PRIVATE MANUFACTURE OF ARMS, MUNITIONS AND IMPLEMENTS OF WAR.

Reply of the Government of the French Republic to the Questionnaire.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Council and the Members of the Committee of the Council the following reply from the Government of the French Republic to the Questionnaire on the Private Manufacture of Arms, Munitions and Implements of War.

Question 1.

1. From the international point of view, the manufacture of arms and ammunition and implements of war being as it is the starting point of the trade, is open to objections similar to those which justified the establishment of a control over the international trade in arms in the Geneva Convention of June 17th, 1925. Supervision of the trade in implements of war of Category III as provided in this international instrument could only be obtained by subjecting their manufacture to publicity.

As in the case of the international trade in arms, therefore, manufacture should not be permitted independently of all State intervention. Further, it is to the interest of the Governments and of public opinion that they should be made aware of the extent of manufactures, which, by reason of the use to which they may be put, may endanger security in general and the security of the individual States in particular.
Moreover, as was realised at the Conference on the Trade in Arms, it is not equitable that the war supplies of States which do not produce the material required for purposes of national defence should, as a result of the publicity proposed in regard to imports and exports of implements of war, be subjected to supervision from which the producing countries would continue to be exempt, unless there is a corresponding supervision of manufactures.

2. From the national point of view the French Government is of opinion, so far as it is concerned, that the private manufacture of arms and ammunition and of implements of war is not open to "grave objections", provided that it is made subject to some extent to State control.

Question 2.

The manufacture of arms and unloaded ammunition and likewise trade in such material, and importation, exportation, and transit are governed by the Law of August 14th, 1885.

Under this Law manufacture and trade are permitted in the case of non-service types, while they are subject to declaration in the case of service types.

The gun-powder and explosives monopoly forms the subject of the Law of 13 Fructidor Year V (August 30th, 1798).

In France the arms described as service types are those in use in the different forces. They are defined in the lists of designs approved by the competent Ministers.

Question 3.

The French Constitution does not present any obstacles to the conclusion of international agreements on the control of the private manufacture of arms and ammunition and of implements of war.

Question 4.

The Government of the French Republic is of opinion that none but international measures would be sufficient to ensure satisfactory control for the application of any Conventions which
may be concluded in the matter of armaments, particularly in
the case of war manufactures.

Nevertheless, subject to the results of the future
Disarmament Conference, and desirable as it may appear to
apply measures such as those recommended in the Minority
Report of the Temporary Mixed Commission, it must not be
forgotten that, in the course of the proceedings of the
International Conference for the Supervision of the Trade in
Arms, a majority of the Governments refused to consider anything
but a purely national control by each State, on its own
responsibility, of the war manufactures within its territory
and the importation and exportation of arms. The final text
of the Convention of June 17th does not even contain the clause
of the original draft providing for the creation of a Central
Office for the purpose of collecting, preserving and publishing
the documents sent in by the Governments, and in the letter and
spirit of this international instrument exports and imports are
still subject to national control, the execution of the
Convention resting solely upon reciprocal confidence between the
High Contracting Parties.

It may be, therefore, that in the matter of private manufacture,
as in that of the international trade in arms, international
action should be confined, at all events for the time being, to a
study and comparison of the documents published, on their own
responsibility, by Governments.

From this point of view, according to the "Principles
recommended as a basis for an International Convention on the
national control of the private manufacture (of arms etc.,)"
set forth in the 1924 Majority Report of the Temporary Mixed
Commission of the League of Nations, one might contemplate for
private manufacture a system of licences specifying the kind or
kinds of implements of war which the holder is authorised to
manufacture. It is stated in the Report that:
"The holder shall publish annually a report of the enterprise's industrial, commercial and financial operations relating to the manufacture of the material for which the licence has been granted. The Government will decide as to the manner in which the report shall be verified and the extent of its publication".

The question of the publication of licences of this nature was settled so far as the international trade in arms concerned, by the Convention of June 17th 1925. It would seem that a similar system might be established for private manufacture.

The provisions of the aforesaid Convention lay down that all producing countries shall be bound to publish periodically information - in certain cases very detailed information - concerning vessels of war in course of construction within their territory on behalf of another Power, such information is confirmed by the publication of the particulars also at periodical intervals, required from the importing country.

It would be possible to require that producing countries shall publish particulars of all the war material manufactured by their private industry, as in the case of the vessels of war constructed in their yards on behalf of other Powers.

The particulars published should include:

(1) A list of the licences issued by the Government concerned.

(2) Periodical statistical returns, similar to those required for the supervision of the international trade in arms, and giving an indication of the extent of private manufacture.
It is important however, that the organisation of international publicity should not produce between States Members of the League of Nations and other States an inequality of treatment which would be to the disadvantage of the former and to the advantage of the latter. Similarly, the Convention to be concluded must contain provisions designed to prevent States acting in good faith from being placed in a particularly disadvantageous position as the result of fraud.

Most of the suggestions to be found on page 7 of Document C.L. 159(a) of December 21st, 1925, which constitute the principles recommended as a basis for an International Convention, should be embodied in corresponding provisions.

The Government of the French Republic desires, however, to submit the following observations:

1) The first two sub-paragraphs of paragraph III might be redrafted as follows, on the lines adopted in the case of the Convention on the Trade in Arms:

"The High Contracting Parties undertake not to authorise the private manufacture of arms, ammunition or implements of war, except in accordance with the following conditions:

(a) The licence for manufacture must stipulate . . . .".

2) Sub-paragraph d. of the same paragraph provides that "the Government will decide as to the manner in which the report shall be verified and the extent of its publication".

If in verifying the report the Government concerned is to be free to employ whatever method it thinks best, it should be clearly understood that this method must enable it to certify the accuracy of the statements made by the holder of the licence.

3) Under paragraph IV, the holder of a licence must not "carry on propaganda of any kind relating to the war material for which a licence has been granted".
This stipulation is hardly admissible as owing to the fact that the manufacture in question will be known and supervised, it would appear to be legitimate in the interests of international competition, to authorise lawful publicity, which would moreover be limited by the provisions of the two preceding paragraphs.

4) It is self-evident that the proposed Convention must not affect the rights and obligations arising out of the Treaties of Peace. In this connection it would be desirable to introduce provisions similar to those of Article 34 of the Convention of June 17th, 1925.