LEAGUE OF NATIONS

Conference for the Reduction and Limitation of Armaments

GENERAL CONVENTION TO IMPROVE THE MEANS OF PREVENTING WAR.
(C.658(r).M.269(r).1931.IX.)

REGULATIONS FOR THE EXECUTION OF ARTICLE 4.

The Secretary-General, in conformity with the resolution adopted by the Council on May 18th, 1932, has the honour to transmit to the Governments of the States invited to the Conference for the Reduction and Limitation of Armaments the following documents:

(1) Extract from the Minutes of the third meeting of the sixty-seventh session of the Council;
(2) Report to the Council of the Permanent Advisory Commission for Military, Naval and Air Questions;
(3) Regulations for the execution of Article 4.

EXTRACT FROM THE MINUTES OF THE THIRD MEETING (PUBLIC) OF THE SIXTY-SEVENTH SESSION OF THE COUNCIL

Held on Wednesday, May 18th, 1932, at 10.30 a.m.

Present: All the representatives of the Members of the Council, and the Secretary-General. Norway was represented by M. Andvord, and Peru by M. Barreto.

3075. General Convention to improve the Means of preventing War.

M. De Madariaga presented the following report and draft resolution: ¹

"1. At its meeting on September 26th, 1931, the Assembly of the League of Nations adopted the following resolution:

"'The Assembly,
"'1. Taking note of the report submitted to it on behalf of the Third Committee;
"'2. Thanking the Special Committee for the admirable work it has done towards the framing of the draft General Convention to improve the Means of preventing War;
"'3. Approves the text of the said Convention which has been drawn up by the Third Committee;

¹ Document C.451.1932.IX.
2. In execution of the mission entrusted to it by paragraph 6 of the resolution passed by the Assembly, the Council, at its meeting on September 30th, 1931, adopted the conclusions of the report submitted by the representative of Spain in the following terms:

"As regards the question of the rules referred to in the last paragraph of Article 4 of the Convention, the Council might decide that these regulations should be drawn up by its Permanent Advisory Commission for Military, Naval and Air Questions. To this Commission would be added the Legal Adviser of the League of Nations and the Secretary-General of the Transit Organisation. If necessary, the Commission could also call in the assistance of other experts."

"As the members of the Commission will be at Geneva for the Disarmament Conference, the Commission might meet at the beginning of the Conference."

"Once the regulations have been drawn up by the Commission and approved by the Council, they can be forwarded by the Secretary-General to the Governments of the States invited to the Disarmament Conference."

3. The Permanent Advisory Commission for Military, Naval and Air Questions met at Geneva on April 20th and 22nd and on May 3rd, and, with the assistance of the Legal Adviser and the Secretary-General of the Communications and Transit Organisation, drew up the draft set of regulations for the execution of Article 4 of the General Convention to improve the Means of preventing War which the Council had asked it to prepare.

4. The Permanent Advisory Commission for Military, Naval and Air Questions has appended a report to the draft regulations which it is submitting to the Council.

"In this report it calls the Council's attention to two points:

(a) The Commission expresses the opinion that it is essential that the experts who are to serve on the commissions of inspection should be appointed as quickly as possible when their services are required. The Commission was unanimous on this point. I am sure all my colleagues will agree with me in holding that the Commission's anxieties are perfectly justified, and in expressing the firm conviction that Governments will at all times be willing to sanction with the utmost despatch the appointment of one of their nationals as commissioner.

(b) The Commission points out that it is not, strictly speaking, competent to deal with Articles 18 and 19 of the regulations, which provide for financial arrangements for the expenditure occasioned by the working of the commissions of inspection. I think the Council will agree with me that the provisions of these articles are wholly judicious.

5. The Council will wish to thank the Permanent Advisory Commission for Military, Naval and Air Questions for the manner in which it has discharged the duty entrusted to it by the Council.

"Should the Council approve the foregoing suggestions, I would propose the adoption of the following resolution:

"The Council,

"Having considered the draft regulations provided for in Article 4 of the Convention to improve the Means of preventing War of September 26th, 1931, which it had instructed the Permanent Advisory Commission for Military, Naval and Air Questions to prepare, approves those regulations.

"It requests the Secretary-General to forward the regulations, together with the report of the Permanent Advisory Commission and the present report, to the Governments of the States invited to the Disarmament Conference."

M. de Madariaga added that, according to information he had received from the Secretariat, this Convention had been ratified by one Member of the Council, Peru, and signed by nineteen other countries. He was sure the Members of the Council would agree that the ratification of this Convention by all the Members of the League of Nations would appreciably strengthen the feeling of security without which very little result could be expected from the Disarmament Conference.

Count Wielczech supported the Rapporteur's proposal. The regulations drawn up by the Permanent Advisory Commission seemed to him to be in complete uniformity with the object
of the last paragraph of Article 4 of the General Convention to prevent war. The representative of Germany expressed the hope that, now the Convention had been supplemented, the States which had not yet signed it would decide to accede to it, and that it could soon be put into effect. The regulations contained measures relating to air forces as well as to land and naval forces. The Commission had had no choice in the matter, since the General Convention, the application of which it had to facilitate, itself contained provisions relating to the air arm.

At the present time, however, several delegations, among others the German delegation, had placed before the Conference proposals for the complete abolition of the air arm. Obviously, if the proposals were adopted, the provisions in the regulations and in the Convention as regards air navigation would become unnecessary.

It was perhaps advisable to make this observation in order to avoid any impression that the Council’s approval of the present regulations in any way prejudiced the fate of the proposals in question.

M. Paul-Boncour found it particularly easy to associate himself with the remarks and recommendations made by the Rapporteur and the German representative because France was one of the countries which had signed the Convention concerning the Means of preventing War. She was only deferring her ratification of the Convention until the regulations submitted at the present Council meeting had been approved and until she saw what signatures or ratifications had already been given.

He associated himself, needless to say, with those Members who had signified their approval of the regulations. He would, however, venture to draw the Council’s attention to certain remarks which appeared, not, he regretted to say, in the actual body of the regulations, but in the Commentary. It was beyond doubt that the regulations which had thus been drawn up, and the Council’s powers which the regulations were intended to render operative, would be valuable in proportion to the rapidity with which the regulations could be put into effect and, in the circumstances, to the rapidity with which the Commission provided for in Article 4 would be able to reach the spot. The Commission would consist of experts appointed by the Council and belonging to Governments not concerned in the dispute. The speed with which they could be selected and sent to the spot was of great importance. The French Government would have desired—and its representative on the Permanent Commission had expressed its wish—that there should always be ready a list of experts proposed by the Governments, so that the Council could make its selection under conditions more favourable to rapidity. That suggestion had not been accepted. It was, however, stated in the report that the Governments would undoubtedly be prepared to nominate the experts so designated within the shortest possible time. M. Paul-Boncour had desired to draw attention to this point at the moment of France’s signifying her approval of the regulations.

The draft resolution was adopted.

REPORT TO THE COUNCIL OF THE PERMANENT ADVISORY COMMISSION FOR MILITARY, NAVAL AND AIR QUESTIONS.

The Permanent Advisory Commission for Military, Naval and Air Questions met at Geneva on April 20th and 22nd and May 3rd. In response to the Council’s request dated September 30th, 1931, it drew up, with the assistance of the Legal Adviser and the Secretary-General of the Communications and Transit Organisation of the League, a draft set of regulations for the execution of Article 4 of the General Convention to improve the Means of preventing War.

In transmitting these regulations, which were unanimously approved by the Commission, the latter ventured to call the Council’s attention to one point which it regards as important. Article 1 of the regulations provides that the Commissioners shall be appointed by the Council of the League of Nations with the approval of the States of which experts are nationals. The Commission is of opinion that it is essential that these experts should be appointed as quickly as possible and that from that point of view it would be desirable for the Council to be certain that in case of need it can always find the desired number of experts without delay.

In particular, it has been suggested that the States parties to the Convention should give an undertaking to supply with the utmost rapidity any experts for whom they may be asked. The Commission has not thought it necessary, however, to introduce this provision into the regulations. The Commission also called the Council’s attention to Articles 18 and 19 of the regulations, relating to the financial arrangements for the working of the commissions, which, not considering itself competent, the Commission has referred to the Secretariat of the League of Nations.

The Japanese delegation, in view of the attitude adopted by its Government during the discussions in the Special Committee and in the Third Committee of the Assembly’s twelfth session, refrained from signifying approval of the draft regulations.
REGULATIONS FOR THE EXECUTION OF ARTICLE 4.

CHAPTER I. — CONSTITUTION OF COMMISSIONS OF INSPECTION.

Article 1.

When there is occasion to constitute a Commission of Inspection, the commissioners shall be appointed by the Council of the League of Nations with the approval of the States of which such experts are nationals.

The commissioners may not be nationals of the parties to the dispute.

Article 2.

The Council may request the Permanent Advisory Commission for Military, Naval and Air Questions to submit to it, according to the circumstances and the nature of the conservatory measures contemplated, proposals in regard to the exact composition of the Commission, its organisation and its working.

Article 3.

Unless otherwise decided by the Council, the Commission of Inspection shall include the same number of commissioners of each nationality represented on the commission.

Article 4.

The Council shall appoint the President of the Commission. The latter shall organise the work of the Commission subject to the provisions of the Convention and of the present regulations.

Article 5.

The Commission may be divided into several sections. Each section shall consist of not less than three members. These shall be of different nationalities.

Article 6.

If a section consists entirely of officers, the senior member of the highest rank shall be president of the section.

If a section consists of both civilians and officers, its President shall be appointed by the President of the Commission. However, the President of the Commission may not appoint an officer other than the senior member of the highest rank.

If there are several sections, their Presidents shall as far as possible be of different nationalities.

CHAPTER II. — WORK OF THE COMMISSIONS.

Article 7.

The rôle of the Commission of Inspection is defined and limited by Article 4 of the Convention (first and fourth paragraphs). The Commission shall also comply with the detailed instructions it may have received from the Council of the League of Nations.

Article 8.

In the event of the application of Article 2 of the Convention, the commissioners shall have, subject to the provisions contained in the fourth paragraph of Article 4 of the Convention, the right to visit any point to which they may have to proceed in execution of their mission and to remain there as long as may be necessary for the purpose of verifying on the spot the execution of the conservatory measures recommended by the Council.

In the event of the application of Article 3 of the Convention, the commissioners shall, for the performance of the mission entrusted to them by the Council, have the right to move about freely and to remain within the zone between the lines fixed by the Council in accordance with the said article. This right shall be guaranteed to them even if hostilities not creating a state of war should have occurred.

On land, if the said zones determined with the consent of the parties concerned under the conditions laid down in the second paragraph of Article 3 include military establishments, the commissioners shall have the right to enter and remain in those establishments for the performance of their mission.

On sea, in the case of warships of one of the parties being authorised to pass through one of the above-mentioned zones, in order to ensure the necessary communications between the various territories of the said party, the President of the Commission may depute commissioners to go on board these warships.

As regards the supervision of the movements of aircraft, the commissioners shall have the right to establish lookout posts either at the frontiers or in the zones referred to in the second paragraph of this article. If the Council has not forbidden civil aircraft to approach the frontiers or the intermediate zone, the commissioners shall have the right to fix compulsory crossing points for civil aircraft. Should the Commission not have at its disposal the means required for supervising night flying this may be prohibited at the frontiers or in the said zones to all aircraft by the President of the Commission.
If one of the parties so requests, the President of the Commission shall depute one or more commissioners to accompany any land, sea or air forces of the said party which, moving near one of the above-mentioned zones, might wish to prove that they have not entered that zone. Subject to arrangements to be concluded with the parties, enabling the commissioners to make themselves known, they shall comply as far as possible with the rules of international law on the employment of envoys, in so far as those rules do not impede the performance of their mission.

Article 9.

The commissioners shall enjoy all diplomatic privileges and immunities.

They shall be provided as soon as possible, in addition to diplomatic passports or visas, with identity papers drawn up by the Secretary-General of the League of Nations in the name of the Council indicating the official status of the holder and the mission entrusted to him.

Chapter III. — Facilities to be accorded to Commissions of Inspection by the Parties to the Dispute.

Article 10.

The Governments parties to the Convention to which the Council shall have notified the dispatch of a Commission of Inspection shall take the necessary measures to enable the commissioners to discharge their duties. They shall see that the public authorities and the population place no obstacle of any kind in the way of the work of the Commission. They shall give the latter all assistance in their power in order to facilitate the accomplishment of its mission. They shall, more particularly, appoint one or more officials who shall be at the constant disposal of the Commission. Such officials shall be provided with written instructions giving them full powers to call for the assistance of the civil and military authorities.

During the execution of their mission, the commissioners may not refuse the company of officials of the State party to the dispute in whose territory their mission is being performed.

Article 11.

The Governments parties to the Convention shall give instructions to the responsible authorities, with a view to ensuring that transport of persons belonging to the Commissions and communications of all kinds between the Commissions and the Council of the League of Nations shall be effected as rapidly as possible.

Article 12.

The Governments parties to the dispute shall give instructions to the responsible authorities to offer the Commissioners any protection that may be asked for by them.

Article 13.

The Governments parties to the dispute shall on their respective territories provide the Commission with all facilities for transport and accommodation that might reasonably be requested. The expenses of transport and accommodation shall be defrayed by the commissioners.

Article 14.

The Governments parties to the dispute shall send to the Council of the League of Nations and to the President of the Commission a copy of the orders, powers and instructions that they may have given in conformity with the provisions of the present chapter.

Chapter IV. — Reports.

Article 15.

The President shall keep the Council informed of the activities of the Commission of Inspection. He shall in particular inform the Council immediately of any inaction of the conservatory measures recommended which might be committed by the parties.

In order to permit of the application of the provisions of the second paragraph of Article 4 of the Convention, the President of the Commission shall immediately inform the Council, under the conditions laid down in Article 11 of the present rules, of the arrival on the spot of the commissioners and of the precise time at which they will be in a position to perform their mission.

Should any difficulty arise between the Commission and the authorities of any one of the parties to the dispute, the President shall immediately inform the Council. Pending the decision by the Council, the President of the Commission shall take all necessary steps to enable the commissioners to continue their mission under the most effective conditions possible. The Government of the party concerned shall instruct its responsible authorities to assist the commissioners for this purpose on all points not directly affecting the difficulty in question.
Article 16.

On the conclusion of the mission, the President of the Commission shall submit to the Council of the League of Nations the Commission's report, and also, in the event of disagreement, any dissenting opinions.

CHAPTER V. — SECRETARIAT AND FINANCIAL PROVISIONS.

Article 17.

Should the Council consider it necessary, a secretariat for the Commission shall be organised by the Secretary-General of the League of Nations. The members of that secretariat shall enjoy the same diplomatic privileges and immunities as the commissioners.

Article 18.

The allowance granted to the commissioners shall be fixed by the Council on the advice of the Secretary-General of the League of Nations, and shall be calculated on the basis of those generally given for similar missions. Unless otherwise decided by the Council, the expenses attaching to such Commissions shall be borne by the parties to the dispute.

Article 19.

The necessary funds shall be advanced to persons belonging to the Commissions by the Secretariat of the League of Nations, under conditions fixed by the Council in conformity with the regulations for the financial administration of the League of Nations.