in time of peace".

1 Note by the Secretariat. — See Annex 10.
3. Air Armaments (continued):

Table IV. — Maximum of the forces belonging to formations organised on a military basis stationed in the home country.

Table V. — Maximum of the forces belonging to formations organised on a military basis stationed overseas.

FIRST AMENDMENT PROPOSED BY THE SOVIET DELEGATION.

M. Lounatcharsky (Union of Soviet Socialist Republics). — The Drafting Committee has proposed a new text for the first article of Chapter I of the Convention. We note it with satisfaction. It is unnecessary for me to remind you that the word “reduction” has been indefatigably advocated by the Soviet delegation. We should, however, desire a modification of the text now submitted. The weakening of the text which results from the words “autant que possible” should, in our view, be avoided. We are guided by two fundamental considerations. In conversation with members of various delegations, we have observed—and many lawyers agree with us that these words are capable of various interpretations. Some people translate them in English by “as much”, which means “le plus possible”—i.e., a maximum reduction within the limits of what is objectively possible—others regard them as a sort of opportunist limitation of reduction in general. Moreover, without translating these words into other languages, it seems clear that the form of the French proposal “et, autant que possible, de réduire” really means “to reduce as little as possible”.

Our second point is of a less grammatical character. We hope that the British delegate will now support the idea of reduction with more energy than in the past. We note that the Sunday Times, of November 30th last, publishes a speech by Mr. Henderson, the British Secretary of State for Foreign Affairs, at Cardiff. Here is a short summary of this speech.

Mr. Henderson said that the Treaty must result, not only in a limitation, but in a reduction of armaments, and that that would be the only way of fulfilling the obligations of the Treaty of Versailles and assuring the future of the League.

Such a statement from the British Foreign Secretary should impel the Commission to make this question absolutely clear, and not to leave any ambiguities whatsoever in the texts we propose to the Conference.

Lord Cecil (British Empire). — I should like to say a word in reply to M. Lounatcharsky, who has put forward certain suggestions as to how I should fulfil my duty. I am extremely glad that he has been reading Mr. Henderson’s speech. I read it with great pleasure, because I observe that he warmly supports everything we have done in this Commission, and I trust that M. Lounatcharsky, in his enthusiasm for Mr. Henderson’s leadership will henceforth give his warm support to all our proceedings.

With regard to the particular change he desires to make, I observe that, in the reasons he gives, he approves of what we did with reference to naval armaments and budgetary expenditure. In those cases, we used exactly the words which he proposes to use here, and therefore I think we cannot do better than accept M. Lounatcharsky’s written advice and reject his oral advice.

The President. — Do you press for the adoption of your text, M. Lounatcharsky?

M. Lounatcharsky (Union of Soviet Socialist Republics). — Yes.

VOTE ON THE SOVIET DELEGATION’S FIRST AMENDMENT.

The President. — I ask you to vote on the Soviet delegation’s first amendment to Article A of Chapter I to add, after the words “to limit”, the words: “and to reduce”.

One vote was given for this amendment, and it was rejected.

SECOND AMENDMENT PROPOSED BY THE SOVIET DELEGATION.

The President. — The Soviet delegation has a second amendment to Article A—namely, to add a second paragraph worded as follows:

“The High Contracting Parties agree to limit and reduce the trained reserves of their land, sea and air forces respectively to the figures determined in the said tables.”

As this amendment was accompanied by a statement of reasons, no discussion will, I think, be necessary.

M. Lounatcharsky (Union of Soviet Socialist Republics). — Allow me, nevertheless, to make a short statement.
The Soviet delegation strongly advocates a reconsideration of the question of trained reserves.

I would ask the Commission to reflect seriously on the fact that the absence of any provision for reducing trained reserves deprives the draft Convention of any value it might possess. What the Soviet delegation has at heart is far less a purely formal reduction of effectives with the colours than a really efficacious measure to arrest preparations for war. We desire to see measures capable of reducing those destructive forces which could be launched upon the field of battle. In a word, what we are concerned with is the total armed forces of every country, not merely those that appear on parade in peace time, but those that a Government can let loose in time of war. The whole character of the Convention is altered according as a reduction of trained reserves is, or is not, provided; and I will not conceal from you that the attitude of the Soviet delegation towards the Convention will depend on the decisions of the Commission in regard to this grave problem.

Count Bernstorff (Germany). — I have expressed my opinion on this question so frequently during the past five years that I will not now repeat what I have said. As I know that the majority of the Commission will not change their view, I will content myself with asking that a reservation may appear in the report concerning this question, which we have always regarded as one of the utmost gravity.

Lord Cecil (British Empire). — I am sorry to detain the Commission over this question which has been discussed so often that it is difficult to find anything new to say about it. I am a little perturbed by the speech of M. Lounatcharsky, to whose speeches I always listen with attention. M. Lounatcharsky said he did not think it mattered how many soldiers were with the colours; what mattered most was how many could be launched into war. I agree, of course, but how are you going to limit trained reserves except by limiting the soldiers with the colours? There is no other way that I know of. Once they are through the army they become trained reserves, and you can only limit them by limiting the number of men called to the colours, and therefore, it is a question in the end of limiting those called to the colours.

As I am speaking, I should like to say three or four words more. The British delegation from the outset has always wished it were possible to abolish conscription. They urged it in the early days of this Commission, but they found so strong an opinion on the other side that it was not possible to go on urging that point. Any Convention, therefore, will have to be made on the basis of certain countries maintaining conscription. Then there was the question of limiting the soldiers conscripted and here they found very strong opinion—not confined to nations with large forces—but spreading amongst all nations with a democratic constitution. If you are to have conscription, you must have conscription that weighs equally on all classes of the population, and therefore it did not seem possible, by limiting annual contingents or abolishing conscription, to get limitation of the armed forces of a country. We were therefore thrown back on the other plan—namely, that of limiting the number of men with the colours at a particular time. Of course, the extent to which that is done depends on the Conference; if, however, it be done adequately it will automatically limit the trained reserves in the only way in which they can be limited.

M. Lounatcharsky (Union of Soviet Socialist Republics). — If the Commission is prepared to reopen a discussion on this question, the Soviet delegation will submit a practical scheme which Lord Cecil might be able to support, more or less. As the German delegation has always supported this view, it will no doubt also be ready to make practical and useful proposals. I would remind Lord Cecil that, in the British Government’s White Book, Sir Austen Chamberlain is quoted as speaking explicitly in favour of the limitation of trained reserves and as regarding the question as of the highest importance.

Proposal by the Polish Delegation in regard to an Interpretation of the Expression “Armed Forces”.

General Kasprzycki (Poland). — I would ask the Commission to give an interpretation, in the report, of the technical terms employed in this article. The interpretation might read as follows: ‘For the purposes of Article A, the armed forces further include all effectives receiving compulsory military training (except preparatory training), no matter at what place or in what manner such training may be given’.

I have already pointed out, about a fortnight ago, that there are many types of conscript army, and that our Convention, being very concise, cannot provide for all existing situations. I, therefore, think it is necessary to give this interpretation.

The President. — We will discuss that proposal when we come to the report.
VOTE ON THE SOVIET DELEGATION'S SECOND AMENDMENT.

The President. — I will now put the second Soviet amendment to the vote.
One vote was given for this amendment and it was rejected.

PROPOSAL BY THE FRENCH DELEGATION.

The President. — I will now put to the vote the French proposal: After "formations organised on a military basis", add "in time of peace".

M. Massigli (France). — I did not give any reasons for this proposal, which merely aims at greater clearness.

VOTE ON THE FRENCH PROPOSAL.

The French proposal was adopted by nineteen votes.

106. Discussion on Chapter I. — Effectives (Second-reading Text): Article C.

By "formations organised on a military basis" shall be understood police forces of all kinds, gendarmerie, Customs officials, forest guards, which, whatever their legal purpose, can be used without mobilisation, by reason of their staff of officers, establishment, training, armament, equipment, as well as any organisation complying with the above condition.

1. AMENDMENT PROPOSED BY THE BRITISH DELEGATION.

After the word "used", insert the words "for military purposes".

2. PROPOSAL BY THE FRENCH DELEGATION.

After the words "formations organised on a military basis", add "in time of peace".

AMENDMENT PROPOSED BY THE BRITISH DELEGATION.

Lord Cecil (British Empire). — This is merely a suggestion for the Drafting Committee and I do not think I need trouble the Commission about it.

The British amendment was referred to the Drafting Committee.

PROPOSAL BY THE FRENCH DELEGATION.

The President. — We must also decide on the French proposal to add after the words "formations organised on a military basis" the words "in time of peace".

This proposal was adopted.

DECLARATION BY THE JAPANESE DELEGATE IN REGARD TO "FORMATIONS" ORGANISED ON A MILITARY BASIS.

M. Sato (Japan). — Our Commission has already considered the question of formations organised on a military basis. Now we have adopted, at third reading, Article A, by which the contracting parties agree to limit the effectives of the above-mentioned formations, in service in the land, sea and air forces, in accordance with the tables annexed to the Convention. Article C gives a definition of "formations organised on a military basis"; but it is very probable that these formations will have different characteristics, and be differently composed, in different countries. They will therefore vary considerably according to the countries in which they are organised. In these circumstances, it seems clear that the general Disarmament Conference will be obliged to examine each case to determine whether an organisation of this kind, in a given contracting country, comes under the definition in Article C and must on that account be limited as provided in Article A. The Conference alone can have all the necessary details regarding the various formations organised on a military basis. It is only with the help of these details that it will be possible to come to a reasoned decision as to whether any individual organisation is, or is not, to be covered by the limitation. For these reasons, the Japanese delegation considers that, in accepting the present wording of Articles A and C, each delegation still retains its right to examine any given case in detail at the General Conference. I think, therefore, that everyone will agree that my Government, and all other Governments concerned, may reserve their right, at the General Conference, to make a detailed examination of any individual case, in order to deal with it in the best way, with full knowledge of the facts.

The President. — I would ask the Rapporteur to take due note of M. Sato's statement.
IOI. Chapter I. — Effectives (Second-reading Text): Article I.

The President. — The next amendment was that proposed to Article I by the German delegation; but, as you will remember, the latter withdrew it at an earlier meeting.

IO2. Discussion on Chapter II. — Material: Section I. — Land Armaments (Second-reading Text): Article TA.

Each of the High Contracting Parties agrees to limit its annual expenditure on the upkeep, purchase and manufacture of war material for land armaments in accordance with the figures and the conditions laid down in Annex No. . . . to the present Convention.

Note. — In pronouncing on this article, the Governments will take into account at the Conference the report requested from the Committee of Budgetary Experts, which will have been forwarded to them in order to permit of the drawing up of Annex No. . . . The Preparatory Commission, by sixteen votes to three and six abstentions, adopted the principle of limitation by expenditure. It also discussed the following resolution:

"The Preparatory Commission is of opinion that the principle of direct limitation should be applied to land war material."

When this resolution was put to the vote, there were nine votes in favour, nine against and seven abstentions,

Lastly, it examined the principle of a combination of the two methods, in favour of which nine members of the Commission voted, eleven voted against, with five abstentions.

M. Colban (Norway). — I have a remark to make on the wording of the report in connection with Article TA. Will the Bureau be good enough to ask the Rapporteur to mention in his report that certain delegates considered that a combination of the direct method and the indirect budgetary method of limitation had not been discussed?

The President. — I will ask the Rapporteurs to take note of M. Colban's statement also.

IO3. Discussion on Chapter II. — Material: Section III. — Air Armaments (Second-reading Text): Article AA.

Each of the High Contracting Parties undertakes to limit the air material in service in accordance with the figures laid down in the following tables.

Table A. — The maximum number and total horse-power of aeroplanes and dirigibles in service in their armed forces.

Note: Any of the High Contracting Parties who so desire may annex to Table A the following tables for limitations similar to those in Table A:

Table A (1). — Aeroplanes and dirigibles in commission in the armed forces stationed in the home country.

Table A (2). — Aeroplanes and dirigibles in commission in the armed forces stationed overseas.

Table A (3). — Aeroplanes and dirigibles in aircraft-carriers.

Table B. — The maximum number and total horse-power of aeroplanes and dirigibles in service in their armed forces.

The limitation shall apply to aeroplanes and dirigibles capable of use in war employed in

1. Amendment submitted by the Canadian Delegation.

Delete references to "total horse-power". Tables A and B should read as follows:

"Table A. — The maximum number of aeroplanes and maximum number and total volume of dirigibles in service in their armed forces.

Table B. — The maximum number of aeroplanes and maximum number and total volume of dirigibles in service in their formations organised on a military basis.

2. Amendment submitted by the British Delegation.

At end of last paragraph, after the words "organised on a military basis", add "and to Government-owned complete machines in reserve". 

3. Amendment submitted by the Delegation of the Union of Soviet Socialist Republics.

After the words "to limit" add the words "and reduce".
commission in the land, sea and air forces, or in the formations organised on a military basis.

Note: Any of the High Contracting Parties who so desire may annex to Table B the following tables for limitations similar to those in Table B:

Table B (1). — Aeroplanes and dirigibles in commission in the formations organised on a military basis stationed in the home country.

Table B (2). — Aeroplanes and dirigibles in commission in the formations organised on a military basis in overseas territories.

Amendment submitted by the Canadian Delegation.

Dr. Riddell (Canada). — I regret that the Canadian delegation did not submit reasons for this amendment. Had we known that reasons were going to be published, we would have done so.

I would like to explain that the purpose of our amendment to Article AA, Chapter II, Section III, is to delete all references to horse-power. The amendment is based on grounds of impracticability.

I am informed by technical advisers that a limitation in terms of total horse-power cannot be made either simple, definite, or effective, and is therefore not a practical proposition. Moreover —and this seems a very grave objection indeed—it is not possible to formulate a horse-power definition which would not be liable to quite simple and easy evasion in a variety of ways.

To make the case as clear as possible I shall have to enumerate to the Commission some of the technical arguments—I trust they will not be too technical—against limitation by total horse-power.

(a) The horse-power of a given aviation engine is dependent upon a number of varying factors, such as the number of revolutions per minute of the crankshaft—the type and quality of fuel used—the altitude at which the engine is to be employed—the reliability or “expectation of useful life” of the engine—the degree of “supercharging” to be applied, etc.

(b) The horse-power of an aviation engine can be “calculated” from a quantitative characteristic such as the “cubic capacity” of the engine, but only when arbitrary assumptions are made as to the various factors which I have just mentioned. The “calculated horse-power” of an engine consequently bears no relation to the actual power output. For example, it is possible to increase the horse-power of an engine by 100 per cent as a result of “supercharging”.

(c) The horse-power of an engine at ground level—though normally greater than at an altitude—bears no fixed relation to its horse-power at an altitude. It can happen, and in the case of certain supercharged engines it does happen, that the horse-power at 10,000 feet is actually greater than at ground level.

(d) A formula to determine the horse-power of the ordinary type of petrol-driven aviation engine, such as is commonly used to-day, would not be suitable for application to engines of a different type such, for example, as the “two-stroke”, or Diesel design. The possible evolution of a turbine type engine would also necessitate another set of rules and formula.

(e) The definite determination of the horse-power of an engine can only be arrived at through actual tests carried out under expert supervision and under “standard” conditions. The horse-power will vary if any of the standard conditions are varied.

(f) No horse-power assessment—whether “calculated” or determined by tests—can be either definite, or even satisfactory, as a basis of comparison.

Even if one be not a technical expert in air matters, it is evident from the above that limitation by horse-power, if not impossible, seems at least impracticable, and also extremely easy to evade.

If someone should ask: “What limitation will there be for military aircraft?”, the reply is: “Direct limitation”, and also budgetary limitation as proposed by the British delegation. A combination of these two limitations would be more satisfactory than limitation by horse-power, which seems to be impracticable, and the figures of which will not correspond to realities. It is possible that direct limitation alone would be insufficient, but combined with budgetary limitation it would afford very effective guarantees; moreover, total horse-power would be limited indirectly by budgetary limitation because there is a direct relation between the cost of aircraft and horse-power.

The Canadian delegation, although willing to support in principle every form of limitation, is not in favour of a limitation which would be so complicated as to be almost certainly unworkable and which could be evaded with the greatest ease. Such limitation would prove ineffective, and for these reasons we propose the deletion of all references to horse-power in Article AA.
The Spanish representatives in the technical Committees accepted, as a compromise, the method we adopted at second reading. It is a combination of numbers and horse-power. You cannot abolish one of these two factors.

Dr. Riddell has invoked technical opinion to show that it is very difficult to calculate the horse-power of aircraft engines. I am under the impression, however, that the horse-power always is calculated when an engine is built or sold; and, as a member of the Preparatory Commission—not under-estimating the technical difficulties, but relying on the results of the technical discussions held by the various organs of the League—I am bound to say that, if we lay down that, in limiting air armaments, the number of machines must alone be considered, people who had only seen or heard of large machines might consider our decision sound; but people acquainted with others, smaller or greater, would make comparisons between little two-seater machines and these air liners of the future that we heard of just now, and would not endorse our opinion. They would say that one of these two arguments was unsound, and that either we wished to avoid limitation, or we had taken a line that could not lead to an effective limitation of air armaments.

As these air armaments are of such importance for the future, I think that, with an eye to the judgment of public opinion, we should hesitate to accept a limitation which would not be genuine, and a principle which would be both inequitable and unfair.

M. Massigli (France). — I support what M. Cobián has said, and ask Dr. Riddell not to press his amendment.

I have the greatest respect for technical opinion, and should be much impressed by the technical arguments—though they are somewhat above my comprehension—that Dr. Riddell has offered, were I not aware that, just as international agreements have been reached for the definition of tonnage, so rules have been established for fixing the horse-power of engines. These rules have been worked out by the C.I.N.A., and you will find them quoted by M. Paul-Boncour on page 139 of the Minutes of the third session (1927). 1 They may be incomplete, but they can be improved and amplified if need be; in any case, the fact that they exist shows that there is no insuperable difficulty in computing the horse-power of engines.

Consider the situation if we adopted the course suggested by the Canadian delegation. The limitation of aggregate horse-power necessarily results in limiting the power of an air fleet; for the only way to increase the power of individual machines will be to reduce their number and in any case it will be impossible to exceed a certain limit.

If we adhere to this rule, it is clear that in some degree we shall eliminate competition in air armaments, and we should also prevent the creation of powerful types of aircraft specially designed for military use, for bombardment, or fighting at great distances from their base. We shall—it cannot be too often repeated—be limiting the aggressive power of military aircraft. But if we adopted the course suggested by our colleague, we should dangerously diminish the value of that result. No doubt, you may combine the limitation of machines by number with the limitation of expenditure; but the result would not be the same. The problem for air armaments is the same as for naval armaments: if you only limit numbers, you arrive at the result that a capital ship is to be regarded as having the same value as a torpedo-boat; yet no one here would maintain such a proposition. I therefore ask Dr. Riddell not to lay too much stress upon technical difficulties which are, after all, not insurmountable. Better rules could no doubt be devised, but the objections which M. Cobián has pointed out are so great that the Canadian delegation will, I trust, not press its suggestion.

M. Moroff (Bulgaria). — At the present time efforts are being made to improve engines by reducing the fuel consumption necessary to produce the minimum horse-power. Efforts are also being made to reduce the number of calories required to obtain a given amount of power. It is not always possible to raise the same weight, or to attain the same speed, by utilising the same number of horse-power. The method of manufacture itself plays a very large part in determining the power of the engine. Nevertheless, the resulting inequalities do not prevent us from concluding that engines with equal consumption give approximately equal results.

1 Note by the Secretariat. — Document C.310/M.105.1927.1X.
Count Bernstorff (Germany). — The Commission will remember that, a year ago, I proposed the complete prohibition of bombing from the air; this shows that I am anxious to go as far as possible in the way of reducing air material.

All I desire now is to say a few words in support of M. Cobian and M. Massigli. If we eliminated the criterion of aggregate horse-power, we should lose a very useful standard for the reduction of air material, and Governments would be given an opportunity of developing aviation on more offensive lines. That is precisely what we wish to prevent. I could not, therefore, vote for a proposal which would result in further weakening the means adopted by the Commission to achieve disarmament.

Lord Cecil (British Empire). — The British Government has instructed me to support the Canadian amendment. The matter is evidently an extremely technical and difficult one, and I do not pretend to be able to say anything which, on the technical side, will be of value to the Commission. All I can say is that the expert advisers to the British Government are very clear that a limitation by horse-power will not only be ineffective, but misleading. They think the only result will be that some machines will be hit in one way and some in another; they think, therefore, that it would be a bad and misleading test. As to whether they are right or whether the other gentlemen are right, I am not in a position to express an opinion. I merely state what is the opinion of the British Government, founded on expert advice they have received.

There is another aspect of which I should like to remind the Commission: that undoubtedly it is an exceedingly difficult thing to test—or to control. You may have your rule against horse-power, but it is a very difficult thing to control. I do not know how you could control it, except by sending people to measure the exact size of each cylinder of the actual machine, and to measure whatever else you do measure in such a case. That seems to me a serious objection to this method of limitation. But I must add in perfect frankness that I agree most heartily with what was said—namely, that the difficulty of limiting aircraft is so great, and it is repellent to me to abandon any system that anyone thinks may be of use in that direction. I can only say that responsible advice given to the British Government was to the effect that this will not help in the desired direction, and, for that reason, I am bound to support the Canadian amendment.

Dr. Riddell (Canada). — In raising this question, I raised it on the ground of impracticability. But now, from the statements that have been made, I note that two speakers have agreed with me as to the impracticability of it and three have acknowledged that there are some difficulties with regard to ascertaining horse-power, but think that those difficulties are not insuperable. M. Massigli asked me not to press this amendment, but I am sure that he would not expect me to withdraw it before hearing the views of more delegates. I do not know whether I should call for volunteers at this late hour, but I should be very grateful to have, if possible, the opinions of other delegations as a guide to what course I should pursue in the ultimate disposal of this amendment.

M. Sato (Japan). — Dr. Riddell will no doubt remember that our delegation has always favoured the limitation of horse-power, for the reasons which have just been referred to by M. Cobian and M. Massigli.

Of course, we are now considering air forces only from a defensive and not from an offensive standpoint. As far as concerns defence, it seems manifest that the best method of limiting air forces is to limit aggregate horse-power. For any country relying on its air force for defence, that is the most satisfactory method, and the one which gives the greatest sense of security, since the country would then be much less exposed to external attack. That is one of the reasons which my delegation has always advanced in favour of limitation by horse-power.

As M. Cobian has said, we accepted in a spirit of conciliation the proposal made by other delegations for a limitation by the number of aeroplanes. We have thus combined two methods of limitation.

At the present moment the Japanese delegation would find it difficult, with all the goodwill in the world, to accept Dr. Riddell’s proposal, which only aims at limiting the number of machines.

The Hon. Hugh Gibson (United States of America). — After the moving appeal by Dr. Riddell I could not be so hard-hearted as to refuse to prolong the debate. I confess I do not know enough about the subject to offer a personal view with regard to limitation by horse-power, but the technical advisers of the American delegation feel that the proposal of the Canadian delegation is very well founded, and that limitation by horse-power is not a sound and scientific method of limitation. However, if any considerable number of delegations feel that this method can be made more practical and more effective, the American delegation has no objection to seeing the text stand, and go forward to the Conference to see what can be done towards making that method more effective.

M. Politis (Greece). — I also wish to respond to Dr. Riddell’s appeal, so as to be the third delegate whose explanations may enlighten him.

I am rather astonished to find that, at the present stage of our work, so grave an objection is discovered against the system adopted at first reading by a very large majority—if I am not mistaken—after very long and highly technical study, which did not reveal any of the objections now brought forward.
It is possible that these objections exist; but it is certain that if you abolish the second standard of limitation specified in this article, if you take numbers only into account, you will not—as the previous speakers have said—really obtain any genuine limitation of military machines. That is not be result we desire; we do not wish to lay down a limitation which would not be genuine.

Accordingly, unless other reasons are adduced, it seems sounder to maintain the text as it is. We could ask the technical experts at the Conference to re-examine the question and see how the system might be improved. In any case, it seems essential to retain, in addition to limitation by numbers, the system of limitation by horse-power, that is by offensive capacity. For that reason I also should be very glad if Dr. Riddell would withdraw his amendment.

M. Rutgers (Netherlands).—I also wish to respond to Dr. Riddell’s appeal. I remember once, when I was in England studying the effects of an English law, an English Member of Parliament said to me: “We are quite satisfied if a law produces fair, or approximately fair, results in most cases.” I think we also should be content with that result. We are not engaged on scientific work, to use Mr. Gibson’s term. We are not trying to achieve accuracy under laboratory conditions. We do not suppose that all the calculations required by our Convention will be absolutely precise, and that there will not be discrepancies of one or two per cent. What we desire, are practical results. If we go only by the number of aeroplanes, the practical results will be inconsiderable. For these reasons, I cannot endorse Dr. Riddell’s amendment.

Dr. Riddell (Canada).—I am deeply grateful to those who responded to my appeal. I think the proposal that was made by Mr. Gibson would meet the wishes of the Canadian delegation, in that the experts at the Conference would reconsider the whole question of limitation by horse-power. I understood M. Politis’ proposal was much the same.

The President.—Does Dr. Riddell maintain his amendment?

Dr. Riddell (Canada).—In the light of the opinions expressed by Mr. Gibson and M. Politis, which seem to meet with the general approval of the Commission, I do not wish to press my amendment to a vote. I understand that the experts of the Conference will re-examine the problem.

The Canadian amendment was withdrawn.

Amendment submitted by the British delegation.

The President.—The British amendment is to add at the end of the last paragraph, after the words “organised on a military basis”, the words: “and to Government-owned complete machines in reserve.”

Lord Cecil (British Empire).—As the amendment is a perfectly obvious one, I do not think I need trouble the Commission at any length. The question is whether we ought to try to limit machines in reserve as well as those actually in use. Of course, it is understood that the machines contemplated are military machines and not Government-owned machines for some civilian purpose.

Amendment to the British Amendment, proposed by the United States Delegation.

The Hon. Hugh Gibson (United States of America).—In order to make Lord Cecil’s point clear, I should like to ask whether he would object to adding “military” after “Government-owned”.

Lord Cecil (British Empire).—I think that word will have to be added, and indeed, on carefully considering this amendment, I think there will have to be a good many drafting changes, to make it complete. As long as the principle is accepted that can be done by the Drafting Committee.

General de Marinis (Italy).—I support the British proposal.

M. Massigli (France).—I am very conservative in regard to texts adopted at the second reading. I fear that, in this particular case, Lord Cecil’s proposal may lead us into difficulties. One of them has just been solved by the addition of the word “military”; but there are others which may be anticipated.

What is the definition of “complete machines”? Does that mean an aeroplane ready to fly, with its war equipment, machine-guns, bomb-throwers, etc, or an aeroplane ready to fly without its war equipment? In the latter case it would be very easy to make an aeroplane incomplete. You have only to take off the propeller or a wheel, or any part of the machine. That is a difficulty we met at the first reading, and I think Lord Cecil noticed it too.
We shall also encounter the insoluble problem of limiting spare parts. I say "insoluble", because the majority of these parts—especially parts of the engine—are interchangeable between civil and military machines.

I cannot help doubting whether this proposal offers advantages, from the point of view of our Convention, commensurate with so many complications. I am convinced that it does not. At the present time, if not all, armies are endeavouring to keep their reserve of aeroplanes as low as possible, because aviation is undergoing continual changes, and the money locked up in these reserve machines is usually wasted. In most armies, at the present time, these reserves are cut down to what is required for renewing machines in service, having regard to the normal scale of wear and tear and "crashes" in a given period.

I think that if we adopt this proposal we shall become involved in considerable complications without any very useful result. I therefore hope that the Commission will adhere to the second-reading text.

Count Bernstorff (Germany).—I wish to ask for some explanations regarding the British amendment. It speaks of "complete machines in reserve". Does that mean assembled machines, and is it intended to disregard machines which are not assembled, and machines in store?

Personally, of course, I prefer that the amendment should go as far as possible.

Lord Cecil (British Empire).—I am told that the accepted meaning of the term "complete machine" is an aircraft complete with body, wings, engine, propeller, landing chassis, and ready to fly. What arms you put on it do not matter; a complete machine is one that is ready to fly, and that is the sense in which my amendment should be read.

I fully agree with M. Massigli that even this strengthening of the attempt to limit aircraft by enumeration will leave that method of limitation extremely incomplete, because of the question of spare parts. That is obviously so; whatever you do you will find it very difficult to limit by enumeration so as to have a real and effective check, and as I say, I am very uncertain about the value of limitation by horse-power. I think it is much the gravest difficulty we have to face—this limitation of aircraft. I shall put forward a proposal a little later on which I think is the only one that will be of any real value, but I will not argue it at this moment. In the meantime, I cannot help thinking that, if you are to have a limitation by enumeration at all, it is really illogical and indefensible to say that you are only going to limit those machines which are actually in service at the moment. You surely ought to add to that those which are in reserve, and can be put into service at any moment. I do not think this is a very important point, but, for what it is worth, I consider it desirable to add machines in reserve as well.

General Kasprzycki (Poland).—This amendment is designed to limit complete machines in reserve. In my view, the absence of machinery for supervision in our system of limitation makes it impossible to distinguish between complete machines in reserve and other reserve material consisting of spare parts. The result will be that the figures for the limitation of material will be far less exact.

As regards the whole question of material in reserve and its partial or complete limitation, I will not repeat the arguments already used in Sub-Committee A, and at previous sessions of our Commission. I would only draw the attention of the Commission to an aspect of this question which specially concerns aviation. It is a point of primary importance for countries possessing small war industries. Material in reserve plays a vital rôle in supplying the first-line units. We know how extensive are the losses in aircraft, and we may be sure that material in reserve will never be regarded as mobilisation material for new units. In that case, an air service which possessed no war industry would never be able to replace its losses, and would cease to exist after a few weeks. On the contrary, material in reserve possesses only a secondary attraction for countries having a low war-potential.

On behalf of my delegation I am therefore compelled to oppose the limitation of material in reserve, owing to the unequal treatment which would result, as between countries having war industries of small capacity and countries otherwise situated.

M. Lounatcharsky (Union of Soviet Socialist Republics).—I should just like to remind the Commission that the Soviet delegation has already made a proposal in the sense indicated by Count Bernstorff, but going much further.

Count Bernstorff (Germany).—I understand that the present proposal relates only to complete machines, and I would point out that it is only necessary to remove a part of an aeroplane to make it no longer a complete machine. It would thus be possible to assemble machines from material in store, and the latter material could thus be rapidly transferred to material in service without being subjected to any limitation. I therefore consider that the proposal does not go far enough, and I cannot vote in favour of it.

**Vote on the British Amendment.**

The amendment was adopted by nine votes for to eight against.
WITHDRAWAL OF THE AMENDMENT SUBMITTED BY THE SOVIET DELEGATION.

The President. — We still have the Soviet amendment. Does M. Lounatcharsky maintain it?

M. Lounatcharsky (Union of Soviet Socialist Republics). — As the Commission has already voted on this question in a more general form, I withdraw my proposal.

The Commission rose at 7 p.m.

TWENTIETH MEETING.

Held on Tuesday, December 2nd, 1930, at 10 a.m.

President: M. LOUDON (Netherlands).

104. Communication by the President regarding the Texts drawn up by the Drafting Committee.

The President. — Our Drafting Committee has revised the text of the Convention which we submitted to it, but only as regards the form. It does not think that it has altered the substance of the articles in any way. However, if any delegates are at all doubtful on this point I would ask them to inform the Bureau as soon as possible, stating their views. The texts will be distributed tomorrow, Wednesday, and any observations or alterations which the delegates may desire to submit should reach the Bureau by Thursday afternoon at the latest.

105. Discussion of the Texts adopted at Second Reading and of the Amendments thereto (continuation): Discussion on Chapter II. — Material: Section III. — Air Armaments (Second-reading Text): Article AE.

1. The High Contracting Parties shall refrain from prescribing the embodiment of military features in the build of civil aviation material so that this material may be constructed for purely civil purposes, more particularly with a view to providing the greatest possible measure of security and the most economic return. No preparations shall be made in civil aircraft in time of peace for the installation of warlike armaments for the purpose of converting such aircraft into military aircraft.

2. The High Contracting Parties undertake not to require of civil aviation undertakings that they should employ personnel specially trained for military purposes.

They undertake to authorise only as a provisional and temporary measure the seconding of personnel to, and the employment of military aviation material in, civil aviation undertakings.

3. The High Contracting Parties undertake not to subsidise, directly or indirectly, air lines principally established for military purposes, instead of being established for economic administrative or social purposes.

4. The High Contracting Parties undertake to encourage as far as possible the conclusion of economic agreements between civil aviation undertakings in the different countries.

1. Amendment presented by the Canadian Delegation.

Delete the following sub-paragraph of paragraph 2: “They undertake . . . civil aviation undertakings” and substitute the following text:

“Personnel seconded to, and military material employed in, civil aviation, whether Government or commercial, shall be counted in the agreed quota.”

2. Amendment submitted by the British Delegation.

Add at end of the article “and to confer together to this end”.

3. Proposal by the British Delegation.

Insert a new article as follows:

“Each of the High Contracting Parties agrees to limit its annual expenditure on the maintenance, purchase and manufacture of war material, for air armaments, to the figures and under the conditions defined in Annex No. . . . to the present Convention.”

Amendment presented by the Canadian Delegation.

Dr. Riddell (Canada). — Mr. President, the proposal of the Canadian delegation is to substitute, in Article AE, for the second sub-paragraph of paragraph 2, which now reads:

“They undertake to authorise only as a provisional and temporary measure the seconding of personnel to, and the employment of military aviation material in, civil aviation undertakings”,

by the following text:

“Personnel seconded to, and military material employed in, civil aviation undertakings, shall be counted in the agreed quota.”
the following text:

"Personnel seconded to, and military material employed in, civil aviation, whether Government or commercial, shall be counted in the agreed quota."

Our amendment is intended to remove any ambiguity in the present text. The text as it now reads would permit the seconding of personnel to, and the employment of military aviation material in, civil aviation undertakings, without, however, laying down that such seconded personnel and material should be counted in the quota which has been allotted to a State.

It is true that this authorisation is given only as a provisional and temporary measure, whatever that may mean. It might mean for five months or for five years, and it might be for 5 or 95 per cent of the air force and material.

Under the Canadian proposal all seconded aviation personnel and material must be counted in the agreed quota, that is, within the quota allotted to each State by the Disarmament Conference. I need not remind you that this quota, will have been approved as fair and reasonable by all the other contracting parties at the Conference.

Furthermore, the present text, as laid down in the second reading, introduces an entirely new principle, for it aims to abolish the use of personnel and material for civilian purposes. No such principle is proposed in Chapters I and II in connection with land and naval armaments. In fact, as regards military aviation, this new principle is contrary to general practice in most, if not in all, air forces. In most countries, the seconding of personnel and material to employment in civil aviation activities has always been looked upon as necessary and legitimate.

This is especially true in countries of vast distances, like Canada. In Canada, during the last few years, aviation has made tremendous progress. Parts of our country, which were months distant from the centres of population, have now been brought within easy reach. As regards communications and transportation, my country has been a country of the greatest contrasts. Across the southern part of Canada we have splendidly equipped transcontinental railway systems, fleets of luxurious steamships plying on the Great Lakes, magnificent interprovincial highways, rural mail deliveries, and widespread use of the telegraph, the telephone and the radio. But to the north, before the advent of the aeroplane, the means of communication had changed little, if at all, since the time when the first fur-traders penetrated into the interior of the country in the sixteenth century. Travel was confined to the canoe in summer and to the dog-team in winter. The coming of the aeroplane has changed all this; aeroplanes now penetrate into the remotest districts of our country. They have proved invaluable, not only in bringing lonely outposts in touch with the world by regular mail services but also in carrying supplies to mining camps in the far north. Photographic surveys and prospecting for minerals are now carried on on a large scale by aeroplane, and the patrolling of vast forest areas for fire detection is also dependent upon the aeroplane.

I should like to read an Ottawa message to Reuters Trade Service, which I received the other day. It says:

"When the present flying season is completed, the air department of the Ontario Forestry Branch will have established a new record of over 14,000 flying hours for the year. The highest previous total was in 1929, with 11,600 flying hours. One of the main duties of the airmen is patrolling the northern wooded regions in search of incipient forest fires, and carrying men and equipment to fight the flames when an outbreak is discovered. The air service has already proved of incalculable value in preserving Canadian forests."

In addition, relief work for the sick and the rescue of missing parties in the remotest hinterlands have become the regular task of the aeroplane.

We believe that, in view of the difficult and trying work done by aircraft in Canada, seconding of personnel and machines is necessary in the interests of economy, efficiency, organisation and discipline. In fact, this immensely valuable work of aircraft in Canada has been made possible by close co-operation between military and civil aviation and it is not reasonable to suppose that Canada would readily consent to the prohibition of the use of military personnel and aviation material in a work so essential to the well-being of her people and the development of her territory.

I have much pleasure, therefore, Mr. President, in moving this amendment and I trust the Commission will find no difficulty in accepting it.

The Hon. Hugh Gibson (United States of America). — I am very happy to advocate the adoption of the Canadian amendment, as it seems to the American delegation to be entirely sound, and preferable to the language of our original text.

Count Bernstorff (Germany). — I desire to support Dr. Riddell's proposal, as I support anything that may tend to reduce the military value of civil aircraft.
AMENDMENT TO THE CANADIAN AMENDMENT PROPOSED BY THE SWEDISH DELEGATION.

M. Westman (Sweden). — I should be rather sorry to see the second section of paragraph 2 cut out. I wonder if it would not be possible to retain paragraph 2 and to add a sentence suggested by the Canadian delegation. We should thus still be laying stress on the provisional and temporary character of the measure in question, while stating that personnel seconded and military material will be included in the figures fixed by the Treaty under consideration.

Lord Cecil (British Empire). — I do not quite understand the point of M. Westman's anxiety. I should have thought that anything which converted military officers into civilians was a good thing. If we could do that wholesale, we should have solved the whole question of disarmament.

General de Marinis (Italy). — The Italian delegation supports the Canadian delegation's proposal.

M. Westman (Sweden). — I feel that if we accept the Canadian amendment we shall be creating the impression that this is, so to speak, a normal situation.

Lord Cecil (British Empire). — Why not?

M. Westman (Sweden). — Then the military forces would be increased by putting military personnel into civil aviation.

Lord Cecil (British Empire). — They could not increase under the Canadian proposal. You would gain nothing by transferring your military officers to civilian employment. They would still count as military officers. The only point is that they would be trained or employed for civilian purposes and not for military purposes. I quite agree that unless you included the military personnel, when employed in civilian purposes, in your military contingent, you would be in a difficulty, but as long as you do that it seems to me that you possibly do no harm and might do some good.

M. Massigli (France). — I was prepared to vote for Dr. Riddell's amendment, but I think there is something in M. Westman's point. The Swedish delegation fears that if we confine ourselves to laying down the principle contained in the Canadian amendment, military personnel will be maintained on credits voted for civil purposes. In this way, the principle of limitation of expenditure will to some extent be evaded. I personally should be quite ready to accept the Canadian amendment with the addition proposed by M. Westman.

Dr. Riddell (Canada). — At the basis of our amendment lies the quota. We take it for granted that, at the Conference, States will agree upon a quota which will be fixed definitely, and which will be fair and reasonable or it would not have been accepted. We maintain that you are not increasing a nation's military strength by employing these forces in civilian work. I am not a military expert, but I should think that if you wanted to train military forces you would keep them at military work, rather than use them as rescue parties in the north, for carrying supplies and so on. I should think that if they were trained in bombing all the time, or in shooting, they would be more efficient in the military way. Our purpose is not in any way to increase the military efficiency of a nation's air forces, neither is it to try to maintain more aeroplanes, because all seconded machines would be counted in our allotment.

With regard to the question of expense, it seems to me that if you fix the quota you have met the objection raised by M. Westman. We do not want to transfer our forces in order to avoid the expense of keeping them. It is because we find them necessary for civilian work. The Canadian delegation could not accept the amendment of M. Westman.

SUGGESTION BY THE BELGIAN DELEGATION.

M. Bourquin (Belgium). — I think that the amendment proposed by the Canadian delegation makes a very useful addition to the text adopted at the first reading. This amendment states that personnel seconded to civil aviation will be included in the total strength, and that is a principle which did not appear in the original text. I think, therefore, that on this point the Canadian proposal gives us full satisfaction. Nevertheless, although it adds something, it also takes away something from the text. What, indeed, is the essential object of Article AE, which we are discussing, and to which the Canadian proposal is an amendment? The object of this article is not to provide for limitation, but to prevent, so far as possible, contact between civil and military aviation. What arouses our apprehensions, or the apprehensions of a number of us, in respect of civil aviation, is that in addition to its civil value it may also prove of military value.

We know quite well that it is impossible to take comprehensive and absolutely effective precautions in this matter, but in Article EA we desired to avoid, so far as possible, close interconnection between the two air forces.
The text which is to be replaced by the Canadian amendment said that when personnel or material belonging to military aviation, is used in civil aviation, this can only be done as a temporary measure. It was not thought possible absolutely to prohibit the use of military personnel or material in civil aviation, but we desired to lay down that, when such use could not be prevented, it should be of a purely temporary character. This is the point omitted in the Canadian amendment and I think M. Westman was anxious that this temporary character should be maintained in respect of the use of military elements in civil aviation.

I admit that the text previously adopted on this matter is extremely elastic: "they undertake to authorise only as a provisional and temporary measure ..." The meaning is clear; but, from the point of view of legal accuracy, it is obviously somewhat loose.

I wonder, therefore, whether we could not adopt the Canadian amendment, substitute the text which Dr. Riddell has proposed for the original one, and insert in the report a note to the effect that perhaps for all of us it is desirable that the use, if any, of military personnel and material in civil aviation should be of a purely temporary character.

In practice, what we have in the present text is only a recommendation; from the legal point of view it is not precise enough; no time-limit is laid down for this provisional use. It is therefore extremely elastic. We could easily put this text in the report, while not losing sight of the possibilities which cause us concern.

This is the suggestion that I take the liberty of making, and I hope it may be accepted by the Canadian delegation—namely, that we should accept the Canadian amendment and put the second part of paragraph 2 into the report as the expression of a concern which we all share.

**Lord Cecil** (British Empire). — Although I am not very fond of the device proposed by the Belgian delegate, I have no objection to it. I think the only point which has been raised is the point of M. Massigli. I think it is very essential that, in transferring military officers to civilian employment and keeping them in the quota of your military officers, as ought to be done, you ought also to keep them as being paid out of the defence budget; and I think my friend Dr. Riddell will be quite content to add words to his amendment making clear that point. The words, "and shall continue to be paid out of the estimate from which they were previously paid," might be added. If that point were made, I do not see any conceivable injury from the point of view of defence, and it is quite evident that, from the point of view of Canada and similar countries, it may be of real importance to be able to improve machines and officers for this work, which is only in a sense semi-civilian, because it involves very great dangers and difficulties.

**Suggestion by the Norwegian Delegation.**

M. Colban (Norway). — I support M. Westman's proposal. You cannot say that training in civil aviation has no value for military purposes. It has frequently been stated that aviation is still in its infancy. It is difficult to distinguish between civil and military aviation. A distinction is about to be established but it is not yet sufficiently clear. You cannot say that a pilot, or an officer who passes the whole of the year on civil aircraft, does not increase his efficiency for military purposes. I think it would be difficult to ignore the principle recommended a few years ago by the de Brouckère Committee, which asked that a distinction should be made between civil and military aviation.

I have no objection to the idea contained in the Canadian proposal, if it be added to the former text. But if Dr. Riddell cannot accept the combination of the two texts, we might consider the possibility of a reservation by the Canadian delegation based on the quite special conditions of their country, the importance of which I fully recognise. I think it is extremely difficult to endeavour, in our draft Convention, to apply exactly the same solution to all countries participating in the Disarmament Conference.

All the other delegations have allowed the text of Article AE to pass without comment. A new text has just been submitted which is based on the quite special conditions of Canada. We are asked to change the former attitude of the Commission. I think the best procedure would be to modify M. Bourquin's proposal slightly, to keep the former text, and to make mention in the report of the position which has been explained to us, particularly as regards Canada. As, however, M. Bourquin has not made any formal proposal, for the moment I will merely support M. Westman's motion.

**The President.** — Can Dr. Riddell accept M. Colban's suggestion?

Dr. Riddell (Canada). — The proposal of the Belgian delegate would meet the views of the Canadian delegation. I accept it gladly. The suggestion has also been made to me that we might have two texts, one for overseas and one for European countries, the object in view being to meet a particular situation which arises outside Europe.

M. Westman (Sweden). — The essential point, so far as I am concerned, is to prevent civil aviation from being militarised. For the reasons set forth by M. Colban, I fear that, if we delete the second paragraph, this danger will exist. Before withdrawing my proposal, however, I should like to hear the views of some more members of the Commission.
M. Massigli (France). — The case with which we are dealing is a difficult one, for we have quite different hypotheses in mind. I can accept M. Bourquin’s proposal, but I can also agree with the apprehensions expressed by M. Westman and M. Colban, for they seem to me to be perfectly justified. Lord Cecil’s statement took these apprehensions into account, but met them only in part.

Could we not follow the course suggested by M. Bourquin, but reverse it? We could adopt the Canadian text at the same time as the original text, and insert in the report certain explanations showing that in certain particular cases such a solution might have disadvantages, and that this is a point on which the Conference might perhaps consider the possibility of a different regime for different countries. It seems to me that such a solution would take account of the very natural anxiety of Dr. Riddell, and at the same time meet the equally natural apprehensions of M. Westman and M. Colban.

M. Rutgers (Netherlands). — I should be very sorry if the second paragraph were omitted. On the other hand, I fully realise the weight of the Canadian delegation’s objections to the present text. At the time of the first reading, certain objections were made to the use of the words “provisional and temporary”. We might perhaps meet the Canadian delegation’s wishes by including some explanations in the report. I think, however, that it would be better to retain the sentence it was proposed to delete, adding the Canadian amendment.

The President. — Does Dr. Riddell accept this solution, on the understanding that a reservation will be inserted in the report?

Dr. Riddell (Canada). — We have two things in mind: in the first place, we believe that personnel and material, no matter how it is used, should come within the quota; in the second place, we believe that it is exceedingly unfair to prevent an overseas country, in a peculiar geographical position, from using, as it sees fit, military personnel and material for civilian purposes. The present text says that seconding is authorised as a “provisional and temporary” measure. What does that mean? Probably that some countries would second personnel and machines for a month, and that others, if they wished to, might stretch such seconding to a period of five years. We cannot say for how long we shall require this right of seconding without any restrictions; perhaps not indefinitely; but we have a big country to develop, and the work may take a long time.

Our amendment strengthens the general text very materially, because all seconded personnel and machines would be included in the quota allotted. On the other hand, it does leave it optional for a country to detach its military personnel and machines to protect its forests, to rescue its citizens, and for use in similar fields of human endeavour. Seconding is customary at present in most aviation services, and we do not see any great objection to its continuing.

I could accept the proposal of the Belgian delegate, or I could accept a proposal aiming at the insertion of two texts, one of which would apply to those continents—including countries like ours—which feel that unrestricted seconding is essential to their welfare; at the Disarmament Conference it could then be decided which group of countries would be included in one category and which in the other.

M. Bourquin (Belgium). — I am glad to see that Dr. Riddell is prepared to accept my proposal. I asked that the Canadian amendment be adopted—that is to say, that the Canadian text be substituted for the second sub-paragraph of paragraph 2 of Article AE and that we explain in the report that the Commission recommended that, if military personnel were seconded to civil aviation, such seconding should have a strictly provisional and temporary character. I do not think that, by putting this text into the report, we should weaken its purpose, since, as I said just now, the legal character of this text is open to question. It indicates a tendency, but it does not lay down definite rules or fix any limits. Therefore, as Dr. Riddell said, the interpretation of this text is to some extent left to each individual State.

I think that the Commission will see its way to accepting my proposal.

The President. — The British delegation has made a proposal concerning expenditure. If I understand rightly, it should be added to the Canadian text.

Lord Cecil (British Empire). — That was my proposal. At the same time we shall have to refer these questions to a special Committee of Budgetary Experts, and the exact way in which this will have to be settled must be left to them. But you could not undertake to allow any country to keep military machines in civil aviation work unless their cost was paid for out of military budgets, otherwise an ill-disposed country might transfer such machines to purposes of civil aviation and not make any return with regard to budgetary expenditure for them. I think, therefore, some such arrangement is vital; some step in this direction should be taken. I should be ready to leave the form to the Committee of Budgetary Experts, and I would submit a formal amendment later on.
The President. — I will put the Canadian amendment to the vote.

Dr. Markovitch (Yugoslavia). — I propose that we vote on the two parts of the Canadian amendment separately, for, in fact, it covers two different points: (1) the deletion of the second paragraph of Section 2; and (2) the substitution for that paragraph of another text which deals with a different problem. May I therefore ask the President to put to the vote, first, the Canadian proposal that we should add to our text the following sentence:

"Personnel seconded to, and military material employed in, civil aviation, whether Government or commercial, shall be counted in the agreed quota."

and, secondly, the deletion of the second paragraph. On the first question I think we are all agreed, but I do not think that this is the case with regard to the second question.

The President. — I think that Dr. Riddell should give his views on this point, for he has already given us to understand that he regards the two texts as incompatible. Is he prepared to accept M. Markovitch’s proposal?

Dr. Riddell (Canada). — I wish to take this opportunity of thanking the Commission for the measure of support that our proposal has received. It seems to me, after listening to all the speeches, that by far the best solution is that contained in the proposal of the Belgian delegate, and I would like to see that proposal voted on in the form in which it has been explained by the Belgian delegate.

I wish to make it clear that I cannot accept the proposal of M. Markovitch.

The President. — I shall, then, put the Canadian proposal to the vote, on the understanding that the Commission’s recommendation, to the effect that the seconding and the employment mentioned in the second paragraph shall have a provisional character, will be inserted in the report.

M. Bourquin (Belgium). — I should like to explain more clearly what I think should be mentioned in the report. We could say that, at the first reading, a certain text was adopted, and that, at the second reading, we had to take account of the position of Canada and perhaps of certain other countries, a position which appeared to be hardly compatible with so strict a rule. In these circumstances, the Commission, while still of opinion that it was most desirable that seconding should be of a temporary and provisional character, nevertheless drew the attention of the Conference to situations such as that of Canada.

We are thus more or less following the course indicated a few minutes ago by M. Colban, and leaving the Conference free to adopt either two systems or a single system. We are merely laying before the Conference the de facto situation which we have found.

I presume that this would fully satisfy Dr. Riddell.

Dr. Markovitch (Yugoslavia). — I think this is a new proposal. If I understood M. Bourquin rightly, he proposes that we keep the old text, adopt the Canadian amendment, and indicate in the report that the views of the Commission were not unanimous.

M. Bourquin (Belgium). — I apologise for not having made my meaning sufficiently clear. My idea would be to adopt the Canadian text, and say in the report that, although we deleted the second sub-paragraph of paragraph 2, that did not mean that we gave up the idea, but that we omitted this sub-paragraph because we found that we had before us a de facto situation which would have to be considered by the Conference. We should substitute the Canadian text for the text which was adopted at first reading, and we should explain in the report that we do not give up the original text, but that its application might encounter certain difficulties such as those pointed out by Dr. Riddell.

Dr. Markovitch (Yugoslavia). — I make no objection to this procedure, or to the Canadian proposal, but I would point out that it is extremely difficult to vote at the same time on a definite text and on the interpretation of that text in a report which we have not yet before us. I therefore suggest that we merely vote on the Canadian text.

M. Colban (Norway). — I maintain my view—that is to say, that if the Commission were unanimous both at the first and at the second readings with regard to a certain text, it does not seem to me to be reasonable to replace that text by a new text, and to say that the new text was inserted on account of the exceptional situation of certain countries. The text which should appear in the draft Convention should reflect the views of the Commission as a whole, and the exceptions should be mentioned in the report. That seems to me logical, so that, to my great regret, I cannot vote for the Canadian proposal, although I quite agree that Canada should be regarded as an exceptional case on account of the special conditions described by the Canadian representative.

The President. — Is M. Colban making a formal proposal, or is he merely explaining his vote?

M. Colban (Norway). — Like M. Markovitch, I propose that we vote on the deletion of the former text, and that, whether that deletion be agreed on or rejected, we then vote on the Canadian text, and that, in any case, we explain the position in the report.
Proposal by the British Delegation for a Short Adjournment of the Canadian Amendment.

Lord Cecil (British Empire).—I am a little afraid of what we are going to do now, because it seems to me we might easily arrive at a decision which is not really one that the majority of the Commission wish to adopt. Although notice was given of this amendment, it has apparently come as a surprise to the minds of some of our members, and, as M. Colban has explained, they have apparently great reluctance to make a change at the last minute in a text which has been adopted. On the other hand, I do not honestly think that M. Markovitch's ingenious suggestion meets the case at all. The whole point is whether countries in the position of Canada, and some others, are to be forbidden, as a principle, from using their military machines and their military officers for civilian purposes. Really the question of adding the next thing is quite a different proposition altogether. That is put in as an alternative to the main proposition, which is the prohibition not of this practice. Personally, my own judgment is that there is no harm whatever in the Canadian amendment as it stands, and if I had to vote I should vote for the amendment. On the other hand, I do not want to have a decision of this Commission which will not really be in accordance with our desires—which I take to be these, that we quite recognise that there are cases, such as that of Canada, where some provision of this kind ought to be made, in order to enable such countries to develop reasonably and properly. I believe there is practical unanimity on that point. There is also practical unanimity that, in such a case, all the machines and all the personnel so used ought to be included in the military quota, whether of machines or of personnel. There is not, apparently, quite the same unanimity over the proposition which I ventured to make, that that should be so, but whether it is so or not is a relatively minor matter, because the machines would have to be paid for by the military authority, the machines being military machines handed over to civil aviation. The real question is whether it is desirable, or not, to make that the general principle in the case of countries of a more settled and elaborate character than Canada, and some others.

On that point, there is a considerable difference of opinion, and I venture to suggest that this matter might be adjourned for a short time—I do not mean until to-morrow, necessarily—in order that we may try to find whether we cannot arrive at a text which we can generally agree upon—either by making some indication that a particular regime is to be allowed in certain countries, or in some other way. I cannot help thinking that, with the assistance of M. Politis, we should be able to reach a conclusion without much difficulty. I suggest therefore that there should be a short adjournment of this question—not of the whole business of course—and that Dr. Riddell and anybody else who likes to should consult with M. Politis and see if they cannot arrive at an agreement.

M. Rutgers (Netherlands).—I do not care how we vote, whether we vote in two parts or in one—the result will be the same. To say in the report that we retained the text in spite of certain objections put forward, or that we omitted it although it contained much that was of value, amounts to the same thing. It does not therefore matter whether we vote in one way or another, and I think that the Commission might do well to follow the President's suggestion, instead of debating on this point.

Dr. Markovitch (Yugoslavia).—The question has been discussed at great length, but it has still to be made clear. I only referred to procedure, and I entirely share the British delegate's point of view so far as the problem is concerned. Nevertheless, I fully appreciate the special reasons put forward by the delegate of Canada. Like the delegate of Norway, I merely deprecated the extension of the special case of Canada to other countries where the position is quite different. I desired to add these explanations to my remarks concerning procedure, in order to make it clear that I have no objection to the adoption of the Canadian proposal in respect of special cases such as that of Canada. I feel I must make a reservation with regard to the statement of the Netherlands delegate, who says the procedure is of no importance. There are cases when this is so, but, in this instance, I do not agree with M. Rutgers.

The President. —I think that we can now close the discussion, and that I can put to the vote, first, the deletion—that is to say, the first part of the Canadian amendment.

Lord Cecil (British Empire).—It is a perfectly well understood procedure that if anybody moves the adjournment of a particular question that is put first before any substantial questions, I have moved the adjournment of this question, and I ask for my point to be put.

Adjournment of the Discussion : Appointment of a Small Committee to Revise the Text.

The President. —I should have thought it simpler to proceed immediately to the vote, but the proposal for adjournment having been made, I am obliged to take account of it. It is not even necessary to put it to the vote, since we all agree that, as suggested by Lord Cecil, a committee should meet, with M. Politis as Chairman, to revise this text and enable us to vote on it later.
This small committee might consist of M. Politis, Dr. Riddell, M. Bourquin and M. Colban, and meet this afternoon at 4 o’clock.

Agreed.

AMENDMENT SUBMITTED BY THE BRITISH DELEGATION.

Lord Cecil (British Empire). — The purpose of this amendment is very obvious, and I need not detain the Commission more than a few moments.

We have already agreed on the second reading that “The High Contracting Parties undertake to encourage as far as possible the conclusion of economic agreements between civil aviation undertakings in the different countries”. The proposal I make is to add “and to confer together to this end”. If anybody objects I shall not press it. It is merely to lay a little more emphasis on the agreement we have already come to.

The President. — I think there will be no objection to this amendment.

This amendment was adopted.

106. Discussion on Chapter II. — Material: Section III. — Air Armaments (Second-reading Text).

Proposal by the British Delegation to Insert a New Article.

The President. — The British delegation proposes that we insert a new article to read as follows:

“Each of the High Contracting Parties agrees to limit its annual expenditure on the maintenance, purchase and manufacture of war material, for air armaments, to the figures and under the conditions defined in Annex No. . . . to the present Convention.”

Lord Cecil (British Empire). — This proposal is to extend what we have already done in regard to land and naval armaments to air armaments also, and I should like to say a word or two on the special importance of this amendment with regard to air armaments.

We are agreed, or at least there are a good many of us who believe, that the limitation by horse-power is going to be one very difficult to apply and, as we think, not very satisfactory in its result. The limitation as to numbers of aircraft seems to me to be even more difficult to apply.

It is perfectly true that you can limit numbers of aircraft, but it is also true that none of us, or very few of us, think it will be possible to limit the spare parts. It is evident that if you do not limit the spare parts you enable practically any number of spare parts to be accumulated and the business of putting the spare parts together is the work of a few hours and would probably enable people to have ready, or almost ready, any number of aeroplanes at any moment. It is also clear that since you can only limit complete machines—that is the decision so far in this Commission—you have merely got to leave out a certain portion of the machine and it is not a complete machine and does not come within the quota. In other words, I am afraid that in this case, and as I think, in a good many cases, the attempt to limit by direct limitation is one which is not satisfactory and not complete in any way. The question is: How can we make it more satisfactory and more complete? There is only one way, and that is to limit the amount of money that can be spent on this particular arm. That, no doubt, is a very satisfactory limitation, assuming that it can be enforced, and I think it is not necessary for me to argue that it can be enforced, because we have decided in two or three cases already that in the great majority of countries it can be enforced.

That is the whole case. I believe that each one of us is of opinion that the limitation of the air arm is at least as important as the limitation of the land arm or the sea arm, and, that being so, it seems to me that we must limit it in this way. It is certainly much more difficult because of the difficulties involved in many countries by the existence of civil aviation.

Under those circumstances, I think we are bound to take every step that we can to limit the air arm. This seems to me to be a very desirable and efficacious way of doing so, and I think the majority of the Commission will support this amendment.

M. Sato (Japan). — I have some difficulty in accepting the British proposal. The reason is very simple. We hold that once you have a direct limitation in respect of material, budgetary limitation is superfluous. I have upheld this point of view so far as concerns naval material, and, although I was beaten when this question came to the vote, I feel that I should continue to uphold it with regard to the limitation of air material.

The second reason, which is perhaps even more important for certain countries, is the following: in many countries, my own included, air forces are still in process of formation. We are far from having completed this process; we are continuing to organise our air forces, and it is therefore extremely difficult for us to foresee what expenditure will be necessary for the purchase and upkeep of material, and, naturally, very difficult to limit such expenditure beforehand.

I think that this is not only the case in my country, but that other States are in the same position. For this reason, it is very difficult for me to support the British proposal.
This Article DA, on budgetary expenditure, provides for limitation of the total annual expenditure in relation to Article DA—text drawn up at second reading—which I think we have adopted. Therefore, it is very essential we should limit the material specifically, although we have the progress of military science makes the mechanisation of these forces more and more important.

I think that the proposal of the British delegation duplicates Article DA. I am sure Lord Cecil did not propose it with that intention, and that is why I would ask him to be so good as to explain the bearing of his proposal in relation to Article DA.

Lord Cecil (British Empire).—I am very much obliged to M. Cobian for asking me this question. The point is, I think, quite a simple one. In Article DA, we propose to limit the total expenditure on land, air and sea forces, and it is still doubtful whether that will be split up into separate expenditure for land, air and sea forces. That total expenditure includes personnel and everything. In addition to that, in the case of land and sea forces, we have provided for special limitation of the money spent on material, and I venture to say that if it be justified in the case of land forces, I think it is equally applicable to the case of air forces, because the progress of military science makes the mechanisation of these forces more and more important. Therefore, it is very essential we should limit the material specifically, although we have the additional limitation by numbers of effectives. That is a real limitation because you cannot keep an effective in pieces and put it together at the last minute. There is no possibility of evading the total; but you do not specifically limit the material and it is for the purpose of limiting the material that this amendment is designed.

Lord Cecil desires, for quite comprehensible reasons, to prevent the development of air armaments, which are in continuous evolution, and to fix a barrier to their expansion. We may arrive at that result by limiting total military expenditure. On the other hand, it will be very difficult for the various Governments to give even approximate figures in regard to air material. There is a constant technical evolution going on, and, not only with the object of increasing the destructive powers of aircraft, but also in the direction of changes in aeronautical construction which affect both civil and military aircraft. For instance, it has become a general practice to replace wood by metal in aeroplanes, with a view to increasing the safety of pilots, a consideration which applies with equal force to military and to civil aircraft. This simple change, however, results in an increase of about fifty per cent in the cost price of aircraft. That is the difficulty.

If you adopt a fairly elastic limitation, such as the general limitation of expenditure, the countries will make their own arrangements; they will economise under other heads, and will be able to reduce to a minimum the difficulties resulting from the unknown quantity represented by technical development; but if you introduce specific limitations, you will encourage them to keep a margin.

I have therefore considerable doubts as to the possibility of adopting the course that has been indicated and I shall not vote in favour of this proposal.

Lord Cecil (British Empire).—I am very sorry to trouble the Commission, but I must say a word in reply to M. Massigli. Surely his arguments are the strongest possible arguments in favour of the proposal I made. What we are after, is, if we can, to limit and reduce armaments as far as possible, but to limit them is the essential thing. What M. Massigli says is that there is great difficulty in limiting aircraft; because they are continually being improved. I know it. It is not only in substituting one material for another that improvement is taking place, it is progressing in all sorts of directions. It is just for that reason that air armaments ought to be limited, otherwise we shall have inevitable competition between the different air forces of the world.

There is another reason which seems to me special to the French position. I believe France has no separatelly-organised air force, it is a part of their land forces. In consequence, France's
air armaments will be limited, because France has accepted a limitation of land effective and material.

At any rate it is evident that there will be a complication. In some respects, mechanical development might be limited; the development of tanks is at least as rapid as the development of aeroplanes. It is going on continuously. The development since the war has been enormous— at any rate, in my country—as everybody knows. Development is going on continually, yet it never was suggested that for that reason we were not to have budgetary limitation of land armaments. The same thing, I think, applies to the air.

After all, we propose to make this Convention extremely supple and elastic in the clauses which M. Massigli and I have been discussing in the Sub-Committee presided over by M. Politis. We have made all sorts of provisions that, if anything unexpected occurs, there is to be further reconsideration of the position, and so on. The Convention is only to last for a limited period, and is then to be renewed. All these things can be taken into consideration by those who are making their estimates of all the expenses which are required.

I do not see myself that we get rid of the difficulty that there will be a tendency, no doubt, to provide for margins, but that is so whatever form of limitation be adopted, whether specific, budgetary, general, or whether it be confined to one particular arm. There is a general limitation of expenditure. Undoubtedly, those who prepare the budgets will take into consideration all the margins they think necessary. That will be one of the things we shall have to thresh out at the Conference, and we will have to try and reduce those margins as much as possible. I hope we shall reduce them considerably. Whatever we do about that—that is a matter for the Conference and not for this Commission—I earnestly hope we shall not abandon this chance—the only real chance to reconsider the position, and so on. The Convention is only to last for a limited period, and is then to be renewed. All these things can be taken into consideration by those who are making their estimates of all the expenses which are required.

I do not see myself that we get rid of the difficulty that there will be a tendency, no doubt, to provide for margins, but that is so whatever form of limitation be adopted, whether specific, budgetary, general, or whether it be confined to one particular arm. There is a general limitation of expenditure. Undoubtedly, those who prepare the budgets will take into consideration all the margins they think necessary. That will be one of the things we shall have to thresh out at the Conference, and we will have to try and reduce those margins as much as possible. I hope we shall reduce them considerably. Whatever we do about that—that is a matter for the Conference and not for this Commission—I earnestly hope we shall not abandon this chance—the only real chance we have, as I see it—of providing an effective limitation of the air arm. If we do not do this, I venture to say that all we have done so far in the limitation of the air arm is of absolutely no effect. It might have a moral affect, but it would have no direct nor practical effect at all. For those reasons, I do earnestly hope we shall adopt the principle of budgetary limitation of the air arm, even if of no other arm.

M. Massigli (France).—In the first place, I wish to state that in France the air force is a separate organisation from the army; consequently, this disposes of one of the objections raised by Lord Cecil.

I should like to add that I do not think it is true to say that we have done nothing to limit military aviation when we have limited the number and aggregate horse-power or machines. It does not seem to me correct to compare aeroplanes with tanks. Tanks are constructed for purely military purposes; that is not the case with aeroplanes, the principles of construction being the same whatever the type of machine. The object of certain expenditure is to increase the safety of the pilot, the stability of the machine, etc., and such expenditure is not primarily of a military character. In any case, since we have agreed to the total limitation of expenditure on national defense, we shall avoid the dangers which Lord Cecil fears may arise. Moreover, the limitation of the number and aggregate horse-power of machines will afford effective guarantees. Consequently, although I have the same desires at heart as Lord Cecil, I shall vote in favour of the maintenance of the present system, because I am sincerely convinced that this will not leave the door open to any dangerous development of military aviation.

The Hon. Hugh Gibson (United States of America).—Mr. President, when the British proposal is put to the vote, the American delegation will abstain from voting. I think it is no longer considered confidential in this Commission that the American delegation does not favour the method of budgetary limitation. Perhaps, therefore, it would seem the natural course for us to vote against the proposal. However, although a considerable majority of the Commission has declared itself in favour of the principle of budgetary limitation, the present debate has brought out the existence of considerable difficulties, even among that clear majority, in the application of their principle.

I am anxious that the attitude of the American delegation should not constitute a further obstacle to agreement and I shall therefore refrain from voting when the British proposal is put to the vote.

M. Sato (Japan).—In this connection the Commission should take into account the special question of the relations between civil and military aviation. There is no limitation of civil aviation as regards technical development; on the contrary, the general tendency each year is to increase expenditure on civil aviation. Any limitation of this expenditure is inconceivable.

This being the case, it would be difficult to accept any limitation of expenditure on the purchase and upkeep of material for military aviation. Considerable freedom of action should be allowed, so as to provide for all contingencies.

It is therefore impossible for me to agree to any limitation of expenditure on air material. This is not in any way inconsistent with my attitude as regards the limitation of the aggregate budget. I did not vote in favour of the limitation of air budgets, and I voted against the limitation of naval budgets. As regards the limitation of the aggregate budget, however, the examination of the possibility of the separate limitation of the land, naval and air budgets has been entrusted to a Committee of Budgetary Experts. This separate limitation of budgets has not yet been adopted by the Commission, and therefore the question is still open.

Dr. Markovitch (Yugoslavia).—I would like to remind the Commission of the doubts I expressed during the discussion of the article providing for the separate limitation of expenditure on each category of armament. I said that Yugoslavia was in a somewhat difficult position, owing to the fact that we have no separate services for the air and land forces. In the circumstances it is
difficult to separate the various credits allotted to the three categories of armament. I must therefore make the same reservation as before, and if the British proposal be put to the vote, I shall have to vote against it. If it be accepted, I would point out that the study of the practical application of the methods of limitation upon which we are now voting has been entrusted to a Committee of Budgetary Experts. If the British amendment be adopted, I propose that the question of its execution and application be referred to that Committee.

**Vote on the British Proposal.**

*The British proposal was rejected by six votes to five.*

**Lord Cecil** (British Empire). — I am afraid this is the first decision of this Commission which I find very difficult to accept, and I must ask that a very express reserve be put into the report and that the numbers voting be stated, and also the number of abstentions. I do not know whether you took the number of abstentions; perhaps they should be taken expressly by a second vote.

**The President.** — As Lord Cecil desires it, we will calculate the number of abstentions by deducting the number voting from the total number of delegations.

**Request by the British Delegation for a Vote by Roll-Call.**

**Lord Cecil** (British Empire). — I do not want to be troublesome about this, but we attach great importance to it, and as the voting was unsatisfactory—only eleven members voted—it might be better to take a second vote by roll-call.

**The President.** — I agree to that, if there be no objection on the part of the delegates.

**M. Cobian** (Spain). — I have frequently ventured to point out to the Commission the unsatisfactory character of votes, which show no positive results, and always leave a certain ambiguity. It is the duty of each delegate to vote on every proposal submitted to him. We must make our opinions quite clear so that the public may know what they are.

As regards the vote which has just been taken, I have already said that, to my great regret, I was unable to accept the British proposal. I abstained for the same reasons as Mr. Gibson—after stating the views of my Government. In conclusion, I would repeat that, in my opinion, these votes are of no value.

**Vote by Roll-Call.**

*The following five delegations voted in favour of the British proposal:*

- Canada
- British Empire
- Irish Free State
- Norway
- Netherlands
- Irish Free State

*Six delegations voted against the British proposal:*

- France
- Japan
- Poland
- Roumania
- Turkey
- Yugoslavia

*Thirteen delegations abstained:*

- Belgium
- Bulgaria
- China
- Czechoslovakia
- Finland
- Germany
- Greece
- Italy
- Spain
- Sweden
- United States of America
- Union of Soviet Socialist Republics
- Venezuela

**M. Politis** (Greece). — I wish to explain my vote. I abstained, not because I am opposed to the principle, but because I do not understand this proposal. I think that a more suitable place for it would be in Article DA, to which it might perhaps be added, but, in any case, I cannot form an opinion until I know whether the budgetary experts are in favour of it.

**M. Cobian** (Spain). — My reasons for abstaining are already known to you, and I would add that I do not think it reasonable that we should have to re-vote on a question which has already been voted upon.

**M. Westman** (Sweden). — I abstained for the same reasons as M. Politis, and also because we have as yet no definition of the term "war material".

**M. Benes** (Czechoslovakia). — My delegation abstained for the same reasons as those indicated by M. Politis.

**M. Lounatcharsky** (Union of Soviet Socialist Republics). — The Soviet delegation abstained from voting because it does not think that the British proposal would have sufficient effect. Our
delegation submitted a proposal for the direct limitation and reduction of war material, supplemented by budgetary limitation and reduction by categories, and that proposal goes much farther and is much more effective.

**M. Rutgers** (Netherlands). — I have always been opposed to budgetary limitation as a substitute for direct limitation, but in the present case I am in favour of the British proposal.

**The President.** — The British proposal has thus been rejected by six votes to five, with thirteen abstentions. M. Cobian complained just now that the Commission had been obliged to vote twice. I am pleased to note that this second vote has served to clear up the position.

**107. Discussion on Chapter IV. — Chemical Arms (Second-Reading Text).**

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

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

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**Proposal by the German Delegation.**

"CHAPTER IV. — PROHIBITIONS.
"SECTION I. — CHEMICAL ARMS.

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

**The President.** — We now come to Chapter IV, in regard to which we have a German proposal to discuss. This is, first to replace the heading "Chemical Arms" by the heading "Prohibitions", and secondly to divide this chapter into two sections, the first dealing with chemical arms and consisting of the text already adopted, and the second with land armaments; this would consist of the new text which the delegations have before them.

**Count Bernstorff** (Germany). — I stated at yesterday's discussion that, at our session in the spring of 1929, I had proposed that the dropping of bombs by aircraft should be prohibited, because I regarded that as an essentially offensive method of warfare.

During that session, the question of prohibitions was discussed very fully, and I then said that I intended to make a similar proposal later in regard to offensive land armaments.

When I made this proposal a fortnight ago, I hoped that it would compensate for the exclusion of land material from reduction, which was then decided upon by the Commission.

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1 Note by the Secretariat — See document C.195.M.74.1929.IX; Minutes of the sixth session (First Part), page 51.
This question has been discussed during the present session, and I should like to quote what was said on that occasion by M. Westman. He said: "A suggestion made in 1927 in this Commission might be taken as a starting-point. Would it not be possible—while accepting the budgetary method—to limit directly, at any rate, certain categories of arms—namely, those which are easiest to supervise and are also the most important from the point of view of their attacking power—namely, tanks and heavy guns?"

I merely quote this part of his speech as an example, to show that this question was fully discussed by us a fortnight ago.

I have also been greatly impressed by the profound uneasiness which prevails at present throughout the world, and more particularly in Europe. Efforts have been made to remove this uneasiness by means of various pacts—in particular the Pact of Paris—prohibiting offensive warfare. But these pacts, including the Pact of Paris, have not made as much impression on the public as they ought to have done, because they have not, at all events up to the present, been followed by their logical consequence—disarmament. To prohibit offensive warfare and at the same time pile up offensive arms is a manifest contradiction, and is not a proceeding calculated to inspire the peoples with confidence. For that reason, I say that we should destroy offensive armaments. We shall thus impress the public imagination, and provide a sense of tranquillity which has hitherto been lacking.

M. Politis (Greece).—I should like to explain the vote which I shall give when the time comes for the Commission to pronounce upon this proposal.

I shall vote against this amendment. It contains two parts: the second part refers to direct limitation and is thus contrary to the principle adopted in the part of the Convention which we have already examined—namely, in Article TA. If it were desired to maintain this principle, it should have appeared in Article TA, and I do not think the Commission showed any desire to accept the direct limitation of land material.

The first part prohibits the use of certain devices in time of war. I cannot accept that either, not because I do not desire the exclusion of the most inhuman methods of warfare in the event of war, but because I do not believe they would be excluded. If ever we have the misfortune to be involved in another war, I do not think that prohibitions imposed on belligerents by law will be respected any more than they were last time—indeed even less than last time.

In these circumstances, it is better to be frank, and not to give the peoples of the world the illusion that war will not in future be as terrible as it has been in the past, if, I repeat, we should ever be so unhappy as to find ourselves again engaged in war. The more world public opinion is convinced that war is bound to be a terrible thing, which will utterly destroy civilisation, the more it will bring its influence to bear upon the Governments to render the preventive means, which the League is engaged in strengthening, truly effective.

I am profoundly convinced that we can prevent the outbreak of war, but if we are unsuccessful and war does break out again, it would be vain to hope that any limit could be set to it.

Count Bernstorff (Germany).—The last thing I desire is to prolong the life of this Commission, which is nearing the end of its labours. This question has been exhaustively discussed on several occasions. I am familiar with the point of view of M. Politis, which he has already explained. I would merely remind him that there is a contradiction in what he said, and it is a contradiction which I certainly did not expect from him. Why should we prohibit chemical arms, if we say that it is impossible to prohibit certain other arms? If it be possible to prohibit chemical arms, I do not see why it should be more difficult to prohibit tanks, which can certainly be seen more easily than gases.

M. Politis (Greece).—The contradiction to which Count Bernstorff has just referred should not be imputed to me. When, during our previous sessions, we were discussing the advisability of inserting this prohibition in Chapter IV, I was also of opinion that this prohibition was outside the scope of the Convention which we were engaged in drawing up, because that Convention deals with the reduction of armaments, whereas this chapter is on a totally different plane, and is concerned with what is to be done in time of war. These are two entirely different things, and I was then, and still am, of opinion that this article, which is the only article in Chapter IV, should not be inserted in the Convention. If it be desired to deal with this question, a separate Convention should be drawn up, as was done in 1925, but even in that case I still maintain my point of view—namely, that we are making a promise to the peoples which may prove to be illusory, and that our true policy is to prevent war and not to make it less inhumane.

 Vote on the German Proposal.

The President.—We will now vote on the German proposal.

The German proposal was rejected by ten votes against to two for, and twelve abstentions.

M. Moroff (Bulgaria).—I abstained from voting on this amendment because the insecurity of my country will not be lessened by a reduction in the calibre of guns. Like M. Politis, I think that we should concentrate on measures to prevent war.
MEMORANDUM BY THE BRITISH DELEGATION.

“The French and English texts of the first paragraph of this Chapter, as agreed to at the second reading, are as follows:

‘Les Hautes Parties contractantes s’interdisent, sous conditions de réciprocité, l’emploi à la guerre de gaz asphyxiants, toxiques ou similaires, ainsi que de tous liquides, matières ou procédés analogues.’

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

“It may be recalled that, during the first part of the sixth session, certain delegations assumed that the intention was to prohibit the use of all chemical methods of warfare of every kind. On the other hand, there are some indications that this view is not shared by all States. It is at least possible that this difference in interpretation owes its origin to a serious ambiguity in the Geneva Gas Protocol of 1925, as well as in all Treaties and Conventions regulating gas warfare signed since the war. In the Geneva Protocol of June 1925, though the relevant portion of the French text is identical with that of the article quoted above, in the English text the French word ‘similaires’ is translated by ‘other’.

“Basing itself on this English text, the British Government have taken the view that the use in war of ‘other’ gases, including lachrymatory gases, was prohibited. They also considered that the intention was to incorporate the same prohibition in the present Convention.

“From every point of view it is highly desirable that a uniform construction should prevail as to whether or not the use of lachrymatory gases is considered to be contrary to the Geneva Protocol of 1925 and/or to Chapter IV of the Draft Convention.

“The British delegation proposes, therefore, to invite an expression of opinion on this point from all the States represented on this Commission.”

NOTE BY THE FRENCH DELEGATION REGARDING THE BRITISH MEMORANDUM.

“I. All the texts at present in force or proposed in regard to the prohibition of the use in war of asphyxiating, poisonous or similar gases are identical. In the French delegation’s opinion, they apply to all gases employed with a view to toxic action on the human organism, whether the effects of such action are a more or less temporary irritation of certain mucous membranes or whether they cause serious or even fatal lesions.

“II. The French military regulations, which refer to the undertaking not to use gas for warfare (gaz de combat) subject to reciprocity, classify such gases as suffocating, blistering, irritant and poisonous gases in general, and define irritant gases as those causing tears, sneezing, etc.

“III. The French Government therefore considers that the use of lachrymatory gases is covered by the prohibition arising out of the Geneva Protocol of 1925 or Chapter IV of the draft Convention.

“The fact that, for the maintenance of internal order, the police, when dealing with offenders against the law, sometimes use various appliances discharging irritant gases cannot, in the French delegation’s opinion, be adduced in a discussion on this point, since the Protocol or Convention in question relates only to the use of poisonous or similar gases in war.”

Lord Cecil (British Empire). — This is not really a matter for me to make a speech about. The point is stated quite clearly. There is a little difference between the English and French text of the Geneva Protocol of 1925, and there seems to be a certain difference in the practice of countries as to whether the prohibition extends or does not extend to those gases which are not dangerous to health. The French delegation have been good enough to circulate a statement in which they say that their practice is the same as ours in forbidding the use of all gases; but I do not know whether that is the case with other people, and my Government is anxious, if possible, to clear up the situation in that respect.

I have made my appeal here, and it is for each Government to say whether they feel able and disposed to make any reply to this appeal on the subject.

The President. — The French delegation has already replied in writing, and Lord Cecil would like to know whether the other delegations can also state their views.

M. Antoniade (Roumania). — My delegation was among those that proposed this prohibition, and I am therefore entirely in agreement with the construction which Lord Cecil has placed upon this article, which has also been explicitly confirmed in the note now submitted by the French delegation.

Dr. Markovitch (Yugoslavia). — The Yugoslav delegation also urged the desirability of inserting in the Convention on the Limitation of Armaments an article dealing with the use of chemical arms. We fully agree with the interpretation given by the British delegation.

M. Fierlinger (Czechoslovakia). — I entirely associate myself with the declarations which we have just heard, for the simple reason that it would be very difficult in warfare to make a clear distinction between gases which are lethal and gases which are not lethal.
The Hon. Hugh Gibson (United States of America). — I had hoped that it would not be necessary for me to make a statement on this subject, as I confess that I am not in a position to offer a sound and valuable opinion on the problem raised by the British delegation. However, as so many delegations have expressed their views on this subject, I feel there are certain considerations that should be laid before the commission.

The American delegation has examined with great interest and sympathy the memorandum on chemical warfare circulated by the British delegation. A very interesting and important problem is raised by this memorandum and one which it is essential to settle if we are to have the sort of clear-cut and straightforward international agreement on gas warfare which alone can be observed.

If, in the interpretation of the Gas Protocol, there is a broad border-line of doubtful cases, States, which endeavour to execute faithfully their treaty obligations, risk incurring the reproach of violation, if other States have a different conception of the scope of our agreement. I am particularly glad that the British delegation has brought this question forward now, and has asked for an expression of opinion from other delegations on the question of interpretation. This seems to me a distinctly useful step and I welcome the opportunity to lay certain considerations before the Commission, together with a suggestion as to how the whole problem may best be handled.

I confess that, after such study as I have been able to give to the matter, I find it extremely difficult to offer a useful opinion as to what sort of gas can be considered as falling within the scope of the text agreed to on second reading. This entire subject is so technical that I should like to lay before the Commission some of the problems involved in any decision, which, to my mind, show that any definite solution of this problem is beyond the technical competence of this body.

The primary question involved is as to the use of lachrymatory gases. While lachrymatory gases may serve some useful military purpose, for instance as harassing agencies, it is doubtless well-known to all my colleagues that the greatest use of lachrymatory gas is found, not in military service, but in police work either for controlling mobs, in which use it is certainly far more humane and probably more effective than the use of machine guns, sabres, or even truncheons, or it serves the purpose of effecting the capture of a barricaded criminal without bloodshed or loss of life.

Aside from this particular civil use of lachrymatory gas, the British document raises another far more interesting question of greater technical difficulty and wider ramifications. This question involves the use of smoke, which has a widely-accepted technical use for tactical screening purposes.

Smokes can either be chemical or mechanical in their nature and run the gamut from petroleum smoke, mechanical in character—inasmuch as it consists of particles of soot suspended in air—down the line to toxic smokes which are extremely lethal in character. In all probability, the most widely-used smoke for military screening purposes is white phosphorus, which has no chemical gas qualities, but which is a hideous and cruel agent if used against personnel before it has reached the stage of being a true smoke. Between white phosphorus and the true toxic smoke there exists an infinite number of gradations, most of which have well recognised chemical properties, and some of which are lethal in character. Logically, a statement as to the poisonous or non-poisonous or the lethal or non-lethal qualities, of smokes and gases, which might come under the terms of the text adopted of Chapter IV at second reading, would require prolonged study by technical experts with specialised knowledge of the subject, supported by expert specialised medical knowledge as to the properties and probable physical and pathological effects of these various agencies in normal and abnormal concentrations. I have sought to outline briefly some of the difficult problems with which the Commission might be faced, if we were to embark upon a general discussion of this subject now—difficulties which I fear we are quite unprepared to discuss without the backing of adequate technical knowledge. The problem before us is essentially one of doing away with agencies which cause unnecessary suffering, but which achieve definite military or civil purposes by means in themselves more humane than those in use before their adoption. I think there would be considerable hesitation on the part of many Governments to bind themselves to refrain from the use in war, against an enemy, of agencies which they have adopted for peace-time use against their own population, agencies adopted on the ground that, while causing temporary inconvenience, they cause no real suffering or permanent disability, and are thereby more clearly humane than the use of weapons to which they were formerly obliged to resort to in times of emergency.

I have set forth the views of the American delegation on this subject at some length in order to lead up to a definite proposal. I think we are all in agreement as to the end in view. I hope the Commission will agree with me as to the difficulty, if not the impossibility, of our reaching a thoroughly sound agreement at this time, and of the need for mature scientific study.

I therefore venture to suggest that the British memorandum be noted in our report, that the importance of this subject be duly stressed, and that the various Governments represented at the Disarmament Conference be requested to give this entire subject careful study and consideration, with a view to arriving at that Conference equipped with adequate knowledge of the problem in all its aspects, in the hope that we may reach the sort of agreement we all desire.
M. Sato (Japan). — My Government agrees with the British interpretation.

M. Cobíán (Spain). — I agree with the British delegation’s interpretation, because I think that the text approved at the second reading is so clear that it cannot give rise to any objections. It provides that the use in warfare of any kind of gas is prohibited — doubtless because it is very difficult to distinguish between lethal and non-lethal gases.

I entirely agree with M. Politis that it would be very dangerous to try to make war less inhumane, but I would add that we must not do anything which represents a refinement of cruelty. In my opinion, nothing is more opposed to all idea of civilisation than that scientific knowledge should be used to devise methods of destruction.

M. Lounatcharsky (Union of Soviet Socialist Republics). — In 1929, the Soviet delegation proposed not only the renunciation of the use of gases in warfare, but also of their preparation in peace-time; this proposal, however, was rejected by the majority of the Commission.

We interpret this paragraph to mean that the use of all gases, including irritant gases, is prohibited.

As regards the text proposed by the French delegation, the Soviet delegation is of opinion that it is not for the Preparatory Commission to legalise the use of these gases by police forces, and it accordingly regards the third paragraph as unacceptable, particularly as one speaker referred to the use of gases by police forces for the purpose of controlling mobs.

M. Massigli (France). — As the French delegation has expressed its views in writing, I need not repeat that it is in agreement with the British delegation. However, we have just heard some very interesting statements, and Mr. Gibson has touched the core of the problem. A significant silence was also observed by certain delegations, which shows that they are not at present in a position to state their views on the matter.

I therefore approve Mr. Gibson’s proposal to mention the British memorandum in the report, so that it may be submitted to the Conference.

As regards the remark made by M. Lounatcharsky, I would merely point out that I have never asked this Commission to interpret the 1925 Protocol in any way, still less to unify the police regulations of the various countries. I can assure him that if this question arose, I should leave it to him to make proposals.

Dr. Woo Kaiseng (China). — The Chinese delegation is entirely in sympathy with the British delegation’s memorandum. It also agrees with the views of Mr. Gibson, the United States delegate, and considers that chemical warfare should be prohibited, and that these questions should be carefully examined. It is also of opinion that the manufacture of all gases, both asphyxiating and poisonous, should be prohibited, or at all events, limited.

General de Marinis (Italy). — As regards Chapter IV, the Italian delegation interprets the 1925 Protocol, to mean that “other gases” include lachrymatory gases—that is to say that, subject to reciprocity, the use of lachrymatory gases is prohibited.

I gladly associate myself with Mr. Gibson’s proposal to refer the examination of this question and the final decision to the Conference.

Dr. Riddell (Canada). — Mr. President, I wish to thank the British delegation for giving us an opportunity of discussing this very important question. We are in entire sympathy with the interpretation given in the British memorandum. We also welcome the proposal of the United States delegation that all the delegations should come to the Disarmament Conference with as full and complete information on this subject as possible.

Munir Bey (Turkey). — In reply to the British delegation, I desire to state that we also consider the use of lachrymatory gases prohibited by the Protocol. I should like to add, after hearing the statements made by previous speakers, that none of them seems to be opposed to the use of lachrymatory gases being prohibited. As certain Governments which signed the Protocol are not represented here, it is advisable that the result of this interpretation should be brought to the knowledge of those Governments, so that this Protocol may be interpreted in a uniform manner.

The President. — I hope Lord Cecil is satisfied with the replies he has obtained. Judging from the discussion, I take it that Mr. Gibson’s proposal, which is supported by M. Massigli, is approved by the Commission. The Governments are accordingly requested to study this question so that it may be settled at the Conference.

Lord Cecil (British Empire). — I should like to say a word of thanks to my colleagues for the fullness with which many of them have replied to the question the British Government laid before them. I need not say that everything they have said will be brought to the notice of my Government and they will be as grateful as I am.

I entirely adhere to the suggestion of Mr. Gibson, and I venture to hope that those Governments whose delegations have not been able to reply on this occasion will convey especially to their Governments, and bring to their attention, all that has passed on the present occasion.

With regard to what M. Lounatcharsky and M. Woo Kaiseng said about the desirability of preventing the manufacture of these gases, I am in entire agreement with them, but they, too,
will agree with me that the technical difficulties of prohibition are very great, owing to the course of science in matters which are quite removed from the manufacture of poisonous gases, but I quite agree that it is of little use to forbid the use of gases in times of war unless you can prevent their manufacture, and the preparation of their manufacture, in times of peace. The matter should be carefully studied, but it does not arise at this juncture.

The President. — We can regard the discussion as closed.

I would draw your attention to one very important point—namely, that it is essential that the reservations made in regard to the various points of the report should be formulated in very precise terms. I would therefore ask you to send them in this form to the Bureau, which will transmit them to the Rapporteurs.

The Commission rose at 1.20 p.m.

TWENTY-FIRST MEETING.

Held on Tuesday, December 2nd, 1930 at 5 p.m.

President: M. Loudon (Netherlands).

108. Discussion of the Texts adopted at Second Reading and of the Amendments thereto (continuation).

DISCUSSION ON CHAPTER V. — MISCELLANEOUS PROVISIONS (SECOND READING TEXTS).

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.

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 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.

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 interest 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.
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.

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 0I.

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.

The President. — There is no amendment to Section I.

SECTION II. — EXCHANGE OF INFORMATION.

Article IA.

Text proposed by the Drafting Committee.

As regards effectives, the exchange of information shall cover the average daily number of effectives reached during the budgetary year in the land, sea or air armed forces, or formations organised on a military basis, of each of the High Contracting Parties.

For this purpose, each of the High Contracting Parties will forward to the Secretary-General of the League of Nations within . . . months after the end of the budgetary year, the necessary figures to enable the tables—of which models are attached to this article—to be drawn up in the case of such High Contracting Parties (the headings of the columns in the tables will show the information which is required in consequence of the decisions of the Commission). Each Party shall attach to this statement an explanatory note showing the elements on which the figures supplied by him are based and stating in particular for each category of effectives (recruits, militiamen, reservists, territorials, etc.), the number of these effectives and the number of days, service they have performed.

The tables referred to in the preceding paragraph shall be finally drawn up and published by the Secretary-General not later than . . . in each year.

Article IA (1).

Each of the High Contracting Parties shall forward to the Secretariat of the League of Nations within three months of the end of the budgetary year an annual statement showing the number of youths having compulsorily received preparatory military training during the previous year.

Article IA (2).

Each of the High Contracting Parties shall prepare annually:

(1) A table indicating the land forces stationed in each of its overseas territories;
(2) A table indicating the land forces organised on a military basis existing in each of its overseas territories.

Article 1Z.

Text proposed by the Drafting Committee.

The High Contracting Parties having conscription system shall forward to the Secretary-General of the League of Nations at the end of each year the following information in regard to their land, naval and air forces respectively:

(1) The total number of days' active service required of the annual contingent;
(2) The total duration (in days) of periods of training not included in the active service.

Article IB.

[The text will appear in document C.P.D./280(a).]¹

Article IC.

Suppressed—a similar article having been inserted in the Chapter "Naval Material".

¹ Note by the Secretariat. — See Annex 9.
Article IG.

Each of the High Contracting Parties shall communicate to the Secretariat of the League of Nations the name and the tonnage of any vessel constructed in accordance with Article NH (Chapter II). With regard to existing vessels of this type, this communication shall be made within two months after ratification of the present Convention. With regard to vessels to be constructed, the communication shall be made on the date of completion.

AMENDMENT PROPOSED BY THE AMERICAN DELEGATION.

Article IG.

"Insert after the first sentence of Article IG the following words:

". . . except merchant vessels completed prior to 1921 which were designed for a speed of less than 12 knots'."

"In the second sentence of Article IG, alter the words 'two months' to read 'x months'.'"

Motives:

"The American delegation, following the session of November 24th, telegraphed its Government to enquire what part of the information required by Article IG, as at present drafted, is available from any governmental agency. The American Government has replied that it is in a position to name the merchant ships which have heretofore had their decks stiffened for the purpose of mounting guns, but that no information is available as to whether or not the strengthening features have been removed in the case of merchant ships sold to private interests. The information necessary to comply with Article IG as drafted could therefore be obtained only by means of an actual inspection for this purpose of all such vessels as were once so fitted but are now under private ownership. Such inspection could require a considerable period of time.

"The American delegation questions whether the value to be gained from information of this character as regards older vessels of low speed, which could be of no real offensive value as armed vessels, is worth the administrative effort to obtain it. The American delegation believes, however, that if vessels completed prior to 1921 and designed for a speed of less than twelve knots were eliminated, it would seem that the purpose of the article could be complied with and that from an administrative point of view it would be entirely acceptable.

The President. — The American delegation has submitted an amendment to Article IG.

The Hon. Hugh Gibson (United States of America). — There is nothing I wish to add in regard to the motion, but I understand that the Drafting Committee has found a number of problems in regard to the question raised by the American amendment, and I should be very happy to withdraw this amendment on the understanding that it will be considered by the Drafting Committee.

The President. — We will therefore not deal with this amendment for the moment.

Article ID.

Each of the High Contracting Parties shall prepare an annual statement showing the maximum figures attained during the year in respect of the number and total horse-power or aircraft, and the number, total horse-power and total volume of dirigibles in commission as laid down in Article AA of Chapter II, Section III, Air Armaments.

This statement shall be forwarded to the Secretary-General of the League of Nations within three months after the close of the budgetary year.

Article IE.

In order to ensure publicity in the matter of civil aviation, each of the High Contracting Parties shall prepare an annual statement showing the total number of civil aeroplanes and dirigibles registered in the territory under jurisdiction of each of the High Contracting Parties.

AMENDMENT TO ARTICLE IE SUBMITTED BY THE BRITISH DELEGATION.

The President.—The first Amendment to Article IE is submitted by the British delegation. It is to add as the end of the article, the words "... together with the expenditure by Government or local authorities."
Lord Cecil (British Empire). — This is a very simple amendment. It is, of course, only a question of publicity. There is no intention of restricting the expenditure by Governments or local authorities on civil aviation, but we do think that it might be a matter of very considerable importance to know what it is that is being spent. There is no question of prying into secrets, because all these things are published in a properly-managed country. There are accounts published by local authorities and by the Government. It is only a question of having them collected from public sources; and the British Government thinks that, in certain events, which I do not desire to specify, it might be a very important thing to know how much a Government was spending on encouraging a particular kind of aircraft. For that reason, I ask that these words should be inserted.

The Hon. Hugh Gibson (United States of America). — I have some difficulty in accepting the amendment. I find no difficulty so far as Federal Government expenditure is concerned. With regard to expenditure by local authorities, quite a different problem is raised. I do not believe that we have such information available. It may very well be that some of this information is published but I do not know whether it would correspond to what the Convention would require.

Lord Cecil (British Empire). — I am sure I do not want to put the American delegation into any difficulty in this matter, but would they mind its being inserted provisionally in the Convention? If when the Conference meets, it proves to be an impracticable suggestion, it can always be taken out. I think the principle is rather a good one, if they do not mind it being put in.

The Hon. Hugh Gibson (United States of America). — I have a little difficulty in accepting the proposition of Lord Cecil. In order that the American position may be fully understood, I would suggest that it should be noted in the report.

The President. — I shall regard the British amendment as adopted with this reservation.

AMENDMENT SUBMITTED BY THE POLISH DELEGATION.

The President. — The Polish delegation has also submitted an amendment to Article IE, to add, after the words: "... showing the total number", the words: "and total horse-power...", the remainder of the text being left as it stands.

General Kasprzycki (Poland). — The principle of publicity in the matter of civil aviation has already been adopted by the Commission as regards the total number of civil aircraft.

We are of opinion that publicity covering the number alone is not sufficient. Let me give an example. A hundred touring or sporting aeroplanes with 60 h.p. engines are not of the same value as a hundred heavy-transport aeroplanes with 1,000 h.p. engines. If the number alone be given, it conveys nothing. If, on the other hand, the total horse-power be mentioned, you can see at once exactly what the position is. In the specific case stated, we must compare, not the total numbers, but the total horse-power of 6,000 for the hundred touring aeroplanes with the 1,000,000 horse-power for the hundred large aeroplanes. It is the horse-power, and not merely the number, that indicates the real value of the aircraft.

The objection that it will be difficult to produce figures fails, because we have already accepted a similar rule for the limitation of military aircraft. Moreover, publicity in regard to horse-power already exists to a large extent for civil aviation. I am referring to the work done, for instance, by the Veritas Bureau. I would add that the horse-power of a civil aeroplane can easily be ascertained from the registration records, which are regularly kept in various countries.

If publicity covered the number alone, a small touring aeroplane would be treated as equal to an aeroplane capable of carrying a load of several tons. Publicity of that kind cannot be regarded as satisfactory.

We are of opinion that it is possible, and absolutely necessary if our Convention is to be clearly and easily workable, to introduce the element of horse-power, which is an essential factor and more significant than the number.

These, then, are the reasons for our amendment.

General Dumitresco (Roumania). — The Roumanian delegation supports the Polish proposal.

The Hon. Hugh Gibson (United States of America). — We do not in any way wish to raise an obstacle to the Polish amendment, but we should like to have a note, similar to that I have just spoken of, made in the report, especially as I do not think we are in a position to give information on the subject of horse-power of civil aviation.

M. Massigli (France). — I desire to support the Polish proposal. I recognise that it may be difficult to apply it in certain countries; but in most cases, the registration records specify not only the make and type of the aeroplane, but also the horse-power. It is thus possible to make a rough estimate of the aggregate horse-power of a country's civil aircraft without a whole set of elaborate calculations.

The President. — The reservation of the United States delegation will be mentioned in the report.

The Polish amendment was adopted.
Article IH (former DA* and DB*).

Each of the High Contracting Parties shall communicate to the Secretary-General of the League of Nations, in a model form, a statement showing the actual total amount expended on land, sea and air forces, during the preceding financial year.

It shall at the same time communicate to the Secretary-General a statement showing the amount actually expended during the preceding financial year on the upkeep, purchase, and manufacture of war material as defined in Article TA of Chapter II of the present Convention.

This communication shall be made not later than . . . month after the close of the financial year.

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.

No amendments having been submitted to the above Articles—other than Article I G and Article IE—they were adopted.

SECTION IV. — PROCEDURE REGARDING COMPLAINTS AND REVISION.

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.

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 promptly advise as to 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 safeguarding the peace of nations.

Statement by the United States Delegate.

The President. — As regards Section IV, there is no amendment, but Mr. Gibson wishes to make a statement.

The Hon. Hugh Gibson (United States of America). — You will remember that when M. Politis made his first report on the work of the Sub-Committee which sat under his chairmanship, his report included a note to the effect that the American delegation had expressed some doubts as to the provisions on "Complaints" in Chapter V, and had indicated its desire to study the subject further. I now take pleasure in saying that we have satisfied ourselves that the text as provided affords a satisfactory basis for our discussions at the coming Conference, and that there will therefore be no need to include in the report any reference to the attitude of the American delegation.

The President. — The Commission notes Mr. Gibson's statement with satisfaction.
It had been suggested that the text adopted at first and second reading should be left as it stands with some indication that exceptions might be allowed, but this proposal did not satisfy the Canadian delegation.

It was next proposed to omit the article adopted at first and second reading, and to state in the report, as proposed by M. Bourquin this morning, that the Commission draws the attention of the Conference to the desire, expressed by a large number of delegations, that the utilisation of military elements in civil aviation should not be permanent, but should only be a temporary and provisional measure. That solution also was not acceptable to the majority of the Sub-Committee.

The third proposal was to embody neither the old text nor the Canadian amendment in the Convention, but to explain the situation in the report, giving the two texts side by side for the Conference to choose from, and stating the arguments in favour of each.

After rejecting all these solutions, the Sub-Committee reached the conclusion that the best way to give the Conference a true picture of our proceedings would be to take a vote. As the Canadian proposal really consists of two parts—first a negative part in which it is proposed to omit the old text, and secondly a positive proposal to insert a paragraph to the effect that personnel seconded to, and military material employed in, civil aviation undertakings should be included in the figures—the Commission should vote on these two points separately; first, whether the old text should be deleted and, secondly, whether the addition proposed by the Canadian delegation should be adopted.

In any case, whatever you decide, your report will explain the sense of the vote. If you decide to delete the former text, there will be a statement in the report on the lines indicated by M. Bourquin this morning, explaining to the Conference that it was desired that the utilisation of military personnel and material in civil aviation should only be a provisional measure. If, on the other hand, you decide to keep that text, the report will state that the Commission has noted the apprehensions of certain delegations with sympathy, and suggests that the Conference should take steps to give them satisfaction.

We ask you, therefore, to give a clear vote on these two questions, so that the Conference may know what is the exact position.

Dr. Riddell (Canada).—The Commission is indebted to M. Politis for this very clear report of the different proposals made in the Sub-Committee, but he has omitted to mention my strong opposition to his proposal with regard to the method of voting on the respective propositions. I found myself, in the Sub-Committee, in the happy position of being able to support at least two of the proposals made: one by M. Bourquin, and the other by M. Colban. I did not wish, however, at this stage to accept the first solution referred to by M. Politis, because it seemed to me, from the Minutes of the discussion, that at no time had the Commission offered any objection to an exception being made for Canada; I therefore took it for granted that the Commission was unanimous on this point, which had not been controverted.

This morning I stated that I should be glad to support the proposal of M. Bourquin, and I should also be very pleased to support the proposal of M. Colban. The proposal of M. Colban would be to send both the present texts—the second sub-paragraph 2 of Article AE, and the Canadian proposals—to the Conference, and the Conference would have before it two proposals upon which to deliberate. That seems to me to be a very satisfactory compromise, and, as I have said, the Canadian delegation would be glad to accept it, as there is a certain amount of opposition to M. Bourquin’s proposal, which, of course, would be preferable from our standpoint. As a compromise solution, I should like to have M. Colban’s proposal accepted.

If, however, the amendment goes to a vote, it seems only fair that our amendment should be submitted first and that the Commission should be given the opportunity of voting for or against our text. Should it be rejected, then the Commission might vote on the present text.

M. Politis (Greece).—Dr. Riddell has been good enough to congratulate me on the clearness of my report, but I am afraid he has no reason to thank me, because I thought that we had reached an agreement, at any rate as regards the procedure. After what he has said, however, it appears that there is no such agreement, or in any case there is no longer unanimity.

In the Sub-Committee, in order to avoid any misunderstanding, I summed up the discussion and asked my colleagues whether they agreed to the four points I have just mentioned, and they said they did. I sincerely thought, therefore, that I was representing the unanimous views of the Sub-Committee on these four points. Dr. Riddell has now reopened the whole of the Sub-Committee’s discussion. It is true that M. Bourquin proposed a solution which was not accepted by M. Colban, and that M. Colban made a proposal which was not accepted by M. Bourquin. It was therefore impossible to agree upon either of these proposals, which were approved by Dr. Riddell. We then agreed to propose to you a certain procedure in regard to the vote, and to recognise that two separate questions are involved.

One question was settled in the text adopted at the two previous readings—namely, the principle that the employment of military material and personnel in civil aviation cannot be of a permanent character. That is the first idea.

The second idea, which is a new one, is that put forward by the Canadian delegation—namely, that military personnel and material employed in civil aviation should be included in the figures inserted in the Convention.

As these are two separate proposals, you will have to vote on them separately if you wish the position to be clear. As regards the first, you have already voted twice in favour of its adoption. You are now asked to go back on your decision. The first point to be decided is whether you agree to delete the text in question. When that has been decided, you will have
to pronounce upon the second point, which is submitted for the first time—namely, whether military personnel and material employed in civil aviation should be included in the figures inserted in the Convention. I think that is the clearest and simplest way to proceed.

VOTE ON THE DELETION OF THE SECOND SUB-PARAGRAPH OF PARAGRAPH 2 OF ARTICLE AE.

The President. — I thank M. Politis for his lucid statement, and I think the best thing we can do now is first to vote on the deletion of the second sub-paragraph of paragraph 2 of Article AE.

Dr. Riddell (Canada). — I regret exceedingly that there should have been a misunderstanding as to what took place in the Sub-Committee, but the picture I gave was the picture as I saw it at the close of the meeting. I regret very much that M. Politis should have thought I was in agreement with what he has just proposed.

The President. — We will now vote on the deletion of this sub-paragraph, as I proposed this morning.

The deletion was rejected by five votes for to twelve against.

VOTE ON THE ADDITION TO PARAGRAPH 2 OF ARTICLE AE OF THE TEXT PROPOSED BY THE CANADIAN DELEGATION.

The President. — We will now vote on the addition proposed by the Canadian delegation.

This addition was adopted by nineteen votes for with some abstentions.

The President. — This addition will thus form a new paragraph of Article AE. There remains the question of the budget out of which military airmen will be paid, and military aircraft employed in civil aviation will be kept in repair.

Lord Cecil (British Empire). — I did not move that ultimately; I left it to be gone into again in connection with the later amendment. We certainly hold very much to the kind of phrases which M. Politis employed as to the necessary result of whatever decision we came to.

The President. — It will be inserted in the report.

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TABLE III.

Statement by the British Delegate: Consequent Statements by the Delegates of Sweden, Italy, Netherlands, Finland, Norway, Yugoslavia, Spain, United States of America, Greece, France, Roumania, Turkey, Poland, China.

Lord Cecil (British Empire). — The Commission will remember that when we were discussing Table III we arrived at the drawing up of three rules in a certain order. I then said that I was prepared to vote for them, but I must consult my Government on the points, since they were novel points on which I had no direct instructions.

I am glad to be able to inform the Commission that I am now authorised to accept the three proposed rules in Table III of the Naval Clauses. In doing so I should like to make it clear that I regard the first rule as governing the other two—I understand that was why it was put first; that is to say, that though Rules 2 and 3 establish certain important principles, yet their application must, in the last resort, depend to some extent upon the considerations set out in Rule I.

It is, of course, understood that in saying this I am dealing solely with the question of transfer and not suggesting that any limit can be put on the right of any Power to ask the Disarmament Conference for any class of ship as part of its navy.

M. Westman (Sweden). — It is with great satisfaction that the Swedish delegation has learnt from Lord Cecil's statement that the British Government approves the text of Table III.

In this connection I should like to state that the Swedish delegation could not accept any interpretation which would weaken the safeguards obtained by Powers possessing fleets of small tonnage, as a result of the insertion in Table III of the three principles, in return for their acceptance of a great number of rules extracted from the Treaties of Washington and London.

General de Marinis (Italy). — I should also like to define the sense and scope which the Italian delegation gives to the text we are now engaged in examining. I will content myself with a simple statement.

Like the British delegation, we consider that the basic criterion for transfers should be that which was enunciated in principle No. 1. When this principle has to be applied in practice, we

1 Note by the Secretariat. — See Annex ii.