"II. A similar enquiry should be made in connection with the limitation of expenditure on the upkeep, purchase and manufacture of war material for naval armaments (Article 23) and the limitation of the total annual expenditure on the land, sea and air forces and formations organised on a military basis (Article 28).

"As regards the last-named limitation, an enquiry should be made in particular into the possibility of a separate limitation of the expenditure on land, sea and air forces.

"III. The Committee of Budgetary Experts will further have to investigate the methods of publicity (Articles 32 and 37) in connection with the proposed measures regarding limitation.

"It will be necessary in particular to determine the number and nature of the categories to be provided for publicity in connection with expenditure on the upkeep, purchase and manufacture of war material for land and sea forces and formations organised on a military basis (Article 32).

"The terms of reference of the Committee of Budgetary Experts will therefore be enlarged in the sense which I have just outlined.

"If the Commission thinks fit, it will of course be able to give further detailed instructions to the Committee of Experts."

M. Rutgers (Netherlands). — I agree, but I think that when reference was made, at the beginning of the instructions to the Committee, to the necessity of limiting the total expenditure, and in particular the expenditure on war material and naval armaments, the object was to draw attention to the opportunities that would offer of evading the obligations in regard to limitation and publicity; I therefore trust that the Minutes recording the discussions on this subject will be made available to the experts.

The President. — I can reassure M. Rutgers at once. What he wishes will be done; in fact it has already been done. The Minutes referring to these questions were sent to the Committee of Budgetary Experts about a week ago.

M. Massigli (France). — I also agree, but I would like one point cleared up. The last report of the Committee of Budgetary Experts (document C.P.D.90) has never been approved by our Commission. I therefore assume that the questions it deals with are included in the Experts' very wide terms of reference, and that the Conference itself will have to decide finally on the problem as a whole.

The President. — Yes, the Conference will have to decide on the entire question.

II. Procedure for Concluding the Commission's Work.

The President. — Several members of the Commission have expressed a desire to leave Geneva on Monday evening. We will therefore continue the examination of the draft report this afternoon. But the Secretariat and the Rapporteurs need more time than had been thought, and the next meeting cannot take place till 5 o'clock on Monday. We will consider the part of the draft report relating to Part II, Chapter B, and Parts III and IV, Chapter C. The remainder of the report can be discussed on Tuesday.

The Commission will doubtless not think it necessary to go through the report a second time in its printed form.

The Hon. Hugh Gibson (United States of America). — I should just like to raise one question. I assume that arrangements will be made for us to receive the text of the draft Convention itself either in printed form or at least as a roneoed document.

The President. — Time will nevertheless have to be allowed for the translation of the references to the report.

Lord Cecil (British Empire). — I was going to make an offer as far as I am concerned. I do not know whether the English-speaking members of the Commission will agree. I think it will be amply sufficient if we have a French version only distributed as the final version, and we need not have a meeting unless some member of the Commission is dissatisfied with the final French version and asks for a meeting. If, therefore, the final document were distributed on Tuesday evening, that would do.

The President. — The references to the report are very important.

The Hon. Hugh Gibson (United States of America). — I understand the difficulty is the actual numbering of the pages. We might leave the numbers blank.

The President. — That will make the work immensely easier.

II. French Delegation's Reservation on a Proposal by the Italian Delegation regarding the Exchange of Information.

M. Massigli (France). — With regard to one of the tables appended to Article 29, the Commission will remember that I was, to my regret, not in agreement with General de Marinis. At the meeting yesterday afternoon, it was stated that the Italian delegate's proposal had been

1 Note by the Secretariat. — See twenty-third meeting, No. 113.
adopted that morning. Referring to the Minutes of the twenty-second meeting, I note that General de Marinis did indeed make a proposal. I must frankly confess that, in the confusion reigning at the time, I did not hear it. I should like to point out, for purposes of record, that if I had heard it I should have opposed its discussion. The proposal in question deals with detailed publicity for effectives in respect of each oversea territory. It was submitted by its author as a corollary to a proposal adopted on November 24th by five votes to four with thirteen abstentions, which proposal was worded as follows: 1

"Each of the High Contracting Parties shall prepare annually:

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

If I had heard the proposal made yesterday, I should have stated that, in my opinion, it made an essential change in General de Marinis' original proposal, and should therefore not be discussed unless the Commission so decided. But the Bureau decided otherwise, and declared the proposal adopted.

I have the honour to read the following reservation, which I request the Rapporteurs to reproduce in the report:

"The French delegation does not agree to publicity in respect of effectives stationed in each oversea territory, as this cannot be justified for such territories any more than for each separate district in the home country. It further desires to point out that detailed publicity for each oversea territory, with numerous distinctions between categories of soldiers according to rank and duration of service, is still more unacceptable, and would be physically impossible to carry out, on account of the constant transfers of troops from one territory to another and the special conditions in the territories in question.
"It would require a whole army of clerks.
"The inclusion of such detailed provisions in the Convention is calculated to multiply unintentional errors in the information supplied by contracting States; and there is consequently a danger—and this cannot be the Commission's object—of unnecessarily provoking irritating discussions which nobody would desire."

General de Marinis (Italy). — I accept the Commission's decision. As to M. Massigli's reservation, I have nothing to say.

Lord Cecil (British Empire). — On behalf of the British delegation I should like to join in that reservation. I do not think the proposal a practical one.

M. Sato (Japan). — When this question was discussed, I made a reservation, which I wish to maintain so that it may appear in the report.

The President. — The Rapporteurs will note this reservation.


STATEMENT BY THE BRITISH DELEGATION.

Lord Cecil (British Empire). — I want to say, first, that I should like to express my admiration of the work done by the Rapporteurs and, secondly, that the British delegation feels that, in this case, the draft Convention speaks for itself and, though the comments in the report are no doubt of great interest, they must not be regarded as affecting the actual meaning of the text of the draft Convention. On this understanding the British delegation will not propose amendments to the report unless they seem to them to be imperatively required.

The Hon. Hugh Gibson (United States of America). — I wish to raise a point with regard to Lord Cecil's statement. He said that the British delegation felt that the text of the draft Convention stood by itself and that the report could not be considered as binding in its interpretation of the draft text of the Convention, and for that reason he would refrain from presenting any but the most important amendments. If that be merely a declaration on behalf of the British delegation, I have no comments to offer, but if it be the sense of the Commission, I should have certain observations to make, as it is our understanding that the two documents are to have equal value.

Lord Cecil (British Empire). — It was an expression of my own view as to the commentaries. In my view, the draftConvention is a perfectly clear document, and means what it says, and though it is quite right to have reservations in the report (and I shall be very careful to see that any reservations made by the British delegation are correctly expressed), I did not myself think, where it was merely a commentary of what was the meaning of the actual words of the Convention, that it was worth while to spend time trying to draft it in some other way, unless there was something which seemed entirely wrong. I wished to prevent it being said that each word of the report scrupulously expressed the view of the British delegation.

1 Note by the Secretariat. — See fourteenth meeting, No. 71.
The Hon. Hugh Gibson (United States of America). — I am fully satisfied with Lord Cecil’s explanation.

STATEMENT BY THE NORWEGIAN DELEGATION.

M. Colban (Norway). — I would like to make an entirely general statement. I understood, Sir, that you had asked delegates to submit reservations to you in writing, for insertion in the report. I now learn that this referred to the drafted texts of reservations submitted at plenary meetings of the Commission. Owing to this misunderstanding I did not give notice of a minor reservation, and I venture to do so now, so that it may be inserted in the report.

Norway did not take part in the previous work of the Commission, especially in the first part of the second reading of the draft Convention. As Norwegian delegate, I make a general reservation in regard to the attitude my Government may adopt at the Conference. As Norwegian delegate, I make a general reservation in regard to the attitude my Government may adopt at the Conference.

Speaking personally, I should like to add that this reservation is, of course, in no way a criticism. It does not imply any underestimation in Norway of the importance and value of the political and technical work accomplished by the Commission, the Sub-Commissions and the Committee on Arbitration and Security.

STATEMENT BY THE IRISH FREE STATE DELEGATION.

Mr. Sean Lester (Irish Free State). — I find myself in precisely the same situation as M. Colban. I therefore echo all he has said about the Norwegian reservation and I also ask for a general reservation to be made with regard to the position of the Irish delegation. The Irish Free State was only elected to the Council a few weeks before the present meeting of the Commission. Most of the principles on which the Convention is based had been already fixed and, in other cases, I was obliged to abstain from voting owing to the lack of precise instructions.

STATEMENT BY THE SOVIET DELEGATION.

M. Lounatcharsky (Union of Soviet Socialist Republics). — The Soviet delegation considers itself unable to take part in the discussion on the Commission’s report. As the Union of Soviet Socialist Republics is not a Member of the League of Nations, our delegation has no intention of associating itself with the submission of a report to the Council of the League. Moreover, in addition to this formal consideration, there is another no less substantial reason. The report contains not only separate documents—the text of the Convention, the resolutions of the Commission, and the statements and reservations made by various delegations—but also a certain estimate of the work done by the Preparatory Disarmament Commission. This estimate takes the form both of summaries of the discussions and of a compilation reproducing the statements made by certain delegations. In these circumstances, the report reflects a decided opinion on the work of the Commission. The Soviet delegation’s attitude towards the draft Convention drawn up by the Commission and its opinion of this draft are already well known, as they have been frequently expressed during the three years in which the Union of Soviet Socialist Republics has taken part in this Commission’s work. That attitude is absolutely negative.

If, therefore, the Soviet delegation took part in drawing up the report, it would be obliged to request that a change should be made in its general character, and that emphasis should be laid on points which, in the delegation’s opinion, are merely evaded. If they were not evaded, or were, on the contrary, stressed, they would disclose the absolute sterility of the Commission’s work and the inefficacy of its draft Convention. It would then be seen that the only value of the draft lies in its attempt to justify in the eyes of the world the refusal to disarm.

It may be assumed that the controlling majority of the Commission would not have consented to deprecate its own work and the draft Convention. The Soviet delegation therefore preferred not to take part in drafting the Commission’s report, and decided to make a statement on its own account regarding the general attitude of the Union of Soviet Socialist Republics towards the Commission’s work, and the part played by the Soviet delegation. The latter has already informed the President of the Commission of its decision in writing. The Soviet delegation will accordingly refrain from making any observations on the separate parts of the report during the whole course of the discussion on that document.

The Soviet delegation therefore claims the right to summarise its attitude in a formal statement.

The President. — I do not quite understand M. Lounatcharsky’s remarks. You will have observed that the report contains all the reservations made, both by the Soviet and by other delegations. It is a general report on all our work, and we have clearly stated that any party can have its reservations inserted. The same procedure applies to all, and I do not understand why the Soviet delegation should, as M. Lounatcharsky stated, withdraw its reservations and make a declaration at the end of our discussion. The report is entirely impartial.

M. Lounatcharsky (Union of Soviet Socialist Republics). — I think I have explained my point of view clearly in the declaration I have just made. The general estimate of the Commission’s work in the report submitted to us is different from our own. I have nothing further to add.

The President. — The report contains no estimate. It is a statement of the different views taken. It summarises those views but does not express any opinion on them.
M. Lounatcharsky (Union of Soviet Socialist Republics). — The Soviet delegation finds in this report a favourable estimate of the Commission's work. As our estimate is unfavourable, it is obviously very difficult to hold the same view.

Lord Cecil (British Empire). — It seems to me quite easy to meet the views of the Soviet delegate. We have merely to strike out all references to the Soviet delegation in the report and leave M. Lounatcharsky to make his general statement at the end. I see no difficulty in that course of procedure, and it will make the report a little shorter.

M. Lounatcharsky (Union of Soviet Socialist Republics). — That is what I proposed a few days ago, but, unfortunately, the President did not agree.

M. Cobian (Spain), Rapporteur. — The report is not yet under discussion; but I quite understand M. Lounatcharsky's idea. He does not wish to assume any responsibility for the report. He thinks that the Commission's work is purely negative, and that it has not accomplished anything. His view is entirely different from that of the majority, who think that they have accomplished something, though not as much as they could have wished. That is the position.

I wish to point out that it was the Rapporteurs' duty to insert in the report all the reservations made either by the Soviet or by other delegations. Naturally, if, during the discussion of the report, the Soviet delegation wishes to withdraw or change any of its reservations, it has the right to make such a request, and the Commission will decide in the last instance. It was, nevertheless, the Rapporteurs' plain duty to insert in the report all the reservations made by any delegation, the final decision resting with the Commission.

The President. — Before entering on the discussion of the report, I should like again to reply to M. Lounatcharsky. If I understand aright, the Soviet delegation wishes all its reservations to be withdrawn from the report, on the understanding that, at the conclusion of the discussion on the report, it will make a statement on the lines, no doubt, of that sent to me in writing. As I have already informed M. Lounatcharsky, it is impossible to insert such a document or append it to our report. I have no right to agree to such a proposal. The Soviet delegation can, however, make a verbal declaration at the end of the discussion on the report, and I think the Commission will agree with me in accepting this procedure. I must repeat that it is impossible to insert a declaration in the report.

M. Lounatcharsky (Union of Soviet Socialist Republics). — I wish to state that the Soviet delegation in no way disparages the work that the Rapporteurs have done; but we must maintain our right to state and develop our point of view. I will therefore make a verbal declaration and request the Commission to agree to its being appended to the report. If the Commission does not accede to our request, then we shall send our declaration to the Conference itself—that is to say, to the President of the Conference.

The President. — The Soviet delegation is perfectly at liberty to send this document to the Conference, but it is impossible to append it to the report.

M. Lounatcharsky (Union of Soviet Socialist Republics). — Why is it impossible ? We ask the Commission to give a ruling on this point. I think I am all the more entitled to insist because M. Politis, when acting as President of the Commission, made the following statement:

"The report will consist of three parts. First, there will be the text as it comes through the second reading; next there will be an analysis of our work to show what was the intention in amending or adding to certain texts; and, lastly, there will be a third part stating the reservations and declarations made by the delegations, so that everybody will be put on an absolutely equal footing. This arrangement should satisfy all concerned."

This declaration would satisfy me entirely if our President took the same view as M. Politis.

The President. — Are you asking the Bureau and the Commission to give a decision now ?

M. Lounatcharsky (Union of Soviet Socialist Republics). — I think it better to postpone the discussion of this question until I make my final statement.

The President. — We will now begin the discussion of the second part of the draft report.
Count Bernstorff (Germany). — In the first place, like Lord Cecil, I should like to pay a tribute to the work that has been done by the two Rapporteurs of the Commission. Any remarks I may make are not intended as a criticism of their work, but aim at clearing up certain passages in the report. I regard it as of extreme importance that we should have as clear a document as possible.

In the last few days, much has been said about the preparations for the general Conference. I consider it essential that the persons entrusted with those preparations should be quite familiar with the discussions which have taken place and with the views of all the delegations, so that they may know the opinions both of the members of the Commission and of all the Governments. The first line of the second part of the report should, to my mind, be made clearer. It reads: "The draft Convention adopted by the Commission . . . ." It would be clearer to state: "The draft Convention adopted by the majority of the Commission . . . ." It should be borne in mind that the decisions taken in the League of Nations are generally unanimous, and this will be especially the case at the coming Disarmament Conference, which must reach a unanimous result. It should therefore be pointed out that the draft Convention is a majority draft.

M. Rutgers (Netherlands). — On page 2, Article 1 is quoted as follows:

"The High Contracting Parties agree to limit and, so far as possible, to reduce their respective armaments . . . ."

I would like a few words to be added. I have not submitted any reservations or declarations on the part of the Netherlands delegation to the Rapporteurs, because we do not wish to be specially mentioned in the report, and what I am about to say is not an expression of any such desire. The most that could be said is that it is superfluous. But, in my opinion, the following addition should be made on page 2:

"It is understood that the words 'so far as possible' only limit the reduction which may be inserted in the Convention, and do not limit the obligation of the High Contracting Parties to take the necessary measures to effect this reduction."

M. Cobian (Spain), Rapporteur. — I should like to reply to the two points raised by Count Bernstorff.

With regard to the first point, referring to the first line in the report, I should consider this remark justified if the report said: "The draft Convention unanimously adopted by the Commission . . . ." But we have merely said "adopted by the Commission". That is a statement of fact. True, many clauses have been adopted by a majority; but some have been adopted unanimously. A majority implies a minority. A proposal is adopted by a minority when a larger number of votes has been given in favour of it than against it. But if there have been only votes "for" a proposal and abstentions, it cannot be said to have been adopted by a majority but unanimously by the parties voting. If the Commission accepted Count Bernstorff's view, and if the report presented a draft Convention adopted by a majority of the Commission, all reservations would have to be omitted, and this would imply an additional minority draft. But what we have here is not a majority draft but a draft by the entire Commission. The report emphasises all the decisions reached by the Commission. In addition, there are reservations protecting the rights of all delegations, so that all the States taking part in the Conference will be clearly informed of the Commission's views. I cannot therefore agree with Count Bernstorff's first remark.

With regard to the second, I see no objection to adding on page 3 that the German delegation takes the same view as the Turkish delegation, and Count Bernstorff's reservation may be added to the document.

I will now reply to M. Rutgers. He heard Lord Cecil's and Mr. Gibson's statements. I have been very careful not to embody any expression of opinion in the report. We have confined ourselves to compiling and distributing the reservations made by the delegations. If we accepted the addition proposed by M. Rutgers, that would amount to an interpretation, and I do not know whether Lord Cecil and Mr. Gibson would be inclined to accept it. If no interpretations or expressions of opinion are to be inserted in the report, we cannot accept the addition suggested by the Netherlands delegation.

There is no objection to stating that the Netherlands delegation understands that the words "so far as possible" have such and such a meaning; but, as Rapporteurs, we cannot be responsible for M. Rutgers' interpretation.

M. Rutgers (Netherlands). — I do not wish this interpretation to be inserted in the report as that of the Netherlands delegation, because that would appear to throw doubt on the interpretation, which I think would be unjust. I did not think there was any objection to including interpretations in the report, and, in my suggestion, I used an expression found on page 5, where two paragraphs begin with the same words: "It is understood that . . . ." The report therefore contains interpretations, and I believe that that which I propose to add is the interpretation of the entire Commission. I have not had an opportunity of consulting Lord Cecil and Mr. Gibson on this point; but the question appears to me to be quite simple. If, however, the Commission does not agree to my amendment, I will not press it.

M. Bourquin (Belgium), Rapporteur. — I should like to add a few words to M. Cobian's reply to M. Rutgers. The words "so far as possible" must not be regarded as applicable to the executive measures; I think there should be no apprehension on this point. These words
obviously apply only to the reduction; the execution is referred to in another chapter, "Final Provisions," in which we have taken the precaution of inserting an article which was perhaps not necessary, but which makes our idea quite clear. The article in question is No. 55, which reads:

"Each of the High Contracting Parties will begin the necessary measures for carrying the provisions of the present Convention into effect as soon as it has come into force for such Party."

I think there can be no possible doubt about this: as soon as the Convention comes into force, all the contracting parties must immediately take the necessary measures to fulfil their treaty obligations. If it be required at this point to emphasise the necessity of arriving immediately at the full execution of the Convention, we can perhaps make a statement to that effect, but I do not think this should be done on the first page of the report. We are not dealing with the method of execution, but with the actual obligations themselves.

M. Rutgers (Netherlands). — I am entirely satisfied with M. Bourquin’s remarks and withdraw my proposal.

Pages 1 and 2 were adopted.

Page 3.

Count Bernstorff (Germany). — A reservation by the German delegation, reading as follows, should be inserted on page 3, after the Turkish delegation’s reservation.

"The German delegation reserved its Government’s right to submit to the future Disarmament Conference any proposals regarding the standards of reduction and limitation of armaments, defined in document C.P.D.138\(^1\), which it might consider likely to promote these aims."

The Commission will remember that, at the beginning of the discussion on the second reading, I submitted a proposal entitled "Observations on the Disarmament Problem"\(^1\). This document contained most, if not all, of the proposals that I have submitted during the long years of our work. I am therefore anxious that this document should be known to those who make the preparations for the Conference.

General de Marinis (Italy). — I wish to draw attention to a slight printing error. At the end of the third paragraph on page 4 of the French text\(^2\) the budgetary year is mentioned; but the Drafting Committee decided to omit the word "budgetary", so that the reference is only to the calendar year.

The President. — That will be done wherever the expression "budgetary year" occurs.

Count Bernstorff (Germany). — The fourth paragraph on page 3 of the English text begins:

"This definition of peace-time effectives did not give rise to lengthy discussion, and the interpretation it should receive . . . "

This phrase does not give an impression of what actually happened; the question of effectives was frequently discussed, and during the 1927 session it was debated for several days.

I should also like mention to be made of the German proposals regarding the method whereby the effectives of conscript armies serving with the colours and in reserve, and professional effectives, whose military value is naturally not capable of comparison, could be reduced to comparable units of calculation. This proposal is contained in document C.P.D.138\(^1\).

I could make the reference shorter by merely asking that these long discussions should be mentioned, and that it should be pointed out that the German delegation’s last reservation on page 3 explained the entire question.

M. Massigli (France). — The remark just made by Count Bernstorff is already contained on page 12 of the report. If all our reservations are to be inserted twice, that will not simplify the work.

M. Cobian (Spain), Rapporteur. — When we say that this definition did not give rise to lengthy discussion, we admit, however, that there was a discussion. Whether a discussion is more or less lengthy is a relative question.

Count Bernstorff will be quite satisfied, because, in the reservation on page 3, mention will be made of document C.P.D.138\(^1\). Moreover, in another part of the report, the same reservations by the German delegation are referred to. I therefore think that there is nothing to add to this paragraph.

General de Marinis’ statement is quite correct. The word "budgetary", which appeared in the Convention, was omitted by the Drafting Committee.

Page 3 was adopted.

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\(^1\) Note by the Secretariat. — See document C.195.M.74. 1929.IX, Minutes of the sixth session (first part), Annex 2, page 203.

\(^2\) Note by the Secretariat. — This remark does not apply to the English text.
Pages 4 and 5.

Lord Cecil (British Empire). — Unless someone has an earlier observation to make, may I ask for Mr. Gibson's attention for a moment on the paragraph two-thirds of the way down on page 4 in the English text which begins: “On the second reading (during the first part of the sixth session) the representatives of Great Britain and the United States withdrew their reservations on the subject..." I would prefer to finish it, for reasons which were expressed then and on subsequent occasions, with some more general phrase beyond the actual question of whether it interested us or not. So far as the British delegation was concerned, at any rate, it went rather farther than that.

I should like it to read thus:

"On the second reading (during the first part of the sixth session) the representatives of Great Britain and the United States withdrew their opposition on the subject of trained reserves..." I prefer “opposition” to “reservations.”

The Hon. Hugh Gibson (United States of America). — I should like to support the proposal made by Lord Cecil.

M. Rutgers (Netherlands). — After the paragraph just amended by Lord Cecil, there is a paragraph beginning with the words: “The Soviet delegation, on the other hand...” This statement is quite correct, but that view was not taken by the Soviet delegation only. I would therefore ask that the paragraph be amended as follows:

“Some delegations, on the other hand, maintained, at the first discussion of the article, that...”

We might add at the end: “The Soviet delegation stated that it agreed with this point of view”—that is, if the Soviet delegation wishes its declaration and point of view to be shown in the report.

Count Bernstorff (Germany). — I should like to make a remark on the same lines as M. Rutgers. It will be seen that, in the middle of the first paragraph on page 4 of the English text, mention is made of the German representative in connection with the first reading. In reference to the second reading only the Soviet delegation is mentioned in connection with trained reserves. This may give the impression that only the Soviet delegation maintained a view which several other delegations, including my own, continued to uphold.

M. Cobian (Spain), Rapporteur. — Count Bernstorff has just admitted that the German delegation's reservation regarding trained reserves is mentioned on page 4, as he requested. The reason why this reservation was not made in a more extended form was that it would not fit in with the text. If, having heard the reasoned opinion of the Soviet delegation, Count Bernstorff now states that the German delegation agrees with this view, there is no objection to mentioning it. M. Rutgers wishes this paragraph to be worded more comprehensively, so as to include not only the Soviet but also other delegations. I have no objection, provided the names of the delegations are mentioned, unless the Soviet delegation agrees to omit the reference to itself. In that case the wording would be “some delegations”. It would be understood that this referred to the Soviet, German and Netherlands delegations.

M. Westman (Sweden). — I support M. Rutgers' remarks. If the delegations agreeing with the Netherlands delegation are named, I should like my own delegation to be mentioned.

Lord Cecil (British Empire). — I did not quite catch what M. Rutgers actually proposes, but I do not want it to be put “on the other hand”. That is the reason I made that alteration in the previous paragraph. The British and the American delegations withdrew their opposition for reasons they then gave, but they did not say that they thought it a desirable thing to have nothing to do with trained reserves. I will not attempt to summarise what they thought, but I do not want to say “on the other hand”. If M. Rutgers' phrase were merely to say that there were certain delegations who thought that trained reserves ought to be included, I have no objection, but it must not be put in such a way that the British and American delegations did not agree to that proposition. That is not what they said. Finally, I think that the paragraph as it now stands should be struck out, because it refers to the Soviet delegation, and we agreed just now, at their request, to strike out all reference to the Soviet delegation in our report.

M. Massigli (France). — I shall not be so indiscreet or so presumptuous as to express an opinion on the question under discussion. I see, however, on page 4 in the English text, the German delegation's opinion and that of the Soviet delegation, and on page 12, the German delegation's opinion again. The Netherlands, Swedish and other delegations now wish to be expressly mentioned. Soon the report will consist of nothing but objections to the solutions adopted. The delegations which form the majority, and which must be satisfied with a short sentence defining their view, will perhaps find the balance somewhat unequal. I am quite satisfied with the text of the report,
on condition that other delegations will not make three separate references to the same arguments against trained reserves.

Rear-Admiral von Schoultz (Finland). — I agree with the Netherlands point of view. The wording in the report does not exactly reflect the discussion. Either it must be omitted, or, if it be kept, reference must be made to the other delegations which are of the same opinion.

M. Rutgers (Netherlands). — I think I can satisfy many delegates; it is perhaps more difficult in the case of M. Massigli. It may be some consolation for the French delegate that he will be entirely satisfied by the article, if not by the report.

With regard to the other remarks, I think it would be better to transpose the order of the two paragraphs, and to omit the words "on the other hand". It has been asked which delegations' opinions are recorded in this paragraph. You have only to read the report of Sub-Commission A. The paragraph might begin with the words "Several delegations..." and mention might be made of the Soviet delegation at the end of the paragraph.

M. Cobian (Spain), Rapporteur. — I wish to raise a point of principle to which I attach great importance. If pages 3 and 4 of the English text are read carefully, it will be seen that the facts are related in chronological order. It is therefore impossible to transpose the paragraphs.

The Rapporteur has drawn up his report on the following system: If, in adopting an article, the minority gave way to the majority, it is unnecessary to state which delegations voted for or against. But if some of the opposing delegations stated that for their part they did not give way to the majority and made a reservation, the report must refer to that reservation; otherwise the text of the Convention would convey a wrong impression to the Conference. Many articles represent a compromise. In some cases, the attitude of each delegation must be mentioned.

M. Massigli stated, apparently with some justification, that the report only contains arguments against the texts adopted. This is true, but, as I have just stated, the report should contain only reservations—that is to say, the views of delegations which did not give way to the majority. M. Massigli will admit that that is the price the majority has to pay. That is why I stated, at the beginning of the report, that the draft Convention was adopted by the Commission. But the delegations which have made reservations are entitled to have them included in the report. If other delegations wished to be included, the precedent would be very dangerous.

Lord Cecil proposed to omit the paragraph. I think we can adopt that proposal, and add at the end of the first paragraph that the Soviet delegation made a reservation in the same sense as the German delegation.

Lord Cecil (British Empire). — We must stick to the rule we agreed on just now, which was that the Soviet delegation, at their own request, was not to be mentioned in the report.

M. Rutgers (Netherlands). — It is quite natural that the minority should be requested to give way to the majority, and for my part I should agree to all the statements and reservations being included in the report, if desired. When the last decision was taken regarding trained reserves, the Netherlands delegation pointed out that the question would be raised again at the Conference. It is not clearly shown what took place, if the report omits to mention that some delegations maintain their opinion and continue to think that the absence of a limitation for trained reserves is a serious defect. I have no objection to the report saying "the Netherlands delegation maintains the opinion...", rather than "some delegations...". I therefore submit a new proposal to this effect.

M. Fierlinger (Czechoslovakia). — I agree with M. Massigli's view. I think that a report drawn up on these lines will contain nothing but negative reservations. I may be allowed to compare it with a negative as opposed to a positive photographic plate.

Naturally everyone has the right to have his views shown in the report. Some opinions differ radically from the principles laid down in the Convention, but we agreed to mention them as a compromise accepted by the majority of the Commission. If some delegations state that there is a serious defect on any given point, we should reply that, on the other hand, there are certain compensations. For instance, if it be stated that there is a defect in the matter of trained reserves, it must be pointed out that this defect is compensated for by the limitation of the period of service and so forth. If we agree to this method, we shall never finish our work, and it would be better to attach the Minutes to our report.

Lord Cecil's proposal seems to me a very reasonable one, and we might accept it, as the Soviet delegation has reserved the right to submit reservations at the end of the discussion.

M. Rutgers (Netherlands). — And what becomes of the Netherlands reservation?

M. Fierlinger (Czechoslovakia). — The Netherlands reservation may be inserted, but it should be stated in Chapter D that the defect to which it refers has already been partly made good.

M. Sato (Japan). — I have no objection to other delegations submitting reservations, but I think the report ought to give an exact "picture" of our work. In my opinion, the report unfortunately does not give such an exact "picture".
For instance, at the top of page 4 we read:

"At the third session . . . the Commission adopted, by a majority, the solution which appears in the text of the draft."

On the same page, it is stated that several delegations—those of the British Empire, the United States and Germany—made reservations on the first reading. Later it is stated that, on the second reading, the British and United States delegations withdrew their reservations. That is quite all right, but it is not stated that the question was voted on in the Commission. M. Massigli informs me that only three votes were given against the proposal. If we state everything that has taken place at the meetings of the Commission, and in addition the reservations made by certain delegations, there will be no more argument, and the present difficulties will be overcome.

M. Cobian (Spain), Rapporteur. — The report states that:

"At the third session . . . the Commission adopted by a majority the solution which appears in the text of the draft."

It goes on to mention certain reservations, and points out that, on the second reading, two of those reservations were withdrawn. The report therefore appears to state very clearly that the decision was taken by a majority. This statement is, moreover, preceded by a paragraph showing the great importance of the question. It appears to me that the report is an exact picture of the discussions which took place and the decisions which were reached.

I request that a vote be taken on Lord Cecil's proposal to omit the third paragraph on page 4, beginning with the words "The Soviet delegation, on the other hand, . . ."

It was agreed to omit this paragraph.

The President. — There still remains M. Rutgers' proposal. He suggests that the paragraph which we have agreed to omit should be replaced by the following:

"The Netherlands delegation maintains the opinion that, in view of the great military value attaching to trained reserves a disarmament Convention without limitations or reduction of these reserves would present a serious defect, inasmuch as it would leave in existence large armies which would need to be provided with war material on a commensurate scale."

M. Westman (Sweden). — I support M. Rutgers' reservation. I therefore request that the Swedish delegation also should be mentioned at the beginning of the text submitted by the Netherlands delegation.

M. Massigli (France). — I regret to intervene again in this discussion, and must state at the outset that I am not opposed to the views of M. Rutgers and M. Westman. But I should like to know exactly what we are doing. Are we recording the previous discussions of the Commission, or are we all expressing new opinions? If we are recording the discussions, the position is clear: when the question was discussed at second reading, a decision was taken by a majority, and was opposed by three delegations, including that of the Netherlands. Naturally any opposition raised should be mentioned. But, on the other hand, are we to embody in the report individual opinions which are brought to our notice at this juncture? In that case, I fear the proceedings will be interminable. Personally, I think we should confine ourselves to giving an exact picture of what took place in the Commission.

Lord Cecil (British Empire). — I should like to remind the Commission that, before this discussion began, we were asked to send in any reservations we wished to be included in the report. The British delegation did so, and I have no doubt other delegations did so also. I do not understand that the Netherlands delegation did so on this occasion, and therefore I should have thought that, strictly speaking, they were not entitled to have a reservation inserted now; they ought to have sent in notice of their desire to have such a reservation inserted. At the same time, as a suggestion of conciliation, and in order to avoid prolonging this discussion unduly, I think we might add at the end of the paragraph, before the words "On the second reading", a short phrase to the effect that other delegations agreed with this view; then there could be a reference to the Minutes to show what actually happened.

The President. — Do the Rapporteurs accept this proposal?

M. Rutgers (Netherlands). — For my part I cannot accept it. I maintain that the various delegations have a right to make reservations, and to draw them up themselves. I thank M. Sato for his statement that the Netherlands delegation cannot be refused the right to insert a reservation in the report. Moreover, I have just explained why I did not send the text in previously. I repeat that I thought my opinion was expressed in the report. As that is not the case, and as I attach very great importance to this question, I request that my application be granted. I hope Lord Cecil will not oppose the insertion of my reservation in the report on formal grounds. Permit me to point out that the Netherlands delegation has not abused its right to make reservations. There is not a single Netherlands reservation in the report. In this particular case, however, the question is of great importance. It is possible that the Conference will not settle this question of trained reserves, but it will nevertheless remain on the agenda. I therefore
think that the courtesy and conciliatory spirit of the Netherlands delegation would be abused if they were requested not to make this reservation in the report. We did all we could. When a vote was taken on the article in question, we even abstained from voting, because we did not wish to vote against it, in order not to prevent the Commission from formulating a single text; but we maintain our opinion. This question will come up again at the Conference. I do not think that certain delegations can persistently be refused the right to insert reservations in the report.

M. Cobián (Spain), Rapporteur. — As a compromise, I propose to M. Rutgers that we add the following sentence at the end of the first paragraph on page 4:

“This point of view was shared by the Netherlands and Swedish delegations.”

M. Rutgers (Netherlands). — Why can we not express our point of view ourselves? Why must we be made to say that we share the point of view of other delegations?

M. Cobián (Spain), Rapporteur. — I should be very glad to reproduce M. Rutgers’ own words, and I am sure the report would gain by it. But I should like to observe that from the beginning of our work the Swedish and Netherlands delegations were opposed to the solution which was finally adopted. As the German delegation expressed the same view before the second reading, I think that an exact record of what took place would be obtained by stating that this point of view is shared by the Netherlands and Swedish delegations. I do not understand M. Rutgers’ opposition, as in this particular case it is not a question of making a reservation, properly so called, but merely of emphasising the fact that two delegations were opposed to this solution from the very beginning of the discussion.

M. Rutgers (Netherlands). — I beg to point out that the text of my reservation follows the Rapporteurs’ wording regarding the Soviet reservation. They had agreed to devote a paragraph to the Soviet delegation’s opinion. I do not see why this privilege could not be granted to the Swedish and Netherlands delegations, which do not abuse their right to make reservations. I must state that, if my request be not agreed to, I shall demand a vote.

M. Cobián (Spain), Rapporteur. — I wish to draw M. Rutgers’ special attention to the extreme seriousness of this question. If his request be complied with, this implies that reservations can be made at the time when the report is approved. If we once start doing that, I am afraid we shall never finish. I quite understand that M. Rutgers and M. Westman want to have their views expressed in the report. I am perfectly willing to comply; but it would be very dangerous for the Commission to admit reservations which have not previously been drawn up in writing.

M. Rutgers (Netherlands). — You are the only person who opposes my request.

M. Cobián (Spain), Rapporteur. — No, but I draw your attention to the seriousness of this question. I must add that, if it be put to the vote, I shall vote against it.

The President. — I think the question has been sufficiently discussed, and can now be put to the vote.

Dr. Markovitch (Yugoslavia). — I propose to put to the vote the question of principle just raised by the Rapporteur—whether new reservations can be submitted at the present stage.

M. Bourquin (Belgium), Rapporteur. — I must associate myself with M. Cobián’s remarks. We must not depart from our procedure. We have a report—that is to say, a document which should reflect what happened in our Commission. We have endeavoured to distinguish between minority votes and reservations, because the two things are quite different. A negative opinion may be expressed either by a negative vote or by a reservation. If a party vote against a proposal without making a reservation, this implies that he is beaten, that there is a majority, and that the system adopted by the majority may in the last resort be accepted by the party who voted against it. That does not mean that he approves of the system or undertakes to support it.

On the other hand, a party who makes a reservation indicates thereby that he is so much opposed to the system adopted by the majority that he cannot accept it, or that, by making his reservation, he wishes to retain the possibility of further considering the question.

I think we must state in the report which proposals were voted unanimously and which by a majority, and, in certain cases, indicate the majorities and minorities. We have done so in this case. The text definitely states that this article was adopted by a majority. That implies that there was a minority, and that some delegations were opposed to the text. After pointing out this important fact, the report states that some delegations not only voted against the text but also made reservations. Those reservations are recorded. It is then stated that at the second reading the opposition of two delegations was withdrawn. That is a true picture of what happened.

What is M. Rutgers afraid of? If he is afraid of being bound, or of seeing his country bound, at the Disarmament Conference, by a majority vote in which he was in the minority, he may be reassured. The Netherlands delegation is obviously quite free to maintain any view it chooses at
the Disarmament Conference. We are not bound by a Convention. We have simply expressed
the respective views of our Governments. M. Rutgers has therefore nothing to fear on that
subject.

Does M. Rutgers wish the Netherlands delegation to appear among the parties which voted
against the system adopted?

M. Rutgers (Netherlands).—I voted for the article.

M. Bourquin (Belgium), Rapporteur.—Yes, for the article, but against the system. If that
be M. Rutgers’ desire, that is another matter. But if he wishes to insert a new reservation in
the report, then, for the reason of procedure just stated by M. Cobian, I shall be obliged to say
myself that this is a bad system. The question appears to me to be very serious. If we start
inserting new reservations on the discussion of the report, there will be no end to our work. I think
the report must be confined to a statement of what happened; the report can only reflect what it is
possible to report.

M. Rutgers (Netherlands).—At the outset there were no formal objections, and now that
the material objections have been withdrawn, others are raised. The Netherlands delegation
did not make a written reservation, but expressed its opinion and expected to see it recorded in
the report, especially as, from our point of view, this is perhaps the most important of all the
points discussed. Although we did not address a written reservation to the Secretariat, we never-
theless made one when the vote was taken. We did not put it in writing, merely because we thought
the Rapporteurs would mention it. I offer them my apologies, and beg them to believe that my
remarks are not intended as a criticism of them.

But when the question is of such importance, it is an excess of formalism to appeal to reasons of
procedure. If the Commission refuse to insert our reservation in the report, I should say that the
majority of the Commission has done violence to the Netherlands delegation, and that the rights
belonging to all delegations have not been granted to us.

M. Fierlinger (Czechoslovakia).—I share our President’s anxiety to reduce our discussions
to a minimum, but I do understand that, in this case, a sincere exchange of views is necessary.
I do not think it is merely a question of form, but it is a very important matter, as M. Cobian
has just said.

Our Commission is endeavouring to find some means of meeting M. Rutgers’ wishes. We are
all equally anxious to do so. It would be better, therefore, to discuss the question than to indicate
a purely formal principle and risk a unanimous vote against M. Rutgers’ proposal. It is important
that our Netherlands colleague should go away satisfied and not embittered against us. We must
show him that we have made every effort to accede to his wishes, and I should like to explain
to him why we are so anxious to settle this question in a manner satisfactory to everybody.
For six years we have endeavoured to reconcile the two opposing views of the conscript army and the
professional army. We have always endeavoured to reach a compromise, and I think we have
reached one. M. Rutgers has subscribed to it. In order to reach this object, both sides have made
large concessions on numerous points. Must we again raise these points on which we were not all agreed?
We voted certain proposals by a majority, and others unanimously. When we voted
by a majority, we accepted the solution arrived at even if we did not agree with it. It was a
compromise. If we formulate this important question afresh in the manner proposed by M. Rutgers,
the report will give the entirely false impression that we have not arrived at this compromise which
reconciles the two views that have throughout been in opposition. I therefore request M. Rutgers
to take this anxiety for compromise into account. I beg him to take our view into consideration.

The President.—The question now is whether the Commission will adopt a new rule of
procedure—that is to say, as stated by M. Cobian and M. Markovitch, we have to decide whether
delegates may or may not make new reservations during this discussion.

Lord Cecil (British Empire).—I do beg M. Rutgers to follow what the point is. It is not
any desire on my part to exclude the possibility of the Netherlands delegation recording their
opposition to this or that proposal. We must be regular here. There was no reservation made
by the Netherlands delegation at the time, in the sense that M. Rutgers now tries to put forward.
He has taken the Soviet delegation’s words and adopted them as his own. It is not right, it is
not historically correct, it does not give a correct picture. If M. Rutgers had accepted my
suggestion, it would have safeguarded his position, and there would have been a reference in the
Minutes which would show what the Netherlands delegation said. It is essential for us to be
regular here. It is not a question of formality; we cannot make an exception. We refused to
make an exception in the case of the Soviet delegation, and we cannot make an exception now
for the Netherlands delegation. It is a case of recording what took place on the occasion, and it
is right to say, strictly speaking, that the Netherlands, Swedish and other delegations agreed in a
general way with the German point of view, and it is not right to say that they made any reserva-
tions on the subject.

M. Rutgers (Netherlands).—The question is not whether our report will be drawn up
on one system or another. It must be decided whether the Netherlands reservation is too late.
If we had sent it in the day before yesterday, no objection would have been raised. This reser-
vation does not represent a new opinion; the Netherlands delegation has always said what it is
saying now. The reason why this reservation was not put in writing when the vote was taken is that I was convinced that our opinion would be mentioned in the report. We voted for the proposed article while stating that we maintained our point of view; that was, in effect, as strong a reservation as the others.

To-day we are told that we did not make our reservation in writing, and did not call it a reservation. We submit it now; if we are told it is too late and cannot be accepted, we shall give way, but we shall not do so with a good grace.

If the Commission takes a decision of principle on this subject, it may regret it in the future and be obliged to reverse its decision; in case, for instance, a reservation is offered which has not been put in writing and which it would like to accept.

I therefore insist that a vote be taken.

M. Westman (Sweden). — I should be quite satisfied if M. Rutgers’ first proposal were adopted, to the effect that “several delegations at the first reading . . .” It was not until the Commission seemed inclined to reject that proposal that I decided to support the demand for the insertion of a formal reservation.

M. Rutgers (Netherlands). — I accept this proposal, which is, as a matter of fact, what I originally suggested.

The President. — Since M. Rutgers accepts, we can vote on this new text.

M. Massigli (France). — I do not feel that I have the right to vote on a reservation made by one of my colleagues; I am willing to vote on the point of principle whether reservations not made during the discussion, and not submitted to the Rapporteurs, should be inserted, but not on the reservation itself.

M. Westman (Sweden). — There is no question of a reservation; it is a mere statement of fact. It is stated that several delegations at the first reading maintained certain points of view. What is stated is an incontestable fact.

M. Politis (Greece). — It is in the Minutes.

Dr. Riddell (Canada). — I propose that we vote on the proposition of M. Westman.

The President. — Does M. Massigli agree with what M. Westman has just said?

M. Massigli (France). — M. Westman expressed the same idea as M. Rutgers. What I said applies to M. Rutgers’ reservation.

M. Rutgers (Netherlands). — If M. Westman’s sentence be put in, I will withdraw my reservation.

The President. — M. Cobian proposes to insert this sentence before the paragraph beginning with the words “On the second reading”. It would read “several delegations maintained at the first reading that, in view of the great military value . . .”

It was decided to insert the proposed sentence.

The President. — M. Rutgers suggests adding:

“This would leave in existence large armies which would need to be provided with war material on a commensurate scale.”

M. Sato (Japan). — In what form will these words be inserted? Do the Rapporteurs agree to insert them? Is it a Netherlands reservation?

M. Rutgers (Netherlands). — It is the opinion of some delegations.

M. Sato (Japan). — Then it amounts to a reservation by those delegations. The question is of such importance that it must be quite clearly defined and settled. If M. Rutgers wishes this sentence to be inserted in the report, I shall have great difficulty in accepting the report; if it be inserted as a reservation by the Netherlands delegation, I shall raise no objection, because that delegation has the right to make a reservation, but only on one condition. I have already stated that the report should give us a true picture of what took place, and one of the Rapporteurs told me a few moments ago that the picture was a true one. I reply that in any case it is not a clear one.

You state that the present text was adopted by a majority. Where do you state this? You state it only at the beginning of the report.

M. Cobian (Spain), Rapporteur. — At the beginning of the first paragraph on page 4 of the English text.

M. Sato (Japan). — . . . that is to say, in reference to the third session. If you admit that, you also admit that the picture is not complete; it should be complete, and it should be known that the Commission adopted the article by a majority, both at the second and third readings. If this procedure be adopted, I shall accept the Netherlands or Swedish reservation; if, on the other hand, the President, or the Rapporteur, proposes to insert the sentences in question in the report without putting them in the form of a reservation, I shall vote against this proposal, because we must pay attention, not only to the arguments of the minority, but also to those of the majority in order to maintain a proper balance in the report; otherwise the report will be top-heavy.
The President. — M. Rutgers wishes to add:

“In the opinion of these delegations this would leave in existence large armies . . .”

Dr. Markovitch (Yugoslavia). — We must reproduce exactly what happened at the meeting.

M. Sato (Japan). — If only the minority’s arguments are mentioned, the report will be incomplete. If the Commission agrees to give the majority’s arguments also, I shall reserve the right to submit a text.

Lord Cecil (British Empire). — I quite agree with M. Sato. I think this is a most irregular procedure, and that we ought not to have been drawn into it at all. I think we ought now to vote simply on whether we accept the paragraph or not, and I shall vote against its acceptance because I think it is quite irregular at this stage.

M. Rutgers (Netherlands). — I withdraw my proposal, since the Commission has given me a certain degree of satisfaction.

The President. — I thank you for your conciliatory spirit.

M. Massigli (France). — I wish to call attention to a printer’s error. In the second paragraph on page 5 in the sentence “It is understood that the effectives in reserve or under training . . .”, the word “or” should be omitted.

Lord Cecil (British Empire). — There is a mistake on page 5 of the English text. In the first paragraph the word “compulsory” ought not to be there, because it applies to all effectives whether compulsory or non-compulsory.

Pages 4 and 5 thus amended were adopted.

Page 6.

M. Massigli (France). — This page could be shortened. The second and third paragraphs of page 6 of English text, referring to proposals submitted to Sub-Commission A, could be omitted. The next paragraph would then be that beginning “It is understood that the Conference itself . . .”. The text would be simpler, and there would be no need for any discussion on paragraphs which possibly do not correspond exactly to the position.

The President. — The Rapporteurs agree to this omission.

M. Massigli (France). — In the last paragraph on page 6 of the English text there is a reference to the number of officers and non-commissioned officers. This is not quite correct, as we have separate limitations for officers on the one hand and for non-commissioned officers and men on the other hand. I propose that the words “and non-commissioned officers” be omitted.

General de Marinis (Italy). — We have been working for a month, and at the last moment, when we are dealing with the texts, there is a difficulty in prolonging our session for one day. I appeal to all my colleagues. The report must be examined in peace and quiet. I cannot see the reason for this hurry. We must not endanger our work by being impatient. Personally, I have not understood the changes made in pages 6 and 7.

M. Massigli (France). — I gave two reasons for the omission which I suggested on page 6: first, that we were going into details and perhaps incorrectly interpreting the decisions of the Commission, and, secondly, that there can be no harm in this omission, since it is stated later on that “It is understood that the Conference itself will be called upon to decide . . .” This wording clearly shows that the Conference will have to interpret the article; consequently, all opinions are covered. I pointed out that there was no need to mention Sub-Commission A in one paragraph when it is not mentioned elsewhere, although it expressed a large number of opinions.

General de Marinis (Italy). — I agree to this omission.

M. Massigli (France). — On page 6, I propose to omit the words “and non-commissioned officers” in the last paragraph, because there are actually two limitations, one for officers and the other for all other professional soldiers.

General de Marinis (Italy). — I agree on this point also.

Page 6 thus amended was adopted.

Page 7.

M. Westman (Sweden). — In the last paragraph but one of page 7, there is a reference to “the number of officers and (b) the number of soldiers other than officers . . .”. The members of this Commission know what is referred to, but it would be more correct to say: “the average daily effectives of officers”.

M. Cobián (Spain), Rapporteur. — It will be sufficient to delete the words “the number of”, and say, “the limitation of officers and soldiers . . .”

Page 7 thus amended was adopted.
M. Cobían (Spain), Rapporteur. — In the third paragraph of page 9 (French text), and in the second paragraph of page 11 (French text), the word “d’equipages” has been retained by mistake.

M. Colban (Norway). — In the first paragraph on page 8, “x months” should replace “x years”.

In the fourth paragraph on page 8, the word “soldats” (meaning private soldiers) should be replaced by the word “militaires” (meaning soldiers in general).²

Lord Cecil (British Empire). — The paragraph referring to the Soviet delegation should be omitted.

M. Cobían (Spain), Rapporteur. — I have already said that we were bound to accept all the reservations of the Soviet delegation. It is for the Commission to decide whether to omit them.

The President. — That decision was taken at the beginning of the discussion.

Page 8 thus amended was adopted.

Page 9.

M. Massigli (France). — In the last paragraph of page 9, an expression has been retained which has been omitted from the Convention in order to avoid any misunderstanding; I refer to the word “active” in the expression “active service”. This word has different meanings in different countries. This point might be explained by a footnote; an explanation in a few lines would be sufficient.

M. Cobían (Spain), Rapporteur. — I agree to omit this word, but I have some doubt about the explanation.

M. Massigli (France). — I will propose a text.

Page 9 thus amended was adopted.

Page 10.

Lord Cecil (British Empire). — I have a change to make in the English text only—first line, page 10. The words “for the furnishing of” should be changed.

Page 10 was adopted with this modification.

Pages 11, 12 and 13 were adopted.

Page 14.

M. Bourquin (Belgium), Rapporteur. — In the last paragraph of page 14, there is a reference to the “falling-off in the number of births in future years”. The Rapporteurs propose to omit the words “in future years” and to say simply “…falling-off in the number of births as a consequence of the last war”.

Page 14 thus amended was adopted.

Page 15.

Count Bernstorff (Germany). — In the penultimate paragraph on page 15, a German proposal is referred to. I would ask the Rapporteurs to insert a note: “See reservation by German delegation, page 12 of document C.P.D.294(a).³

M. Cobían (Spain), Rapporteur. — I agree.

Lord Cecil (British Empire). — The translation of the Spanish reservation in the second paragraph needs revision—its meaning in English is obscure.

Page 15 thus amended was adopted.

Page 16 was adopted.

Page 17.

M. Massigli (France). — As we have omitted the word “budgetary” from the articles, it should also be omitted from the first line of page 17.

M. Cobían (Spain), Rapporteur. — The Rapporteurs agree.

Count Bernstorff (Germany). — In the middle of the page it is said:

“The result of the vote taken on the principle of direct limitation was as follows:”

I request the Rapporteurs to point out that this was a German proposal.

M. Cobían (Spain), Rapporteur. — We agree.

Page 17 thus modified was adopted.

¹ Note by the Secretariat. — This does not affect the English text.

² Note by the Secretariat. — This latter remark does not affect the English text.

³ Note by the Secretariat. — Draft report, second part (see Annex 14).
M. Sato (Japan). — In the middle of the penultimate paragraph, the explanations regarding the Japanese delegation’s opinion do not give a true picture of our delegation’s attitude. I therefore venture to request the insertion of the following text:

“The Japanese delegation, while supporting the method of indirect limitation, nevertheless expressed the view that the adoption of this method did not necessarily exclude recourse to direct limitation in the case of a certain number of countries which cannot accept indirect limitation, but the number of such countries in this case should be strictly limited.

M. Cobian (Spain), Rapporteur. — We agree to M. Sato’s proposal. I regret that I did not exactly express his point of view.

In the same paragraph mention is made, not only of the Japanese delegation’s opinion, but also of that of the United States delegation. We were not able to insert the exact text of Mr. Gibson’s statement in the report because we had not the English text. We hope that Mr. Gibson will authorize us to translate his statement.

The President. — The following is the text proposed by the United States delegation:

“The American delegation stated that, whereas they were unable to accept budgetary limitation in any form as far as the United States was concerned (see American reservation), they did not wish their attitude to constitute an obstacle to agreement on the part of other Powers. They therefore stated that they were prepared to apply, as far as they were themselves concerned, direct limitation instead of indirect limitation, provided that some practical budgetary method were generally agreed upon, which would be sufficiently detailed and precise to constitute an effective means of limitation.

Page 18 thus modified was adopted. Page 19. Page 20.

Lord Cecil (British Empire). — I have a very small alteration with reference to the British declaration on page 20, third paragraph. The final sentence of the second paragraph on this page reads: “The British delegation made the following statement to the same effect”.

I suggest that this sentence be deleted and that the inverted commas round the British statement be suppressed.

The wording will then be: The British delegation were ready to admit . . .

It is merely a question of drafting, but it would convey our feeling better.

M. Cobian (Spain), Rapporteur. — We agree.

M. Massigli (France). — I should like to have added to the second paragraph, after the words “The Norwegian delegation observed that”, the words: “in their opinion”, in view of the fact that, on page 17, the report refers to a vote against the combination of the two methods. There is a slight contradiction which should be avoided.

M. Cobian (Spain), Rapporteur. — I should point out to M. Massigli that, on page 17, to which he refers, it is said: “on a vote being taken on the principle of the simultaneous employment of the two methods . . . .” There is no reference to combination.

M. Massigli (France). — There is indeed a difference in meaning, which I regret I did not notice, and I withdraw my request.

Page 20 thus modified was adopted. Page 21.

Page 21 was adopted. Page 22.

Lord Cecil (British Empire). — I propose that we should strike out the portion about the Soviet delegation.

M. Cobian (Spain), Rapporteur. — That will be noted.

Page 22 thus modified was adopted.

The meeting rose at 8.30 p.m.

Note by the Secretariat. — See paragraphs Nos. 171 and 181 in the definitive report,
TWENTY-FIFTH MEETING.

Held on Monday, December 8th, 1930, at 4.30 p.m.

President: M. Loudon (Netherlands).


PART II. MATERIAL: CHAPTER B. NAVAL ARMAMENTS.

Page 1 was adopted.

Page 2.

Count Bernstorff (Germany). — I should like a correction made in the first line of the last paragraph of page 2. This is necessary in view of M. Cobian’s remarks and the definition of reserves that has been given. The report says “the German delegation stated that, in view of the great value of non-floating material . . .”. I wish it to read: “the German delegation made a reservation, in view of the great value . . .”.

Page 2 thus modified was adopted.

Page 3.

Lord Cecil (British Empire). — I have made a number of notes with regard to the translation but, unless the Commission so desires, I do not propose to trouble them with these. If the Commission will allow me to do so, I will send our criticisms of the translation to the Rapporteurs, and perhaps they will have the matter looked into by the official translators. That will save time. I will only call attention to matters which seem to me to make a serious difference in the sense. There is one here of real importance—that is the use of the word “indication” in the second paragraph. It ought to be “illustration” in English.

Page 3 thus amended was adopted.

Page 4.

M. Colban (Norway). — I am sorry to see the emphasis laid on the fact that certain countries will not be in a position to reduce their armaments, but will on the contrary find themselves compelled to increase them. I do not deny that this attitude may be justified in certain cases; but it already finds expression on page 2 of the second part of the draft report where we read in the last paragraph that “their present armaments are far from sufficient to guarantee national safety. This reservation was made in precise form, particularly in relation to naval and air armaments, the latter being scarcely at all developed in the majority of States.” Now this same conception reappears on pages 4 and 5 of the document at present before us. I should be glad if the Rapporteurs would get together with the delegates concerned with a view to cutting down this passage. We must not give the impression that the object of our labours is to leave certain countries free to arm. On the contrary, it should be made clear that our object is to prepare for the reduction of armaments.

Lord Cecil (British Empire). — In that connection, there is, in the last paragraph but one on page 4 of the English text, the phrase “but gave it greater elasticity by adding the in words ‘as far as possible’”. I do not like that phrase in English at all, and I suggest it would be better to say: “The Commission finally adopted the principle of such a reduction, adding, however, the words ‘as far as possible’”—which are quite clear and definite in their meaning. I confess the other phrase, “gave it greater elasticity”, gives a false impression to my mind.

M. Cobian (Spain), Rapporteur. — I see no reason against accepting Lord Cecil’s suggestion, particularly as I imagine it will satisfy M. Colban.

M. Colban (Norway). — No. The proposed amendment does not satisfy me. My remarks referred to the general form of this part of the report. However, if the Rapporteurs cannot meet my wishes, I will not press the point.

M. Holsti (Finland). — The Finnish delegation is in agreement with the Yugoslav delegate, and I suppose our reservation will be put more or less in the same form as in the penultimate paragraph of page 6.

1 Note by the Secretariat. — See last paragraph on page 4.
M. Cobian (Spain), Rapporteur. — I mentioned only the Yugoslav delegation, because it was the only delegation that sent in the text of its reservation. I have no objection, however, to adding that the Finnish delegation supports this reservation.

M. Holsti (Finland). — I would like to add that the Sub-Committee gave its approval to the reservation.

Page 4 thus amended was adopted.

Page 5 was adopted.

Page 6 was adopted.

General de Marinis (Italy). 1 — In the last paragraph but one of page 7 (French text) an error has crept in. The paragraph is referring to the freedom to transfer from the “clause” of submarines to that of light surface-vessels. The word “clause” is wrong: it should be “classe”.

Vice-Admiral Surie (Netherlands). — In the last paragraph but two of page 7, the report reproduces a speech made by the Netherlands delegate. I venture to point out that the speech is incomplete, and that what has been left out is the most important sentence. On referring to the Minutes, I find that M. Rutgers said at the end of his speech: “For my part, I make every reservation in regard to the interpretations to which we have listened.” I should like this sentence added in the report.

M. Cobian (Spain), Rapporteur. — The omission is not due to forgetfulness or inadvertence on the part of the Rapporteur. M. Rutgers’ statement was made verbally in the Commission, and ended with the words: “I make express reservations in regard to the interpretations which have been given.” If Admiral Surie will be good enough to refer to the Minutes, he will find that different and even contradictory interpretations had been offered. In view of the difficulty of determining to which of those interpretations M. Rutgers’ reservations applied, the Rapporteur thought it better to omit the sentence in question in order to prevent any misunderstanding. It appeared to us that the essential part of M. Rutgers’ declarations was the statement that, if the second rule adopted was made subordinate to the first, that would, in his opinion, modify the scope of the system. We reproduced this statement. If Admiral Surie wishes to add that the Netherlands delegate made an express reservation in regard to any particular interpretation, this can be done. But if we were to do so in the vague form which I have quoted, it would not be clear to which interpretation M. Rutgers’ reservations referred, since a number of conflicting interpretations were submitted.

Vice-Admiral Surie (Netherlands). — The Netherlands delegate made reservations with regard to all the interpretations put forward.

M. Cobian (Spain), Rapporteur. — Very well, then, I suggest to Admiral Surie that we say: “The Netherlands delegate also pointed out that, if they made the second rule adopted subordinate to the first, they would modify the scope of the system, and, in that connection, he made a formal reservation.”

Vice-Admiral Surie (Netherlands). — I accept that proposal.

I have now another observation to make. The three rules have been stated, and an interpretation has been given of each of them. Our delegation does not accept these interpretations of any of the three rules. But I should like to draw the attention of the Commission to the interpretation of the second rule. Rule 2 contains the positive statement that: “Powers whose total tonnage does not exceed 100,000 tons 2 will have full freedom of transfer as regards surface ships”. The interpretation “admits the possibility of unlimited transfer as regards surface vessels, but excludes submarines from this option”. I think that is not accurate. We never discussed the question of the transfer of submarines. If it be desired, in this interpretation, to lay down that unlimited transfer is not allowed in the case of submarines, I should like, instead of saying “but excludes submarines from this option”, to end the paragraph as follows: “but excludes submarines from such unlimited transfer”, for the reason that there is always a possibility of transfer in the case of submarines up to a certain point.

M. Westman (Sweden). — I admire the courage of the Rapporteurs in offering comments on the three rules in Table III. I for my part should rather be inclined to refrain from all comment, and simply to reproduce the rules.

M. Cobian (Spain), Rapporteur. — Admiral Surie has correctly grasped the scope of the interpretation of the second rule. The sentence in question could only refer to the possibility of unlimited transfer. As to that we are in agreement. It was for that reason that we spoke of the possibility of unlimited transfer in the case of surface ships, while adding that there was no freedom to transfer submarines.

But M. Westman has raised a point that applies to all the rules and I should like the Commission’s opinion on the question whether it is, or is not, desirable to omit all the interpretations. I was expecting M. Westman’s observation to be made, but from another quarter. I hesitated a long time before inserting these interpretations, and hesitated still more in regard to retaining

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1 The English text is not affected.
2 This figure is given as an indication.
them, after the statements by Lord Cecil and Mr. Gibson. If all the delegations had stated their views on the interpretation of these rules, the Rapporteur's task might have been confined to reproducing the statements made. But as only a limited number of delegations have given their interpretations, and as, moreover, this document is not intended for a single country, but for all countries, I felt that, in view of the importance of the question, it was desirable, and even necessary, for the Rapporteur to add this interpretation. It goes without saying that it is only the Rapporteur's interpretation which he submits to the Commission for the latter to accept or reject as it pleases. But I think it would not be a good thing to omit it, particularly as there is no opposition to the interpretation in itself. It does not seem to me that it would be wise to say merely that the question of interpretation does not arise and leave the matter for subsequent discussion. As Rapporteur, I should have no serious objection to omitting the interpretation, if the Commission so desires; but I felt I should state the motives behind our decision to insert it.

Vice-Admiral Surie (Netherlands). — The Netherlands delegation prefers a mere statement of the rules, without any interpretations, which are always liable to give rise to misunderstanding. On this ground I support the Swedish proposal.

Lord Cecil (British Empire). — I confess that my judgment goes with M. Westman in this matter. The Rapporteurs have done marvellously well in trying to explain the exact bearing of Rules 1 and 2; it is evident that that is a problem which we shall have to solve some time, or the Conference will have to solve it. But I confess I am a little frightened of the wording here. I think it might make matters a little more difficult—rather than less difficult—and I am inclined to think that, on the whole, it would be better to leave the explanations out altogether.

One thing about which I feel quite certain is that we ought not to try to redraft them; we ought either to accept what the Rapporteurs have inserted or strike it out altogether; if we try to redraft, we shall have absolute confusion in a Commission of this size. Unless, therefore, we are prepared to accept the explanations given as sufficient, I think they had better come out. I cannot say that I should have any great difficulty in accepting them, but, on the whole, I think it would be safer to leave them out.

Dr. Markovitch (Yugoslavia). — I support the Rapporteur's view. I think this interpretation is necessary, because it follows on certain declarations relating to the interpretation of our text. If we omit this interpretation, we run the risk of giving the preceding declarations a character which they have not got.

M. Cobian (Spain), Rapporteur. — I agree entirely with Dr. Markovitch and thank him for his support. But as those who have retained the two conflicting texts desire to omit the interpretation of the text they drafted themselves, it would be churlish for the Rapporteur to insist on retaining them, unless the Commission decides in that sense by a majority vote.

The President. — I will take the Commission's opinion as to the retention of the three interpretations.

It was decided by six votes to five to omit the interpretations.

M. Politis (Greece). — I apologise for intervening in the discussion, and at so late a stage. I should have liked to give my opinion, for I do not understand what is wanted. Here we have an interpretation; and I may be allowed to refer to it, for the reason that I had the honour of being Rapporteur to the Sub-Committee which twice reported to you—the first time when it submitted three rules to you in a slightly different order (the present first rule being then the third), and the second time, when, as the result of an understanding with the British delegate, we changed the order and put the third rule first. I had the honour to explain to you the purport and scope of these three rules.

The Rapporteurs had no difficulty in recapitulating the facts; and, as Dr. Markovitch said just now, an interpretation is essential at this point because, when we revised the printed text of our draft Convention, certain declarations were made which may have startled the Commission. It was therefore necessary once more to define the sense in which we drafted the three rules; and I congratulate the Rapporteurs on their desire to do so.

Now comes a discussion. A number of delegates wish to omit the commentary. Why? Because it is useless? Or because it seems to them inaccurate? That is a point to get clear. We proceed to vote—on the initiative of those who want the omission of these passages—and the Commission is divided. The result, it seems to me, should be that we let the Rapporteurs' text stand. That is what I think should be done.

Lord Cecil (British Empire). — I am a little astonished at M. Politis' rule of procedure. What it would mean is that, if there were a single member of the Commission who agreed with the Rapporteur, then the report is to stand. Surely this is the report of the Commission and not the report of the Rapporteur, and it must be determined ultimately by the majority of the Commission. I should be perfectly happy whichever way the decision went, but I do think that, if the Commission has decided by a majority to leave out these explanations, the ought to be left out.

M. Cobian (Spain), Rapporteur. — I am very much obliged to M. Politis for what he has said. The question before us was as follows. The report contained an interpretation. Two or three delegations expressed the opinion that any interpretation of the three rules was useless, or even dangerous. Another delegation, on the other hand, maintained that these passages should be kept. The Commission voted on the point.
What had the Commission to decide? It had to decide whether these passages should or should not be omitted, and not whether they should be replaced. It was decided to omit them by six votes to five. What does that mean? It means that there were fifteen abstentions—that is to say, fifteen delegations indifferent whether the passages were kept or dropped. The great majority of the delegations having therefore failed to support the text in the draft report, I feel it is the duty of the Rapporteurs to omit these passages.

The President. — I think we are all agreed to omit them.

M. Politis (Greece). — In view of M. Cobián's statement, which I interpret as an act of courtesy to the Commission, it would be churlish for me to press my point; but I must say, as a matter of principle, that if the rules are to be applied they should be applied in their integrity. You have put the retention of these passages to the vote, and on a division the Commission has decided not to retain them. Very well, then: under the rules their omission should have been put to the vote as an amendment.

M. Cobián (Spain), Rapporteur. — It was indifference that carried the day! It is understood, then, that we omit from Page 7 the text from "The rules contained in Table III..." to the words "... of the Powers applying for them", at the end of the fourth paragraph on page 8.

The President. — The rules remain; we have been speaking only of the interpretation.

M. Westman (Sweden). — The rules should come at the bottom of Page 5.

The President. — They will be inserted after the words "... as the introduction to Table III" in the last paragraph of page 5.

It was agreed to omit the commentary on the rules and to insert the rules at the bottom of page 5.

Lord Cecil (British Empire). — I think the fifth paragraph on page 8, beginning "The Soviet delegation", ought also to come out according to the rule which we adopted on Saturday.

M. Cobián (Spain), Rapporteur. — I am in a great difficulty here: this is not a reservation, but a suggestion made in the Commission. I am merely explaining what happened.

Lord Cecil (British Empire). — The Commission has decided over and over again that this should be done. We must have a rule. The suggestion made originally by M. Lounatcharsky, and supported by myself as it happened, has been acted upon over and over again by the Commission. We surely cannot go forward and then back.

M. Lounatcharsky (Union of Soviet Socialist Republics). — We made no such suggestion. We said that it was indifferent to us what was said in the report, so long as we were able to submit our resolution separately.

M. Cobián (Spain), Rapporteur. — If the Commission decide to omit all reference to the views of the Soviet delegation, the whole text will have to be remodelled to eliminate all trace of the latter's intervention.

Lord Cecil (British Empire). — I have no feeling at all in the matter, and if the Soviet delegation would like to have this reference in, I have no objection. But it seems impossible to strike out references to this delegation in one part and maintain them in another. You must have it one way or the other; if you are going to leave such references out then you must leave this one out too.

M. Lounatcharsky (Union of Soviet Socialist Republics). — The Commission is perfectly free to do what it pleases with its own report, and I for my part shall take no share in the matter.

M. Colban (Norway). — We can omit the reservations which the Soviet delegation put forward after the close of the discussion, since the Soviet delegation has stated that it proposes to submit them as a separate document. But we should keep the reference to the Soviet proposal out of which the discussion arose.

M. Cobián (Spain), Rapporteur. — If the Commission decides to omit this passage, the Rapporteur will of course defer. It is for the Commission to interpret its decision of the other day with regard to the Soviet delegation.

The President. — In view of M. Colban’s remark, I take it the Commission is in favour of retaining this passage of the report.

Agreed.

Lord Cecil (British Empire). — I am sorry that I do not like the last paragraph of page 8. I should prefer to say: "The Commission, however, did not think this question came within its competence. The figures actually inserted are, as already stated, by way of illustration only."
M. Cobian (Spain), Rapporteur. — As the author of this wording, I am free to acknowledge that it is very poor! It should be made clear that it is the figures of the London Agreements which are given as an illustration and not the text of this treaty.

As to stating that the question does not come within the Commission’s province, I hesitate to do that; for, if I remember rightly, the Commission was divided on the point whether a figure of some kind should or should not be kept in the text.

Lord Cecil (British Empire). — I am quite content. I thought we had all arrived at the conclusion that this was a matter outside our jurisdiction. If there be any doubt about it, I do not want to put these words in. We can say that the Commission did not decide the question and that the figures are given by way of illustration only. I do not care which way it is put, but I do want to say that we did not decide the question and that we did insert the figures merely as an illustration of how the thing would work.

M. Cobian (Spain), Rapporteur. — M. Bourquin suggests to me the following wording:

“The Commission confined itself, however, to inserting—but by way of illustration only—the figures given in the text proposed by the signatory Powers of the London Agreements, fixing the tonnage-limit for capital ships at 35,000 tons and the limit for the calibre of their guns at 16 inches.”

The above wording was adopted.

Pages 7 and 8, thus modified, were adopted.

Page 9 was adopted.

Page 10.

Vice-Admiral Surie (Netherlands). — From the paragraph dealing with Article 18, I propose to omit the following phrase: “... since the Commission recognised that it would be equitable to provide merchant vessels, in case of need, with certain means of defence.”

I do not think the Commission discussed this point. At any rate, Article 18 does not deal with this class of ships. It deals with auxiliary vessels—that is to say, merchant ships armed with a view to conversion into vessels of war. It is mainly in connection with the question of publicity, with which Article 34 deals, that this distinction is of real importance. The present Convention has nothing to do with merchant ships armed for purely defensive purposes.

M. Cobian (Spain), Rapporteur. — Article 18, in the form adopted by the Commission, says that “no preparation shall be made in merchant ships in time of peace for the installation of warlike armaments for the purpose of converting such ships into vessels of war”. I included a reference to this clause in the report, because I thought that a number of speakers had supported the clause, and I added some explanatory remarks in justification of my reference. But I have no objection to my explanatory remarks being omitted.

Lord Cecil (British Empire). — I did not quite follow the amendment of Admiral Surie.

Vice-Admiral Surie (Netherlands). — I was proposing to delete the words from “since the Commission recognised” to “certain means of defence.”

Lord Cecil (British Empire). — Then you would make it “This exception to the established rule was finally adopted”, and stop there? I have no objection, and I am interested to hear what the Admiral thinks is the meaning of Article 18. However, I am content to accept that.

I want to say “rules as stated”, not “established rule”.

Page 10 thus modified was adopted with the omission desired by the Netherlands delegation.

Page 11.

M. Sato (Japan). — At the bottom of page 11 there is a reference to the French delegation’s reservation in respect of the limitation of expenditure on upkeep, purchase and manufacture of war material for naval armaments. Then at the top of page 12 comes the German delegation’s reservation, and afterwards on page 12 the reservation of the Japanese delegation. The latter relates to the same subject as the French reservation.

M. Cobian (Spain), Rapporteur. — Yes, the order of these two paragraphs should be inverted and the Japanese reservation come before the German reservation.

M. Sato (Japan). — I will ask the Rapporteur to draft the text in the following form: “The Japanese delegation also made a reservation in the same sense.” That will be clearer.

M. Cobian (Spain), Rapporteur. — I agree.

M. Massigli (France). — In the third paragraph of page 11, the Rapporteurs have referred to an incidental proposal of the French delegation. As this proposal was not discussed, or even put into writing, I ask for the omission altogether of the words: “The French delegation suggested that budgetary limitation should be applicable only to such categories of material as have not been covered by direct limitation.”

M. Cobian (Spain), Rapporteur. — I have no objection.

Page 11, thus modified, was adopted.
Vice-Admiral Surie (Netherlands). — I should like the Rapporteurs to add after the last sentence but one on page 12, ending with the words “exceeding 8,000 tons”, an explanation of Table II. I propose the following text:

“. . . while the High Contracting Parties non-signatories of the Treaty of London have the option of including cruisers of sub-division (ii) and destroyers in a single category.”

The object of this phrase is to explain Table II of the draft. You will note that there is a horizontal line in columns A, B and C between the items “(ii) Guns of 6.1 inches and less (155 mm)” and “(d) Destroyers.”

M. Cobian (Spain), Rapporteur. — The report merely drew the attention of the Commission to the three tables in quite a summary manner, which seemed to us better. We simply said: “Table I will have the figures of global tonnage allocated to each High Contracting Party. Table II will serve to show the distribution of such tonnage between the categories defined in Annex III in accordance with the scheme fixed in London.” I propose to leave the explanations at that; but I am afraid, nevertheless, that this may give rise to some difficulties in understanding the table we are discussing. That is why we added the words:

“A special sub-division has, however, been admitted in the class of capital ships for those High Contracting Parties which have no capital ship of a standard displacement exceeding 8,000 tons.”

I accept Admiral Surie’s explanation; but I think its place is not on page 12, particularly as Annex III gives the definition of capital ships and mentions the exception we are discussing.

Vice-Admiral Surie (Netherlands). — That meets my wishes entirely. The addition of a footnote to this effect was approved.

General de Marinis (Italy). — As appears from the Erratum 1 distributed to us, there has to be inserted after the first paragraph a new paragraph in the following terms:

“The British delegation explained that their acceptance of this article depended on the attitude finally adopted by other maritime Powers.”

The Italian delegation agrees with the British delegation, and proposes accordingly to amend the new paragraph to read:

“The British and Italian delegations explained that their acceptance . . . ”

I further propose to add in the third paragraph of page 12, after the words “which are binding solely upon the signatories”, the words: “of Part III”.

M. Cobian (Spain), Rapporteur. — That shall be done as General de Marinis desires.

The addition of a footnote to this effect was approved.

Page 12, thus modified, was adopted.

The draft report (third part), modified as shown above, was adopted.


M. Cobian (Spain), Rapporteur. — Some delegations have felt some surprise at the absence of any mention of the former Article AD in this part of the report. I want to state that there is a reference to this article in another part of the report and an account of what happened in regard to it. I am anxious to make this point so that it should be clear that the question has not been left out of sight.

Page 1.

Lord Cecil (British Empire). — In the penultimate paragraph on page 1, third line, I think the text should read: “but also complete machines in immediate reserve”. That was what we agreed to.

1 Note by the Secretariat. — This erratum has been inserted in the draft report, third part; see Annex 16.
M. Cobián (Spain), Rapporteur. — Lord Cecil’s remark is only logical. This omission is due to the fact of the report having been drafted before the adoption by the Commission of the final texts proposed by the Drafting Committee.

Page 1, thus modified, was adopted.

Lord Cecil (British Empire). — With reference to the last paragraph on page 2, which reads: “It should be noted in the case of this Article (Article 26) that the British and Canadian delegations consider it will not be possible to specify the horse-power figures”, with great respect I venture to say that this is not what we said. We said: “...consider that it is impracticable to find any standard of horse-power measurement that would afford a satisfactory basis of limitation”, and I would ask that those words be inserted in place of the text in the report.

This amendment was approved.

Page 2, thus modified, was adopted.

Lord Cecil (British Empire). — I would draw attention to the fourth paragraph on page 3, which reads: “The Commission accepted this standpoint, and decided not to propose particular rules, but to leave the Conference to take a decision on the point.”

We feel that is a little insufficient, because what we really did was to suggest the appointment of a technical Committee, which should report on the subject, and that it would then be for the Governments to decide what they thought before the Conference met, and not necessarily to leave it to the Conference. Therefore, I should prefer to leave out the words “but to leave the Conference to take a decision on the point”, and to redraft the paragraph in this way:

“The Commission is, however, of opinion that it is desirable for the Council to entrust to experts the preparatory studies required for the laying down of such rules, and that such rules should be communicated to the Governments, who might be invited to accept them as a preliminary basis for calculating the figures to be inserted in the table.”

I think that is what we really decided, though I do not wish to press the matter unduly.

M. Cobián (Spain), Rapporteur. — I remember the Commission decided to leave a decision in the matter to the Conference, and the present text of the report is therefore accurate. The Commission also thought it desirable that the Council should entrust the preliminary studies for the definition of these rules to experts, on the understanding that the Conference itself should define the rules. I think, therefore, that this passage of our report is clear and not open to misunderstanding. I doubt however, whether Lord Cecil’s more detailed wording would be equally intelligible and equally clear. I have no objection, for my part, to adopting it; but I would draw the Commission’s attention to the fact that, with our present text there is no possibility of misunderstanding.

Lord Cecil (British Empire). — The serious and substantial point is this. We think there will be considerable difficulty at the Conference unless, before the Conference, there is some basis on which the Conference can discuss the matter. The substance of the matter is—as we thought was agreed during the discussion—that we should ask the Council to arrange that a Committee of Experts should present their report in sufficient time to enable the various Governments to consider it and base their views for the Convention on it. That is the substance of the amendment. I think it would be a good plan to have that, but, as I say, it does not matter very much.

M. Cobián (Spain), Rapporteur. — I think the Commission will feel that Lord Cecil’s suggestion should be taken into account.

The British delegation’s proposal was approved.

Page 3, thus modified, was adopted.

Page 4 (down to but not including Article 27).

General de Marinis (Italy). — I should like mention to be made here of the Italian delegation’s reservation in regard to the tables.

M. Cobián (Spain), Rapporteur. — I accept General de Marinis’ suggestion.

This part of page 4, thus modified, was adopted.

Page 4 (from Article 27).

M. Massigli (France). — Our Rapporteur suggests leaving till later any allusion to Article AD. I think, however, that, in view of the importance which has attached to this question during our discussions, it is not sufficient to refer to this article in connection with the provisions for the revision of the Convention. To adhere to the “photographic” principle we are following in the drafting of this report, I should like to see a passage inserted here on this point. I think it might
come after the second line of the last paragraph on page 4 (after the sentence: “Article 27 deals with the interesting problem of the relation between civil and military aviation”). I propose the following text:

“The draft Convention as adopted at the first reading contained the following article (here insert the text of Article AD).

“At the second reading, the Commission thought that, as this article merely stated a situation of fact, it was not essential to retain it in a Convention of this character, and that it was sufficient to state in the report that various delegations reserved the right to bring the whole problem of civil aviation before the Conference.”

The context would of course have to be remodelled to some extent; but I believe the insertion of some such formula as I have suggested would give an accurate picture of what took place on the Commission.

M. Cobian (Spain), Rapporteur. — I admit that the report should be photographic, but it must be a synthetic photograph, if I may so express myself, unless we are to insert the whole of the Minutes! I recognise that the text M. Massigli proposes gives an exact picture of what happened in the Commission. But I am afraid, if we introduce it at this point, that it may lead to some confusion. Would it not perhaps satisfy M. Massigli if his wording were inserted as a footnote at the bottom of the page?

M. Massigli (France). — I agree to M. Cobian’s suggestion.

The Rapporteur’s proposal was approved.

Page 4, from Article 27, was adopted.

Pages 5 and 6 were adopted.

Pages 5 and 6.

Dr. Riddell (Canada). — I believe that the first paragraph on page 7 does not give a complete idea of the objects of the Canadian amendment. As worded, the paragraph makes it appear as if the only effect of the Canadian amendment would have been to do away with the provisional and temporary character of seconding to civil aviation undertakings. This, however, was only one part of the Canadian amendment; the other part being of a very constructive nature—namely, arranging for all seconded personnel and machines to be counted in the quota allotted to each State.

I would propose the redrafting of the three paragraphs dealing with this subject as follows:

“An amendment was submitted to the Commission by the Canadian delegation to delete paragraph 2 of Article 27 and to substitute the following:

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

“The effects of this amendment would have been to set out clearly that all seconded personnel and material would be counted in the quota allotted to each State, and also to eliminate the temporary and provisional character of seconding.

“The Commission, while appreciating the special circumstances of Canada, was not prepared to recede from the general rule to which it had given its approval—namely, that seconding should be only of a provisional and temporary character. It was thought that a solution of the difficulty might be found in the establishment of an exceptional arrangement, the form of which would have to be settled by the Conference. The Commission, while disallowing the deletion of the second sentence of paragraph 2 of Article 27, accepted unanimously the insertion of the Canadian amendment by which all seconded personnel and material should be included in the quota allotted to each State.

“The Canadian delegation subsequently submitted a reservation in regard to the temporary and provisional character of the seconding of personnel to and the employment of military aviation material in, civil aviation undertakings. Canada, because of its special needs and problems, requires, for the reasons given in the Minutes of December 2nd, 1930, the unrestricted right of seconding, in order to develop its country of vast distances and to protect its citizens and natural resources.”

You will see that only slight changes are proposed, but I think they will give a rather clearer picture of the purpose of our amendment as a whole. I appreciate fully the difficulties under which the report has been drawn up. I should be glad, however, if the text that I have just read could be substituted for the present text.

M. Cobian (Spain), Rapporteur. — Mr. Riddell’s statements deal with two points—first, his reservation, and secondly, the summary of the discussion on the Canadian amendment.

As regards his reservation, we have inserted in the report the page he sent us. If, however, the Canadian delegation prefers, for one reason or another, this new drafting of its reservation, it is clear we can accept that now, because no one knows better than the delegations submitting reservations how they should be worded.

As regards the passage in the report on the subject of the Canadian amendment, I understand the importance which Dr Riddell attaches to the matter, and I venture to ask the President and the Commission to postpone their approval of the text submitted by the Canadian delegation to the next meeting, in order to allow of its distribution beforehand.
Dr. Riddell (Canada). — The proposal of the Rapporteur is entirely satisfactory. I regret exceedingly that it was not possible to submit our text to the Rapporteur for his consideration before the opening of the meeting, and since then he has been so occupied that there seemed to be no purpose in placing it before him, until we came to this part of the report.

The President. — The Canadian proposal will be distributed this evening, and we can take a decision to-morrow.

A decision on page 7 was thus postponed.

Page 8 was adopted.

Page 9.

Count Bernstorff (Germany). — Page 9 contains a short summary of the discussion with regard to the dropping of bombs. At the bottom of the page there is a footnote referring to the Minutes of the sixth session. It seems to me, however, that the aim of our proposal, which was rejected, might be shown more clearly and I should like to suggest that the Rapporteurs should insert between the words “to prohibit” and “the launching” what we regard as the essential part of our proposal, and accordingly re-word this part of the draft as follows:

“... to prohibit essentially offensive means, the destructive effects of which also threaten the civil population—namely, the launching ...”

M. Cobian (Spain), Rapporteur. — I have no objection to a reference to the explanation Count Bernstorff has given; but I must remind the Commission that the draft reproduces exactly Count Bernstorff’s proposal as it stands on page 85 of the Minutes of the sixth session (first part), document C.195.M.74.1929.IX.

The President. — Count Bernstorff wants to insert between the words “to prohibit” and the words “the launching” the following phrase: “means of an essentially offensive character, the destructive effects of which also threaten the civil population—namely ...”.

M. Cobian (Spain), Rapporteur. — The next paragraph says:

“After a very interesting discussion, this proposal was rejected.”

I am not sure whether it would not be better to distinguish between the text of the German proposal and the explanation Count Bernstorff has just given. It was the proposal which was rejected. We might perhaps leave the text as it stands and add that the German delegation made a declaration to such-and-such effect.

Count Bernstorff (Germany). — What influences me is precisely the fact that the second paragraph mentions that certain delegations stated that they did not imply by their vote that the bombardment of civil populations from the air was authorised. That is stated in the second paragraph and not in the first. That being so, one does not understand what is meant.

Lord Cecil (British Empire). — Could you not alter the text in this way: instead of saying “a proposal to prohibit”, say: “a proposal with the object of prohibiting”, and then quote Count Bernstorff’s words?

M. Cobian (Spain), Rapporteur. — The second paragraph might be drafted as follows:

“After a very interesting discussion, this proposal was rejected, five delegations voting in its favour. In the discussion, Count Bernstorff gave expression to his point of view, and the delegations which did not accept the German proposal ...”

The above text was approved.

Page 9 thus modified was adopted.

Pages 10 and 11.

Lord Cecil (British Empire). — I have an amendment to paragraph 4 of page 10. At present it runs thus:

“In adopting this principle (Article 28) the Commission desired to emphasise that such limitation should be applied individually, taking into consideration the conditions peculiar to each country.”

I do not know what the French is, but it makes no sense in English. It would not be understood. I suggest this:

“In adopting this principle (Article 28) the Commission desired to emphasise that such limitation should be used for checking the growth of the armaments of each country, and not as a method of comparison between one country and another, the cost and conditions of manufacture varying very much in different countries.”

I am anxious that the point which I have just stated should appear somewhere in the report. We always wanted that to be stated, and I think merely to say “individually” is not enough indication.
M. Cobian (Spain), Rapporteur. — Would it not be better to replace the whole paragraph by the following:

"The British delegation stated that such limitation should be used for checking the growth of the armaments of each country . . . .", reproducing the text proposed by Lord Cecil? This would incorporate the idea in the report, and not give rise to objections on the part of other delegations.

M. Fierlinger (Czechoslovakia). — The British delegation’s idea appears on page 11, where it is stated, in the second paragraph, that "the Commission requested the Committee to study in particular . . . ."

It would be sufficient to add at the end of the fourth paragraph on page 10:

"... that such limitation should be applied in accordance with individual requirements."

M. Massigli (France). — I would rather like to attribute the view expressed by Lord Cecil to the Commission, but with one slight alteration.

Instead of saying "for checking the growth of the armaments", read "for checking the evolution of the armaments."

Lord Cecil (British Empire). — As for the change suggested by M. Massigli, I entirely agree with his object. I think that the English word "growth" is a better word than "evolution", which I do not think would be very suitable here.

M. Massigli (France). — Another point. We have used throughout this part of the report, and have left as the heading of Part III, the expression "budgetary expenditure". But we want to make the text apply to all expenditure. The word "budgetary" should therefore be omitted.

Dr. Markovitch (Yugoslavia). — I support the British delegate’s proposal. I may add that the Commission has already approved his standpoint.

M. Sato (Japan). — I have no objection to accepting Lord Cecil’s amendment; but the Commission will remember that there was a discussion on this subject, and that it adopted M. Politis’ view.

Is M. Politis satisfied with the British amendment, or does he find that it contains a certain shade of difference? If I am not mistaken, he was very insistent on individual treatment of the budget of each country, in accordance with the special circumstances of each country, whereas Lord Cecil’s amendment does not give adequate emphasis to this point. I have some doubts in the matter. I realise that it is a question of drafting, but I should like to know whether M. Politis is prepared to accept the British amendment or not.

Lord Cecil (British Empire). — With great respect, that is a different point. I quite agree it is a point which ought to be brought out, and it is brought out on the next page when we come to the instructions to be given to the Committee of Experts. The point I am anxious to see brought out now is one which I thought, with M. Massigli, we all agreed upon—that budgetary limitation, as we have called it here, cannot be used as a means of comparison between one country and another. Its only object is to keep a check on the growth of armaments in each country and not to show, that because one country has a larger or a smaller budget than another, there is any ground for drawing a comparison between the two amounts, because there are different results in different countries. But if one country spends one million pounds in one year and fifteen million pounds in another year, that is ground for thinking that that country’s armaments are being increased. It is that idea which is a little difficult to express in a few words. I have tried to express it in the amendment I have put in. I think it was the idea the Rapporteurs had in their minds when they put in the word "individually", but I venture respectfully to think that that word does not really give a sufficient indication of this particular point.

M. Politis (Greece). — I owe M. Sato an explanation. What Lord Cecil has just said makes it unnecessary for me to speak at length, for I am in entire agreement with him. It is a fact that there are two ideas involved. The object of Article 28 is to make this comparison so as to see, from year to year, how the countries stand in respect of their military expenditure. Then there is the question of method. How is the limit which Article 28 specifies as necessary to be calculated for each country? I urged—and a number of delegations agreed with me—that the calculation of this limit should take into account the special situation of each country. This idea is explained very clearly on page 11 of the report.

Dr. Markovitch (Yugoslavia). — I suggest that the Rapporteurs should consider redrafting the text of page 10 and the first two-thirds of page 11, in order to bring these two ideas out clearly.

M. Cobian (Spain), Rapporteur. — The report says that this "limitation should be applied individually". M. Markovitch’s idea is therefore already embodied in this paragraph, since these words indicate what follows after.

At the same time, I have no objection to inserting Lord Cecil’s proposal, as amended by M. Massigli, in this paragraph—but at the end of the paragraph. I may add that all the other ideas will be found on pages 11 and 12.

Dr. Markovitch (Yugoslavia). — I agree, but I still think the text might be better drafted.

M. Cobian (Spain), Rapporteur. — I am obliged to M. Markovitch for suggesting that I might find a better drafting; but I think it preferable to follow that of Lord Cecil as amended by M. Massigli.
M. Politis (Greece). — To satisfy M. Markovitch, I suggest we add to the wording as amended by M. Massigli the following phrase: “As regards the method of limitation, the necessary explanations are given on pages 11 and 12”.

Lord Cecil (British Empire). — I raise no objection to that. M. Markovitch’s point is really very fully dealt with in the paragraph beginning “While agreeing to the limitation of budgetary expenditure, several delegations . . .”, on page 12. I should have thought it was unnecessary to encumber the text here with any further reference, but M. Politis is a much better authority than I am on the question of drafting.

The President. — We are to adopt, then, Lord Cecil’s wording as amended by M. Massigli, with the addition proposed by M. Politis.

General de Marinis (Italy). — I much prefer the Rapporteur’s wording. It is not a matter only of the cost of manufacture, but of other considerations as well.

The President. — The text of pages 10 and 11 will be remodelled.

Lord Cecil (British Empire). — On page 11, at the end of the paragraph beginning “The Committee of Experts will have to bear these points in mind . . .”, I should like to insert the following:

“They will also, in accordance with the Resolution adopted on December 6th, have to examine the possibility of a separate limitation of expenditure on land, naval and air forces.”

That is not stated in the draft before us, but occurred in the resolution read from the Chair on December 6th, and it is the view of the British delegation that it should be included in the report.

M. Cobihn (Spain), Rapporteur. — We have no objection to making this addition. Pages 10 and 11, thus modified, were adopted.

Page 12 was adopted.

Page 13.

M. Cobihn (Spain), Rapporteur. — In the first line, for “seven” read “nine”.

Page 13, thus modified, was adopted.

Page 14.

Count Bernstorff (Germany). — I should like a new paragraph made for the sentence beginning “The general reservation of the German delegation . . .”, in sub-paragraph (a), in the second paragraph.

I should also like the last sentence of sub-paragraph (a), beginning “The German reservation in regard to Tables VI and VII . . .”, to be omitted.

M. Massigli (France). — In the last sentence of the first paragraph (continuation of last paragraph on page 13), I should like to omit the words “in its own way”, and to add at the end of the sentence the words: “having regard to its special methods of organisation”. These changes express the idea, but avoid misunderstanding.

M. Cobihn (Spain), Rapporteur. — The requests of Count Bernstorff and M. Massigli shall be taken into account.

Page 14, thus modified, was adopted.

Page 15.

Lord Cecil (British Empire). — I should like to alter the penultimate paragraph, under (d), to read: “The British delegation concurred in the substance of this reservation”.

Page 15, thus modified, was adopted.

Page 16.

Page 17.

Lord Cecil (British Empire). — In the first paragraph third line the English word should be “separate” instead of “precise”.

M. Massigli (France). — In the same paragraph on page 17 the words “active service” should be omitted.¹

In the last paragraph of page 17, it says:

“The Committee of Military Experts, which the Preparatory Commission had requested to study the method of application of this principle . . .”

I feel that this expression is not altogether in accordance with the “photographic” method which we have adopted. The whole question was referred to the Committee of Experts for study,

¹ Note by the Secretariat. — This remark does not apply to the English text, where the word “active” is not used.
and not merely the method of application of the principle. I asked the Commission to vote on the
principle, but it was not prepared to do so. Moreover, it was not the whole of the Committee of
Military Experts that prepared the table, but a majority.
Could one not say therefore:

"A Committee of Military Experts, which was requested to study the question, was
unable to arrive at a unanimous opinion, but some of the experts drew up a simplified table
applicable, in their view, to land armaments "?

M. Cobián (Spain), Rapporteur. — It is true that the Table in question was prepared by the
majority of the Committee of Military Experts, but the next sentence shows that it was not
possible to reach the practical result desired.

M. Massigli (France). — The Committee of Military Experts was given a very extensive
task. The text which the Rapporteur proposes suggests that the Commission accepted the
principle; which is not the case.

M. Cobián (Spain), Rapporteur. — The primary object of M. Massigli’s proposal is to give
a different interpretation of the text of the Committee from that which we have suggested. In my
opinion, it will be very difficult to find any other form.

M. Massigli (France). — It is enough to say “... to study the question.”

M. Cobián (Spain), Rapporteur. — Perhaps M. Massigli would be satisfied if we were to add
to the present text the words “if the question arose”. That would show that the principle had not
already been accepted.
I should not then mind adding the words “by a majority” after the words “drew up”.
I should like to remind M. Massigli of the circumstances in which the Committee of Military
Experts was constituted. It was constituted simply to ascertain whether, on condition of the
principle being applied, it was possible to find a system which would permit of its adoption. It was
for that reason that M. Massigli made his reservation in regard to the principle of this form of
publicity. I venture, therefore, to urge M. Massigli not to make other additions than those which I
have proposed.

M. Massigli (France). — I would agree if, after the words “of this principle”, the words
“If maintained” were added, and the words “by a majority” after the word “prepared”.

The above two changes were approved.

M. Westman (Sweden). — In order to obviate misinterpretation, the word “land” should
be inserted before the word “material” in the paragraph headed Article 32.

M. Sato (Japan). — I should like to point out that Article 32 stipulates that the contracting
parties are to communicate a statement, drawn up in accordance with a standard model, showing
the total expenditure in the course of the year on the upkeep, purchase and manufacture of war
materials. All explanations with regard to the expenditure on the upkeep, purchase and
manufacture of material should therefore appear in the commentary on this article. I find, however,
that these explanations are not given in the commentary on Article 32, but in the commentary
on Article 37 (page 20 of the report), which stipulates that the contracting parties are to publish
a statement of the amounts expended at the end of each year. There is no reference in this article
to expenditure on the upkeep, purchase and manufacture of material, from which I conclude
that the commentary that appears on page 20 of the report should not come there, but on page 17,
as commentary on Article 32, and that the words “land and naval” should be added. The following
passage would therefore be omitted from page 20 and inserted on page 17:

"Similarly, it will state the amount actually expended for the upkeep, purchase and
manufacture of land and naval war material."

M. Cobián (Spain), Rapporteur. — I am in entire agreement with M. Sato.
This amendment was approved.

General van Tuinen (Netherlands). — I should like the last sentence of page 17 to be
altered, and I propose the following text in their place:

"Before a decision had been taken as to the possibility of publicity based on the simplified
Table, the Commission accepted a proposal by the French delegation, on which Article 32
was based. The Commission felt that, in consequence of this decision, there was no longer
any object in continuing the discussion on the Netherlands proposal."

As we are anxious to have an exact photographic reproduction of what happened in the
Commission, I think this text is more accurate.

M. Cobián (Spain), Rapporteur. — I think the text in the draft is quite accurate; but I admit
that the formula proposed by General van Tuinen is equally accurate. I should not have ventured
myself to propose a wording in such precise terms to the Commission, and, if General van Tuinen
is prepared to forego so much precision, I shall be ready to satisfy him.
I suggest to him to leave it to us to think out a wording to submit to the Commission to-morrow. This suggestion was approved. Page 17, thus modified, was adopted.

The President. — To avoid confusion between the French and English texts, I propose we cease to take the report page by page, and take it article by article. We now come, therefore, to Article 33.

**Article 33, page 18.**

The draft report in regard to Article 33 was adopted.

**Article 34.**

The Hon. Hugh Gibson (United States of America). — You will remember that, when this article was adopted, the American delegation expressed its view that it would be found difficult to carry out these obligations. We did not object to the text but we merely indicated these difficulties, and in order to make this clear I would ask you to consent to adding, at the end of the paragraph, this text:

> "The delegation of the United States of America pointed out that the obligations of this article might be difficult to carry out in practice, and suggested that the Governments study the question between now and the General Conference, in order to be in a position to devise a workable text."

M. Cobian (Spain), Rapporteur. — We agree to the insertion of this wording. We did not mention it because it was not put in as a reservation.

M. Sato (Japan). — In the latter half of the remarks on Article 34, it is said:

> "... it should be pointed out, however, that this article was approved only by seven delegations, three delegations having voted against it, the others abstaining."

In cases, however, where the difference was not so great we have limited ourselves to putting in brackets the number of votes for and against (e.g., five for and four against) without otherwise indicating the difference. It would, therefore, be sufficient to say here: "This article was approved by..."

M. Cobian (Spain), Rapporteur. — The criticism is to the point, and I think, after accepting Mr. Gibson's suggestion, the best thing would be to omit the final words from "it should" to "abstaining".

The Hon. Hugh Gibson (United States of America). — We agree. This omission was approved. The draft report in regard to Article 34, thus modified, was adopted.

**Article 35.**

The draft report in regard to Article 35 was adopted.

**Article 36.**

Count Bernstorff (Germany). — I fancy there was no vote on the question of the military value of civil aviation, and I think this first paragraph would be more accurate if it were in the following terms:

> "A large majority of the Preparatory Commission were of opinion that the regular and official publication of information regarding civil aviation in the various countries would be extremely useful."

M. Cobian (Spain), Rapporteur. — That would cut out the recognition by the large majority of the Commission of the possible importance, from the standpoint of armaments, of the development of civil aviation in a country. I may have been wrong in referring to it. The Commission is in a position to say whether I have interpreted its attitude in the matter rightly or wrongly, and in the latter case may decide on the omission of this part of the paragraph, retaining the text proposed by Count Bernstorff.

M. Massigli (France). — There can be no doubt on this point. In the absence of a vote, there were the statements by the various delegations of their opinions, which appear in the Minutes. If this part of the sentence be omitted, what will happen? The report is intended to assist the Governments in the perusal of the draft and of the Minutes. It is necessary, therefore, to inform them as to the object of the decisions taken. This part of the sentence might be kept with the substitution of the word "considered" or something of the kind in place of the word "recognised". But it is essential to know what happened in the Commission.

Count Bernstorff (Germany). — My only object was to say whether I have interpreted its attitude in the matter rightly or wrongly, and in the latter case may decide on the omission of this part of the paragraph, retaining the text proposed by Count Bernstorff.

M. Massigli (France). — There can be no doubt on this point. In the absence of a vote, there were the statements by the various delegations of their opinions, which appear in the Minutes. If this part of the sentence be omitted, what will happen? The report is intended to assist the Governments in the perusal of the draft and of the Minutes. It is necessary, therefore, to inform them as to the object of the decisions taken. This part of the sentence might be kept with the substitution of the word "considered" or something of the kind in place of the word "recognised". But it is essential to know what happened in the Commission.

Count Bernstorff (Germany). — My only object was to say whether I have interpreted its attitude in the matter rightly or wrongly, and in the latter case may decide on the omission of this part of the paragraph, retaining the text proposed by Count Bernstorff.

Lord Cecil (British Empire). — I do not know whether it would be worth while to suggest a modification of this kind: "Certain members of the Preparatory Commission recognised the
importance, from the point of view of armaments, which the development of the civil aviation of a country might assume. The Commission considered that the regular and official publication of information regarding civil aviation in the various countries would be extremely useful."

M. Cobian (Spain), Rapporteur. — Instead of "recognised", one might say "drew attention to".

General Kasprzycki (Poland). — The fifth paragraph on page 19 says:

"The Commission decided to draw the Conference's attention to this point."

I do not think there was any vote on this.

M. Cobian (Spain), Rapporteur. — The paragraph might be put in the following form:

"The desire was expressed in the course of the discussion for the Conference's attention to be drawn to this point."

The draft report in regard to Article 36, thus modified, was adopted.

Article 37.

M. Sato (Japan). — It says here:

"In adopting Article 37, the Commission approved the principle of publicity in regard to the total expenditure on the land, sea and air forces . . . ."

This refers to the publicity of the total amounts actually expended in the course of a year —that is to say, at the end of a budgetary year. The report, however, does not specify this precisely. It seems to me one should say:

"Article 37 refers to publicity of the total amounts actually expended in the course of the preceding year."

I think that exactly reproduces the tenor of the article.

M. Cobian (Spain), Rapporteur. — The report only explains the object of the article. M. Sato is perfectly right in his judgment of the report. It is, in fact, rather vague, much too vague, indeed; but I think that, short of saying the same thing twice over by repeating in the report the text of Article 37, it would be better to maintain the present text, for the very reason that it is so vague. However, if M. Sato has another form of wording to propose, I do not doubt that it will be preferable, and I shall be very glad to accept it.

M. Sato (Japan). — I only wanted to call the attention of the Rapporteurs to this point.

M. Cobian (Spain), Rapporteur. — M. Sato has been good enough to draw our attention to the fact that this comment was very vague. I have explicitly admitted that he was quite right; so I suppose he will have no objection to the text proposed being maintained.

The draft report in regard to Article 37 was adopted.

The Commission rose at 8 p.m.

TWENTY-SIXTH MEETING.

Held on Tuesday, December 9th, 1930, at 11 a.m.

President: M. Loudon (Netherlands).

123. Final Text of the Draft Convention: Change in the Numbering of the Articles.

The President. — The final text of the draft Convention has been distributed, but the numbering of the articles does not entirely correspond with that of the report. Article 38 of the report becomes Article 39, and so on.

124. Draft Report — Fifth Part (document C.P.D.294(d); see Annex 18): Discussion. Part V.


Part V. Chemical Arms.

Page 1.

Count Bernstorff (Germany). — In the third paragraph, I think it would be clearer to say: "There was a certain amount of discussion as to whether provisions of this nature were
in their right place in a disarmament convention, which, in the opinion of several delegations aimed at . . .” The question itself was not decided by a vote.

Lord Cecil (British Empire). — I hope that we shall not accept this change. We aimed at codifying the rules applicable in peace, not those applicable in war time.

M. Cobian (Spain), Rapporteur. — The passage is not an explicit statement of the Commission’s opinion; it merely says that there was a certain amount of discussion, and, as this remark applies to the whole paragraph, it is clear that the points mentioned subsequently were discussed, but not decided. It was not the intention of the Rapporteurs to give this passage the meaning which Count Bernstorff seems to read into it. In the circumstances, I do not think that any change is called for. Moreover, the following paragraph begins with the words: “The Commission’s attention was also drawn . . .” It is therefore simply a question of points of view expressed during the discussion, and not of decisions of the Commission, binding even upon dissentient delegations.

Count Bernstorff (Germany). — I am satisfied with the Rapporteur’s explanation.

Page 1 was adopted.  
Page 2.  
Page 3 was adopted.  
Pages 4 and 5.

M. Holsti (Finland). — In regard to the third paragraph of page 4, several delegations made the same declaration as the Polish delegation. I think it would be convenient to mention the names of all the delegations which made such a declaration.

M. Cobian (Spain), Rapporteur. — I see no objection. I had only considered the most important quarters from which support was received. Moreover, when the report was drafted, we were not in possession in the Minutes relating to this declaration, which was discussed at one of the most recent meetings; indeed I was obliged to get the Polish declaration from the newspapers, but if some of the delegations desire to be mentioned as having adhered to it, I willingly agree to this.

Dr. Markovitch (Yugoslavia). — I would like the Yugoslav delegation to be mentioned as having associated itself with the Polish declaration.

M. Antoniade (Roumania). — I move that all the delegations which have associated themselves with the Polish declaration be named.

M. Massigli (France). — I should like to ask the Rapporteur and Count Bernstorff whether they would object to the last paragraph of page 5 being altered from: “weapons of an essentially offensive character” to “weapons which, in its view, are of an essentially offensive character.” As a matter of fact, the list which follows includes a series of weapons, implements of war and appliances, several of which, as I have already pointed out, are not intrinsically either offensive or defensive. Everything depends upon the use made of them. The addition which I propose would meet Count Bernstorff’s objection, without prejudice to the Commission’s opinion, which has not been formally expressed.

M. Cobian (Spain), Rapporteur. — If the Commission has no objection, the Rapporteurs agree to add the words “in its opinion.”

Count Bernstorff (Germany). — I also agree to this addition being made and further propose that the following passage be inserted at the foot of page 5:

“During the first part of the sixth session, the German delegation submitted a proposal to prohibit the launching of weapons of offence of any kind from the air, as also the employment of unpiloted aircraft controlled by wireless or otherwise, carrying explosive or incendiary gaseous substances.

“After a very interesting discussion, this proposal was rejected, five delegations voting in its favour . . . .”

However, I am, as I said, prepared to insert the words in question if the Commission agrees. The insertion of these words was approved.

Pages 4 and 5, thus modified, were adopted.
PART VI. — MISCELLANEOUS PROVISIONS.

CHAPTER A. — PERMANENT DISARMAMENT COMMISSION.

Note by the Secretariat. — In the final text of the draft Convention the number of each of the articles cited below is increased by 1—e.g., Article 39 below is Article 40 in the final text and so on.

Article 39, pages 6, 7 and 8.

Munir Bey (Turkey). — The view of the Turkish delegation concerning the Permanent Disarmament Commission was given in a statement by Tewfik Rushdy Bey at a meeting of the present session of the Commission.

The final wording of Article 39, as drawn up in the Sub-Committee, takes into account the Turkish declaration, inasmuch as it leaves the question to be settled by the Disarmament Conference. In order to avoid any misunderstanding, therefore, I would ask that the whole of the last paragraph of page 7 be deleted.

M. Bourquin (Belgium), Rapporteur. — We only inserted this paragraph because we were anxious to make the Turkish delegation’s view clear. If the Turkish delegation proposes to delete the text, we see no objection to this being done.

The draft report in regard to Article 39, thus modified, was adopted.

Articles 40 and 41, pages 8 and 9.

The draft report in regard to Articles 40 and 41 was adopted.

Articles 42, 43 and 44, pages 9 and 10.

Lord Cecil (British Empire). — With reference to Articles 42, 43 and 44, it is stated that “these three articles form a single system”. I think that paragraph should read “must be read together”. This is doubtless a question of translation.

This modification was accepted.

The draft report in regard to Articles 42, 43 and 44, thus modified, was adopted.

Article 45, pages 10 and 11.

The draft report in regard to Article 45 was adopted.

Articles 46, 47 and 48, pages 12 and 12bis.

Lord Cecil (British Empire). — The following words appear in the last paragraph on page 12:

“... It is in fulfilling this function that the Commission will become an essential factor in the system of the Convention, being responsible for watching its application, regularly reporting on the situation, noting the increase of mutual confidence among the High Contracting Parties ...”

I should like to ask the Rapporteurs whether they think it necessary to put in that reference to the increase of mutual confidence among the contracting parties, because I have a little doubt as to whether that is a proper description of the function of the Commission. I agree to the reporting on the situation and also to calling attention to the errors and omissions, but I am a little nervous about that last phrase.

M. Bourquin (Belgium), Rapporteur. — These words were taken verbatim from the Minutes, but we see no objection to deleting them.

The proposal was accepted.

The Hon. Hugh Gibson (United States of America). — I think the observation I want to make probably affects only the English text. On page 12bis, in the paragraph numbered 1, there are the words: “may reach it from an authorised source”. I think it will be agreed that we have decided to say “responsible source”.

Lord Cecil (British Empire). — You said in the Sub-Committee that it should be “serious”.

The Hon. Hugh Gibson (United States of America). — “Responsible”.

M. Bourquin (Belgium), Rapporteur. — I propose an addition to page 12 in the passage relating to information received from a responsible source, to the effect that the rules of procedure of the Commission will determine what is meant by a responsible source.

This proposal was accepted.

The draft report in regard to Articles 46, 47 and 48 thus modified was adopted.
CHAPTER B. — DEROGATIONS.

**Article 49, pages 13, 14 and 15.**

**Lord Cecil** (British Empire). — The last paragraph but one on page 13 says: “Under the terms of this article, any Contracting Power will have the right to suspend, etc.” I suggest that it would avoid a misconception if we were to say: “will, under certain conditions, have the right to suspend . . .” It is true it is explained on the next page, but it might make it clearer if we changed the wording in this way.

This proposal was accepted.

The draft report in regard to Article 49 thus modified was adopted.

CHAPTER C. — COMPLAINTS.

**Articles 50 and 51, pages 16 and 17.**

**M. Fierlinger** (Czechoslovakia). — Article 51 provides that, in the event of any violation of the Convention, if the parties are Members of the League of Nations, the Council shall exercise the rights devolving upon it in virtue of the Covenant, with a view to ensuring the observance of the Convention. Moreover, the passage in the report of the foot of page 16 referring to Article 51 states that:

“That duty will devolve upon: (1) the High Contracting Parties, who shall advise on the subject, and (2) the Council of the League of Nations, within the limit of its powers under the Covenant.”

The Council may act either in virtue of Article 4, fourth paragraph, of the Covenant—that is to say, without the intervention of a contracting party; or, in virtue of Article 11 of the Covenant—that is to say, on the intervention of a contracting party. In practice, the question will be whether, in the case of non-intervention by any contracting party, the Council will be not only entitled, but bound to deal with the question on its own initiative.

**Lord Cecil** (British Empire). — I am not quite clear about the way this is drafted at the bottom of page 16 and the top of 17. Looking at the actual words of Article 51 of the Convention, they are these:

“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 shall exercise the rights devolving upon it . . .”

I quite agree it is not necessary to reproduce the actual words of the Convention, but I should have thought it would be better to have some such wording as this:

“(1) The High Contracting Parties will advise on the subject, and (2) the Council of the League of Nations will take action within the limit of its powers under the Covenant.”

I think that indicates the kind of distinction we draw in the Convention between the attitude of the contracting parties and that of the Council of the League of Nations. I do not know whether that would, perhaps, meet the criticism raised by M. Fierlinger also.

**M. Fierlinger** (Czechoslovakia). — This text does not settle the real question, which has been raised in the past by the Assembly itself, but has never been solved—that is, whether the Council may or may not deal officially with a question on its own initiative, without the intervention of any party. As I said, this question has not been settled one way or the other, and it therefore seemed to me that something rather more definite might have been said about it here. If I understand Lord Cecil aright, the Council could not act except on the initiative of a contracting party which believed itself to have been injured by the alleged violation of the Convention.

**M. Bourquin** (Belgium), Rapporteur. — M. Fierlinger has raised a question which is, in my opinion, definitely outside our province: he is really asking us to interpret the Covenant of the League of Nations and decide whether the Council can deal with a question on its own initiative, or whether the question must first be submitted to it by a contracting party. Our Commission cannot decide this point either directly or indirectly, as it exclusively concerns the League of Nations.

I think, therefore, that the present wording of the report is perfectly satisfactory, and leaves the question open. In fact, it provides that the Council may decide as to any action to be taken on the report, within the limits of its powers under the Covenant. It must be one thing or the other: either the Council authorises the Council to act direct in the matter or it does not. This is a question of the interpretation of the Covenant, which we cannot decide.

I am not even sure whether the text proposed by Lord Cecil is any better than that of the Rapporteurs. I do not say this out of any personal vanity, as one of the authors of the report but after listening carefully to the text suggested by Lord Cecil, I fancy it might give the impression that the contracting parties would have to intervene before the Council could take action: which would be a roundabout way of settling the problem raised by M. Fierlinger.

In conclusion, I am of opinion that it would be preferable to maintain the present text, which leaves the door open to all interpretations of the Covenant.

**Lord Cecil** (British Empire). — The point is really this. I entirely agree with what M. Bourquin says about the Covenant. I think it would be quite wrong for us to try to interpret
the Covenant in our report or in our Convention; but if he will look at Article 51 as we drafted it, there is a distinction drawn between the action of the contracting parties and the action of the League of Nations. The action of the contracting parties is simply to advise as to the conclusions of the report, and not necessarily to take any action at all. The action of the League of Nations is to exercise its rights within the limit of its powers under the Covenant. As it is drafted now, it says that the Permanent Commission cannot itself decide on the action to be taken on the report, and then it goes on to say that the duty of taking action on the report will devolve on the contracting parties, who shall advise on the subject. It is to avoid committing ourselves to that proposition, which I do not think really comes within the terms of the Convention. That is the point I meant to raise; I do not know whether I have made it clear.

M. Bourquin (Belgium), Rapporteur. — I did not quite grasp the distinction drawn by Lord Cecil, but his proposal now seems to me to be perfectly justified, and I associate myself with it.

The President. — Here is the new text proposed by Lord Cecil and accepted by the Rapporteur:

"The Permanent Commission, being only a consultative body, cannot itself decide on the action to be taken on its report. But the High Contracting Parties will advise on the situation and the Council of the League of Nations will take action, within the limit of its powers under the Covenant."

M. Fierlinger (Czechoslovakia). — I had thought a third solution might have been possible, whereby we might overcome the difficulty without venturing to interpret the Covenant—namely, that the Council should affirm that the contracting party has already approached the Permanent Commission which is equivalent to approaching the Council. However, in view of the Rapporteurs' very definite statement, I will not press the point and I accept the amendment. The new wording was accepted.

The Hon. Hugh Gibson (United States of America). — The last paragraph on page 17 gives an accurate account of the attitude taken by the American delegation, but it will be remembered that, a few days ago, I stated that time had shown that the text as drafted afforded a basis for discussion, and we, therefore, withdrew our very attenuated reservations, and I suggest now that that paragraph of the report be deleted. The paragraph was deleted.

The draft report in regard to Articles 50 and 51, thus modified, was adopted.

Chapter D. — Final Provisions.

First two paragraphs, page 17bis.

These two paragraphs were adopted.

Article 52, pages 17bis, 18 and 19.

M. Bourquin (Belgium), Rapporteur. — At the foot of page 18 and on page 19 of the report, we quoted a reservation made by the German delegation, but I forgot (and I apologise to Count Bernstorff) the new text submitted to us, which reads as follows:

"The German delegation stated, in connection with Article 52, that, in so far as it does not refer to the Washington and London Treaties, it would vote against the draft Convention as a whole. The draft, as drawn up by the majority of the Preparatory Commission, excludes essential elements from the limitation and reduction of land armaments. Instead of leading to real disarmament, this draft would serve only to conceal the real state of world armaments or would even allow armaments to be increased. To accept it would, at the same time, be tantamount to a renewal of the German signature to the disarmament clauses of the Treaty of Versailles."

Consequently this reservation should be substituted for the one in the report. The draft report in regard to Article 52, thus modified, was adopted.

Article 53, pages 19 and 20.

The draft report in regard to Article 53 was adopted.

Article 54, pages 21 and 22.

Lord Cecil (British Empire). — With reference to the third paragraph on page 21, I would ask the Rapporteur whether it is desirable to say:

"Such an undertaking is so natural that it might quite well not have been formulated."

I should prefer to leave that out, and to draft the paragraph as follows:

"The last sentence of Article 54 provides that the High Contracting Parties undertake to participate in this consultation, which will take place within a period to be
fixed by the Conference. The Commission decided that it would be preferable to leave it to the Conference to decide whether it might not be better to insert such an undertaking in the Final Act or in a Protocol to be annexed."

M. Bourquin (Belgium), Rapporteur. — We agree to this proposal.

The proposal was accepted.

DISCUSSION ON THE REFERENCE IN THE DRAFT REPORT TO FORMER ARTICLE EC.

M. Lounatcharsky (Union of Soviet Socialist Republics). — For reasons which I gave when I spoke on December 6th last, the Soviet delegation is not taking part in the drafting of the report to the League of Nations; but, at our meeting on December 1st, I had occasion, after hearing M. Politis’ report regarding the later parts of the Convention, to make an urgent request on behalf of the Soviet delegation that no trace should be allowed to remain in the report of the former Article EC to which the Soviet delegation had already objected previously, and which has, in its opinion, lost every shadow of justification in the present circumstances. We reserved the right to express our final opinion on this question after examining the passage dealing with the subject.

We have left to the majority of the Commission the whole responsibility for the report, and have made no observations with regard to the various statements contained in it; and if my delegation now departs from this course with regard to the passage in question, it is because this passage, even in its present form, places our Government in an exceptional position to which it could not agree.

The Soviet delegation considers that the observations of a group of States which seek to compromise others ought in no case to be allowed by the Commission to stand.

I hope, after what I have said, that the delegations which are persisting in this extraordinary reservation in regard to the Union of Soviet Socialist Republics will have sufficient tact themselves to withdraw their reservation. If not, I shall appeal to the Commission, and if my request be not acceded to, I shall be obliged to speak again in order to protest—this time on purely political grounds.

M. Bourquin (Belgium), Rapporteur. — The observation which M. Lounatcharsky has just made applies to the Commission and not to the Rapporteurs, who have only summarised the question as submitted to it, and, as I believe, in the most impartial manner. That is all I want to say, and I will only add that it gives us great pleasure to know that the Soviet delegation is not entirely indifferent to our report.

M. Lounatcharsky (Union of Soviet Socialist Republics). — I cannot be indifferent to a paragraph directly aimed at my Government.

General Kasprzycki (Poland). — I do not think it is a question of tact, but simply one of logic. If we had been sure that the Soviet Government would sign the Convention, the Polish delegation, and probably other delegations, would not have raised this question. The article simply says that the countries bordering on Russia cannot disarm until the Union of Soviet Socialist Republics itself disarms.

M. Lounatcharsky (Union of Soviet Socialist Republics). — The Polish delegate’s logic seems to me somewhat strange. Some dozens of countries are represented here; how can we be quite certain that after the Conference all these countries will sign the Convention? I do not see how we can be certain. Dozens of Governments are not represented here, and yet the Union of Soviet Socialist Republics is singled out as the one country which will perhaps not sign the Convention. Why? By what right do you refer in this manner to my Government rather than to any other Government? I feel obliged to emphasise my point even more strongly since General Kasprzycki’s statement, because I cannot see any logic in it at all.

General Kasprzycki (Poland). — I do not wish to start a discussion on this question, and merely reserve the right, with the Commission’s consent, to come back to it. I should like to say, however, that what M. Lounatcharsky has said has not convinced me in the slightest, and I would observe that the case of his Government is unique, and that the logic of the facts has driven us to ask the Commission to regard it as an exceptional case.

M. Lounatcharsky (Union of Soviet Socialist Republics). — I would like to propose to the Commission a formula which would satisfy us and might perhaps be acceptable to the majority. If it be not, I shall have to speak again and try to clear up this “exceptional case” of which General Kasprzycki speaks. I propose the following wording:

“All reason for the maintenance of the former Article EC having disappeared, this text was expunged from the Draft Convention.”

Lord Cecil (British Empire). — I do not know whether it is possible that we could arrive at an agreement about this. In the hope that we may possibly do so, I venture to make a suggestion.

I do not think that you can say that the question of the accession, or non-accession, of a particular State will never be of interest to other States. For instance, take the case of my own country. If certain States in Europe decided not to accede to this Convention, it is quite plain that the British Empire would also refuse to accede.
This Article EC was put in originally before the Soviet Government formed part of the Commission; and that was no doubt the reason why it was put in. Having been put in, it seems to me that our report must make some mention of it. I do not think the mention suggested by M. Lounatcharsky— I think he will agree with me on reconsideration—would be quite accurate; because it would not be true to say that the reason for non-accession, depending on the accession or non-accession of another State, ceased to have any effect. It obviously does have an effect.

I wonder whether it would meet M. Lounatcharsky's views if we shortened this provision. After setting it out, simply say:

"The Commission decided not to include this article in the Convention. This decision was dictated by two reasons. The first was that the text raised an essentially political question (with which M. Lounatcharsky would agree) and the second that it brings up a very complex problem—the effect of the reservations which the contracting Powers will be allowed to formulate at the time of signature."

I do not see how a formula of that kind can be offensive to the Soviet Government, and I am sure M. Lounatcharsky would be anxious that we should try to arrive at an agreement on this matter, and not have a division in the Commission.

M. Lounatcharsky (Union of Soviet Socialist Republics).— As an amendment to this proposal, I suggest entirely deleting the passage from the report. A statement would be made to the effect that there had been an Article EC, and this would be immediately followed by the text proposed by Lord Cecil, the result being like an algebraic formula in which no country would be named. The text would then be acceptable to our delegation.

General Kasprzycki (Poland).— I cannot agree to M. Lounatcharsky's first proposal. I must insist that the Commission's decision be left as it stands in the report. I would agree to Lord Cecil's proposal, but the important thing from my point of view is that mention should be made of the Commission's vote, which reserves the question to the Conference itself.

M. Lounatcharsky (Union of Soviet Socialist Republics).— The Commission has three proposals before it on which it can vote.

M. Holsti (Finland).— May I respectfully ask Lord Cecil whether the first part of his proposal is sound, as it would imply a change of opinion on the part of the Commission? For the rest, I am in agreement with him as to the last part of his amendment. Since the Soviet delegation has refused to give its approval, we might very well simply omit the last sentence, keeping the first part of the text as it stands.

Lord Cecil (British Empire).— I do not know that my suggestion is going to be very fruitful, as apparently neither side is prepared to accept it. What I wanted to avoid was any expression of opinion, direct or indirect, on the controversy in question, and if you said that the Commission decided not to include this in the draft Convention, that would leave it without any expression of opinion. If you then gave the two reasons, that would show that they have nothing to do with any controversy between the countries in question. I should have thought that was colourless and anodyne, and that everybody could accept it. I still have hopes that they will, and I should like to know the opinion of the Commission after voting on M. Lounatcharsky's proposal, for, as he rightly says, that should be voted on first; after that we must vote on my proposal, which I hope will appear more acceptable as a compromise to M. Lounatcharsky.

M. Bourquin (Belgium), Rapporteur. — In this matter, the Rapporteurs must endeavour to be neutral, and merely to reflect the opinion of the Commission; and so it is not in the capacity of Rapporteur that I am now speaking. We are faced with a delicate question, and personally think that we might arrive at an entirely satisfactory agreement.

If I am right, what annoys the Soviet delegation about the report is the reproduction of a text which expressly refers to Russia, and I must say frankly that I can quite understand that. From another quarter, we have before us a text which has not been withdrawn, and the wording suggested just now by Lord Cecil seems to me to arouse a certain apprehension in the minds of those who submitted that proposal. If we say that the Commission has decided not to include this text, that would seem to imply that the Commission has rejected the proposal.

Now, if I understand the views of the two parties in question, the one which introduced the proposal would wish to avoid the possibility of the wording of the report being construed to mean that the Commission rejected the proposal.

We have before us a text that has been maintained, but which we have to try to avoid reproducing in the report, because it causes annoyance to one of the delegations. At the same time, we have to say that the question is reserved to the Conference. That is the position. I think the problem could perhaps be solved by saying:

"The text adopted at the first reading contained an Article EC, by which Finland, Estonia, etc., indicated certain conditions for their acceptance of the Convention."
Without quoting the text in the report, we could refer to the documents and say, not that the Commission decided not to embody this text in the draft Convention, but simply that the Commission decided to reserve the question for the Conference, giving the reasons for this decision. I think this formula might perhaps give satisfaction to all parties. If I am wrong, I am sorry, but I shall in any case have done all I could to secure an agreement.

General Kasprzycki (Poland). — I do not wish to prolong the discussion, and so I agree to M. Bourquin's suggestion.

M. Antoniade (Roumania). — I should have been prepared to accept Lord Cecil's suggestion as amended by my Polish colleague; but I am willing to agree to M. Bourquin's proposal, since it takes account of certain susceptibilities, and also satisfies the delegations which originally proposed the article under discussion.

M. Holsti (Finland). — I would point out that it is stated in the Minutes that the Commission decided to leave the discussion of this question to the Conference. Naturally, therefore, this should be mentioned in the report. I should be very glad if the Rapporteur could find a formula which would give satisfaction to everybody.

M. Lounatcharsky (Union of Soviet Socialist Republics). — The text submitted by M. Bourquin is much less objectionable in form than that contained in the report. Nevertheless, I would ask you, Mr. President, to put my proposal to the vote.

Lord Cecil (British Empire). — I desire to withdraw my proposal in favour of M. Bourquin's.

The President. — I put to the vote the Soviet proposal to replace the passage at the bottom of page 21 and on page 22 (to Article 55) by the following text:

"All reason for the maintenance of the former Article EC having disappeared in the present circumstances, this text was expunged from the draft Convention."

The Soviet proposal was rejected by twelve votes against two for.

The President. — I now put to the vote the text proposed by M. Bourquin, which reads as follows:

"The text adopted at the first reading contained an Article EC1 by which Estonia, Finland, Latvia, Poland and Roumania set out certain conditions on which their acceptance of the Convention would depend. The Commission decided that the study of this question should be left for the Conference.

"This decision . . ."

It is further understood that the last part of the paragraph, from the words "What will be the conditions . . .", shall be deleted.

This text was adopted by eighteen votes for to one against.

The draft report in regard to Article 54, thus modified, was adopted.

Adopted.

The draft report in regard to Article 55 was adopted.

Article 56, pages 23, 23bis and 24.

Lord Cecil (British Empire). — There is a small question of drafting in the second paragraph on Article 56, page 23. It says: "The British delegation directed attention to the desirability of establishing some agreement between the period of validity of the Convention and that of other agreements concerning the limitation of armaments", and it goes on "such as the Washington Convention". I should prefer to say, "such as the Treaties of Washington and London".

Further—and this is probably a question of translation—at the top of page 24, it says: "The Commission's purpose in instituting this system was to prevent the work of the future Disarmament Conference", and so on. I think that to say, in English, "the future Disarmament Conference" might lead to ambiguity as to what future Conference you were referring, and I think it would be clearer to say: "the coming Disarmament Conference".

These amendments were accepted.

The draft report in regard to Article 56, thus modified, was adopted.

Adopted.

The draft report in regard to Article 57 was adopted.

Article 57, pages 24 and 25.

The draft report in regard to Article 58 was adopted.

Article 58, pages 25, 26 and 27.

Lord Cecil (British Empire). — I have a small drafting suggestion for the first paragraph on page 26. It says: "The first (x years) determines the duration of the Convention". I think in the English we ought to say: "determines the normal duration of the Convention".

This suggestion was accepted.

1 Note by the Secretariat. — See Minutes of the Third Session, page 416.
Count Bernstorff (Germany). — The second paragraph of page 26 consists of two sentences. It seems to me that, in the light of former discussions, the text would be clearer if the two sentences were made into one, reading: “In the opinion of the British, French, Japanese and Polish delegations these circumstances might include, for example, an unforeseen development of civil aviation”.

Lord Cecil (British Empire). — I venture to appeal to Count Bernstorff not to insist on this. I think that, as it stands, it is a perfectly accurate description of what took place. We certainly had thought that civil aviation, among others, was one of the circumstances, but that it was not the only possible one, and I should certainly prefer the paragraph to be left as it is.

M. Bourquin (Belgium), Rapporteur. — I desire to associate myself with Lord Cecil in asking Count Bernstorff not to insist on this, as the text proposed by him would distort the sense of the paragraph.

There are two points to be considered. The first is that the circumstances covered by this article might include, for example, an unforeseen development of civil aviation. The British, French, Japanese and Polish delegations are not, as Count Bernstorff’s text would seem to imply, the only delegations that have expressed this opinion: it is shared by the majority of the Commission.

The second point to consider is that the four delegations in question have stated that the unforeseen development of civil aviation was the case they had particularly in mind. The Commission has not pronounced on that point, but it has pronounced on the interpretation I mentioned just now. I think, therefore, that this text should stand.

Count Bernstorff (Germany). — I submitted my proposal for the very reason that I was in some doubt as to a decision of the Commission on this point. In the circumstances, I proposed a text which would leave the responsibility to the delegations named.

M. Politis (Greece). — As Chairman of the Sub-Committee which drew up the text of this article, I entirely confirm the interpretation placed upon it by M. Bourquin. The Sub-Committee was, in fact, unanimous in considering that the development of civil aviation might be one of the circumstances referred to. The delegations named in the report intimated to the Sub-Committee that they would make a formal statement to that effect to the Commission, for insertion in the report. The text of the report is therefore absolutely accurate, and I also would accordingly ask Count Bernstorff not to press his proposal.

Count Bernstorff (Germany). — I withdraw my proposal.

The draft report in regard to Article 58, thus modified, was adopted.

Article 59, pages 27 and 28.

Lord Cecil (British Empire). — May I suggest that perhaps it would be better to strike out the last paragraph on page 28 which reads: “If any State avails itself...” I feel that this is rather unnecessarily depreciating what we have already put in the Convention, and it is not, strictly speaking, necessary to any understanding of it.

M. Bourquin (Belgium), Rapporteur. — I agree to Lord Cecil’s proposal. We inserted this paragraph in order to show that we had not lost sight of the difficulty, but, after all, it would perhaps be preferable not to mention it in the report.

The deletion of the paragraph was approved.

The draft report in regard to Article 59, thus modified, was adopted.

Page 29.

Lord Cecil (British Empire). — With regard to the first paragraph on page 29—this is probably an English text objection—I do not know whether some other phrase could be found to indicate the idea. It certainly has a rather derogatory appearance to say that we have established a collection of rules. We have done more than that; we have established a draft Convention with the omission of what is undoubtedly the most important part—namely, the figures; but it is a draft Convention, and I should have preferred to leave that sentence out—or perhaps it would be better to say: “The Preparatory Commission could only establish the framework of the future Convention”.

This amendment was accepted.

General de Marinis (Italy). — In the fourth paragraph, mention is made of the fact that the German delegation proposed that the Preparatory Commission should ask the various Governments to furnish detailed particulars of the present position of their armaments. I should like it to be mentioned that this proposal was supported by the Italian delegation. I remember that several other delegations also supported this proposal, but I do not know whether they also desire to be mentioned in this paragraph. In any case, the Italian delegation would like to be mentioned, for we consider that it is necessary to know the present position of armaments before embarking upon a disarmament convention. I would therefore like the first part of this sentence
to be amended as follows, so as to read: “The German delegation proposed—and this proposal was seconded by the Italian delegation . . .

This amendment was accepted.

Page 29, thus modified, was adopted.

Page 30.

Count Bernstorff (Germany).—I move that, in the second paragraph, after the words “The German delegation”, the words “basing itself on the resolution adopted by the Council on December 8th, 1926”, be inserted. I recall that the discussion regarding the date of the convening of the Conference centred on the interpretation of the Council’s resolution of December 8th, 1926, and it was upon that resolution that our proposal was based.

This suggestion was accepted.

Page 30, thus modified, was adopted.

The draft report as a whole, modified as shown above, was adopted.

125. Addendum to the Second Part of the Report (document C.P.D.294(a), Addendum (see Annex I5)).

The President. — You have all received the document dealing with an addition to pages 8 and 9 of the draft report, second part, document C.P.D.294(a). The Rapporteur proposes to add, at the end of the fifth paragraph on page 8, a note regarding the expression “on service”.

In view of the statements made by M. Westman and M. Massigli, the Commission will no doubt approve this note in the form submitted.

This addendum was approved.

126. Draft Report, Fourth Part (document C.P.D.294(c), see Annex I7).

Proposal by the Canadian Delegation to redraft the first three paragraphs of page 7 as follows:

“An amendment was submitted to the Commission by the Canadian delegation to delete paragraph 2 of Article 27 and to substitute the following:

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

The effects of this amendment would have been to set out clearly that all seconded personnel and machines would be counted in the quota allotted to each State, and also to eliminate the temporary and provisional character of seconding.

The Commission, while appreciating the special circumstances of Canada, was not prepared to recede from the general rule to which it had given its approval—namely, that seconding should be only of a provisional and temporary character. It was thought that a solution of the difficulty might be found in the establishment of an exceptional arrangement the forms of which would have to be settled by the Conference. The Commission, while, disallowing the deletion of the second sentence of paragraph 2 of Article 27, accepted unanimously the insertion of the Canadian amendment by which all seconded personnel and material should be included in the quota allotted to each State.”

M. Cobián (Spain), Rapporteur.—I am quite prepared to accept the Canadian delegation’s amendment regarding the new text of the first three paragraphs of page 7 of the draft report, fourth part.

Dr. Riddell (Canada).—I should like to call attention to the French text of this proposal by the Canadian delegation. In the second paragraph the word “ainsi” should read “aussi”.

I should like also to thank the rapporteur for being able to accept our redraft. The document distributed does not include our reservation, but I assume that this was accepted yesterday and that it was not considered necessary to distribute it.

This proposed new text was adopted.

Page 17.

Proposal by the Netherlands Delegation.

M. Cobián (Spain), Rapporteur. — I am prepared to adopt the following text, proposed by the Netherlands delegation in replacement of the present wording of the latter part of the second paragraph under the heading Article 32:

“A Committee of Military Experts, which the Preparatory Commission had requested to study the method of application of this principle, if agreed to, adopted by a majority vote.
a simplified table applicable to land armaments. But the Commission, without discussing the principle involved or the table in question, adopted the French proposal and, as a consequence, the text of the article. Some delegations which were ready to accept publicity on the basis of this table in respect of material in service did not see their way to accepting it in respect of material in reserve."

This proposed new text was adopted.


**Observation by the Italian Delegation.**

*General de Marinis (Italy).* — During the meeting on December 5th, I made a remark regarding one of the tables. That remark was approved by the Commission, and M. Westman confirmed it, and assured me, with regard to the table on page 19 of document C.P.D. 292,¹ that the text to which my remark referred would be included in its original form. In the printed document, however, it is differently worded. The original text was as follows: "Information to be supplied only for the countries which have conscription", but the text as printed reads: "Information to be supplied only for effectives recruited by conscription". I would ask the Commission to be good enough to restore the original text, in conformity with its decision.

*M. Westman* (Sweden). — In referring to the Minutes, I see that I used the words which are in the tables. I said that the original text should be restored, and that text was: "Information to be supplied only for effectives recruited by conscription". That was what the Commission decided, but if it desires to alter its decision, I, as a member of the Drafting Committee, shall agree.

*General de Marinis (Italy).* — M. Westman proposes to restore the original text, which he quoted. As I did not hear the quotation, I simply noted that the text was restored. This text was extremely simple, and I do not see why it was not restored when it could not possibly give rise to the slightest doubt.

*M. Massigli* (France). — As M. Westman read us the text in the tables very clearly the other day, I do not see why it should be changed now. Some days ago, I gave way, under the same circumstances, to a decision of the Commission, and I ask that the same rule be observed today. Moreover, this document is perfectly clear, and has the advantage of extending the provision in question to Powers which have a mixed system of recruiting.

*General de Marinis (Italy).* — I do not wish to press a question of drafting; the important thing is that we agree as regards the type of effectives to be entered in this column. There is, then, only a question of honest interpretation, and as we are in entire agreement on that point, there is no need for further discussion.

The President. — I understand that General de Marinis does not insist upon the text being amended.

Before adjourning, I desire to offer our warmest thanks to our two excellent Rapporteurs for the extremely difficult work they have accomplished.

The Commission rose at 1.15 p.m.

**TWENTY-SEVENTH MEETING.**

*Held on Tuesday, December 9th, 1930, at 3.30 p.m.*

**President:** M. Loudon (Netherlands).

128. **Declaration by the Delegation of the Union of Soviet Socialist Republics.**

The President. — M. Lounatcharsky stated yesterday that he would like to address the Commission after the conclusion of the discussion of the report. As we have concluded that discussion, I will call on M. Lounatcharsky to speak.

¹ *Note by the Secretariat.* — See Annex 12.
M. Lounateharsky (Union of Soviet Socialist Republics). — Mr. President. — The Soviet delegation desires to make the following declaration:

I.

The Union of Soviet Socialist Republics not being a Member of the League of Nations, its delegation is participating in the work of the Preparatory Commission without entering into any undertaking vis-à-vis the League. This explains its non-participation in the framing of the report to the Council of the League of Nations.

Considering, however, that the report of the Preparatory Commission is to be published and that the document is intended for the requirements of the future Disarmament Conference, the Soviet delegation deems it necessary to explain its attitude during the work of the Preparatory Commission, and to make known its views in regard to the draft Convention drawn up by the Commission.

Its attitude is definitely negative, and thus differs completely from the view expressed by the majority of the Commission in the report which accompanies the draft. This constitutes for the Soviet delegation an additional reason for declining all responsibility as regards the draft in question, and for abstaining from taking any part in the analysis embodied in the report.

The position of the Soviet delegation towards disarmament, a position as reflected in every detail of its various proposals and statements, incorporated in the Minutes of the fourth, fifth and sixth sessions, may be summed up broadly as follows:

II.

Adhering to the fundamental principles of its Government's foreign policy, the Soviet delegation has taken a most active part in the work of the Preparatory Commission, actuated by its consistent desire to achieve really effective measures in the matter of the reduction of all kinds of armaments, with a view to impeding, at all events to some extent, the possibility of any outbreak of war.

Moreover, the Soviet delegation, differing in this from many other delegations, whose efforts were all designed to safeguard their military interests and to utilise the Disarmament Convention as a means of establishing a fresh balance of the existing forces more in keeping with their intentions, has declared definitely that it does not claim any special advantage for itself, and that it is prepared to agree to the abolition of armaments or to their reduction to the absolute minimum.

The Soviet delegation has consistently and energetically opposed any attempts to make disarmament contingent on security or on other arbitrary factors which are generally employed to demonstrate the necessity of maintaining or increasing armaments.

III.

Starting from this fundamental hypothesis, the Soviet delegation, on the first day of its participation in the work of the Preparatory Commission, submitted a proposal for immediate, complete and general disarmament. This Soviet draft was rejected during the fifth session of the Commission. The latter adduced no really serious argument against the Soviet draft and simply noted that "practically all its members were of opinion that this draft could not be accepted by the Commission as a basis for its work, which work must be pursued along the lines already mapped out".

In rejecting the Soviet draft Disarmament Convention, the Preparatory Commission rejected the only effective guarantee of peace, while declaring that the Covenant of the League of Nations does not allow of complete disarmament.

IV.

In the same spirit and in the hope of obtaining measures in the domain of disarmament which should be at all events of some efficacy, the Soviet delegation, when its first draft was rejected, taking into account the fact that the majority of the Commission had substituted for its scheme of total and general disarmament the idea of partial and gradual reduction, submitted a new draft on the reduction of armaments, without, however, renouncing its initial scheme.

V.

The Soviet draft Convention for the reduction of armaments was based on three principles which constitute the fundamental principles of any real reduction of armaments. They were explained by the Soviet delegation on April 17th, 1929, and are as follows: (1) Existing armaments should be substantially reduced; (2) Such reduction should be based on proportional principles, or on any other equally objective standard applying alike to all States, with certain exceptions in favour of the smaller and less protected countries; (3) The numerical coefficients for the reduction of armaments should be fixed in the draft Convention by the Preparatory Commission.