garding submarines—had been reaffirmed at this conference; in
the same resolutions the powers represented on the committee had
stigmatized the abuses of the submarine and had established sanctions. It was impossible to forget the excesses committed by
military means by the bombardment of open towns in Italy during
the recent war. This had been forbidden by The Hague convention and, just as the committee had thought it necessary to
condemn excesses committed in connection with submarine warfare, would it not be helpful to condemn the excesses committed in connection with the bombing of open towns? He did not
know whether it was proper to suggest such a proposition at that
time, but he thought that there should be a discussion of the
matter for the purpose of ascertaining whether a resolution for
bidding the bombardment from the air of open towns and villages
could not be formulated.

The chairman said that if it were proposed to discuss the ques
tion of rules of war, except possibly in a very limited sphere, the
committee would enter upon a field which, he assumed, would
give it a great deal of concern and would require prolonged study
and discussion. He did not suggest that the committee should
not enter upon that field if the delegates desired that these sub
jects should be taken up. He supposed that the report on aircraft could be dealt with, in its main features, in a comparatively
short time. The report was voluminous, but that very fact led to
an easy comprehension of the recommendations. If it was
desired, in connection with the use of aircraft—for example, in
relation to merchant ships and undefended towns—to bring for
ward specific resolutions, there would be opportunity to do so.
He suggested, however, that the committee adjourn until Mon
day at 11 o'clock, and that it then proceed with the discussion
of the aircraft report. If anything else was ready, when that
had been disposed of, the committee would take it up.

The committee then adjourned until Monday, January 9, 1922,
at 11 o'clock a.m.

EIGHTEENTH MEETING—MONDAY, JANUARY 9, 1922, 11 A. M.

PRESENT.

United States.—Mr. Hughes, Senator Lodge, Mr. Root, Senator
Underwood, Col. Roosevelt, Admiral Coontz. Accompanied by
Mr. Wright, Mr. Clark.

British Empire.—Mr. Balfour, Lord Lee, Sir Auckland Geddes,
Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada),
Senator Pearce (for Australia), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Air Marshal Higgins, Capt. Dom
ville, Mr. Malkin, Mr. Flint, Mr. Christie.
The eighteenth meeting of the Committee on Limitation of Armament was held in the Columbus Room of the Pan American Building, at 11 a. m., January 9, 1922.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Mr. Sastri (for India); for France, Mr. Sarraut, Mr. Jusserand, Admiral de Bon; for Italy, Senator Schanzer, Senator Albertini, Vice Admiral Baron Acton; for Japan, Admiral Baron Kato, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. Clark; for the British Empire, Sir Maurice Hankey, Air Marshal Higgins, Capt. Domville, Mr. Malkin, Mr. Flint, Mr. Christie; for France, Mr. Kammerer, Mr. Denaint, Mr. Ponson, Capt. Odend'hal, Capt. Roper; for Italy, Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli; for Japan, Prof. Tachi, Mr. Sugimura, Mr. Shiratori, Mr. Ichihashi.

The secretary-general of the conference, assisted by Mr. Paul, Mr. Pierrepont, and Mr. Wilson, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

The chairman, Mr. Hughes, said that a draft of the proposed treaty relating to naval armament had been distributed that morning. The advisers—that was to say, the naval experts and the legal experts—had been in consultation, and the draft represented the points of their agreement. There were only one or two points upon which they had failed to agree. There was also a question as to form which he would not take up at this time.

He had been in conference with the heads of the delegations who, in the interest of expedition, had agreed on this course of procedure. The heads of the delegations would call meetings that afternoon of their respective delegations and go over the provisions of this proposed treaty, to see whether there were any
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points upon which the naval experts had agreed which were not regarded as satisfactory to the delegations; because, of course, it was submitted by the experts for consideration, and their agreement was in no way binding upon the full committee. They would also take up with their respective delegations the matters which had been reserved by the experts for further consideration.

On being advised that this work had been completed, the chiefs of delegations would meet and put the treaty into its final form for submission, in its entirety, to this committee, unless some question of broad policy of a distinctive character should be submitted which required special discussion in this committee. The reason for this procedure was, of course, that there were a multitude of details which had been thoroughly considered by naval experts and legal experts, and unless there was some broad question of policy it would serve no useful purpose to take up this treaty article by article in the full committee. There should, of course, be opportunity in each delegation for consideration of any points which it might be desired to present.

The chairman merely announced this as a course of procedure agreed upon by the chiefs of delegations, which would postpone, for the time being, consideration of this proposed treaty.

In the meantime, the chairman wished to suggest that this should be held in the strictest confidence. This was not a treaty. It was nothing but the agreement of the experts, and while it well might be found acceptable later, it was not in a shape to be communicated at this time to the public or to anyone outside those here responsible for its contents.

The question next to come before the committee, the chairman went on to say, was raised by the subcommittee which had dealt with the matter of limitation of aircraft as to numbers, character, and use. The committee would note the two recommendations of the subcommittee or statements of its final conclusions. The first was as follows:

"The committee is of the opinion that it is not practicable to impose any effective limitations upon the numbers or characteristics of aircraft, either commercial or military, excepting in the single case of lighter-than-air craft."

The second was this:

"The committee is of the opinion that the use of aircraft in war should be governed by the rules of warfare as adapted to aircraft by a further conference which should be held at a later date."

It might be said that if it was the desire of this committee to adopt certain resolutions relating to the use of aircraft in war, as, for example, with respect to the bombardment of undefended towns and villages and the like, and also with respect to the limitation of the use of aircraft in connection with merchant
vessels under the rules of international law, as stated in the first resolution adopted with regard to submarines, those matters could be presented for consideration when the second recommendation or conclusion of this report was taken up.

The chairman suggested, therefore, that in the interest of speed the committee should confine itself, in the first instance, to the consideration of the first conclusion of the subcommittee, to wit, that it was not practicable to impose any effective limitations upon the numbers or characteristics of aircraft, either commercial or military, except in the single case of lighter-than-air craft.

He took the liberty of suggesting, further, that in consideration of this conclusion, discussion should at first be limited to heavier-than-air craft, in order not to deal with a matter which was treated as exceptional by the subcommittee, a matter, moreover, concerning which the subcommittee considered it practicable to impose effective limitation.

If agreeable to the committee, in the interest of having the discussion directed to a precise point, the question presented was, that of the adoption of the conclusion of the subcommittee should now be considered, and that, aside from the case of lighter-than-air craft, it was not practicable to impose any effective limitations upon the numbers or characteristics of aircraft, either commercial or military.

Senator Schanzer said that the subcommittee of experts had come to the conclusion that there was no practical method for limiting military and naval aviation.

In the subcommittee the Italian member alone was of the opinion that such a limitation could be obtained by limiting the number of pilots of the permanent military organizations, and since the other powers were willing to accept the conclusions of the subcommittee and a proposal aiming at the limitation of air armaments would have no chance of being accepted at that time, the Italian delegation would limit themselves to expressing the desire that the future conference which would be called to study and define the laws of aerial warfare should take up again also the question of the limitation of aerial armament.

The Italian delegation had always insisted on the limitation of armaments in all fields and would deem it regrettable that the competition which the conference had partially succeeded in excluding from naval armament, should be transferred to the domain of military and naval aviation; this would be a serious drawback to the work of the economical reconstruction of all the countries represented, which it was the duty of the delegates to have in view.
Senator Underwood said that he had not expressed his views very much to the conference. He was in hearty accord with what they had done. He himself believed in real disarmament, looking to the permanent peace of the world, and he would be very glad to vote for the cutting out of any instrument of war if it really affected the situation; but heavier-than-air craft and lighter-than-air craft both were useful for land armament as well as sea armament. The man who was trained in one machine could fly in the other, and, in the main, the machine that might be used with land armies, with slight changes, could be used in naval warfare. He personally would be very glad to see the question of limitation of land armament taken up, but he understood the conditions that confronted them and knew that it was not probable that it would come before this conference, for reasons that it was not necessary to go into, therefore it did not seem to him practicable to pass resolutions in reference to the limitation of aircraft at this time. For that reason, his view was in accord with the view of the technical subcommittee.

Mr. Balfour said that it was impossible to resist the practical conclusions of the subcommittee on aircraft with regard to the limitation of heavier-than-air craft, which he understood was the point for immediate discussion. This was regrettable, because one must regret anything that restricted the power of the conference to limit armaments whether by land or sea or air. But the committee had to accept the facts as they now appeared and leave it to some future time to deal with the subject, when the technical differentiation between war and peace aircraft should have become clearer. Senator Underwood had put with great force a further special obstacle that stood in the way at the moment.

As he had shown, the conference was precluded from dealing with the larger problems of land armaments. Aircraft were a land arm as well as a naval arm. Accordingly, to deal with the limitation of aircraft at this time would be to deal with only a fraction of the subject of land armament and to leave wholly untouched the larger proportion of the great problems connected with it. There was another general argument pointing in the same direction. Unlike the case of submarines, in the case of aircraft military and civilian uses were not sharply divided. There was practically no commercial civil use for a submarine, but there were many who thought that the development of aerial invention was going to exert an immense influence upon the economic development of mankind and upon intercommunication of different peoples. In the present stage of their knowledge of air matters it seemed quite impossible to limit aircraft designed for military uses without also limiting aircraft designed for commercial uses;
so that every restriction which could be put upon heavier-than-air
craft would have a double reaction. It might, perhaps would,
diminish the number of aircraft which could be used for military
purposes, but it could not carry out that object without also
diminishing the number of aircraft to be used for the peaceful
purposes of international intercommunication. In those circum-
stances he must admit with reluctance, but with a clear convic-
tion, that probably the subcommittee were in the right when they
said it would be quite hopeless, and not only hopeless but unde-
sirable, to attempt at the present time and in the present stage
of human knowledge to limit aircraft. He was therefore pre-
pared to give his adhesion to the first part of the first resolution.

Mr. Sarraut said that he had just listened to the presentation
of a certain number of observations in consequence of which he
desired to state that the French delegation gave its full assent
to the first resolution proposed by the committee.

The reasons adduced appeared to him excellent and the con-
cclusions reached by the impartial investigation of the exports
was illuminating.

If he might be permitted to express his personal point of view,
he would say that he still regarded with the greatest apprehension
any act which might be of a nature to paralyze the progress of
aviation.

He had a profound belief in the beneficial effects to humanity
of aviation. If it resulted in terrible engines of war, it might also
be an instrument of the first importance in time of peace.

Already indeed the airplane was used in the administration of
those distant and desolate lands called great deserts by the
experts, and where, more than anywhere else, suffering humanity
had need of care and of assistance. In the French colonies, very
serious efforts had been made to effect the long-distance trans-
portation of essential articles and to bring medical and surgical
assistance. Very important results had already been attained
along these generous and humane lines.

Under these conditions, it would be very wrong to do anything
that might hamper the progress of aviation and it was with this
understanding that the French delegation gave its full and entire
adherence to the proposals of the committee.

Admiral Baron Kato said that the question of aircraft did not
demand elaborate discussion at present. He believed, however,
that the time would come when it would be necessary to effect
a limitation upon military aircraft. He agreed with the con-
clusion of the subcommittee that it was impracticable at present
to effect any limitation upon the use of "heavier-than-air" craft.
He therefore accepted the proposal on behalf of the Japanese
degregation.
The chairman said that he thought that all felt a deep dis­appointment in being unable to suggest limitations on the use of aircraft in war or on the preparation of aircraft for mili­tary purposes. The committee knew full well that in aircraft there was probably the most formidable military weapon of the future. And yet, in addressing themselves as practical men, to the problem, the committee found no answer to the arguments which had been set forth succinctly, but most forcibly, by the technical subcommittee.

The reason was, as had been well stated, that the committee was dealing in substance with facilities that were needed in the progress of civilization. It could not put a ban upon progress. The committee also knew, even if it prohibited all aircraft for military purposes and allowed the development of the art to meet the requirements of civil life, that in time of war the basis of that development would be immediately available and within a short time provisions for any possible military uses would be amply made.

The question, therefore, reduced itself not to one of limitation of armament, but to a limitation of civil progress; and faced with that difficulty, there seemed to be no alternative but to adopt the first resolution so far as it applied, as it did apply, exclusively to heavier-than-air craft.

This appeared to be the sense of the committee.

The chairman then said that the next question was whether it would be deemed practicable to impose a limitation in the case of lighter-than-air craft. He called their attention to what the sub­committee had said with regard to this subject. The statement was very short, and it brought the point quite clearly before the committee and, with its permission, he would read it. The sub­committee said:

"Many of the remarks already made apply to lighter-than-air craft but, as in the case of commercial aircraft of this nature, limitation is both possible and practicable. It is unnecessary to re­capitulate the argument that the military value of a dirigible is dependent on its size, and the size of dirigibles and the number maintained can be limited by agreement of a few simple rules. Infraction of such rules can be rapidly ascertained without de­tailed inspection. But such a limitation of lighter-than-air aviation forces would not effect a limitation of this kind of air power of a nation unless a limitation were also imposed on its lighter­than-air commercial activities. The line of demarcation between the large commercial airships and the military airship is very slight, and a commercial dirigible would require little, if any, alteration in order to adopt it to military purposes. The objec­tions to the limitation of the number or character of commercial lighter-than-air craft have already been remarked on."
That allusion was, apparently, to the fact previously emphasized in the report as follows:

"As regards the desirability of limitations, the committee has touched on those factors which must be understood before arriving at a decision. It feels it to be a duty to lay great stress upon the following fact which will have a decided bearing upon any determination of the proper policy to be adopted; any limitation as to the number and character of civil and commercial aircraft, heavier than air or lighter than air, which is efficacious to hinder their utility for war purposes, must interfere disastrously with the natural development of aeronautics for legitimate civil and commercial enterprises. To limit the science of aeronautics in its present state is to shut the door on progress. It is for the conference to decide whether the limitations which can with difficulty be devised and imposed are to be adopted at such a cost."

It was, therefore, the chairman stated, practicable to impose a limitation, by agreement, upon the size of dirigibles. Questions as to limitations of number could be considered separately, but certainly it was practicable to impose a limitation upon size. The question was whether it was desirable to do so, in view of the fact that commercial dirigibles could be converted into military dirigibles; and therefore the question was whether the advantage in the limitation of armament—that is, in having an agreed limit of the size of dirigibles, was so great that it offset the disadvantage of limiting the size of dirigibles for commercial purposes. The chairman presented that question for discussion.

No one desired to discuss the matter.

The chairman then asked whether it was the desire of the committee to state as its conclusion, in view of the arguments presented by the subcommittee, that it was not practicable to impose limitations upon lighter-than-air craft, or it was their desire to present a resolution containing such a limitation.

Senator Schanzet said that he only desired to ask the chairman if the first proposal, which made an exception for lighter-than-air craft, were approved, might it not seem that the exception were approved also. He suggested the elimination of the words "excepting in the single case of lighter-than-air craft."

The chairman said that the suggestion of Senator Schanzet was that it would accomplish the purpose, if it was not proposed to put a limitation upon lighter-than-air craft, to adopt the conclusion of the subcommittee, leaving out the last clause, so that the sense of this committee would be stated as follows:

"The committee is of the opinion that it is not practicable to impose any effective limitations upon the numbers or characteristics of aircraft, either commercial or military."

The chairman said that it was suggested by Mr. Balfour that the words "at present" should be inserted before "practicable."
That seemed to be a very good suggestion; because that was what they were doing—not indicating that in the future it would not become practicable. Then the resolution would read:

"The committee is of the opinion that it is not at present practicable to impose any effective limitations upon the numbers or characteristics of aircraft, either commercial or military."

He then asked for an assent to this, and it was unanimously adopted.

The chairman then said that the next topic for discussion was the final recommendation or conclusion of the subcommittee, as follows:

"The committee is of the opinion that it is not at present practicable to impose any effective limitations upon the numbers or characteristics of aircraft, either commercial or military."

He then asked for an assent to this, and it was unanimously adopted.

The subcommittee had taken occasion to review the difficulties, at the present conference, in adopting detailed rules of war.

It was quite apparent, however, that the late war had revealed the imperative necessity for the adoption of new rules of warfare, and that these new rules of warfare should be framed so as to take into account the development of the science of aeronautics and its application to war. It would require, he assumed, a committee of jurists, sitting for a considerable time, to develop detailed rules of war; and in that sense this recommendation of the committee would commend itself. It did not follow, however, that it would not be practicable, as to certain simple cases of abuses, to indicate the opinion of this committee, and, indeed, to reach an agreement on the part of the nations represented, which would prevent the recurrence of atrocities which shocked mankind when committed during the late war.

He might say that the advisory committee of the American delegation had adopted a report of a subcommittee, of which Gen. Pershing was the chairman, in the following words:

"The use of aircraft in war should be in accordance with the rules of land warfare, by which the attack or bombardment by whatever means of towns, villages, dwellings, or buildings that are undefended is prohibited. The bombardment of fortified places, or of munition factories, is legitimate, but cities and towns, unless defended, should be spared, and every safeguard should be invoked to protect noncombatants against attack from the air."

He saw no reason why this conference, while recognizing the necessity of a deliberate consideration, by an appropriate commission of jurists, of detailed rules of land warfare, should not adopt a simple declaration of that kind.

Senator Schanzer, he concluded, had stated that he desired to bring forward a resolution for that purpose.

Senator Schanzer said that the Italian delegation approved the proposal which aimed at the convocation of a conference for the
study of the rules of aerial warfare; but they believed that cer-
tain principles of international law existed in relation to the use
of aerial weapons, which deserved to be solemnly proclaimed by
the present conference.

Since the Italian delegation accepted, for humane reasons,
the prohibition of the use of submarines for the destruction of
merchant vessels, they felt it their duty now, consistent with
principles of justice and coherence, to advance in their turn a
proposal concerning the use of military airplanes and airships
and of all other warlike weapons for the bombardment of open
towns.

Everybody recalled the horrors and atrocities perpetrated by
the Germans and their allies during the last war, when open
towns were bombarded with so large a sacrifice of lives of noncom-
battants—women and children. In certain countries many towns
suffered by such bombardments, which were a menace not only to
the peaceful inhabitants, but also to historic buildings, to monu-
ments, to immortal works of art which certain towns possessed,
and which were the patrimony not only of the towns directly
smitten, or of the nation to which the town belonged, but of the
whole of humanity.

Senator Schanzer then read the following draft resolution:
"The signatory powers, desiring to secure the enforcement of
the rules of international law tending to the prohibition of the
bombardment of undefended towns, villages, dwellings, and build-
ings by aircraft, declare that they consider the said prohibition
as part of the existing international law, and agree to be bound
thereby as between themselves and to invite all other civilized
nations to adhere thereto."

Admiral de Bon said he fully subscribed to the views expressed
by Senator Schanzer. The French delegation considered that
the conference which was to examine into the laws of aerial
warfare might advantageously establish rules; but Admiral de
Bon wished to recall the fact that the matter of the bombardment
of unfortified cities was provided for in The Hague convention of
1907, which stated in article 25:
"It is forbidden to attack or to bombard by any means what-
ever, towns, villages, dwellings, or buildings that are not de-
fended."

What this conference was about to do was, therefore, already
regulated by international law. During the late war unforti-
fied cities were attacked not only by airplanes, but by land and
naval artillery. Thus, in the first period of the war, the ports of
northern Africa were bombarded by German cruisers. There al-
ready existed, therefore, principles of international law to which
appeal might be made.
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Mr. Root said that there was some uncertainty, or alleged uncertainty, in the application of The Hague rule regarding the bombardment of undefended towns to the action of aircraft. Of course, when the rule limited bombardment to defended towns, when it prohibited the bombardment of undefended towns, it had reference to military or naval operations against towns that afforded military obstacles to those operations, and as to those towns the provision was at the commander should notify the defended place, so that the civilians might have an opportunity to withdraw. As to the undefended towns, no one must bombard them at all.

Now, those distinctions did not seem to fit bombardments from the sky. No town was defended against such bombardment. If the rule were strictly applied, it did not prohibit the bombardment of Paris because of the fortifications surrounding Paris. It was a defended town. Most of the cities in Europe had some sort of defenses.

He fully sympathized with the view which Senator Schanzer took. If the committee were going to act, he wished Senator Schanzer would apply his very acute intellect toward making this rule more definitely applicable to the existing circumstances of aircraft and towns defended as against land attacks, but wholly undefended as against air attacks, and resolve the uncertainty that resulted from the fact that the rules were not made for air attacks. He thought the committee would render very useful service if it could do that, far beyond merely repeating a rule and leaving this uncertainty.

When one considered these two rules, that a defended town must not be bombarded without notice sufficient to enable the innocent—the women and the children and noncombatants—to withdraw, and that an undefended town must not be bombarded at all, when one considered those two rules, the spirit of them could prevent aircraft from bombarding any town whatever. Bombard a railroad junction, a station crossing? Yes. Bombard a munitions factory? Yes. But the center of an innocent population? No; not under any circumstances at all. For that reason, Mr. Root concluded, the rule was inadequate, and if the committee were going to speak they ought to make it adequate.

Senator Schanzer said the question of the bombardment of open towns had been raised because the experiences of the last war had been such that it appeared desirable that the rules of international law concerning this matter should be newly reaffirmed.

Since the draft resolution proposed had raised some doubts as to its interpretation, he did not insist on the formula he had presented, as the committee on the rules of war would be able to study the argument more thoroughly. The important thing for
him to record was that from the discussion which had taken place, the full adherence of all the delegations to the principle he had supported, appeared quite clearly. He noted with pleasure the statements made in this regard by Admiral de Bon and Mr. Root.

Admiral de Bon stated that the French delegation agreed wholly with Senator Schanzer and shared his opinion that unfortified cities should not be bombarded.

Mr. Balfour said that he entirely agreed with the views expressed by Senator Schanzer and Admiral de Bon.

The chairman asked whether it was Senator Schanzer's desire that the resolution be put to a vote.

Senator Schanzer said that he would not insist, as the committee had fully expressed the sense of the proposal.

The chairman said there seemed to be general acceptance of the spirit and purpose of the proposal made by Senator Schanzer. It was obvious from the discussion that in detail the matter was one which, like other rules relating to war, would require the most careful and probably protracted consideration of a commission of jurists, in order that the new situations which had been developed should be carefully considered, and rules framed with precision to meet them.

The chairman said that the committee was now considering the recommendation of the subcommittee that rules of warfare should be considered by a further conference. He suggested for the consideration of the committee that instead of taking that course, provision should be made for the creation through the action of the powers here represented, of a commission of jurists, which should, at an early date, take into consideration the question of rules of war which seemed to be demanded by new exigencies and revelations on the adaptation of new instruments of warfare to the end that recommendations might be presented to the powers for their acceptance. The chairman feared that a future conference, for example, dealing with a question of this technical character—technical in the sense that it would require very close study by jurists—would find itself much in the same position that the committee was in; it would have to wait until it was advised by legal experts.

Perhaps the best form that this could be put in, and the most practical action, would be for the powers here to agree to designate members of a commission of jurists, who should make a report and recommendations.

Sir Robert Borden said that at the previous meeting he had made a suggestion on this subject. He was, however, quite content that what he had said then should be left for the consideration of the proposed future conference or commission. Even a
commission of jurists would find extreme difficulty in dealing with a question so complicated in its nature. It was obvious that the present conference could not deal with it satisfactorily. Senator Root had observed that a railway junction or a munition factory might properly be subjected to bombardment. But inasmuch as modern warfare by its very nature involved all the energies of each nation engaged, it would be found that railway junctions, munition factories, and other such points of attack were everywhere scattered among the habitations of the innocent population. Accordingly, it would be necessary to consider how far and by what restrictions the bombardment of such points could be prevented; and, on the other hand, to consider whether it would be feasible to prohibit absolutely any attacks on such war objectives. The subject was an entirely proper one for some future commission or tribunal, but it should be considered whether or not the establishment of such a commission could be appropriately confined to the five powers here represented.

The chairman replied that it was his idea that it should not be so confined, but that the representatives of the five nations should initiate the project. He said that he supposed that a resolution for the constitution of such a commission of jurists would have to be considered most carefully in order that it should be framed with precision and that it might well be committed to the committee on drafting with instructions to bring in an appropriate resolution to the end sought. It might be sufficient now to declare the adherence of the committee in principle to this, that the nations here represented should provide for the appointment of a commission of jurists to consider the rules of war which were effected by the events of the late war, and also require investigation in the light of the development of new agencies of warfare; and he would ask if there was any objection to adherence to that principle, leaving the precise resolution to be formulated by the committee on drafting.

Mr. Balfour said that he thought the chairman was well advised in saying that this matter should probably be considered a little more closely than it was possible to consider it on an occasion like the present or in the present assembly. Therefore he welcomed the view that the matter should go before the drafting committee. He had, however, two suggestions to make which he hoped the drafting committee would consider. The first was that it would be most inadvisable, in his opinion, to limit the matter to jurists. That was a point which concerned not merely the framing of the law or the mode of fitting into the general tissue of our system of international law any new laws or rules that might be devised. For that purpose no doubt jurists were essential, and jurists should play a very great part in any inquiry such as that now proposed. But, after all, the people who had
seen those instruments at work, who knew what those instruments had involved in the past and what they were likely to involve in the future, should have more to say in regard to the framing of such rules than the most expert authority upon international law. He thought that they should play a not less important part in any inquiry which was made on the subject.

He did not know whether his second suggestion would meet with general approval, but he would very much like to see the area of inquiry reasonably limited. International law, and especially international law dealing with the laws of war, was extraordinarily complicated. He could not deny that it ought to be dealt with, and he could not see how anybody could deny it. For himself he could not refuse to accept the proposition that the mere fact of development of methods of warfare carried with it an almost inevitable corollary that the rules of warfare should be revised. But that subject was so complex and so enormous and was so certain to lead to much difference of opinion within the committee of experts and jurists that he would like to divide such an inquiry into two parts. The part of the general inquiry in which they were most interested, which had most usefully occupied some of the attention of the conference, was really adequately described in the list on the agenda which the chairman had brought forward on behalf of the Department of State at the beginning of their labors. Among the subdivisions on the subject of limitation of armaments there was the following subheading: "Rules for the control of new agencies of warfare." It seemed to him if that conference would limit, at all events in the first instance, the work of the mixed committee of experts and jurists to rules for the control of new agencies of warfare, they would be more likely to come to a speedy conclusion and much more likely to obtain a conclusion which would be unanimously adopted. He therefore suggested for the consideration of all his colleagues around that table whether that humbler but still all-important subject would not be sufficiently wide in its scope to occupy the attention of even the most powerful committee which they were able to provide for its investigation.

The chairman said that there was great force in the suggestions made by Mr. Balfour, and he, personally, had not the slightest objection to their adoption. It was not at all the intention that this proposed commission should consist of jurists who would work in disregard of the recommendations of technical experts. He supposed that the jurist representing each country would be advised very fully of all technical matters by both military and naval experts, but that when it came to the point of formulating the legal rules which should be adopted it would require the special training of jurists in order that the information and advice and proposals furnished by military and naval experts
could be adequately considered and those which were adopted suitably expressed. There was not, however, the slightest objection to having the commission itself enlarged, if that would seem to be desirable. He had found, however, that when it came to a question of drafting rules, the fewer there were who were actually engaged in the work the better the prospect of success; and while each one charged with the responsibility should have all the information available and the aid of all the experts who could possibly throw light upon the subject, a very few men competent in drafting, associated together for that purpose, could accomplish much more than a large committee.

He also felt the force of the suggestion of limiting the scope of the inquiry. That was very carefully considered when the tentative agenda was suggested, and the proposal made to which Mr. Balfour had referred.

It seemed to the chairman that the question of the method of constituting the commission and the scope of the inquiry to be intrusted to it could well be committed to the consideration of the committee on draft and the committee could await their recommendation. If that was agreeable to the delegates, he would simply assent in principle to the constitution of a commission for the purpose of dealing with the subject of rules of warfare in the light of the developments of the recent war.

Mr. Balfour said that, while he was perfectly ready to have the matter referred to the drafting committee, he would like to have reservations limiting the scope of the drafting committee's work, and asked the chairman's advice as to how this result might be attained.

The chairman assumed that both of the suggestions Mr. Balfour had made should be deemed as referred to the subcommittee on drafting and that it would take those into consideration as well as others that might be advanced in the course of the discussion, and that the committee should bring in a recommendation, which could then be discussed in the light of the arguments advanced for its support.

Mr. Balfour said that would be satisfactory.

After a vote was taken the chairman announced that the suggestions as to the references to the drafting committee were unanimously approved.

Thereupon, the committee adjourned until Tuesday, January 10, 1922, at 11 o'clock a. m.

NINETEENTH MEETING—FRIDAY, JANUARY 27, 1922, 4.15 P. M.
PRESIDENT.

United States.—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright.