aircraft-carriers and submarines. The Chairman of the Naval Commission, however, expressed the view that the only possible course, in view of the differences of opinion which had already arisen in the Naval Commission on these questions, was to await the progress of events.

The naval provisions embodied by the United Kingdom delegation in the draft Convention submitted to the General Commission on March 16th, 1933, were intended to complete the system in existence prior to the Conference. The stipulations of the Washington and London Naval Treaties were to be retained pending the Naval Conference to be held in 1933; France and Italy were to be brought within the framework of the London Naval Treaty, and those Powers not already bound by the Naval Treaties were to stabilise their positions and maintain the status quo—any new construction undertaken in the meanwhile being only in replacement of tonnage over age—until the meeting of the Naval Conference in 1935. The only new feature of the proposals put forward at this stage was a suggestion that the Permanent Disarmament Commission to be set up under the Convention should make the necessary preparations for the Naval Conference to be held in 1935.

The naval provisions of the draft Convention submitted by the United Kingdom delegation were discussed in the General Commission in May 1933. The observations and amendments submitted on this occasion included, on the one hand, reservations in regard to particular points on the part of the Powers which were parties to the Naval Treaties and, on the other hand, of protests from delegations which considered that the embodiment in a general Disarmament Convention of provisions contained in treaties between certain naval Powers was an inadequate and not very appropriate solution of the general problem of naval disarmament. Attention was more particularly directed to the omission from those provisions of any form of qualitative disarmament.

The provisions embodied in the United Kingdom draft Convention were adopted, at a first reading, on June 8th, 1933, but without prejudice to the observations, amendments and proposals of the various delegations. Meanwhile, the United Kingdom delegation was authorised to discuss with the delegations the difficulties which had arisen and to conduct with them negotiations with a view to a second reading.

The last report to the Conference dealing specifically with naval questions was submitted on March 27th, 1934, by the Chairman of the Naval Commission, who stated that no appreciable changes had occurred in the positions already assumed by the various delegations. Since that date, no further action in the naval sphere has been taken by the Conference.

Reference should be made to the following events which have since occurred:

On December 29th, 1934, the Government of Japan gave notice, in accordance with Article XXIII of that Treaty, of its intention to terminate the Washington Naval Treaty.

Consequently, this Treaty will cease to be in force after December 31st, 1936, and, also in accordance with its Article XXIII, all the contracting parties should meet in conference within one year from December 29th, 1934.

On June 18th, 1935, the United Kingdom and German Governments, by an exchange of notes, reached agreement that the future strength of the German navy in relation to the aggregate naval strength of the British Commonwealth of Nations should be in the proportion of 35 : 100.

This agreement also contained stipulations as to the submarine tonnage to be possessed by Germany and the ratio to be observed between that tonnage and the total submarine tonnage of the British Commonwealth of Nations.

Note by the Secretariat. — During the period which has elapsed between the drawing-up of the present report and its publication in printed form, the following events have occurred and should be added to the above note:

1. The Naval Conference in London from December 9th, 1935, to March 25th, 1936, which resulted in the Naval Treaty, signed on March 25th, 1936;

2. The Conference at Montreux from June 22nd to July 20th, 1936, at which was concluded the Convention dealing with the Regime of the Straits, dated July 20th, 1936.
CHAPTER VI.—AIR MATERIAL.

PROVISIONS OF THE DRAFT CONVENTION SUBMITTED BY THE PREPARATORY COMMISSION FOR THE DISARMAMENT CONFERENCE.

The provisions relating to air armaments contained in the draft Convention framed by the Preparatory Commission for the Disarmament Conference were embodied in Articles 25, 26, 27, 28, 36 and 37.

Articles 25 and 26 provided that the number and total horse-power of aeroplanes capable of use in war, in commission and in immediate reserve in the armed forces of the contracting parties, or in their land, sea and air formations organised on a military basis, should not exceed certain figures to be laid down by the Convention.

Article 26 embodied similar provisions limiting the number, total horse-power and total volume of dirigibles.

Article 27 provided for the adoption of standard rules for measuring the horse-power of aeroplanes and the volume of dirigibles.

Article 28 provided that the contracting parties should refrain from prescribing the embodiment of military features in the construction of civil aviation material, that they should undertake not to require civil aviation enterprises to employ personnel specially trained for military purposes, that they should undertake not to subsidise directly or indirectly air lines principally established for military purposes, and that they should undertake to encourage, as far as possible, the conclusion of economic agreements between civil aviation undertakings in the different countries.

Article 36 provided for publicity in respect of the air material limited under Articles 25 and 26, and Article 37 provided for publicity in respect of the number and total horse-power of civil aeroplanes and dirigibles.

PROPOSALS SUBMITTED TO THE CONFERENCE BY THE DELEGATIONS, FEBRUARY 1932.

During the general discussions of the Conference in plenary meeting from February 2nd to 24th, the delegations submitted, in speeches and memoranda, a series of proposals with a view to strengthening the provisions relating to air armaments embodied in the draft Convention. These proposals may be summarised as follows:

1. Abolition of military aeroplanes (Germany, Denmark, Sweden, the Hejaz).
2. Abolition of military dirigibles (Union of Soviet Socialist Republics).
3. Abolition of military aviation, combined with the internationalisation of civil aviation (Spain).
4. Abolition of aerial bombing (Netherlands).
5. Abolition of bombing aircraft (Austria, Belgium, China, Hungary, Italy, Portugal and Switzerland).
6. Reduction of air armaments to an equal limit for all States, to be attained within ten years (Turkey).
7. Progressive and proportional reduction of air armaments on the basis of material existing at a specific date (Union of Soviet Socialist Republics).
8. Creation of an international air force and placing at the disposal of the League of Nations of military air-machines above a certain tonnage or volume (France).
9. Internationalisation of civil air transport under a system to be organised by the League (France).
10. Internationalisation of civil aviation (Belgium, Spain).
11. Internationalisation or strict international control of civil aviation (Denmark, Sweden).
12. International control of civil aviation (Switzerland, Germany and the Union of Soviet Socialist Republics).
13. Publicity relating to non-military aviation (Union of Soviet Socialist Republics).

A special Committee of Experts, meeting in the spring of 1931, had prepared for the Conference the standard rules to be adopted for the measurement of the horse-power of aeroplane and dirigible engines. (See documents C.259.M.III.1931.VIII and C.260.M.III.1931.VIII. Conference Documents, Volume II, pages 298 and 301.)

The proposals are analysed in document Conf.D.102 (Conference Documents, Vol. I, page 148), in which specific references to them in detail will be found.

The United Kingdom delegation proposed that the Air Commission should make a practical examination of the whole problem of aerial bombing in its widest sense.

The General Commission of the Conference, on February 25th, 1932, constituted an Air Commission for the study of air questions as a whole. The proposals submitted to the Conference during the general discussion were referred to the Air Commission, together with the text of the draft Convention.

PROGRAMME OF WORK OF THE AIR COMMISSION, MARCH 1932.

The Chairman of the Air Commission, at a meeting held on March 10th, 1932, represented that the whole problem of military aviation turned upon the question of its total or partial abolition. Certain delegations proposed that this measure should be adopted, together with the internationalisation of civil aviation; others had demanded the abolition of certain categories of air armaments, such as dirigibles or bombing aircraft; while still others had proposed the prohibition of certain weapons. There was also a French proposal to the effect that certain types of aircraft should be surrendered to the League and that certain other types should be placed at the disposal of the League for the establishment of an international air force. Finally, the Commission would have to consider the question of civil aviation. It had been suggested that civil aviation should be internationalised, or supervised, or subjected to a system of publicity.

The Air Commission, on March 14th, decided that it could not undertake a technical discussion of the question of the internationalisation of civil aviation until the General Commission had given a decision of principle on the subject. The General Commission, however, on March 16th, 1932, adopted a resolution to the effect that a previous technical study of the internationalisation of civil aviation and its possibilities of execution would be likely to facilitate a decision on the question of principle, and it formally requested the Air Commission to undertake such a study and submit any conclusions which might be likely to assist it in forming an opinion either with regard to the internationalisation of civil aviation or any other measure calculated to prevent signatory Powers from using civil aviation for military purposes.

The Air Commission, on March 17th, 1932, feeling that it required further technical guidance and information before undertaking this task, instructed its secretariat to undertake, with the assistance of the competent international organisations, an objective study of the problem, and authorised its officers to circulate to the delegations a questionnaire inviting them to furnish all necessary information as to the organisation of their national aviation systems.

QUALITATIVE DISARMAMENT: RESOLUTION ADOPTED BY THE GENERAL COMMISSION ON APRIL 22ND, 1932.

Under the resolution on qualitative disarmament adopted by the General Commission of the Conference on April 22nd, 1932, the Air Commission was asked to decide:

I. What are the air armaments whose character is the most specifically offensive?
II. What are the air armaments which are the most efficacious against national defence?
III. What are the air armaments which are the most threatening to civilians?

The Air Commission, meeting on April 27th, 1932, after a preliminary exchange of views, appointed a Sub-Committee to prepare a basis of discussion. The Sub-Committee submitted a report to the plenary Commission on May 18th, 1932. The report gave rise to a detailed discussion, which concluded on June 8th, 1932, with the adoption of a final report to the General Commission.

REPORT OF THE AIR COMMISSION, JUNE 8TH, 1932.

The Air Commission, in this report to the General Commission, stated that the offensiveness of air armaments, their efficacy against national defence, and the threat which they represented for civilians must vary considerably on account of the wide differences in the geographical position of different countries, the location of their vital centres and the state of their anti-aircraft defences. It further pointed out that any qualitative question in connection with air armaments was closely bound up with quantitative considerations. The Commission, however, found it possible to set down certain general conclusions.

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1 Minutes of the Air Commission, Series D, Volume III, pages 1-10.
2 Chronological Record, pages 15-16.
These conclusions were formulated as follows:

I. Offensive Character.

(a) All air armaments can be used to some extent for offensive purposes, without prejudice to the question of their defensive uses. If used in time of peace for a sudden and unprovoked attack, air armaments assume a particularly offensive character. In effect, before the State victim of the aggression can take the defensive measures demanded by the situation, or before the League of Nations or States not involved in the conflict could undertake preventive or mediatory action, the aggressor State might in certain cases be able rapidly to obtain military or psychological results, such as would render difficult either the cessation of hostilities or the re-establishment of peace.

(b) Civil aircraft, to the extent that they might be incorporated into the armed forces of a State, could in varying degrees subserve military ends.

(c) Independently of the offensive character which air armaments may derive from their use, their capacity for offensive action depends on certain of their constructional characteristics.

(d) The possibilities of offensive action of aeroplanes carried by aircraft-carriers or warships equipped with landing-platforms (or landing-decks) must be regarded as being increased by the mobility of the vessels which carry them.

(e) The capacity for offensive action of air armaments resulting from such constructional characteristics should first be considered from the point of view of the efficacy of such armaments against national defence, and secondly from the point of view of the threat offered thereby to the civilian population.

II. Efficacy against National Defence.

(a) The aircraft forming a part of the air armaments of a country that may be regarded as most efficacious against national defence are those which are capable of the most effective direct action by the dropping or launching of means of warfare of any kind.

(b) The efficacy against national defence of an aircraft forming part of such armaments, and considered individually, depends upon its useful load and its capability of arriving at its objective.

(c) The efficacy against national defence of means of warfare of every kind launched from the air depends upon the material effect which they are capable of producing.

III. Threat to Civil Population.

(a) The aircraft forming part of the air armaments of a country which can be regarded as the most threatening to the civil population are those which are capable of the most effective direct action by the dropping or launching of means of warfare of any kind; this efficacy depends primarily upon the nature of the means of warfare employed and the manner in which they are employed.

(b) The degree of threat to the civil population represented by an aircraft forming part of those armaments, and considered individually, is in proportion to its useful load and its capability of arriving at its objective.

(c) The means of warfare, intended to be dropped from the air, which are the most threatening to the civil population are those which, considered individually, produce the most extended action, the greatest moral or material effect; that is to say, those which are the most capable of killing, wounding and immobilising the inhabitants of centres of civil population or of demoralising them, so far as concerns immediate consequences, and, so far as concerns future consequences, of impairing the vitality of human beings. Among these means the Commission specially mentions poisonous gases, bacteria and incendiary and explosive appliances.

IV.—The useful load of aircraft and their capability of arriving at their objective are determined by a large number of variable factors. Where useful load is concerned, the Air Commission has noted among these variable factors, for purposes of examination, the unladen weight, the horse-power and the wing area for aeroplanes, the volume and the horse-power for dirigibles.

The Commission further presented a technical study of the efficacy and the use of air armaments, a commentary on the conclusions of its report and statements by various delegations.

Some of the more important conclusions embodied in the report were adopted only by a majority vote, and the report must be read in the light of the statements made in the Commission and of the comments, reservations and declarations appended to the text. Thus, the German delegation was of opinion that all military aviation, and especially the dropping of means of warfare of every kind from the air, was subject to all three criteria. An amendment in this sense was, however, rejected by twenty-two votes to seven. Austria, Bulgaria, China, Hungary, Turkey and the Union of Soviet Socialist Republics voting with the German delegation.
The reference to possibilities of the offensive action of aeroplanes carried by aircraft-carriers or warships was subject to a reservation by the United States delegation, with which the Portuguese and the United Kingdom delegations associated themselves. These delegations considered that it was misleading to suggest that aircraft based on ships were more specifically offensive than aircraft taking off from bases close to land frontiers.

Another important question on which a more general difference of opinion was expressed related to the efficacy of air armaments against national defence. Nineteen delegations desired to include in the report a statement to the effect that the air armaments most efficacious against national defence might also in certain circumstances be the most efficacious for defensive purposes. Twenty-two other delegations considered that it was unnecessary to insert this statement.

There were further differences of opinion as to the factors necessary to determine the useful load of aircraft and their capability for arriving at their objective. Eighteen delegations considered that, for purposes of practical comparison, unladen weight alone was an adequate criterion.

The technical study of the efficacy and the use of air armaments embodied in the report of the Air Commission was undertaken as the result of a questionnaire submitted by the French delegation. The study was based on the assumption that the offensive character of air armaments could not be determined arbitrarily, but must depend on the conditions which they must fulfil in order to be effective against whatever objectives might be assigned to them and on the defence requirements which they would have to meet. It was, for example, clear that, for many countries, the effectiveness of air armaments against national defence was due principally to the fact that they were able to attack the vital centres of a State and thus weaken internal resistance. Twenty-three delegations voted for including this study in the report and twelve delegations voted in the contrary sense. The delegations which voted against its inclusion were of opinion that the study was unnecessary for the purpose of giving a clear and adequate reply to the questions put by the General Commission.

The Air Commission was unanimously of opinion that air bombardment was a grave threat to civilians. Certain delegations maintained, in regard to the means of carrying out such bombardment, that it was impossible to draw a distinction between the different kinds of air armaments and that all military aviation complied with the criteria laid down by the General Commission. Other delegations contemplated the possibility of designating bombing aeroplanes as the most specifically offensive, the most efficacious against national defence and the most threatening to civilians. Certain delegations thought that it would be possible to fix a limit based on technical data, above which the majority of aeroplanes should be regarded as specially suitable for bombing, and suggested that this limit might be fixed at an unladen weight of 1,500 to 1,600 kgs. with the addition of 300 to 400 kgs. for seaplanes. One delegation regarded as subject to the three criteria of the General Commission all dirigibles and all aeroplanes seating two persons and over, provided they fulfilled certain conditions as to unladen weight, horse-power and wing area, while another delegation proposed to include all kinds of air bombs and all appliances for the aiming and launching of such bombs.

INTERNATIONALISATION OR CONTROL OF CIVIL AVIATION : DISCUSSION IN THE AIR COMMISSION FROM JUNE 14TH TO 24TH, 1932.

The Air Commission, on June 14th, 1932, entered upon a general discussion of the internationalisation or control of civil aviation.

The Commission had before it for the purpose of this discussion documents prepared in accordance with instructions given to its Secretariat on March 17th, 1932.1

The Chairman of the Commission, as delegate of Spain, submitted a memorandum embodying general principles which might permit of the total or partial abolition of military aviation. The memorandum was based on the assumption that, while the intrinsic interests of aviation, still at an experimental stage and needing the financial support of Governments, must be adequately safeguarded, aviation activity must, at every stage, be submitted to some form of control by an international institution. All air material without exception should become international; schemes and estimates for the construction of aircraft should be approved by an international body; aviation pilots and staff should be regarded as international and their military training prohibited; statistics of the movement of aircraft all over the world should be recorded by an international service.2

1 The documents at the disposal of the Air Commission included the following:
- Information as to the organisation of national aviation (document Conf.D./C.A.8. Addendum);
- An objective study of the internationalisation of civil aviation prepared by the Belgian delegate, M. de Brouckère (document Conf.D./C.A.9);
- The above-mentioned documents will be found as annexes to the Minutes of the Air Commission (Series D, Vol. III).

2 A study concerning the present situation in regard to the publicity of civil aviation, with a collection of provisions in force concerning the exchange or publication of information relating to civil aviation, prepared by the Organization for Communications and Transit of the League (document Conf.D./C.A.36, C.05.M.47.1932.VII).

The general discussion in the Air Commission was concluded on June 24th, 1932.† Many delegations, in particular those of Belgium and France, declared themselves in favour of the principle of internationalisation.

The German delegation stated that it would not oppose any reasonable control of civil aviation, provided definite progress were made in the matter of military disarmament. It expressed the view, however, that the measures taken by the Conference of Ambassadors with a view to preventing the use of German civil aviation for military ends would be found adequate.

The delegations of the United States of America and Canada emphasised the regional character of the question and presumed that internationalisation would not necessarily apply to the continent of North America.

The Soviet delegation considered that it was essential to prevent any possibility of transforming civil into military aircraft and represented that this was a more important matter than internationalisation. It agreed with the German delegation that the restrictions laid upon the disarmed Powers by the Conference of Ambassadors in 1919 would provide adequate safeguards.

The United Kingdom delegation urged that the essential object was to demilitarise civil aviation, but expressed itself as ready to participate in discussing the problem of internationalisation.

The French delegation, on June 22nd, 1932, submitted the following proposals in the hope that they would be accepted as a practical compromise:

1. Absolute prohibition of aerial, chemical, bacterial and incendiary warfare;
2. Prohibition of aerial bombardment, apart from the field of battle or air bases and long-range artillery emplacements;
3. Fixing of a maximum tonnage per unit of unladen weight for military aeroplanes; limitation of the number of military aeroplanes in excess of this tonnage essential for defensive purposes and the placing of these machines at the disposal of the League;
4. Continental internationalisation of commercial transport aviation;
5. Fixing on a similar basis of maximum tonnage per unit for non-internationalised civil aeroplanes;
6. Corresponding measures concerning the trade in arms and the private manufacture of arms.‡


The Air Commission, on June 24th, 1932, appointed a Sub-Committee to draw up for the plenary Commission draft proposals based on the suggestions submitted by the various delegations.

On July 18th, 1932, the Sub-Committee appointed by the Air Commission on June 24th adopted a report embodying draft rules for civil aviation.† It was stipulated that the contracting parties should refrain from prescribing military characteristics in the construction of aircraft and should prohibit the construction of civil aircraft with a view to their possible use for military purposes. They would undertake, in particular, to ensure that civil aircraft were not provided with apparatus, armaments or appliances which might facilitate their employment for military purposes. They would not require or encourage, either by subsidies or otherwise, the construction or maintenance of commercial aircraft exceeding the normal requirements of civil aviation. They would refrain from requiring civil aviation enterprises to employ staff specially trained with a view to military activities and prohibit all supplementary instruction or special training for such a purpose. Finally, they would undertake to supply an international organisation with statistics relating to their civil aircraft and to subsidies granted to civil aviation and with special particulars in regard to civil aircraft exceeding a limited maximum of unladen weight.

Several delegations appended important reservations. The French delegation declared that the work of the Sub-Committee had confirmed its opinion that no rules for civil aviation could effectively prevent its employment for military purposes, and represented that it was essential to delegate to an international organisation, not merely a right of inspection, but a right of decision and supervision in respect of civil aircraft. These views were shared by the Polish delegation. The Hungarian delegation said that it could only accept rules for civil aviation if they formed part of a plan for the abolition of military aviation. The Swedish delegation did not consider the rules as adequate, and doubted whether it would be possible to base upon them a total abolition or even any serious limitation of military aviation; while the Soviet delegation represented that the effects of the rules would necessarily depend on the decisions taken in regard to military aviation.

‡ Minutes of the Air Commission, page 108. The French delegation had submitted two previous sets of proposals, the first being contained in the original French plan submitted to the Conference on February 5th, 1932 (document Conf.D.50) and the second being submitted to the Conference on April 14th, 1932 (document Conf.D.115) (Conference Documents, Vol. I, page 113, and Vol. II, page 340). The United Kingdom delegation, on June 22nd, 1932, stated that, though it had been unable to accept the original proposals of the French delegation, it was prepared to give to the new proposals its closest attention.
The General Commission, on July 23rd, 1932, adopted, by forty votes to two, with eight abstentions, a resolution which contained the following provisions as to air forces:

1. Air attack against the civilian population shall be absolutely prohibited.

2. The High Contracting Parties shall agree as between themselves that all bombardment from the air shall be abolished, subject to agreement with regard to measures to be adopted for the purpose of rendering effective the observance of this rule.

These measures should include the following:

(a) There shall be effected a limitation by number and a restriction by characteristics of military aircraft;

(b) Civil aircraft shall be submitted to regulation and full publicity. Further, civil aircraft not conforming to the specified limitations shall be subjected to an international regime (except for certain regions where such a regime is not suitable) such as to prevent effectively the misuse of such civil aircraft.

Appointment of an Air Committee composed of the Principal Air Powers to consider the above Resolution, February 16th, 1933.

The Bureau of the Conference, on September 26th, 1932, requested the Chairman of the Air Commission to submit a report indicating the best procedure for the study of the above resolution.

The Chairman, submitting a report on October 24th, 1932, proposed that an Air Committee should be appointed with the following agenda:

1. General regulation and publicity for civil aviation and an international regime to be applied to civil aircraft whose characteristics exceed the limits laid down for military aircraft;
2. Restriction on the characteristics of military aircraft;
3. Quantitative limitation of military aircraft;
4. If necessary, further measures to be adopted in order to render effective the total abolition of aerial bombardment.

The General Commission, on February 16th, 1933, in accordance with this proposal, constituted an Air Committee of twenty members, representing the principal air Powers.

Proceedings of the Air Committee, February 20th to March 17th, 1933.

The Air Committee met on February 20th, 1933. The Committee, after a preliminary discussion of its programme of work, adopted, on March 1st, 1933, the following resolution:

"The Committee finds:

(1) That its present work is based entirely on the hypothesis of the total abolition of military and naval aviation and bombing from the air, which it is its object to make possible;

(2) That the only two preliminary questions still to be discussed with a view to a decision as to the abolition of military and naval aviation are:

(a) Internationalisation,

(b) Air police force;

(3) That all the views expressed in the discussion on these two questions are directly conditional upon the acceptance of the abolition of military and naval aviation, and that, if no agreement is reached as to the scope of that measure, the opinions expressed and the decisions reached on the subject of civil aviation will be null and void.

(4) That it is the Committee's intention to report to the General Commission as early as possible and in any case before March 11th."

The Committee, on March 1st, 1933, in accordance with this resolution, entered upon a discussion of the measures to be taken for the internationalisation of civil aviation and for the constitution of an air police force with a view to rendering possible the abolition of military aviation. Further important declarations of principle were made. The case for the internationalisation of civil aviation and the creation of a force of air police, submitted by M. Pierre Cot, Air Minister of France, was met with varying degrees of opposition and reserve by other
DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION, MARCH 16TH, 1933.

Meanwhile, on March 16th, 1933, the United Kingdom delegation submitted to the General Commission a draft Convention embodying in Chapter 3, Section II, a series of articles dealing with air armaments. Article 34 of the draft Convention provided for a complete abolition of bombing from the air except for police purposes in certain outlying regions.

Article 35 provided that the Permanent Disarmament Commission should immediately devote itself to working out schemes for a complete abolition of military and naval aircraft, to be dependent on an effective supervision of civil aviation to prevent its misuse for military purposes. The Permanent Disarmament Commission was alternatively instructed, should it prove impossible to ensure an effective supervision of civil aviation, to determine the minimum number of machines required by each contracting party consistent with its security, obligations and particular circumstances. It was understood that these schemes would be reported to a second Disarmament Conference.

Article 36 provided that the number of aeroplanes capable of use in war should not, at the end of the period of the Convention, exceed figures laid down for each of twenty-six countries specified as possessing such aeroplanes, and that the status quo existing on January 1st, 1933, should be maintained for the other contracting parties.

Article 37 fixed a limit for aeroplanes capable of use in war of three tons unladen weight, exceptions being allowed for troop-carryers and flying-boats.

Article 38 provided that no dirigible should be constructed or acquired during the period of the Convention by any of the contracting parties for war purposes.

Article 39 provided a definition of unladen weight.

Article 40 provided that aeroplanes capable of use in war in excess of the number indicated for each contracting party should be put out of commission or otherwise disposed of by the end of the period of the Convention and that at least half of such excess should have been so dealt with by June 30th, 1936.

Article 41 provided that aeroplanes exceeding the maximum unladen weight fixed by the Convention should be destroyed by the end of the period of the Convention and that at least half of their number should be destroyed by June 30th, 1936.

1 There have been no further meetings of this Committee.
3 The United Kingdom, France, Italy, Japan, the Union of Soviet Socialist Republics and the United States of America, 500 aeroplanes; Czechoslovakia, Poland, Spain and Yugoslavia, 200; Belgium, the Netherlands and Roumania, 150; China and Turkey, 100; Greece, Norway, Siam, Sweden and Switzerland, 75; Denmark, Estonia, Latvia and Lithuania, 50; Finland and Portugal, 25.
DISCUSSION AND FIRST READING OF THE DRAFT CONVENTION IN THE GENERAL COMMISSION,
MAY 27TH TO JUNE 8TH, 1933.

The General Commission, on May 27th, 1933, entered upon a general discussion of these provisions. Amendments were submitted by various delegations and their discussion gave rise to a series of declarations and observations.\(^1\)

The Spanish delegation submitted an alternative draft Convention in four chapters and twenty articles, based on the principle that aircraft would not henceforth be used for war purposes and providing for the establishment of an international directorate of civil aviation. It was proposed that the contracting parties should undertake to prohibit the construction, storage or sale of military aircraft or any ground equipment or training of pilots for military purposes. Provision was made for the establishment, under the authority of the international directorate of aviation, of a system of main international air lines, and rules were laid down with regard to their administration, material and staff. A special chapter of the Convention embodied measures for the organisation by the international directorate of aviation of an international force of air police with specific duties.

The delegations of Hungary, Austria, China and Germany submitted amendments in favour of the total abolition of military aviation, the German delegation moving that all military and naval air material should be destroyed within two years of the coming into force of the Convention.

Article 34 of the United Kingdom draft Convention, which provided for the complete abolition of bombing from the air except for police purposes in outlying regions, gave rise to considerable discussion, special attention being directed to the exception defined in the article. The Soviet delegation urged that no exception to the general rule prohibiting bombing from the air could be allowed and this view was strongly supported in varying degrees by other delegations, more particularly by the delegations of Poland, Switzerland, Norway, the United States of America, China and Germany. Certain delegations proposed intermediate solutions to the effect that the exception should apply only to regions outside Europe or to police measures taken by the contracting parties within their own territories. The United Kingdom delegation explained that, in providing for the exception contained in Article 34, it had merely in view the maintenance of order in inaccessible districts, representing that the only alternative method was the despatch of expeditionary forces, which might involve heavy casualties and prove in effect to be a less humane method of dealing with a situation. The Japanese delegation declared that it could accept the complete prohibition of bombing from the air only if the total abolition of aircraft-carriers and of war-vessels equipped with landing bridges and platforms were accepted. It further stipulated that an agreement would be necessary for the effective prevention of the use of civil aircraft for military purposes.

Several delegations insisted that the abolition of military aviation must be contingent upon an effective regulation of civil aviation, while others considered that, if military aviation were abolished, civil aviation should be internationalised.

The case for the internationalisation of civil aviation was strongly urged by the French delegation, whose attitude upon this question received support from the Polish, Roumanian, Czechoslovak and Yugoslav delegations. The French delegation, in the absence of internationalisation, pleaded for a supervision of civil aviation sufficiently effective to render it impossible for civil aeroplanes to be used for military purposes, pointing out that, if the material of military aviation were limited in quality and quantity, civil aircraft, which would necessarily tend to increase in speed and power, would become all the more dangerous from the military point of view. It contended that measures concerning civil aviation should be progressive, following the stages contemplated in the United Kingdom draft Convention for the reduction of military aviation. The French delegation was prepared to abolish bombing from the air, to limit air material quantitatively by fixing maximum numbers for aircraft, to limit air material qualitatively by fixing a maximum unladen weight and to reduce existing material by stages.

The General Commission, as a result of this discussion, decided to regard the articles of the United Kingdom draft Convention relating to air armaments as having been read a first time and to take no further action until the draft Convention came up for a second reading, when decisions would have to be reached on all the amendments proposed. The delegations were meanwhile invited to communicate directly to the United Kingdom delegation any proposals or observations which they desired to submit in preparation for a second reading.

APPOINTMENT BY THE BUREAU OF A RAPPORTEUR FOR AIR QUESTIONS, NOVEMBER 11TH, 1933.

The Bureau, on November 11th, 1933, decided that a Rapporteur should be appointed to "consider the question of the universality of Article 34 concerning the abolition of bombing..."
from the air as well as questions connected with civil aviation regarding which precise measures should be provided for in the Convention 1. The Bureau expressed the view that the question of the complete abolition of military aviation and the correlative questions which would be raised with regard to civil aviation by such an abolition were matters which should be left to the mature consideration of the Permanent Disarmament Commission as contemplated in the United Kingdom draft Convention. 2

Dr. Lange (Norway), Vice-Chairman of the Air Committee, was appointed to act as Rapporteur. 3

The Rapporteur, in a memorandum addressed to the President of the Conference on November 24th, 1933, 4 stated that several of the delegations which had submitted amendments to the United Kingdom draft Convention refused to take up any definite position on the question of air armaments, on the ground that these problems could only be solved if studied in the light of the general political situation or of problems raised in other spheres, and more especially in the light of naval problems. The Japanese delegation, for example, made its consent to the abolition of bombing from the air conditional upon the abolition of aircraft-carriers. The French delegation considered that the various aspects of armaments were not to be considered separately but in the light of the general political situation or of problems raised in other spheres, and more especially in the light of naval problems. The Japanese delegation, for example, made its consent to the abolition of bombing from the air conditional upon the abolition of aircraft-carriers. The French delegation considered that the various aspects of armaments were interdependent and that the value of a separate discussion on air armaments would only be relative. The Italian delegation, while accepting the United Kingdom draft Convention in general, was unable, in existing circumstances, to discuss the possibility of accepting any amendments to that draft Convention.

The United Kingdom delegation stood by a declaration by the Under-Secretary of State for Foreign Affairs in the House of Commons on July 5th, 1933, to the effect that there would be no question of allowing the Conference to break down as a result of any insistence upon the exception embodied in Article 34. 4 The delegations of the United States of America and the Union of Soviet Socialist Republics were unreservedly in favour of the complete abolition of bombing from the air. The Rapporteur, as a result of his conversations with the delegations, submitted to the President an amended text of Article 34 in the following terms:

"The High Contracting Parties accept the complete abolition of bombing from the air and undertake to prohibit in their territory all preparations for such bombardment and all training in its methods."

Owing to the reservations made by some of the delegations, no thorough examination of the question of the supervision of civil aviation seemed to be possible. The delegations, however, generally agreed that the preparatory work to be undertaken with a view to the complete abolition of air armaments should be entrusted to the Permanent Disarmament Commission, while the delegations of the United States of America, France, Japan and the Union of Soviet Socialist Republics supported a suggestion that the parties to the Convention should bind themselves to participate in a Conference to meet during the period of application of the Convention for the purpose of discussing and, if possible, finally accepting the total abolition of military and naval air armaments.

PARALLEL AND SUPPLEMENTARY NEGOTIATIONS BETWEEN GOVERNMENTS, NOVEMBER 1933 TO JUNE 1934.

The Bureau of the Conference, on November 22nd, 1933, decided that the work of the Conference might best be assisted by parallel and supplementary negotiations between various Governments and a full use of diplomatic machinery. 5

As a result of this decision, memoranda were exchanged between the German, United Kingdom, French, Italian and United States Governments. 6

The main opinions and proposals of the Governments relating to air armaments may be briefly summarised.

The French Government, in a note dated January 1st, 1934, stated that, from the outset of the application of the Convention, France not only agreed to the abolition of bombardment from the air, subject to the conditions defined in the resolution of July 23rd, 1932, but would even be prepared to consider, if such a general reduction was accepted by the principal air forces and was accompanied by an effective supervision of civil aviation and aircraft manufacture, a proportional reduction of 50% of her air material at that time in service. The ultimate aim of these important reductions should be the abolition of all national military aviation and its replacement by an international air force.

The German Government, replying to the French note on January 19th, 1934, enquired whether, in view of the method of reduction contemplated in the French memorandum, the principle of equalising all the major air fleets at a common level would be retained; whether, during the second, as well as during the first, stage of the Convention, Germany must continue to have no military air force; whether the system applied in the second stage would depend entirely on the facts ascertained in the first stage; within what period the abolition of 50% of the aeroplanes at present in service would be carried out; whether the aeroplanes would

1 Document Conf.D./Bureau 50(I), Conference Documents, Vol. III.
4 See page 89.
5 Chronological Record, page 25.
6 Documents Conf.D.166 and 166(a), Conference Documents, Vol. III.
all be destroyed; what was to be the scope of the supervision of civil aviation and aircraft manufacture; whether the Convention would provide specifically for the abolition of military aviation by a stated date and, if so, at what date would the prohibition of bombing from the air be absolute and general and, if not, what definite limitations would be attached to it.

The United Kingdom, in a memorandum dated January 29th, proposed that the provisions of Article 36 of the draft Convention should be amended in the following sense:

"If the Permanent Disarmament Commission has not decided on abolition at the end of two years, all countries shall be entitled to possess military aircraft. Countries would reduce or increase by stages, as the case might be, in the following eight years, so as to attain by the end of the Convention the figures in the table annexed to Article 41 of the United Kingdom draft Convention or some other figures to be agreed on. Germany would obtain parity with the principal air Powers by these stages and corresponding provisions would be made for other Powers not at present entitled to possess military or naval aircraft. It is, of course, understood that all construction or fresh acquisition of weapons of the kinds which are to be destroyed during the life of the Convention would be prohibited."

The Italian Government, in a letter dated January 4th, 1934, addressed to the British Minister for Foreign Affairs, expressed the view that a Convention might be realised to remain in force up to December 31st, 1940, providing in particular for the prohibition of the bombardment of civil populations. It added that, in the field of prohibition of bombardment from the air, more radical measures might be possible when the rule of the interdependence of land, sea and air armaments so permitted. It further noted that such a measure ought greatly to facilitate the solution of the problem of the parity of German air armaments.

The Danish, Spanish, Norwegian, Swedish and Swiss delegations, supported by the Netherlands delegation, addressed to the President of the Conference, on April 14th, 1934, a memorandum stressing the view that it would be necessary to be content with a Convention limited to certain branches of armaments and to postpone a comprehensive solution until later. They proposed, in particular, that any decision concerning the maintenance or abolition of military aviation should be postponed, measures being taken, however, to prevent an aggravation of the existing situation and to strengthen the proposals embodied in the United Kingdom draft Convention by an unconditional prohibition of aerial bombardment.1

Programme of Work of the Air Committee: Resolution Adopted by the General Commission on June 8th, 1934.

The General Commission, meeting in May 1934, noted that the parallel and supplementary negotiations between various States had not yet made it possible to eliminate essential differences and, by a resolution adopted on June 8th, 1934, it decided, amongst other things, to instruct its Air Committee to resume the study of the questions mentioned in the resolution of July 23rd, 1932, under the heading 'Air Forces'.2

The Chairman of the Air Committee, however, after consulting the delegations, did not think that any useful purpose would be served by summoning the Committee while negotiations between the Powers principally concerned were still proceeding.3 The President of the Conference, at a meeting of the Bureau held on November 20th, 1934, observing that the air question had not been considered by the appropriate Committee as recommended in the resolution of June 8th, 1934, urged that arrangements should be made to deal with the problem at the earliest opportunity.4

No further action, however, has as yet been taken in the matter.5

Summary of Events and Conclusions.

The provisions of the draft Convention submitted by the Preparatory Commission provided only for a limitation of the number and total horse-power of military aircraft. Proposals, however, were at once submitted with a view to strengthening these provisions. Certain delegations suggested the total abolition of military aviation, while others recommended the abolition of bombing from the air. It was realised from the outset that these further measures would depend on the adoption of methods for internationalising or regulating civil aviation with a view to preventing States from adapting and using such aviation for military purposes. During the discussion which

1 See Chronological Record, page 28.
2 See Chronological Record, page 30.
4 Chronological Record, page 32.
5 The Chairman of the Air Committee, on consulting the delegations, again considered that the situation in regard to air questions did not render it possible for the Air Committee to resume its proceedings. It should be recalled in this connection, that, in March 1935, the right to possess adequate military air forces was publicly claimed by the German Government.
took place in the Air Commission in June 1932, many delegations, in particular those of Belgium and France, declared themselves in favour of the principle of internationalisation. Other delegations were of opinion that measures for the regulation of civil aviation analogous to those taken by the Conference of Ambassadors in 1922, with a view to preventing the use of German civil aviation for military ends would be adequate.

The Air Commission, on July 18th, 1933, with a view to precluding the adaptation and employment of civil aviation for military purposes, adopted a series of draft rules for civil aviation. Several delegations, however, appended important reservations. More particularly, the French delegation adhered to its opinion that, failing internationalisation, no rules for civil aviation could effectively prevent its use in war.

The discussions in the Air Commission on the subject of qualitative disarmament also gave rise to important divergencies of opinion. The Commission, invited to state which air armaments were most specifically offensive, the most efficacious against national defence or the most threatening to civilians, in its report to the General Commission on June 8th, 1932, stated that the extent to which air armaments fulfilled these criteria must vary considerably on account of the wide differences in the geographical position of different countries, the location of their vital centres and the state of their anti-aircraft defences. Certain delegations were of opinion that all military aviation, and especially the dropping of means of warfare of every kind from the air, came under all three criteria. But a declaration in that sense was rejected by the Commission, while nineteen delegations desired to state that the air armaments most efficacious against national defence might also, in certain circumstances, be the most efficacious for defensive purposes. The Commission was unanimously of opinion that bombardment from the air was a grave threat to civilians. Some delegations inferred that all military aviation should accordingly be brought within the sphere of qualitative disarmament. Other delegations, however, suggested that bombing aeroplanes should be regarded as forming a special category for which limits based on technical data might be fixed.

The General Commission, in its resolution adopted on July 23rd, 1932, decided that air attack against civil population should be absolutely prohibited, all bombardment from the air would be suppressed and, in the light of that hypothesis, it discussed the problem, not only of the internationalisation of civil aviation, but also the proposals put forward by the French delegation for the constitution of an air police force. The case for these measures submitted by the French delegation was met with varying degrees of opposition and reserve by other delegates on the Committee, and, on March 17th, 1933, on the motion of the delegations of the United States of America, the United Kingdom, Italy and Japan, the Committee adjourned in view of the fact that the discussion could not usefully be continued until it was definitely ascertained whether there were any countries which did not desire any kind of interference with their civil aviation and whether these countries were nevertheless prepared to agree to the abolition of military and naval aviation.

The provisions relating to air armaments embodied in the United Kingdom draft Convention submitted to the General Commission on March 16th, 1933, provided for the complete abolition of bombing from the air except for police purposes in certain outlying regions. It was recognised that a complete abolition of military and naval aircraft must depend on an effective supervision of civil aviation, and it was left for the Permanent Disarmament Commission to study the possibilities of this alternative with a view to measures to be taken by a Second Disarmament Conference. The Convention provided at once, however, for a limitation to definite figures of aeroplanes capable of use in war.

The provisions of the United Kingdom draft Convention were read a first time, but they gave rise to a series of declarations and observations which, in effect, postponed any definite decision to a second reading. The case for the internationalisation of civil aviation was again strongly urged by the French delegation, whose attitude received support from the Polish, Roumanian, Czechoslovak and Yugoslav delegations. The French delegation, in default of international agreement for its effective supervision, and the Spanish delegation submitted an alternative draft Convention in four chapters and twenty articles providing for the complete abolition of military and naval aircraft and the establishment of an international directorate of civil aviation.

The question of air material was not again formally discussed by any Committee of the Conference, but became the subject of conversations and negotiations between the delegations to the Conference and between the Governments concerned. The Bureau, in November 1933, in appointing a Rapporteur for air questions to keep in touch with the delegations to the Conference, expressed the view that the question of the complete abolition of military aviation and the correlative question with regard to civil aviation were matters which should be left to the mature consideration of the Permanent Disarmament Commission. The Rapporteur,
as a result of his conversations with the delegations, in a memorandum addressed to the President of the Conference on November 24th, 1933, submitted a text providing for the complete abolition of bombing from the air and the prohibition of all preparations for such bombardment and training in its methods; but he at the same time reported that, owing to reservations made by some of the delegations, no thorough examination of the question of the supervision of civil aviation appeared to be possible.

The results of the parallel and supplementary conversations between Governments in respect of air armaments, which took place outside the Conference between November 1933 and June 1934, are briefly summarised in the preceding paragraphs. The General Commission, meeting in May 1934, noted that they had not eliminated essential differences, and, on June 8th, 1934, it instructed its Air Committee to resume the study of the questions mentioned in the resolution of July 23rd, 1932, under the heading of "Air Forces".

No further action, however, has been taken in the matter, and the position, so far as the proceedings of the Conference is concerned, remains as it stood upon the conclusion of the first reading of the United Kingdom draft Convention in June 1933.

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1 See above, pages 90-91.
CHAPTER VII.—NATIONAL DEFENCE EXPENDITURE
(LIMITATION AND PUBLICITY).

PROVISIONS OF THE DRAFT CONVENTION FRAMED BY THE PREPARATORY COMMISSION FOR THE DISARMAMENT CONFERENCE.

The draft Convention framed by the Preparatory Commission contained a series of articles providing for the limitation and publicity of national defence expenditure.

Article 10 and Article 24 provided for a limitation of annual expenditure on material for land and naval armaments respectively.

Article 29 provided for a limitation of the total annual expenditure of each of the contracting parties on armed forces and formations organised on a military basis; Article 33, for publicity of expenditure by categories of material for land and naval armaments; Article 38, for publicity of total expenditure on national defence.

The report drawn up by the Committee of Budgetary Experts set up by the Preparatory Commission contained detailed proposals for the application of the articles of the draft Convention concerning limitation and publicity.

PROPOSALS SUBMITTED TO THE CONFERENCE, FEBRUARY 1932.

Supplementary proposals were submitted or questions raised during the plenary meetings of the Conference in February 1932. The delegations of Sweden, Switzerland and the United States of America put forward proposals which involved a combination of budgetary with quantitative limitation.

The delegation of Poland expressed approval of the limitation of aggregate expenditure allocated to armed forces and formations organised on a military basis, but urged that it was necessary to examine the ratios to be established between the expenditure of countries which had a fully organised defence system and that of countries which had been obliged to build up a national defence system within recent years.

The Soviet and Danish delegations proposed that budgetary expenditure should be reduced proportionately to the amount of direct reduction.

Various delegations—e.g., the delegations of Sweden and Germany—insisted on a thorough examination of the budgetary method of limitation, more especially with a view to the difficulties caused by fluctuations in the purchasing power of currencies, while the German delegation questioned whether it was expedient to limit expenditure in view of the abandonment of the gold standard by certain countries and the resultant changes in purchasing power.

The Norwegian delegation submitted proposals for the limitation both of aggregate expenditure and expenditure under particular chapters. The Soviet delegation urged that provisions should be adopted for the abolition of secret funds and a unification of military budgets.

The delegations of Germany, the Netherlands, Spain, Switzerland and the Union of Soviet Socialist Republics insisted on a complete system of publicity in respect of armaments, in conformity with Article 8 of the Covenant. No specific proposals were submitted regarding the publicity to be established for annual expenditure on armaments.

APPONNTMENT OF A NATIONAL DEFENCE EXPENDITURE COMMISSION (LIMITATION AND PUBLICITY), FEBRUARY 25TH, 1932.

The General Commission of the Conference, on February 25th, 1932, decided that a National Defence Expenditure Commission should be constituted. The Commission met for the first time on February 27th, 1932.

The Commission was asked to deal with the following questions without awaiting their previous discussion by the General Commission:

1. A limitation of total annual expenditure as provided by Article 29 of the draft Convention and, in particular, proposals for:
   
   (a) A thorough study of budgetary methods, having regard to fluctuations in purchasing power;
   
   (b) Budgetary limitation relating to total expenditure and to individual chapters;
   
   (c) The abolition of secret funds and unification of the military budget;

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1 Document C.182 M.69.1931 X.

2 The proposals submitted to the Conference in February, 1932 are analysed in document Conf.D.102. (Conference Documents, Vol. 1, page 148.)
Publicity of land and naval expenditure, as provided under Article 33;
(3) Publicity of total expenditure, as provided under Article 38;
(4) Examination of the report of the Committee of Experts on Budgetary Questions:
   (a) The part of the report concerning publicity;
   (b) The part of the report concerning limitation in so far as it dealt with the questions enumerated under Item (1) above.

The Commission, in considering its programme of work on March 10th, 1932, noted that the principle of budgetary limitation had been reserved by the General Commission both in respect of land and naval material.¹

Preliminary Discussion (March to May 1932): Appointment of a Technical Committee.

The National Defence Expenditure Commission, on March 16th, 1932, appointed a Technical Committee of twelve members, with power to co-opt other experts, to study the details of the application of a system of publicity and limitation of expenditure on armaments. During the months of March, April and May 1932, a preliminary discussion of the principal points concerning budgetary limitation and publicity took place in the plenary Commission, but the detailed examination of the whole matter was carried out by the Technical Committee. The terms of reference of the Technical Committee, as laid down by the Expenditure Commission, were as follows:

(a) To study the documentation regarding national defence expenditure supplied in accordance with the decision of the League Council, dated May 23rd, 1931.
(b) To study the documentation, information and additional explanations to be supplied by the delegations of the States represented at the Conference;
(c) To study the technical questions in connection with the limitation and publicity of expenditure which the Commission may subsequently consider it advisable to refer to the Committee;
(d) To submit to the Commission in due course reports on the questions referred to it for examination.

The Commission at the same time invited the delegations to furnish as early as possible complete information on the budgetary systems in force in the various countries to be considered and reported upon by the Technical Committee. The Technical Committee, in order to obtain the necessary information, framed a questionnaire, which was distributed to all delegations. The Technical Committee devised a written and oral procedure designed to secure an effective examination of the necessary data. A very considerable number of questions were put in writing to the delegations, and, finally, the entire documentation received was discussed by the Committee in the presence of the delegates of the Power concerned. For each country, a summary of the essential facts was drawn up.

Resolution Adopted by the General Commission, July 23rd, 1932.

The resolution adopted by the General Commission on July 23rd, 1932, contained the following reference to National Defence Expenditure:

(a) The Conference shall decide, on the resumption of its labours, taking into account the special conditions of each State, what system of limitation and publicity of expenditure on national defence will provide the peoples with the best guarantee of an alleviation of their financial burdens, and will prevent the measures of qualitative and quantitative disarmament to be inserted in the Convention from being neutralised by increases or improvements in authorised armaments.

(b) With a view to the decisions to be taken under this head, the Conference requests the Committee on National Defence Expenditure and its Technical Committee to continue and complete the work entrusted to its organs and to submit their report as soon as possible. The Conference requests its Bureau to draw up, on the basis of this report, a plan accomplishing the purpose aimed at and taking into consideration the special conditions of the various States.

² By a Circular Letter from the Secretary-General of the League of Nations, dated March 30th, 1931 (C.L.63.1931.IX), communicating this decision of the Council to Governments, the attention of the latter was directed to Chapter 4 of the report of the Committee of Experts on Budgetary Questions, recommending the various States to fill in, by way of experiment, and before the opening of the Conference, the Model Statement of actual expenditure framed by the experts. The documents forwarded by Governments in reply to this circular letter, before the setting-up of the Technical Committee, have been printed in the series "Particulars with regard to the Position of Armaments in the Various Countries".
³ As will be seen from the Minutes of the Expenditure Commission, the questions referred, after discussion, to the Technical Committee cover practically all the points dealt with in the report of the Committee of Experts on Budgetary Questions or in the plenary meetings of the Expenditure Commission (March to May 1932).
⁴ Document Conf.D.158. Vols. II and III.
⁵ Annex 4.
The Technical Committee published its report on April 8th, 1933. The report was the result of a year's almost continuous work, including the examination of the information furnished by a considerable number of Governments represented at the Conference relative to their budgetary systems and national defence expenditure.

The Technical Committee took “national defence expenditure” to mean all expenditure necessitated or entailed by the creation, maintenance and training in time of peace of armed forces and formations organised on a military basis and by measures immediately connected with the preparations for national mobilisation.

In order to secure a uniform presentation of the figures, the Committee established a common framework or Model Statement in which States might enter all their national defence expenditure.

The Committee was of opinion that actual payments made in the course of a financial period should be taken as the juridical basis for either the publicity or limitation of expenditure. It recommended, however, that the States should every year forward to the Permanent Disarmament Commission, not only their closed accounts and Model Statements based thereon, but also draft estimates, budgets as adopted and a simplified Model Statement of estimated expenditure.

The Committee recognised that it was possible for all practical purposes for States to draw up a complete statement of their national defence expenditure within the meaning of the Convention, and that it was also possible for an international supervisory body to verify with a high degree of accuracy the manner in which the total amount of national defence expenditure was calculated.

Three of the members of the Committee (the Japanese, Italian and German experts) submitted a joint reservation expressing the view that, technically, a period of from four to five years would be necessary, during which the system of publicity alone could be applied, after which it would be possible to ascertain whether the system of budgetary limitation recommended in the report could be adopted. They drew special attention to two difficulties in the way of an immediate application of a system of limitation—namely, the delay which occurred in the publication of budgets and accounts in several countries and the fact that fluctuations in the purchasing power of currencies might, in the present state of the world, render the system inoperative.

The United States expert on the Committee limited his concurrence to measures on budgetary publicity and made full reservation on all subjects relating to budgetary limitation.

It was recognised that the separate limitation of expenditure in respect of land, naval and air forces or the separate limitation of land material and naval material would have the effect of compelling certain countries to modify considerably their accountancy systems and would give rise to difficulties from the point of view of supervision.

The report of the Technical Committee was discussed by the National Defence Expenditure Commission between May 22nd and 27th, 1933. The results of the discussion were incorporated in a report adopted by the Commission on June 3rd, 1933, and thereafter submitted to the General Commission.

(a) General Conclusions.

The Expenditure Commission was unanimously of opinion:

(1) That the States whose documentation had so far been examined by the Technical Committee would be able to draw up, for practical purposes, complete returns of their total expenditure on national defence as set forth in the Technical Committee's report;

(2) That, in view of the present system of accounting of a number of States, it was not possible, for purposes of limitation, to separate, with sufficient possibility of supervision, (a) the expenditure on each of the three forces, (b) the expenditure on land and naval material respectively, as had been contemplated in the draft Convention proposed by the Preparatory Commission;

(3) That, as the accounts of most countries were drawn up at present, it was not possible to give effect to Article 33 of the draft Convention, which provided for publicity of expenditure by categories of land and naval material;

(4) That the expenditure of the various countries on armaments could not, generally speaking, serve as a criterion for a comparison of their armaments, but that a comparison of the expenditure returns of the same country from one year to another would enable the evolution of its financial outlay on its armaments to be followed and would provide very useful information on the variations of its armaments.

(b) Bases of a Possible System of Limitation.

The Commission agreed that a system of global limitation of expenditure on national
defence offering the greatest possibilities of realisation would, in present circumstances, according to the Technical Committee’s proposal, have to be based on:

1. The definition and conventional list of items of national defence expenditure given in Chapter II of the Technical Committee’s report;
2. A uniform presentation of such expenditure in accordance with the Model Statement recommended by the Technical Committee (Chapter III of the report);
3. The payments made and entered in the published accounts (Chapter IV of the report) within periods and in forms suitable for the requirements of the Convention (Chapters V and VI of the report);
4. A special procedure designed to take into account fluctuations in the purchasing power of the currencies of the different countries;
5. A special procedure for taking into consideration unforeseeable and exceptional expenditure (Chapter XV of the report).

(c) Technical Possibility of applying a System for the Limitation of National Defence Expenditure.

The Commission was divided as to the possibility of inserting in the first Convention a clause providing for an immediate application of the principle of global limitation of national defence expenditure.

A majority, consisting of eighteen delegations, was of opinion that it was already at present technically possible to apply the principle. They were aware that the putting into force of limitation would call for modifications in the accountancy systems of several States, but they did not regard this as a valid argument against the conclusion of a Limitation Convention, since any measure of international disarmament necessarily involved internal reforms.

Other delegations, whether they accepted the principle of limitation (Japan), or whether they held the view that a trial period of publicity would be necessary in order to decide whether limitation was feasible (Austria, Bulgaria, Cuba, Germany, Hungary and Italy), considered that all the technical conditions necessary for the application of the proposed system were not at present fulfilled in all States and that it was not accordingly possible to apply the system immediately.

These delegations, with which the United States delegation associated itself generally, expressed the opinion that the enforcement of publicity during a period of four or five years would be necessary before it could be ascertained whether all the technical conditions necessary for limitation could be fulfilled and considered that the situation would have to be re-examined at the end of this period to decide whether it would be possible to put the system of limitation into practice.

The arguments brought forward during the discussion regarding the possibility of an immediate application of the principle of limitation principally centred round the difficulties caused by fluctuations in purchasing power and the present state of accountancy in certain countries.

(d) Base of a Possible Publicity System.

The Commission was unanimously of opinion that a system of publicity for national defence expenditure on the lines defined by the Technical Committee was possible.

Draft Convention submitted by the United Kingdom Delegation, March 16th, 1933.

The draft Convention submitted by the United Kingdom delegation on March 16th, 1933, contained no article dealing with budgetary limitation or publicity, and this fact was noted by various delegates during its discussion in the General Commission. Sir John Simon, representative of the United Kingdom, pointed out on March 27th, 1933, that this omission was due to the fact that the special Committee dealing with the matter was still continuing its studies, and that it was thought better to refrain from prejudging the results of its work, on which it was hoped that a final report might be available very shortly.

Proposal moved by the French Delegation, June 7th, 1933.

On June 3rd, 1933, the French delegation circulated the following draft article, which was formally moved by the French delegate in the General Commission on June 7th:

"The total expenditure on national defence of each of the High Contracting Parties shall be limited to the figure fixed for it in the table appended to the present section. The conditions for the application of this limitation are defined in the annex to the present section.

(The annex will define what is to be meant by national defence expenditure and will determine the rules for the application of limitation on the basis of the recommendations made in connection with point 6 of the report of the Expenditure Commission and in the report of the Technical Committee.)"
The General Commission considered the report of the National Defence Expenditure Commission on June 7th and 8th, 1933.¹

The Chairman of the National Defence Expenditure Commission stated that the Technical Committee had examined completely the information submitted by nineteen States and examined partially information communicated by ten other States. The national defence expenditure of the twenty-nine States examined represented 90% of the national defence expenditure of the whole world and amounted to over four milliards of gold dollars.

He recalled that the General Commission had put certain definite questions. First, was an immediate, supervised, aggregate limitation of national defence expenditure by budgetary means possible? The Expenditure Commission had answered that question in the affirmative by a large majority, while a considerable minority had answered it in the affirmative subject to certain conditions and provided the system was not immediately applied. Secondly, was immediate supervised publicity of national defence expenditure by budgetary means possible? That question had been unanimously answered in the affirmative. Thirdly, was a separate limitation of expenditure on land, naval and air forces possible? The Expenditure Commission had unanimously replied to that question in the negative.

The most important part of the system submitted for approval consisted of the Model Statement, in which all national defence expenditure would be entered in a uniform manner for all States. The scheme had been unanimously adopted by the Technical Committee as a framework in which both limitation and publicity might operate. Both the limitation system and the publicity system, moreover, found their essential field of operation in the system of general supervision to be adopted under the draft Convention.

The Rapporteur-General of the National Defence Expenditure Commission pointed out that it had been instructed to examine the technical conditions for the possible application of a suitable system of limitation and publicity. It had not been asked to decide whether such limitation or publicity was desirable. There had been general agreement regarding the principles which should form the basis of any system of limitation, but a difference of opinion as to whether all these conditions were at present fulfilled. The main difficulties which, in the opinion of a minority of the Commission, stood in the way of an immediate application of the system were fluctuations in the purchasing power of currencies and the present state of accountancy in certain countries. Unanimity had been reached as regards the technical possibility of a system of publicity of expenditure, and even those delegations which were opposed to the immediate application of the system of limitation were in favour of applying a system of publicity which, if put into effect for a period of four or five years, would indicate whether the difficulties anticipated really existed.

The French delegation, supporting its resolution,² argued that budgetary limitation would fulfil one of the aims of the resolution adopted by the General Commission on July 23rd, 1932, which aimed at “lightening the financial burdens which weighed upon the peoples of the world.” Budgetary limitation would constitute the most tangible sign of the persevering efforts made by the Conference, and it was impossible to conceive of a true Disarmament Convention without it.

The Roumanian delegation, speaking on behalf of the delegations of the Little Entente,³ was not opposed in principle to a limitation of expenditure, provided it was based upon Article 8 of the Covenant and provided disarmament by the indirect method of the limitation of expenditure was subordinated to the special conditions of each State. The three delegations were ready, subject to that proviso, to agree to an immediate application of the principle of limitation.

The United Kingdom delegation reserved its opinion on the principle of budgetary limitation, representing that it would be wise to decide first to institute provisionally and at once, for a period of years, a system of budgetary publicity. The working of such a system would show to what extent budgetary limitation was feasible.

Arguments in favour of an immediate introduction of a system of budgetary limitation were urged by the delegations of Belgium, Poland, Sweden, Spain and Norway.

The German delegation considered that it would be preferable not to introduce a system of budgetary limitation, in view of the grave objections which had been raised. It referred particularly to the variations in accountancy systems of the different States and the fluctuations in the purchasing power of currency. The German delegation was nevertheless in favour of the publicity of military expenditure.

The Italian delegation, after reviewing the arguments for and against including budgetary limitation in the draft Convention, expressed the view that it would be better to await a second reading before taking a decision, particularly in view of the fact that several delegations considered that budgetary limitation was a supplementary form of indirect limitation which could only be usefully studied in detail when the provisions relating to the direct forms of limitation were known.

² See above, page 97.
³ Czechoslovakia, Roumania, Yugoslavia.
Finally, the Japanese delegation, while believing in the utility of budgetary limitation as a method additional to direct limitation, realised the force of the arguments advanced against its immediate application and expressed the view that, for the moment, it was technically impossible to apply the method immediately.

RESOLUTION ADOPTED BY THE GENERAL COMMISSION, JUNE 8TH, 1933.

The General Commission on June 8th, 1933, finally decided: ¹

1. That the President of the Conference should be entrusted with the necessary negotiations with the various delegations, particularly those which had presented, or might present, proposals in respect of the limitation of national defence expenditure and that he should submit the results of such negotiations to the General Commission for discussion at its next session;

2. That the first General Convention for the Reduction and Limitation of Armaments should contain provisions for the application of the principle of publicity of national defence expenditure subject to international supervision in the conditions indicated in the report of the Technical Committee of the National Defence Expenditure Commission;

3. That the Technical Committee of the National Defence Expenditure Commission should prepare the necessary draft articles, with annexes, to give effect to this decision;

4. That the Technical Committee should continue, in view of a universal application of a system of publicity, its examination of the documents transmitted by the various States;

5. That the Secretary-General should be asked to send an urgent appeal to Governments which had not yet submitted the necessary information to do so without delay, in order to enable the Technical Committee to complete its work.

DRAFT ARTICLES FRAMED BY THE TECHNICAL COMMITTEE, DECEMBER 11TH, 1933.

The Technical Committee, in accordance with the instructions thus received from the General Commission, framed the necessary articles and, on December 11th, 1933, adopted unanimously a draft of the "instruments necessary for the application of a system of publicity of national defence expenditure".²

The draft contained a series of articles to be incorporated in the Convention and five annexes conveying the necessary instructions.

The contracting parties undertake to give publicity to all national defence expenditure by whomsoever incurred and whatever the nature and origin of the resources from which the expenditure is met.

The contracting parties shall communicate regularly to the Permanent Disarmament Commission their draft budgets, budgets and closed accounts, all these documents to be despatched within thirty days of their publication. The communication will include the draft budgets, budgets and closed accounts of the Defence Departments and those of other Ministries whenever they contain national defence expenditure; the same applies to colonies, protectorates, etc.

The contracting parties shall also forward for each financial year two summary statements showing, in relation to the grand total of the initial national defence expenditure authorisations, what changes have been made in that total from the time when the authorisations were fixed up to the end of periods of nine and fifteen months respectively, reckoned from the beginning of the financial year.

Finally, the various States shall despatch, within fourteen months of the end of the financial year, a statement of the payments effected both by the central Government, regional or public bodies, colonies, etc. This statement will be filled in according to a model drawn up by the Technical Committee and in accordance with detailed instructions prescribed in the annexes to the draft articles.

For the first two financial years after the coming into force of the Convention, the contracting parties shall also forward a statement of the estimates of national defence expenditure in the same form as that utilised for the statement of payments. For the third financial year, and following financial years, the statement will be made in a simplified form to be indicated by the Permanent Disarmament Commission.

Further articles contain detailed provisions as regards the examination and verification by the Permanent Disarmament Commission of the documents communicated to it in the field of national defence expenditure.

Annexes to the draft articles contain detailed instructions as regards the methods to be followed by the Governments in filling in the model statements of expenditure and other documents.

DRAFT ARTICLES NOTED BY THE GENERAL COMMISSION, JUNE 11TH, 1934.

The texts framed by the Technical Committee were forwarded to the General Commission in January 1934 and noted by the General Commission on June 11th, 1934.

The General Commission, while reserving its right to examine the texts in detail on a later occasion, recommended the Governments, with a view to the future application of a system of publicity of national defence expenditure, to transmit to the Technical Committee before October 15th, 1934, to the extent they were able, the various documents scheduled in the texts relating to the last budgetary year for which they could be furnished.1

WORK OF THE TECHNICAL COMMITTEE, JANUARY TO DECEMBER 1934, AND SUPPLEMENTARY REPORT.

The report of the Technical Committee published in April 1933, as already noted, was based on a complete examination of the documentary material submitted by nineteen Powers and a partial examination of the documentary material submitted by ten other Powers.2

The report was issued with the following reservation:

"It is regrettable from the point of view of the universality of its work that the Committee has not yet been able to examine the documents of all the countries represented at the Conference, and it is therefore necessary to make all reservations regarding the application of the system of limitation and publicity to those countries . . . "3

The General Commission, on June 8th, 1933, in adopting the principle of publicity of national defence expenditure, requested the Technical Committee "to continue, in view of the universal application of a system of publicity, its examination of the documents transmitted by the various States ".

The Committee, in the course of a new session from January 17th to March 16th, 1934, following a more summary procedure than that previously applied, concluded its examination of the documents referred to it. In the case of a number of countries, the documentary material supplied by the Governments was far from complete, and the Committee was therefore compelled to have recourse to other means of obtaining the particulars required regarding their budgetary systems and defences. It referred for this purpose to the general documentary material available in the records of the Secretariat of the Conference and in the library of the League of Nations.

It was possible for the Committee by these means to draw up for all the States represented at the Conference summaries of essential information. The Committee, in the autumn of 1934, considered whether the draft Convention for publicity of national defence expenditure which it had previously framed could be applied by the States whose documentary material had since been examined or whether the Governments of these latter States would have special difficulties in subscribing to the obligations which would be imposed on them by the draft Convention.

As a result of these further studies, the Committee in a Supplementary Report 4 expressed its opinion that the conclusions formulated in its previous report remained valid, and that the provisions of the articles of the draft Convention held good. It introduced a few minor changes in the text of the original draft of the annexes to the Convention.

In conclusion, the Committee, in the light of its examination of the further documentary material placed at its disposal, made the following observation:

"The financial rules customary in the States whose budgetary material served as a basis for the first report of the Committee are not always applied with the same strictness in all States. If the Governments, while realising the difficulties that they may encounter in the application of the provisions of the Convention, are prepared to apply them faithfully, the Committee is unanimous in its opinion that, technically, it is possible to ensure the satisfactory working of the system which it proposes."

SUPPLEMENTARY REPORT OF THE TECHNICAL COMMITTEE CIRCULATED TO GOVERNMENTS, JANUARY 1935.

In January 1935, the supplementary report of the Technical Committee as well as the final draft 5 of the Convention on publicity of national defence expenditure were circulated to Governments. The Committee, in a covering letter, made the following observations:

"The Committee desires to point out, first, that, in submitting its final draft for a Convention, it has only taken into consideration the technical requirements of a system of publicity of national defence expenditure. Accordingly, should it be thought advisable ultimately to co-ordinate budgetary publicity with other forms of publicity, this co-ordination should, from the technical point of view, be achieved by means of supplementary instruments independent of the system of budgetary publicity proper."

1 See page 101.
2 See page 98.
"The stipulations of the draft Convention on budgetary publicity comprise all the obligations the observance of which is requisite for the application of the proposed system. The Committee considers, moreover, that, in present circumstances, it is not possible to ask the Powers to agree to an extension of these obligations. 

"The Committee recalls that its draft Convention has been drawn up without prejudice to the general provisions which may be adopted as regards supervision. It also draws attention to the fact that subsequent decisions of the Conference regarding police forces and similar formations would make it possible to define, as regards these formations, the items of expenditure to which budgetary publicity should relate."

**APPLICATION OF THE SYSTEM OF PUBLICITY: RESOLUTION ADOPTED BY THE GENERAL COMMISSION ON JUNE 11TH, 1934.**

The General Commission, on June 11th, 1934, adopted a resolution recommending the Governments, with a view to the future application of the system of publicity of national defence expenditure, to forward to the Technical Committee the various budgetary documents (budgets, accounts, model statements of estimated and actual expenditure, etc.) relating to the last budgetary year for which they could be furnished.

The object of the request was:

1. To complete and keep up to date the budgetary information already communicated to the Conference;
2. To draw the attention of Governments to the system of budgetary publicity as contemplated in the draft Convention, and to familiarise the various departments with the practical working of the system;
3. To provide the Conference with documents which would make it possible to proceed quickly with the preparatory work of an administrative and technical character which might be necessary at a later date, with a view to ensuring that the system of budgetary publicity might be effectively applied as quickly as possible.

The Technical Committee, at meetings held in March and April 1935, framed certain general principles to be applied in the examination of information received from the Governments, and it decided, on April 16th, on rising for the Easter recess, that this work should be resumed at a date to be determined by the Chairman.

**PUBLICITY IN RESPECT OF THE TRADE IN AND MANUFACTURE OF ARMS.**

The Technical Committee of the National Defence Expenditure Commission, during the meetings of the Special Committee for the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War between February 14th and April 13th, 1935, was invited to consider a number of questions relating to the system of publicity to be adopted in connection with the control of the manufacture and trade in arms.

One of the main objects of the requests addressed to the Technical Committee and of the advice which it tendered to the Special Committee was to secure co-ordination between the provisions relating to publicity to be adopted in the field of trade and manufacture and the provisions relating to publicity in the budgetary field.

The Technical Committee was, for example, consulted as to a rearrangement of the categories of arms and implements of war to be embodied in the draft Convention on Trade and Manufacture with a view to bringing them into line with the conventional list of items on national defence expenditure embodied in the draft Convention on Budgetary Publicity.

The Technical Committee was requested to advise in regard to the particulars which should be shown in the event of a return of estimates of annual instalments of expenditure on arms and ammunition being required from the Governments, and as to the determination of what should be regarded as constituting expenditure on manufacture for purposes of Article 7 of the draft Convention, in which it was proposed that Governments should forward to the Permanent Disarmament Commission a return of national defence expenditure proposed in respect of the manufacture and purchase of arms and implements of war in categories I, II and III. The Technical Committee was further asked to what extent it would be possible for Governments to communicate modifications introduced during the financial year in annual programmes of manufacture and purchase and whether it would be possible to relate synchronise returns made under the draft Convention for the control of trade and manufacture with those required under the draft Convention on Budgetary Publicity.

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1 Minutes of the General Commission, page 692.
2 See Chapter IX, Regulation of the Trade in and Private and State Manufacture of Arms.
The replies to these questions framed by the Technical Committee, for the most part of a provisional and hypothetical character, were appended to the report adopted on April 13th by the Special Committee on the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War.1

**SUMMARY OF EVENTS AND CONCLUSIONS.**

The Conference, in dealing with the question of national defence expenditure, began with a programme framed in general terms which provided for a limitation of annual expenditure on war material and on the armed forces and formations organised on a military basis of the various States. This general scheme, moreover, provided for publicity, not only in respect of total expenditure on national defence, but for publicity of expenditure by categories of material for land and naval armaments.

The technical work of the Conference in this field, though it resulted in limiting this programme, also resulted in giving much greater precision to those portions of it which a majority of the Governments were prepared to accept. It may, in fact, be claimed that, from the technical point of view, the requirements of a system of limitation and publicity of national defence expenditure are now entirely clear.

No particular difficulties were encountered in the field of publicity, and the relevant articles of the draft Convention with their annexes are available for immediate application.

Differences of opinion, however, were expressed, in the Technical Committee of the National Defence Expenditure Commission and in the Expenditure Commission itself, as to the possibility of an immediate application of an effective system of budgetary limitation. The Technical Committee recognised that it was possible for States to draw up for all practical purposes a complete statement of their national defence expenditure and that it was also possible for an international supervisory body to verify with a high degree of accuracy the manner in which the amount of national defence expenditure was calculated. Certain members of the Technical Committee, however, expressed the view that, owing, among other things, to the present fluctuation in currencies and the different methods of accountancy used by Governments, a period of from four to five years would be necessary before it would be possible to ascertain whether budgetary limitation on the lines recommended in the report of the Committee could be adopted. Opinion in the National Defence Expenditure Commission was also divided. A majority considered that it was already technically possible to apply the principle, though it would necessarily call for modifications in the accountancy systems of several States; but an important minority did not think that all the technical conditions necessary for its application were in being.

The General Commission, on June 8th, 1933, after a discussion which again reflected these differences of opinion, accordingly decided that, while the draft Convention should contain provisions for the immediate application of the principle of publicity subject to international supervision, further negotiations would be necessary with the delegations concerned before any further progress could be made in framing provisions for a limitation of national defence expenditure.

The Technical Committee thereafter framed the necessary articles, and on December 11th, 1933, adopted unanimously a draft of the "instruments necessary for the application of a system of publicity of national defence expenditure". A slightly revised draft Convention was issued in December 1934.

It should be noted, in estimating the technical results achieved by the Conference, that general agreement was reached as to the principles which should form the basis of any system of limitation, and that the work of the Technical Committee of the National Defence Expenditure Commission has thrown considerable light on the military expenditure and general budgetary systems of all the States represented at the Conference.

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CHAPTER VIII.—CHEMICAL, INCENDIARY AND BACTERIAL WARFARE.

GENEVA PROTOCOL, JUNE 17TH, 1925.

On June 17th, 1925, a Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacterial Methods of Warfare was signed at Geneva by the following States: Germany, the United States of America, Austria, Belgium, Brazil, the British Empire, Canada, the Irish Free State, India, Bulgaria, Chile, China, Colombia, Denmark, Egypt, Spain, Estonia, Abyssinia, Finland, France, Greece, Hungary, Italy, Japan, Latvia, Lithuania, Luxemburg, Nicaragua, Norway, Panama, the Netherlands, Persia, Poland, Portugal, Roumania, Salvador, Siam, Sweden, Switzerland, Yugoslavia, Czechoslovakia, Turkey, Uruguay and Venezuela. When the Conference met on February 2nd, 1932, thirty-three States had either ratified or definitely acceded to the Protocol. It was provided by the Protocol that it would come into force for each signatory Power as from the date of deposit of its ratification.

PROVISIONS OF THE DRAFT CONVENTION FRAMED BY THE PREPARATORY COMMISSION FOR THE DISARMAMENT CONFERENCE.

Article 39 of the draft Convention framed by the Preparatory Disarmament Commission was in the following terms:

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

The German delegation, when this text was adopted, submitted a reservation declaring that the effect of prohibiting the use of chemical weapons would be incomplete unless it referred also to preparations for their use.

PROPOSALS SUBMITTED TO THE CONFERENCE, FEBRUARY 1932.

Supplementary proposals going further than the provision embodied in Article 39 were submitted by various delegations during the general discussion in plenary session of the draft Convention framed by the Preparatory Commission.1 There was a general agreement that the use of such weapons should be prohibited, and a large measure of agreement to the effect that such prohibition should not, as provided by the draft Convention, be subject to reciprocity. The delegations of Austria, Denmark, Germany, Haiti, Italy, the Netherlands, Sweden, Turkey and the Union of Soviet Socialist Republics moved, moreover, that there should be a prohibition of the preparation of chemical weapons and of training in their use. The delegation of the Union of Soviet Socialist Republics proposed that all appliances used for purposes of chemical aggression or bacterial warfare should be destroyed. The delegation of Denmark submitted that the manufacture of chemical products should be subject to control. The delegations of France, Yugoslavia and Czechoslovakia proposed that the provisions relating to these prohibitions should be subject to special sanctions.

APPOINTMENT OF A SPECIAL COMMITTEE ON CHEMICAL AND BACTERIAL WARFARE, MAY 10TH, 1932.

The General Commission of the Conference, on May 10th, 1932, noted that the prohibition of chemical and bacterial weapons and methods of warfare was a problem common to land, sea and air armaments, and appointed a Special Committee to consider the question. The Special Committee met on May 15th, 1932, and, on May 31st, 1932, submitted a report to the General Commission.2

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REPORT OF THE SPECIAL COMMITTEE, MAY 31ST, 1932.

The Committee, considering the problem in the light of the resolutions on qualitative disarmament adopted by the General Commission on April 22nd, 1932,¹ had to decide whether chemical weapons and methods of warfare came under the three criteria laid down—i.e., whether they were amongst those most specifically offensive in character, most efficacious against national defence, or most threatening to civilians.

The Special Committee was unanimously of opinion that chemical weapons and methods of warfare answered to the third criterion, and there was general agreement that the third criterion was sufficient to justify their inclusion within a system of qualitative disarmament. The majority of the members considered that all three criteria applied. Certain members, however, represented that chemical weapons might be equally effective both for and against national defence.

The Special Committee expressed the view that bacterial warfare should be included in a system of qualitative disarmament quite irrespective of whether it answered any of the criteria laid down by the General Commission, being so particularly odious that it revolted the conscience of humanity more than any other form of warfare.²

PROHIBITION OF CHEMICAL, BACTERIAL AND INCENDIARY WARFARE:
RESOLUTION ADOPTED BY THE GENERAL COMMISSION ON JULY 23RD, 1932.

The General Commission, in a resolution adopted on July 23rd, 1932,³ decided that "chemical, bacterial and incendiary warfare should be prohibited under the conditions unanimously recommended by the Special Committee."

¹Chronological Record, page 16.
²The special Committee submitted to the General Commission the following resolutions:

"I. Chemical Weapons and Means of Warfare.

The Committee considers:

That chemical substances, whether elements or natural or synthetic compounds, as well as appliances or devices for releasing them, can be described as weapons or means of warfare only in virtue of the use that is made of them, or they may be employed or made with a view to entirely different and essentially peaceful uses;

That, when used for the purpose of injuring an adversary, they answer to one or other of the criteria laid down in the General Commission's resolution of April 22nd, 1932, and, in any case, more particularly to the third of those criteria.

It declares that there should be included in qualitative disarmament the use, for the purpose of injuring an adversary, of all natural or synthetic noxious substances, whatever their state, whether solid, liquid or gaseous, whether toxic, asphyxiating, lachrymatory, irritant, vesicant, or capable in any way of producing harmful effects on the human or animal organism, whatever the method of their use.

It also declares that appliances, devices or projectiles specially constructed for the utilisation of the said noxious bodies with a view to injuring an adversary should be included in qualitative disarmament.

It observes that, unless the use of explosives as such is included in qualitative disarmament, the above definition cannot be extended to the noxious substances arising from the combustion or detonation of explosives, provided that the latter have not been designed or used with the object of producing noxious substances.

It further observes that the above definition should not apply to smoke or fog used to screen objectives or for other military purposes, provided that such smoke or fog is not liable to produce harmful effects under normal conditions of use.

II. Bacterial Weapons and Means of Warfare.

The Committee considers:

That the use of pathogenic microbes for the purpose of injuring an adversary is condemned by the conscience of humanity, quite apart from the fact that it answers to the criteria laid down by the General Commission in its resolution of April 22nd, 1932, and more particularly to the third of those criteria.

It declares that all methods for the projection, discharge or dissemination in any manner, in places inhabited or not, of pathogenic microbes in whatever phase they may be (virulent or capable of becoming so), or of filter-passing viruses, or of infected substances, whether for the purpose of bringing them into immediate contact with human beings, animals or plants, or for the purpose of affecting any of the latter in any indirect manner—for example, by polluting the atmosphere, water, foodstuffs, or any other objects—should be included in qualitative disarmament.

III. (a) Incendiary Projectiles.

The Committee considers:

That the use of incendiary projectiles involves a particularly grave menace to civilians.

It declares that projectiles specifically intended to cause fires should be included in qualitative disarmament.

It observes that this definition does not apply either to projectiles specially constructed to give light or to be luminous and, generally, to pyrotechnics not intended to cause fires, or to projectiles of all kinds capable of producing incendiary effects accidentally.

It considers that qualitative disarmament should not extend to projectiles designed specifically for defence against aircraft, provided that they are used exclusively for that purpose.

(b) Flame-projectors.

The Committee considers:

That the use of flame-projectors is calculated to cause needless suffering, quite apart from the question whether it answers to any of the criteria laid down by the General Commission's resolution of April 22nd, 1932.

It declares that appliances designed to attack persons by fire, such as flame-projectors, should be included in qualitative disarmament.

³Annex 4.
The delegations of Belgium, Czechoslovakia, Denmark, Spain, the Netherlands, Norway, Sweden and Switzerland represented that the prohibition of these methods of warfare necessarily involved a consideration of the question of prohibiting their preparation or training in their use.

The Soviet delegation voted against the decision, on the ground that its Government had already signed the Geneva Protocol of 1925, which contained the same provisions, and it formally moved that the States represented at the Conference, in so far as they had not done so already, should undertake to sign the Protocol of 1925 within three months and to ratify it as soon as possible.

The resolution adopted on July 23rd by the General Commission provided that "rules of international law should be formulated in connection with the provisions relating to the prohibition of the use of chemical, bacterial and incendiary weapons and bombing from the air, and should be supplemented by special measures dealing with the infringement of these provisions"

**PREPARATIONS FOR CHEMICAL, BACTERIAL AND INCENDIARY WARFARE AND THE PROBLEM OF VIOLATIONS: ACTION TAKEN BY THE BUREAU ON SEPTEMBER 21ST, 1932.**

The Bureau, on September 21st, 1932, having considered whether the prohibition of chemical warfare should be extended to cover preparations for chemical warfare in time of peace, requested the Secretary-General of the League to submit a report on the following questions:

1. What is the state of expert opinion as to the practicability of prohibiting the preparation of gas as distinguished from prohibiting its use in warfare?
2. Whether there is any sufficient reason why the preparation and possession of machines and instruments for the use of gas should not be forbidden?
3. Whether training in the use of gas should not be prohibited?

The Bureau, on the following day, requested M. Pilotti (Italy), the Chairman of the Special Committee, to submit a report on the subject and on the problem raised by possible violations of the prohibition of chemical, bacterial and incendiary warfare.

**REPORT SUBMITTED TO THE BUREAU BY THE CHAIRMAN OF THE SPECIAL COMMITTEE, NOVEMBER 8TH, 1932.**

The Chairman of the Special Committee submitted his report to the Bureau on November 8th, 1932. The conclusions of the report may be summarised as follows:

The contracting parties renounce as against any State, whether or not a party to the present Convention, and in any war, however unlawful such war may be on the part of their adversaries, the use of chemical and bacterial weapons for the purpose of injuring an adversary, the use of projectiles specifically intended to cause fires or the use of appliances designed to attack persons by fire.

All preparations for chemical, incendiary and bacterial warfare shall be prohibited in time of peace as in time of war, but this prohibition shall not apply to material intended exclusively to protect individuals against the effects of such warfare or to the training of individuals in measures of protection.

A special section shall be set up in the Permanent Disarmament Commission to deal with questions relating to preparations for chemical, incendiary and bacterial warfare.

The Permanent Disarmament Commission will establish the fact of the use of chemical, incendiary or bacteriological weapons. It will have the right to carry out for this purpose any preliminary enquiries, both in the territory subject to the authority of the complainant State and in the territory subject to the authority of the State against which a complaint is made.

The declaration of the Commission establishing the fact of the use of chemical, incendiary or bacterial weapons will entail immediate action on the part of third States. It will be their right and duty to bring pressure to bear on the offending State; third States will, at the earliest possible moment, decide, if necessary, on the punitive or other action to be taken; the State victim of the breach will have the right of retaliation within the fighting area.

**DISCUSSION OF THE REPORT BY THE BUREAU OF THE CONFERENCE, NOVEMBER 8TH TO 11TH, 1932.**

The report submitted by the Chairman of the Special Committee was discussed by the Bureau at meetings held from November 8th to 11th, 1932.
Certain delegations maintained that the question whether the prohibition of chemical, incendiary and bacterial methods of warfare should be absolute or relative must necessarily depend on the conclusions to be reached in regard to the prohibition of their preparation and the forms of control or penalties to be provided as guarantees that the prohibitions would be effective. This fact was recognised even by those delegations which urged that the prohibition should be absolute and subject to no exception and which represented that the use of chemical weapons, even by way of reprisals, should be forbidden.

The prohibition of all preparations for chemical warfare gave rise to a prolonged discussion and serious divergencies of opinion.

The Japanese delegation declared itself in favour of the absolute and universal prohibition of the use of all noxious gases and even of the use of defensive material, urging that a prohibition strictly enforced and made universally compulsory would render it unnecessary even to consider a study of the means of defence.

The French delegation desired that preparations for purposes of chemical warfare should be prohibited, but hesitated to prohibit the preparation of defensive material, suggesting, however, that the private manufacture of such material might be prohibited or subject to strict Government or international supervision.

The delegation of the United States of America represented that insufficient consideration had been given to the matter of preparation. Would it not be necessary to provide for group protection and training and for the maintenance of material for remediying the effects of gas which had been illegally used? No really final decision could be taken until these questions had been discussed.

The United Kingdom delegation felt it was necessary to know exactly what were the chemical appliances and substances suited exclusively for the conduct of chemical, incendiary and bacterial warfare before any final decision could be taken on the subject of preparation.

The Swiss delegation, observing that there could be no real distinction between material intended exclusively for war purposes and material which might be used for both peaceful and military purposes, also thought that further expert opinion must be obtained. Was it possible for a State to renounce all defensive preparations?

The Bureau finally decided to ask the Rapporteur of the Special Committee to draw up a list of the questions which would need to be settled before a final decision could be taken on this aspect of the problem. The Bureau, in particular, would desire to know whether any technical means existed which could allow of defensive preparations without simultaneously allowing preparations for attack, and whether a list could be drawn up of appliances and substances exclusively suited to the conduct of chemical, incendiary and bacterial warfare.


The question of the sanctions to be applied in the event of the use of chemical, incendiary and bacterial weapons presented further difficulties.

The French delegation considered that effective sanctions were essential to an entirely efficacious system of prevention, and expressed the view that the only possible solution would be recourse to collective retaliation by the community of States upon any nation violating the prohibition. It urged that, for this purpose, it would be necessary to make preparations for international punitive action. It represented that the provisions embodied in the conclusions submitted by the Chairman of the Special Committee were definitely inadequate.

The United Kingdom delegation, pointing out that no country really anxious to observe the Convention would be in a position to undertake immediate reprisals, admitted the necessity for collective action on behalf of the victim of a breach of the Convention, and submitted that such measures must include all means of action, from moral to active pressure. It was, however, unable to say what sanctions the United Kingdom Government would be prepared to apply in given circumstances and urged that it was necessary to avoid any rigid definitions.

The Japanese delegation expressed itself in favour of the strictest and most severe sanctions, but was unable to define their extent or the method of bringing them into play. It was definitely opposed, in any case, to the employment of gas as a retaliatory measure.

The Greek delegation felt that the crux of the problem lay in a system of sanctions sufficiently serious to supplement the inadequacy of preventive measures, urging that, if the right of reprisal were rejected, accentuated measures of repression were required.

The Spanish delegation declared itself opposed to any right of retaliation by the use of chemical weapons and supported the French delegation in demanding effective collective action against States violating the prohibition.

The United States delegation, noting that there was general agreement that there must be a prompt establishment of the fact of violation, to be followed by a consultation of the signatory Powers, confessed that it was not very clear as to what further measures should be provided. It was inclined to leave the development of such measures to the Permanent Disarmament Commission.
The Swedish delegation, urging that the admission of a right to retaliate would be a retrograde step on the part of the Conference, hoped that further progress would be made in the direction of a collective guarantee.

The Bureau, as a result of this discussion, considered, on November 12th, 1932, the following text relating to penalties:

"The declaration of the Permanent Disarmament Commission establishing the fact of the use of chemical, incendiary or bacterial weapons shall have the following effects:

1. Third States shall individually be under an obligation to bring pressure to bear, chosen according to circumstances, and notably, according to the special situation in which they are placed in relation to the belligerents, upon the State which has used the chemical, incendiary or bacterial weapons to induce it to give up the use of the said weapons or to deprive it of the possibility of continuing to use them.

2. A consultation shall be held among third States, through the agency of the Permanent Disarmament Commission, at the earliest possible moment to determine what joint steps shall be taken and to decide on the joint punitive action of every description to be taken.

These decisions shall be taken by a majority vote (character of the majority to be decided by the General Commission). The minority shall not be bound, but it shall be under an obligation not to hinder the action of the majority.

The Permanent Disarmament Commission shall be entitled to take in advance all preparatory measures with a view to the possible application of the decisions referred to in the foregoing paragraph.

3. Third States situated in a given region may further pledge themselves to undertake jointly and as rapidly as possible severe punitive action against the delinquent State and, for this purpose, to create beforehand a joint police force.

4. The State against which chemical, incendiary or bacterial weapons have been employed shall in no circumstances retaliate by the use of the same weapons."

The Italian delegation made a reservation as to sanctions of a regional character, urging that universal action would be necessarily more powerful than a demonstration on the part of any particular group of States.

The delegation of the United States of America felt that the discussion had assumed proportions not originally anticipated and submitted a general reservation on the part of the United States Government.

The United Kingdom delegation made a reservation in the same sense.

The Soviet delegation did not think that the question of sanctions should form the subject of a partial discussion or be settled in connection with the single problem of the prohibition of the use of chemical weapons. It was unable to express a final and definite opinion.

The French delegation did not think that the system of penalties embodied in the new text would work with sufficient force or rapidity. It had always considered that the only means of abolishing chemical warfare was to impress upon possible violators of the prohibition the certainty that they would be made to expiate their offence. Special sanctions in the case of recourse to chemical warfare had been contemplated by the General Commission in its resolution adopted on July 23rd, 1932. Absolute prohibition, excluding the right of reprisal, was only possible if the States felt sure that collective sanctions would take the place of individual sanctions.

The Belgian delegation observed that agreement had not been reached on the question of guaranteeing the victim of aggression the necessary means of protection.

The President of the Conference adjourned any further discussion on the report until further advice had been received from the Special Committee.

Prohibition and Supervision of the Prohibition of Preparations for Chemical, Incendiary and Bacterial Warfare: Report adopted by the Special Committee on December 13th, 1932.

The Bureau of the Conference, on November 11th, 1932, decided to forward to the Special Committee on chemical, incendiary and bacterial weapons a questionnaire requesting it to consider a series of points raised in previous discussions upon the possibility of prohibiting preparations for chemical, incendiary and bacterial weapons and upon the measures to be taken in the event of a breach of the prohibition to use chemical, incendiary and bacterial weapons against an opponent.

The Special Committee considered the questionnaire at meetings held from November 17th to December 13th, 1932, and its report was submitted to the Bureau of the Conference on January 25th, 1933. The Special Committee submitted conclusions regarding the preparation of defensive material, the possibility of prohibiting the preparation of offensive material, the enforcement of this prohibition, the measures to be taken to establish the facts of a violation and the penalties to be applied in the event of a violation.

The Special Committee was of opinion that neither the preparation of defensive material nor its supervision could be entrusted to an international body. The preparation of means of collective protection could not in practice be governed by an international Convention and the testing of protecting material involved the employment of poisonous substances in regard to which no effective publicity was practicable.

The Special Committee declared, in regard to offensive material, that a prohibition to manufacture, import or possess apparatus and substances exclusively used for chemical warfare would be of only limited value. The manufacture of such substances could be improved rapidly by any State possessing a chemical industry and there were no projectiles or means of projection which were exclusively employed for chemical warfare. It would not be possible to prohibit the manufacture, import, export or possession of apparatus and substances capable of employment both for peaceful and for warlike apparatus. It was possible to prohibit the training of armed forces in the use of chemical weapons, but the practical effect of such a prohibition would be small. These observations applied equally to bacterial and incendiary warfare.

It was not possible to enforce prohibition against preparations for chemical warfare by an examination of the commercial statistics relating to chemical industries in the various countries. Any control devised for such a purpose would have to apply to the entire chemical industry. Nor was it possible to base control upon a limitation of the total chemical production or productive capacity of States.

The Special Committee recommended, as a procedure for establishing the fact of violation, the constitution of a commission for urgent initial investigation, which would make immediate enquiries and report to the Permanent Disarmament Commission. The Permanent Disarmament Commission would thereupon inform the accused State and, if necessary, order an enquiry in its territory.

The Special Committee, in considering the question of penalties, regarded the question of breaches of the prohibition to make preparations for chemical, incendiary or bacterial warfare as lying outside its terms of reference.

It proposed as effective penalties for breaches of the prohibition to employ such methods of warfare that all States signatories to the Convention should give to the State victim of a breach of the Convention scientific, medical and technical assistance in order to repair, attenuate or prevent the effects of the use of the prohibited weapons and that supplies to the offending State of raw materials, implements and products necessary for such warfare should be stopped.

Finally, it was of opinion that reprisals under certain rigid conditions might be allowed.

**DISCUSSION OF THE REPORT BY THE BUREAU OF THE CONFERENCE, JANUARY 25TH AND 30TH, 1933.**

The Bureau considered the report of the Special Committee at meetings held on January 25th and 30th, 1933.¹

The Rapporteur, supplementing the report of the Special Committee, submitted a series of draft conclusions to serve as a basis for articles to be embodied in the Disarmament Convention.²

The draft conclusions provided:

- That the use in warfare of chemical, incendiary and bacterial weapons should be prohibited;
- That all preparations for such warfare should be prohibited in time of peace as in time of war, it being understood that this prohibition would not apply to material and installations to ensure individual or collective protection against the effects of such warfare;
- That, in order to enforce this prohibition, the manufacture, import, export or possession of appliances and substances exclusively suited to the conduct of such warfare should be forbidden;
- That the manufacture, import, export or possession of chemical appliances and substances suitable for both peaceful and military purposes, with intent to use them in war, should be prohibited;
- That the instruction and training of armed forces in the use of such weapons should be forbidden;
- That the Permanent Disarmament Commission should examine complaints put forward by States alleging a violation of the prohibition to prepare for such warfare;
- That a procedure for establishing the fact of the use of such weapons should be organised under the supervision of the Permanent Disarmament Commission, to include the constitution and functioning of a commission for urgent initial investigation and the institution of supplementary enquiries in the territory of the State attacked, at the discretion of a Permanent Disarmament Commission;
- That, following the establishment of the fact of violation, third States should individually be under an obligation to supply the State attacked with scientific, medical and technical assistance, to bring pressure to bear upon the offending State by taking measures, in the first instance, to cut off supplies of raw materials, products and appliances necessary for such warfare, and to consult, through the Permanent Disarmament Commission, as to what joint steps or joint punitive action might be taken;

That an international information and documentation service concerning protection against chemical weapons should be established under the supervision of the Permanent Disarmament Commission.

Several delegations expressed regret that the technical conclusions of the Special Committee were mainly negative in character, the general conclusion being that it was impossible in time of peace to provide guarantees against the possible use of chemicals in case of war, owing to the fact that chemical warfare could be improvised and that it could be prepared without there being any visible sign of such preparation. It was represented by various delegations, in particular by the delegations of the United States of America, the United Kingdom, the Union of Soviet Socialist Republics and Germany, that the question of the penalties to be applied in the event of a breach of the prohibition raised important political questions and involved decisions upon other undertakings and prohibitions which were under consideration by the Disarmament Conference. The French delegation, on the other hand, insisted that the question of penalties for a breach of the prohibition relating to chemical warfare was a special problem and that such a violation, as declared in the resolution adopted by the General Commission on July 23rd, 1932, called for special action. The Italian delegation represented that the penalties attaching to this particular prohibition were the essential factor in the problem, and that those suggested by the Special Committee were not sufficiently severe.

The Bureau on January 30th, 1933, while reserving the question of penalties for further consideration, adopted the following resolution:

"The Bureau agrees to the principle of special measures being taken in case of a violation of the prohibition of the use of chemical, incendiary and bacterial weapons. It decides to elaborate the relevant articles with regard to such special measures after the general penalties for the case of the violation of the Convention have been examined by the Conference."

On the same day, the Bureau, as a result of its consideration of the proposals of the Special Committee, instructed a Drafting Committee to frame articles for embodiment in the draft Disarmament Convention.

PROVISIONS RELATING TO CHEMICAL, INCENDIARY AND BACTERIAL WARFARE EMBODIED IN THE UNITED KINGDOM DRAFT CONVENTION, MARCH 16TH, 1933.

The articles drafted in accordance with the decision taken by the Bureau on January 30th, 1933, were taken as a basis for the provisions concerning chemical, incendiary and bacterial warfare embodied in the draft Disarmament Convention submitted to the General Commission by the delegation of the United Kingdom on March 16th, 1933.1

Article 47 laid down that, as an established rule of international law, the use of chemical, incendiary or bacterial weapons against any State, whether or not a party to the Convention, was prohibited. Any party, however, which had been the victim of the illegal use of such weapons—subject to certain conditions—had the right to retaliate. Articles 48, 49 and 50 defined the extent of the prohibition embodied in Article 47.

Article 51 prohibited all preparations for chemical, incendiary or bacterial warfare in time of peace as in time of war. Articles 52, 53 and 54 defined the extent of this prohibition, which applied in general to the manufacture, import, export or possession of the prohibited substances and training in their use, material and installations intended for defensive purposes and lachrymatory substances intended for police operations being expressly excepted.

Article 55 provided that the Permanent Disarmament Commission should examine complaints put forward by any party alleging that the prohibition to prepare for chemical, incendiary and bacterial warfare had been violated.

Articles 56 to 62 embodied the provisions based on the conclusions of the Special Committee for establishing the fact of the use of chemical, incendiary and bacterial weapons.

FIRST READING OF THE UNITED KINGDOM DRAFT CONVENTION: DISCUSSION OF PART IV (CHEMICAL WARFARE) IN THE GENERAL COMMISSION ON MAY 30TH, 1933.2

The provisions of the United Kingdom draft Convention relating to chemical, incendiary and bacterial warfare were read a first time in the General Commission on May 30th, 1933. Attention was drawn to the fact that, under the provisions embodied in the draft Convention, the right of reprisal was allowed to a victim of the illegal use of chemical or incendiary weapons, subject to conditions to be agreed upon. It was recalled that the Special Committee had originally proposed that this right should be conditional on the use of such weapons by the adversary having been previously established. The United Kingdom delegation, defending the provisions of the draft Convention, represented that considerable delay might be involved in establishing the fact of use by the adversary.

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The United States delegation noted that, in the United Kingdom draft Convention, States availing themselves of the exception relating to lachrymatory gases would be required to inform the Permanent Disarmament Commission of the substances and appliances to be used. It declared a reservation in respect of this obligation.

The German delegation expressed the opinion that the use of chemical weapons and gas should be prohibited, even as a measure of retaliation.

The delegations of France and Yugoslavia again emphasised the necessity for strict collective sanctions, not only to enforce the prohibition of chemical warfare and of preparations for that warfare, but in the event of any breach of the Convention.

The President of the Conference noted the points which had been raised and invited the delegations concerned to submit their amendments with a view to a second reading of the draft Convention at a later stage.

**SUMMARY OF EVENTS AND CONCLUSIONS.**

The basis for the work of the Conference in dealing with the problem of chemical, incendiary and bacterial warfare was Article 39 of the draft Convention framed by the Preparatory Commission of the Disarmament Conference, in accordance with which the contracting parties undertook to abstain from the use of such weapons subject to reciprocity.

Three States, moreover, prior to the Conference, had either ratified or definitely acceded to the Protocol of 1925, which prohibited the use in war of asphyxiating, poisonous or other gases and of bacterial methods of warfare. For instruments imposing a simple prohibition, the Conference substituted a series of texts to which numerous reservations were appended and many questions were raised to which no final answer has yet been given.

Real and substantial progress has nevertheless been achieved. The discussion by the Conference of this problem revealed certain practical difficulties which had not previously been faced. It was, for example, realised that an absolute prohibition of the use of chemical weapons would need to be reinforced by provisions prohibiting their preparation or training in their manipulation, accompanied by effective sanctions to be applied in the event of its breach. To prohibit preparation, however, seemed to involve prohibiting defensive measures which, in the opinion of many delegations, were legitimate and even necessary, and the question of special sanctions to be applied in the event of a breach of the prohibition was not easy of solution.

The Special Committee on Chemical and Bacterial Warfare was unanimously of opinion that chemical weapons and methods of warfare were among those most threatening to civilians, and there was general agreement that this fact alone justified their inclusion within a system of qualitative disarmament.

The General Commission, as a result of this opinion, decided, on July 23rd, 1932, that chemical, bacterial and incendiary warfare should be prohibited and that rules of international law should be formulated to that end, supplemented by special measures for dealing with breaches of the prohibition. The necessity of considering the question of prohibiting the preparation of such weapons, or training in their use, was at the same time emphasised by several delegations.

Attention was thereafter mainly directed to the question whether the prohibition of chemical warfare might be extended to cover preparations for such warfare in time of peace and to the problem raised by possible violations of the prohibition.

The report submitted to the Bureau by the Chairman of the Special Committee in November 1932 contained proposals, not only for the prohibition of chemical, incendiary and bacterial warfare, but for the prohibition of preparations for such warfare, supervision of the observance of the prohibition of preparations and penalties for the use of such weapons.

The discussion of this report, however, in the Bureau elicited serious divergencies of opinion. Several delegations felt that inadequate consideration had been given to the matter of preparation, and, in respect of sanctions, though the necessity for collective action on behalf of the victim of a breach of the prohibition was generally admitted, the precise character of the sanctions to be applied and their method of application had, for the moment, to be reserved.

The Bureau of the Conference, on November 11th, 1932, requested the Special Committee to reconsider these questions in the light of the views expressed by the delegations. The technical conclusions of the Special Committee, as adopted in December 1932, were mainly negative in character. There seemed to be no effective method of supervising the preparation of defensive material or of enforcing the prohibition against preparations for chemical warfare. A prohibition to manufacture substances or apparatus for chemical warfare would be of only limited value, since the manufacture of the substances could be improvised by any State with a chemical industry and there was no apparatus exclusively employed for such warfare. The Special Committee nevertheless submitted a series of recommendations regarding the preparation of defensive material, the possibility of prohibiting the preparation of offensive material, the enforcement of this prohibition, the measures to be taken to establish the facts of a violation and the penalties to be applied in the event of a violation.

The Bureau of the Conference, on January 30th, 1933, after considering the report of the Special Committee, agreed that special measures should be taken in the event of a violation of the prohibition of the use of chemical, incendiary and bacterial weapons and decided that articles embodying such special measures should be framed.
The provisions relating to chemical, incendiary and bacterial warfare inserted in the draft Convention submitted by the United Kingdom on March 16th, 1933, reproduce, in effect, the articles framed by the Special Committee in accordance with this decision. The use of chemical, incendiary or bacterial weapons against any State or in any war, whatever its character, is prohibited. All preparations for such warfare are prohibited in time of peace as in time of war. The right of reprisals, however, is recognised, as is the freedom of the contracting parties in respect of material or installations intended to ensure individual or collective protection. Supervision of the observance of the prohibition of preparations for chemical, incendiary or bacterial warfare is entrusted to the Permanent Disarmament Commission, which may examine any complaints put forward by any party, and a procedure of enquiry, investigation on the spot and prompt report, for the establishment of the fact of the use of such weapons, is provided.

The provisions of the United Kingdom draft Convention relating to chemical, incendiary and bacterial warfare were read a first time in the General Commission on May 30th, 1933. No further action in the matter has been taken by the Conference.
CHAPTER IX. — CONTROL OF THE MANUFACTURE OF AND TRADE IN ARMS.

Control of the Trade in Arms: Events Prior to the Conference.

The League of Nations, by Article 23(d) of the Covenant, was entrusted with the "general supervision of the trade in arms and ammunition with countries in which the control of this traffic is necessary in the common interest".

Agreements regulating the trade in arms had been in existence since 1887. The Peace Conference, however, considered that these early agreements, such as the Brussels Convention of 1890, were no longer adequate, and a new Convention was therefore concluded at St. Germain on September 10th, 1919.1

The immediate object of the Convention was to avert the dangers which might arise from an unregulated sale of the considerable war stocks accumulated by the belligerent Powers, more especially in regions of the world partly civilised or subject to no settled Government. It contained, however, the germ of three important features, which were to be adopted and developed in all subsequent schemes — namely, an enumeration of the arms whose export was prohibited, the licensing by Governments of exports on their own responsibility and publicity for export licences by means of an international central office dependent on the League of Nations.

It soon became evident that the Convention of St. Germain would not come into force owing partly to the fact that the United States of America was unable to ratify it. The Assembly of the League, moreover, decided from the outset that the question would need to be considered upon a more general basis and, when in 1921 it appointed a Temporary Mixed Commission to deal with disarmament questions, the problem of the trade in arms was included among the items to be considered.

The Temporary Mixed Commission, as early as 1921, expressed the view that it was imperative to establish a control over the export and import of arms and implements of war. It further urged that it was essential for the League of Nations to receive complete information as to the extent and character of the trade in arms and that this information should be rendered public.

The Assembly, in 1923, invited the Temporary Mixed Commission to prepare a draft Convention on the trade in arms to replace the Convention of St. Germain. A draft Convention, prepared in 1924, was submitted in that year to the Assembly and to the Council of the League of Nations, and finally referred to a General Conference, which met at Geneva on May 4th, 1925. Forty-four States were represented, including Germany, which was not then a Member of the League of Nations, and the United States of America. The Conference adopted a Convention for the institution of a general system of supervision and publicity for the international trade in arms, supplemented by a special system to be applied to certain parts of the world.2

Arms, ammunition and implements of war were, for the purpose of the Convention of 1925, divided into five categories. The first category included arms designed and intended for land, sea or aerial warfare. Subject to certain exceptions, only Governments might export arms of this category, and for every exported consignment an order in writing must be presented to the competent authorities of the exporting country by the importing Government. The second category included arms which might be used both for military and other purposes. Such arms also came under the system of export licences, while arms in either of these two categories were subject to publicity in the form of statistical returns of the foreign trade in arms. The third and fourth categories included vessels of war and their armaments, aircraft (assembled or dismantled) and aircraft engines. For these items, publicity alone was required. The fifth category included arms not falling under the first two categories. Trade in these commodities was unrestricted.

The Convention, in addition to this general control, embodied a special system for zones to which the export of all arms except warships was generally forbidden or authorised only subject to definite conditions.

The Convention was signed at Geneva on June 17th, 1925, its entry into force being subject to its ratification by fourteen States. On February 2nd, 1932, when the Conference for the Reduction and Limitation of Armaments met, the Convention had received only thirteen ratifications or definite accessions. Twenty-four signatures or accessions had not yet been completed by ratifications and the Convention was open to accession by a further twelve States.

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2 Document A.16.1925.IX.
CONTROL OF THE PRIVATE AND STATE MANUFACTURE OF ARMS: EVENTS PRIOR TO THE CONFERENCE.

Article 8 of the Covenant declares that the "manufacture by private enterprise of munitions and implements of war is open to grave objections", and the Council is asked to "advise how the evil effects attending upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety". The Assembly, in 1920, instructed the Temporary Mixed Commission dealing with disarmament questions to give special consideration to the problem of the private manufacture of arms and implements of war. The Temporary Mixed Commission, which, reporting to the Assembly in 1921, was unable either to recommend a suppression of private manufacture or to express an opinion as to the measures to be taken for its control, submitted a report to the Council of the League of Nations in 1922, approving in principle the application to private manufacture of a system of national licences and expressing the view that it was impossible to separate the two questions of the private manufacture of arms and the trade in arms. The Assembly, after considering this report, asked the Council to consider whether it would not be possible to summon in the near future a Conference of Members and non-members of the League with a view to framing an international agreement on the control of private manufacture.

During the next three years, the main difficulties inherent in any system of publicity and control in respect of the private or State manufacture of arms were carefully studied and discussed by the Temporary Mixed Commission.

The Conference on the Trade in Arms summoned in 1925 declared in its Final Act that the Convention adopted by the Conference "must be considered as an important step towards a general system of international agreements regarding arms and munitions and implements of war, and that it was desirable that the international aspect of the manufacture of such arms, munitions and implements of war should receive early consideration by the different Governments".

The Council, in view of this declaration, appointed, in December 1926, a Special Commission, with instructions to prepare a draft Convention on the supervision of the private manufacture and publicity of the manufacture of arms, ammunition and implements of war.

The Special Commission, following an appeal from the Council in 1928, urging upon Governments the necessity of removing or further reducing their differences of opinion, adopted in 1929 a preliminary draft Convention by a majority vote.

The draft Convention framed by the Special Commission in 1929, though it was adopted only by a majority vote and was subject to important reservations, served as a basis for the work of the Conference for the Reduction and Limitation of Armaments.

The Commission accepted generally for the purpose of the Convention the five categories of arms defined in the Convention of 1925; and it was agreed that the private manufacture of the arms included in categories I, II, III and IV should be permitted only under licences issued by Governments. The Convention further provided for the transmission to the Secretary-General of the League of Nations or for the annual publication of returns showing the total production, value, number and weight of the private manufactures for which licences had been issued in respect of arms coming under categories I, II and IV. A provision to the effect that this system of publicity should apply also to the production of material manufactured in establishments owned by the State, or manufactured on behalf of the State, was included in the draft Convention, but was not accepted by the Czechoslovak, French, Italian, Polish and Roumanian delegations. These delegations considered, together with the Belgian delegation, that publicity in regard to State manufacture could only be determined in connection with the decisions to be taken by the Preparatory Commission for the Disarmament Conference concerning publicity for war material. A special article in the Convention provided for the regular publication by the contracting parties of detailed information in regard to the laying-down and construction of vessels of war and their armaments.

PROPOSALS SUBMITTED TO THE CONFERENCE, FEBRUARY 1932.

During the plenary meetings of the Conference which took place in February 1932, the following proposals relating to the trade in arms and their manufacture were put forward by delegations:

(a) That provision should be made for a supervision of the manufacture of arms and the trade in arms more complete and effective than that proposed in the draft Convention submitted by the Preparatory Commission or than that which had in certain cases been hitherto in operation;

(b) That there should be a strict prohibition of the export and import of arms, ammunition and war material, with the exception that States unable to manufacture the quantities allotted to them should be permitted to import the necessary quantities from abroad;

1 Document A.30.1929.IX.
2 See above, page 112.
3 Document Conf.D.599. Conference Documents, Vol. I, page 100. References will be found in this document to the specific proposal submitted by the delegations.
That the manufacture of arms, ammunition and war material should be permitted only in a limited number of private or State factories which must be known to the public, Governments ensuring that production did not exceed the quantities allowed for their own use and for export to non-manufacturing countries;

(d) That there should be incorporated in the Disarmament Convention:

(1) The 1925 Convention on the Trade in Arms;

(2) A Convention, to be submitted to the Conference, providing for an international and national supervision of the private and State manufacture of arms and ammunition, such manufacture to be subject to a system of licensing and publicity;

(e) That provision should be made for a supervision of private and State manufacture of arms and of the trade in arms.

CONSTITUTION OF A SPECIAL COMMITTEE FOR THE REGULATION OF THE TRADE IN AND PRIVATE AND STATE MANUFACTURE OF ARMS AND IMPLEMENTS OF WAR, SEPTEMBER 22ND, 1932.

The General Commission of the Conference, on July 23rd, 1932, adopted a resolution which contained the following paragraph:

"The Bureau will set up a Special Committee to submit proposals to the Conference, immediately on the resumption of its work, in regard to the regulations to be applied to the trade in, and private and State manufacture of, arms and implements of war".

In conformity with this resolution, the Special Committee for the Regulation of the Trade in and the Private and State Manufacture of Arms and Implements of War, hereafter called the Special Committee, was set up on September 22nd, 1932.

PRELIMINARY REPORT OF THE SPECIAL COMMITTEE, OCTOBER 1932.

The Special Committee, sitting from October 4th to October 19th, 1932, entered upon a general discussion, taking as a basis the Convention on the Trade in Arms of 1925 and the draft Convention on the Manufacture of Arms of 1929. It adopted, on October 19th, 1932, for submission to the Bureau of the Conference, a preliminary report on the progress of its work.

The discussions in the Special Committee had revealed two main currents of opinion. Certain delegations considered that radical measures were required to deal both with the trade in arms and their manufacture. They felt that neither the Convention of 1925 nor the draft Convention of 1929 corresponded with existing realities or with new facts and ideas which had emerged since they were framed. Other delegations thought it would be inexpedient to digress unduly from texts which had been prepared as the result of long and continued efforts. They were not prepared to accept the more radical proposals which had been submitted, and they considered that certain decisions of principle would have to be taken by the General Commission before the questions either of the manufacture of arms or the trade in them could be usefully studied.

The Special Committee, in view of these divergencies of opinion, confined itself to informing the Bureau of the difficulties which it had encountered and to indicating the questions on which it required further direction.

The Special Committee summarised its conclusions as follows:

(a) That the Committee is not yet in a position to submit concrete proposals for regulating the trade in and manufacture of arms;

(b) That such proposals will be so framed as to place producing and non-producing States, as far as possible, on a footing of equality;

(c) That it is already clear that the proposals which the Committee will have to submit regarding the regulation of the manufacture of arms will differ from the draft Convention framed by the Special Commission in 1929;

(d) That it is already agreed that the 1925 Convention concerning trade in arms will have to be revised.


The Special Committee, before submitting its preliminary report to the Bureau of the Conference, decided to set up (a) a Sub-Committee on the Manufacture of Arms, consisting of the representatives of Belgium, the United Kingdom, France, Italy, Japan, Poland, Spain, Turkey and the United States of America, and (b) a Sub-Committee on the Trade in Arms, consisting of representatives of the United Kingdom, China, France, Italy, Japan, Persia, Poland, Spain and the United States of America.

1 Annex 4.
The two Sub-Committees were instructed to prepare as rapidly as possible for the second phase of the work of the Special Committee, and the Special Committee decided to adjourn until it had received their reports.

The Special Committee further stated in the conclusions which it presented to the Bureau of the Conference that, before resuming its work, it would require decisions of principle from the Conference regarding the limitation and publicity of war material and reports from the competent bodies of the Conference on the general question of supervision and on the question of chemical, incendiary and bacterial weapons, together with any resolutions which the Bureau or the General Commission might pass on these subjects.

**Questionnaire relating to the Manufacture of Arms in the Different States, October 1932.**

The Special Committee, prior to the adoption of its report on October 19th, 1932, adopted a questionnaire framed with a view to obtaining from the Governments certain information regarding the manufacture of arms within their territories. The President of the Conference, on October 28th, forwarded this questionnaire to all delegations at the Conference, intimating that replies should be received as soon as possible.

Governments were requested to state whether, for the purpose of the manufacture of arms and implements of war, a special permit was required and to give particulars in regard to any such permit. They were asked to give information as to the undertakings in their respective countries which were chiefly or largely engaged in the manufacture of arms, intimating whether they were State-owned or State-aided, subsidised, under concession or under supervision by the State, or whether they were entirely private undertakings. They were further requested to state how their output was distributed between foreign and domestic markets and the home markets during the years 1927-1931, and whether there were any laws or administrative regulations forbidding soldiers or members of the military administration in active service to hold posts in private armament undertakings.

Replies to the questionnaire had, on July 25th, 1933, been received from forty-one States.

*Action taken by the Bureau of the Conference on the Report of the Special Committee, November 22nd, 1932.*

The preliminary report of the Special Committee came before the Bureau of the Conference on November 18th, 1932, and the delegations of several countries, including Sweden, the United States of America, the United Kingdom, France, Spain, Poland, Italy, and Japan, submitted declarations.

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3 The Swedish delegation announced that the Swedish Government had considered it advisable to take suitable measures without delay to enable the State to exercise complete supervision over the production of war material in Sweden.

The delegation of the United States of America stated that the American Government was prepared to consider favourable provisions for the control of the private manufacture of arms on condition that similar measures were established for the control and supervision of State manufacture and on condition that substantial measures for the reduction of armaments were approved.

The delegation of the United Kingdom agreed in principle that private and State manufacture should be regulated, and offered the Conference that it had already, on its own initiative, taken certain important and effective measures to secure the supervision of private manufacture. The United Kingdom Government had, moreover, consistently maintained that, in any action which might be approved, it would be unjust to draw any distinction between the private and State manufacture of war material. It would be glad to see the Convention of 1929 applied, especially as it involved full publicity both for the private and State manufacture of arms.

The French delegation urged that the Special Committee should not be limited by what had been done in the past, and pointed out that, since the Conventions of 1925 and 1929 had been framed, the idea of international supervision had assumed a special prominence. It contended that other new ideas might emerge which would make it possible to equalise conditions between States and remove all anxiety on the part of non-producing States. The Special Committee, in the view of the French delegation, should, therefore, in its earliest possible date, resume its enquiry into the whole question of the trade in and manufacture of arms and implements of war. The French delegation, moreover, contended that it was important for the Special Committee, together with the other bodies of the Conference which were dealing with the problem, to study the question of supervision in relation to its own particular field of work, since it would be very difficult for the General Commission to take an effective decision on the general question of supervision until it was acquainted with the special requirements arising out of the individual methods of control suggested by its Technical Committees.

The Spanish delegation expressed the view that the draft Conventions of 1925 and 1929 were inadequate, since they did not embody the principle of international supervision. It agreed with the French delegation that the Special Committee should resume its work as soon as possible and on a wider basis.

The Polish delegation urged that there should be no hesitation in dealing with the problem. Poland, in default of a total abolition of private manufacture, would support the most stringent measures for the international regulation of trade and manufacture, such regulation applying to State as well as to private establishments.

The Italian delegation expressed the view that publicity in regard to State manufacture could only be determined in the light of decisions to be taken by the Disarmament Conference on the question of publicity in regard to war material. It held that any supervision or the trade in arms or the manufacture of arms must be complementary to a general Disarmament Convention, and its further consideration should therefore be deferred until the General Commission had taken the necessary decisions on the related problems.

The Japanese delegation represented that the draft Convention of 1929 was the result of arduous preparation and had been accepted as representing the utmost that a Convention could achieve. It should continue to be taken as a basis for discussion. State manufacture differed from private manufacture and should not be subjected to an equally strict supervision. Japan, however, would co-operate in the work of the competent Committees and would strive
The Bureau of the Conference, on November 22nd, as a result of this exchange of views, decided:

1. That the Special Committee and its Sub-Committees should be requested to resume work as quickly as possible;
2. That the Special Committee was entrusted with the examination of all the aspects of the problem of the regulation of the trade in and manufacture of arms, but that it must choose a practical method of work on the basis of the declarations made in the course of the discussion on November 18th;
3. That provisions relating to the trade in arms and their manufacture should be included in the same legal instrument as the Convention for the Reduction and Limitation of Armaments;
4. That the Special Committee should examine in what conditions equality of treatment might be attained:
   (a) Between producing and non-producing countries;
   (b) Between the different contracting countries in relation to special zones;
   (c) Between State manufacture and private manufacture;
5. That the Special Committee should consider whether, within the general framework of supervision already adopted by the Bureau, it was necessary to provide a technical procedure better adapted to the international supervision of the trade in arms and their manufacture;
6. That any final decisions concerning limitation and publicity in regard to war material should be postponed until appropriate solutions had been reached by the competent organs of the Conference;
7. That the Special Committee should note the desirability of collecting the necessary documentation with regard to the licence systems adopted by the different countries and of studying the possibility of framing an international licence system.


The Secretary-General of the League of Nations, as a result of a decision taken by the Council on November 28th, 1932, submitted a memorandum to the Conference upon the system of international supervision established under the Convention of 1931 for the limitation of the manufacture of dangerous drugs and the control of the international traffic in these commodities. The purpose of the memorandum was to indicate how the system of supervision which was being successfully applied to dangerous drugs might be adapted to a supervision of the manufacture of arms and the trade in arms.

The memorandum has not been formally examined by the Conference.

REPORT OF THE SUB-COMMITTEE ON THE MANUFACTURE OF ARMS, FEBRUARY 17TH, 1933.

The Sub-Committee on the Manufacture of Arms embodied its preliminary conclusions in a report which was forwarded to the Special Committee on February 17th, 1933. The Sub-Committee was able to present very few final proposals. It refrained from any study of the question of the abolition of the private manufacture of arms or the internationalisation of arms manufacture, being of opinion that the Special Committee must previously settle the question of principle. It felt, moreover, that these and other questions relating to private manufacture could not usefully be discussed until a sufficient number of replies had been received from the Governments to the questionnaire which had been forwarded to them by the President of the Conference on October 28th, 1932.

The Sub-Committee postponed examining in detail the question of categories, proposing that a Technical Committee should be set up to make a detailed study of the categories both for the manufacture of arms and the trade in arms and confining itself to the submission of a few preliminary observations.

Proposals were submitted in the Sub-Committee to the effect that the manufacture of arms prohibited by international law or custom should be forbidden, and the question arose whether special categories or lists of prohibited weapons should be drawn up. Certain delegations felt that it would be difficult to frame an exhaustive list, while other delegations to discover a basis of agreement which would make it possible to apply a system of regulation, both to State and to private manufacture, provided State manufacture was not subjected to any undue limitation or control. The President of the Conference, summing up the discussion, reminded the members of the Special Committee that they were free to submit any proposal in that Committee within its terms of reference. They should not allow themselves to be limited by the Conventions of 1925 and 1929, and they were, in particular, free to propose any measures of supervision which they might think desirable. He expressed the hope that the Special Committee would soon be able to put forward definite proposals.

2 Document Conf.D.160, Annex 4. Conference Documents, Vol. II, page 548. The brief references here made to the provisional decisions of the Sub-Committee and to the views expressed in the course of its discussions should be read in the light of the observations and reservations of the various delegations mentioned in the report.
3 See above, page 115.
ured that a specific enumeration was essential to the effective application of the prohibition.
No definite decision was taken by the Sub-Committee.

The Sub-Committee considered that the manufacture of weapons of war should be authorised only under licences granted to manufacturers. Opinions differed, however, as to whether such licences should be national or international and as to what provisions should be made in regard to them.

The French delegation submitted to the Sub-Committee recommendations to the effect that certain personal restrictions should be laid upon arms manufacturers. Some delegations thought that such restrictions were desirable and even necessary in order to check the evil effects of private manufacture, while other delegations argued that it must be left to the various States to regulate their private manufacture and to guard against any possible abuses. The Sub-Committee discussed in this connection whether private arms manufacturers should be prohibited from influencing newspapers or standing for Parliament.

The Sub-Committee, in dealing with the question of the limitation of manufacture, proposed that a clause to cover all weapons subject to qualitative disarmament should be introduced into the Disarmament Convention, under which the contracting parties would undertake not to cause to be manufactured or constructed, and not to permit within their jurisdiction the manufacture or construction for their own account, or for the account of another State, or of private individuals, of arms, vessels of war or aeroplanes possessing characteristics exceeding those specified in the categories to be included in the Convention.

The Sub-Committee considered a proposal from the Soviet delegation that capital invested in war industries should be directly limited or reduced. The delegations which opposed this proposal argued that it was impossible to define the capital invested in war industries, since many establishments manufactured both arms and articles used for civil purposes. No decision was taken by the Sub-Committee.

The Sub-Committee, taking as a basis the draft Convention of 1929, approved a text under which the contracting parties would forward to the Permanent Disarmament Commission, or publish within two months of the close of each quarter, a list of licences to manufacture granted or renewed during that quarter, together with a description of the war material for which the licences were granted and the names and addresses of the registered or head offices of the licensees. Certain delegations desired that the quantities of war material for which licences were issued should also be notified, together with the period for which the licences had been granted or renewed. It was understood that the final proposals regarding publicity of licences would depend on the decisions taken as to the publicity, supervision and limitation of war material in general. The Sub-Committee provisionally agreed that the Permanent Disarmament Commission should periodically publish a list of licences issued by the Governments.

The Sub-Committee, in discussing the more general question of the publicity of manufacture, having decided that it must wait until the Conference had taken a decision regarding publicity of war material in general, considered that war materials which were only of small importance and were also used for non-military purposes should only be subject to such publicity as might be prescribed by the national legislation, it being understood that these articles would be specifically defined in a special category.

The Sub-Committee was unanimous in recommending that the system of international supervision to be introduced under the Disarmament Convention should apply to the manufacture of arms. Divergent views, however, were expressed as to whether any special procedure in addition to this general system of supervision should be provided. Some delegations were of opinion that the study of the problem of the supervision of arms manufacture should be postponed until a decision had been taken in regard to the publicity and supervision of war material and that the same technical procedure should be laid down for the supervision to be applied in either case. Other delegations argued that a special procedure should be laid down for the supervision of manufacture, since the general supervision would not be sufficiently effective. There was a clear difference of opinion between the delegations as to whether the same supervision should be applied to private and State manufacture. Certain delegations thought that the supervision should be stricter in the case of private manufacture, while others contended that the supervision should be generally equivalent.

SECOND REPORT OF THE SPECIAL COMMITTEE, MARCH 4TH, 1933.

The Special Committee, at a meeting held on February 22nd, adopted by a majority vote the following resolution:

"That this Committee, before proceeding further with the consideration of the manufacture of arms, finds it necessary to request the General Commission to decide two questions, on which it has not been able to reach a unanimous decision, and a solution of which is indispensable for the continuation of its work:

"(1) Shall the private manufacture of arms be suppressed ?
"(2) Shall the manufacture of arms be internationalised ?"

The Special Committee thereupon adjourned its examination of the report of the Sub-Committee on the Manufacture of Arms and, in a report dated March 4th, 1933, forwarded its resolution to the General Commission.1

The Special Committee, in this report, stated that the Danish, French, Polish and Spanish delegations on the Committee had proposed the abolition of the private manufacture of arms. These delegations represented that special attention had been called to the dangers inherent in the private manufacture of arms by the Covenant of the League of Nations and that, for Members of the League, the solution of the problem must be of an international character. They briefly reviewed and answered the objections commonly raised to the abolition of private manufacture.

The delegations of Belgium, the United Kingdom, Germany, Italy, Japan and the United States submitted a counter-statement urging that the dangers which would arise from the abolition of private manufacture would be greater than those which might be inherent in the existing system. They argued that any evil effects which might arise from possible misconduct could be adequately dealt with by national legislation, while any evil effects which might arise from the supply of arms to undesirable quarters could be obviated by an effective regulation of the international traffic. It was further contended that the abolition of private manufacture might compel States to construct or to extend their own establishments.

A suggestion that the manufacture of arms should be internationalised was put forward by the Turkish delegation. This proposal was not discussed by the Special Committee in view of its connection with the question of the abolition of private manufacture, on which a decision of the General Commission was being requested.

**Report of the Sub-Committee on the Trade in Arms, May 27th, 1933.**

The Sub-Committee on the Trade in Arms submitted its preliminary conclusions in a report which was forwarded to the Special Committee on May 27th, 1933.1

The Sub-Committee took as a basis for its discussion the Convention of 1925, certain delegations nevertheless reserving their final attitude towards that Convention. The Sub-Committee also kept in mind the resolution adopted by the Bureau on November 22nd, 1932,2 and proposals laid before it by various delegations.

The Sub-Committee emphasised the need for a precise definition of licences or other documents required for the purpose of regulation.

The Sub-Committee was of opinion that a strict licensing system should be applied to arms and implements of war; but different views were expressed as to the kind of arms for which licences should be required and as to whether these licences should be national or international. Certain delegations were of opinion that the licences should, as provided in the Convention of 1925, be national, whereas other delegations considered that a purely national licensing system would be inadequate. These delegations urged that licences should be subject to definite and effective international supervision.

The Sub-Committee, in regard to the export of arms falling under category I of the Convention of 1925 to importing States or private persons, approved the provisions of the Convention. It further approved provisionally the stipulations of that Convention in respect of the documents required in respect of the foreign trade in arms belonging to categories I and II.

The delegations which were of opinion that personal restrictions should be laid upon arms manufacturers proposed that the same restrictions should apply to traders in arms.

Certain delegations were in favour of a quantitative limitation of the import and manufacture of arms. Other delegations were opposed to any quantitative limitation of the trade in arms except in so far as such limitation would be implied in articles of the Disarmament Convention dealing with material. The Sub-Committee provisionally adopted an article to the effect that the contracting parties should not acquire or permit the import, export or transit of arms, warships or aircraft with characteristics in excess of those laid down in the Disarmament Convention.

The delegations which were in favour of establishing categories of arms whose use would be entirely prohibited in time of war proposed that the trade in such arms should be forbidden when intended for purposes of war.

Certain delegations were of opinion that the general measures of supervision to be embodied in the Disarmament Convention, with those provided by the Convention of 1925, would constitute a sufficient degree of supervision for the trade in arms. Other delegations considered that a special system should be established for the trade in arms and reserved the right to submit concrete proposals on this subject at a later stage.

The Sub-Committee adopted provisionally the stipulations of the Convention of 1925 regarding publicity for the trade in arms covered by categories I and II.

The Sub-Committee, while reserving various questions of detail in regard to the publicity to be accorded to statistics relative to the trade in arms and their compilation, expressed the definite opinion that regular publicity on the part of States and publication by the Permanent Disarmament Commission were essential.

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1 Document Conf.D.160, Annex 6. Conference Documents, Vol. II, page 564. The brief references here made to the provisional decisions of the Sub-Committee and to the views expressed in the course of its discussions should be read in the light of the observations and reservations of the various delegations mentioned in the report.

2 See above, page 116.
The Sub-Committee considered it necessary to retain the provisions of the Convention of 1925 relating to special land zones. It further agreed to the maintenance of the special maritime zones in the Red Sea and the Gulf of Aden, but took no decision in regard to the Persian Gulf and the Gulf of Oman concerning which there was a difference of opinion between the delegations of the United Kingdom and Persia. The Persian delegation requested that the Persian Gulf and the Gulf of Oman should be excluded; whereas the United Kingdom delegation was of opinion that general security in those waters could only be adequately ensured in the interests of all the States and in accordance with the provisions of the Covenant by the maintenance of the maritime zones as defined in the Convention of 1925.

REPORT OF THE TECHNICAL COMMITTEE ON CATEGORIES OF ARMS, MAY 5TH, 1933.

The Sub-Committee on the Manufacture of Arms and the Sub-Committee on the Trade in Arms proposed at an early stage in their discussions that a technical committee should be appointed to consider and define the categories of arms to be established for the regulation of trade and manufacture.1

The Technical Committee, constituted on April 12th, 1933, with instructions to establish the categories of arms to be used both for the regulation of manufacture and trade, submitted its report to the Special Committee on May 5th, 1933.2

The Technical Committee took as a basis the categories specified in the draft Convention of 1929. The texts approved by the Technical Committee were based on the three following principles: (a) that the categories already established should be modified as little as possible; (b) that these categories should be simplified for practical purposes; and (c) that they should, as far as possible, be brought into line with the categories used for the unification of Customs nomenclature.

The Technical Committee was unable to accept proposals submitted by certain delegations on the ground that they would have made it necessary radically to change the order and contents of the different categories.

THIRD REPORT OF THE SPECIAL COMMITTEE, JUNE 3RD, 1933.

The Special Committee, on June 3rd, 1933, forwarded to the General Commission a Progress Report3 embodying the reports of the Sub-Committee on the Manufacture of Arms, the Sub-Committee on the Trade in Arms and the Technical Committee on Categories of Arms. The report further contained replies to the questionnaire forwarded to the Governments by the President of the Conference on October 28th, 1932.4

The Special Committee again requested the General Commission to decide in principle whether the private manufacture of arms should be abolished and whether the manufacture of arms should be internationalised.

The Special Committee further intimated that, in addition to these questions, the delegations of the United Kingdom, Germany, Italy, Japan, Persia and the United States of America wished to draw attention to other matters regarding which decisions were, in their opinion, necessary before a solution could be reached of the principal difficulties encountered by the Committee. These delegations declared that it was impossible for the Special Committee to make any final recommendations:

(a) As to the degree of publicity to be extended to the manufacture of arms and the trade in arms in the absence of a decision on the general question of publicity of war material;
(b) As to the system of supervision to be applied to the manufacture of arms and the trade in arms in the absence of any decision regarding the general system of supervision to be laid down in the Disarmament Convention;
(c) As to the measures to be taken in respect of aircraft from the point of view of manufacture and trade in the absence of any decision on the system of control to be applied to civil aviation.

The Danish, French, Polish, Spanish and Turkish delegations, in view of the above declaration, expressed the view that it was necessary for the General Commission to take decisions on the following questions:

(1) Was it possible to limit and supervise material without also limiting and regulating the manufacture of and trade in such material?
(2) In order to make this supervised limitation more effective, and to facilitate the standardisation of material, was it expedient to internationalise State manufacture and abolish private manufacture?
(3) In order to make supervision of future arms possible and effective, was it expedient to limit them by rationing the manufacture of arms and the trade in them?
(4) In order to make supervision of future arms possible and effective, was it expedient to make the manufacture of and trade in such arms subject to the grant of

1 See above, page 116.
4 See above, page 115.
individual licences giving details as to the nature and destination of such arms, such licences to be submitted for the consideration of the Permanent Disarmament Commission?

(5) In order to make possible quantitative and qualitative limitation and reduction of military aviation, was it expedient to internationalise the manufacture of civil aircraft or, failing this, to submit the manufacture of and trade in such aircraft to the supervision of the Permanent Disarmament Commission?

(6) How should the general measures of supervision already provided for in regard to arms in use be applied to the special requirements of the manufacture of future arms and the trade in them?

The Special Committee annexed to its report a proposal submitted by the French delegation to the effect that a chapter should be included in the draft Disarmament Convention dealing with the limitation and supervision of the manufacture of and trade in war material. The categories of war material subject to regulation in respect of their manufacture and trade would be determined by the conclusions of the Conference with regard to the quantitative limitation of war material, and quotas would be fixed, within the limits of which each of the contracting parties might procure the articles subject to limitation and control, whether manufactured or imported.

The Special Committee, noting that this proposal was closely bound up with the quantitative limitation of war material, forwarded it without discussion to the General Commission.

**DISCUSSION IN THE GENERAL COMMISSION OF THE THIRD REPORT OF THE SPECIAL COMMITTEE, JUNE 6TH AND 7TH, 1933.**

The Rapporteur of the Special Committee submitted its report to the General Commission on June 6th, 1933. He pointed out that, though the Special Committee was unable to submit unanimous recommendations or final texts, its Sub-Committees had adequately examined the technical aspects of the problems submitted to them and that it would be comparatively easy to draw up definite provisions once the necessary decisions of principle had been taken.

The French delegation, introducing its proposals for the limitation and supervision of the manufacture of and trade in war material, which had been placed before the Special Committee, urged that measures for the limitation and supervision of manufacture could not be effective unless there were at the same time limitation and supervision of manufacture. Limitation and supervision of manufacture could be effected by means of a system of licences, no longer issued for manufacture in general, but for such manufacture as would be authorised under the Disarmament Convention and therefore limited.

The Turkish delegation, introducing a proposal that the manufacture of arms and war material should be internationalised, argued that internationalisation would be the most effective means of regulating and supervising arms and ammunition factories.

The Polish delegation, supporting the views of the French delegation, expressed itself in favour of a strict regulation of the private and State manufacture of arms and the trade in arms, and declared itself ready to accept any measure, however radical, acceptable to the Conference.

The Spanish delegation argued that the control of the manufacture of arms was the chief concern of the Conference. Strict control, both of private and State manufacture, was essential. First, it was necessary for the State to assume complete responsibility in its territory for everything connected with the manufacture of arms and the trade in arms. Secondly, an international licensing system was essential, which would cover manufacture, export, import or transit. Supervision must be exercised by an international organisation at Geneva.

The United States delegation, after dwelling upon the dangers and inconveniences that might arise from the abolition of private manufacture, observed that the trade in arms and the manufacture of arms, both public and private, might be so controlled and circumscribed as to reduce materially the production of arms. If the Conference could agree upon a substantial reduction and limitation of armaments and establish effective control and supervision, whereby there would be publicity and a strict system of licensing for the manufacture and export of arms, it would automatically find a solution for the problem of private manufacture.

The Swedish delegation stated that it was prepared to co-operate most actively in any efforts made to establish an efficient system for the supervision of war industries on an international basis.

The Canadian delegation considered that the manufacture of arms should eventually be restricted to State owned establishments, but realised that the application of that principle must be delayed so that Governments depending on private manufacture might have time to make the necessary adjustments. The internationalisation of the manufacture of arms, on the other hand, was wholly impracticable.

The German delegation considered that the regulation of the trade in arms and the manufacture of arms was complementary to the provisions regulating disarmament. It could...