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the other questions which had been raised could be discussed on the following day.

The meeting then adjourned until December 29, 1921, at 11 a. m.

ELEVENTH MEETING, THURSDAY, DECEMBER 29, 1921, 11 A. M.

PRESENT.

United States.—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright and 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), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Mousley, and Mr. Malkin.

France.—Mr. Sarraut, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, and Mr. Ponsot.

Italy.—Senator Schanzer, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli.

Japan.—Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Ichihashi.

The secretary general, assisted by Mr. Pierrepont and Mr. Paul. Interpreters, Mr. Camerlynck and Mr. Talamon.

1. The eleventh meeting of the Committee on the Limitation of Armament was held in the Columbus Room of the Pan American Union Building on Thursday morning, December 29, 1921, at 11 o'clock.

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), Sir John Salmond (for New Zealand), and Mr. Sastri (for India); for France, Mr. Sarraut and Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Albertini, and Vice Admiral Baron Acton; for Japan, Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, and Capt. Uyeda.

Secretaries and advisors present included: For the United States, Mr. Wright and Mr. Clark; for the British Empire, Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Mousley, and Mr. Malkin; for France, Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, and Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Count Pagliano, and Commander Prince Ruspoli; for Japan, Mr. Ichihashi.

The secretary general, assisted by Mr. Pierrepont and Mr. Paul, was present. Mr. Camerlynck and Mr. Talamon, interpreters, were also present.

3. The chairman, Mr. Hughes, opened the meeting by saying that if there were no objections the committee would take up the resolution proposed and read the previous day by Mr. Root relative to the action of submarines in warfare. It seemed best to take the articles up separately. The first article related to rules deemed an established part of international law. It summarized in a clear, concise manner the existing rules governing the action of belligerent ships of war in relation to merchant craft and stated the unequivocal position that belligerent submarines were not exempt from these rules.

He then invited discussion.

Mr. Balfour said that as he understood the question which Mr. Hughes had put it referred to the first of Mr. Root's propositions, which, as Mr. Hughes had said, purported to be a statement in clear and explicit language of the existing rules of war and their application to submarines. So far as he personally was concerned, he agreed that such a statement should be made. He was not lawyer enough to say whether the existing rules were correctly summarized, and on this he would have to consult his own legal advisers. Provided, however, that the resolution did really embody the existing rules of war, he thought it most desirable that these rules should be reaffirmed in their relation to submarine warfare. Perhaps on this matter he ought only to speak for himself. He personally held the view that a formal and authoritative statement that submarines had no license to break the rules by which other ships of war were bound could do nothing but good.

Admiral de Bon said that he shared wholly the views expressed by Mr. Balfour. The French delegation had repeatedly had occasion to condemn the practices followed by the German submarines during the last war.

The French delegation was thoroughly imbued with the high humanitarian motives which had dictated the resolutions presented by Mr. Root to which it gave in principle its general adhesion. But there was no jurist in the French delegation and they recognized that certain of these resolutions had a bearing on the complicated rules of international law.

Admiral de Bon said that he could then hardly do otherwise than to subscribe to the spirit of these resolutions and to repeat that the submarine should of necessity be bound by the rules of international law. But this law being of a very special nature it seemed to the French delegation that the most practical solution would be to refer the consideration of the text sub-

mitted by Mr. Root to a committee of jurists which would advise the committee as to its opinion in regard to the wording to be adopted.

Senator Schanzer said that he associated himself entirely with Mr. Balfour's and Admiral de Bon's remarks. The Italian delegation at the preceding meeting gave its full adherence to the aim to which Mr. Root's proposal tended, but they also thought that the question of formulating rules for the use of submarines in war was, above all, a legal question, which ought to be examined by a competent committee of jurists.

He had forwarded the text of Mr. Root's proposal to the Italian Government from which he was awaiting comments at a later date.

At any rate, it might be useful even now to point out a few questions to which the proposal might give rise in order to contribute to the future discussion.

It seemed to him difficult, in the first place, to separate the first resolution from the second, which definitely prohibited the use of submarines for the destruction of merchant craft. The first resolution, on the contrary, admitted in determined cases the destruction of merchant craft after certain provisions had been observed. He would like therefore to know in what way the second resolution tallied with the first.

In the second place, Senator Schanzer believed that it might be useful to give a clear definition of merchant craft in order to make them recognizable and to establish plainly in which cases a submarine should abstain from attacking a ship and in which cases, on the contrary, attack was to be permitted, as, for example, in the case of a merchantman regularly armed or of a privateer.

Senator Schanzer observed that he had not made these remarks in any spirit of opposition, as the Italian delegation had decided to collaborate to the best of its ability in order to attain the aim which the American delegation had in view. His reason for speaking was to give Mr. Root the opportunity for such explanations as might throw light on the terms in which his proposals were formulated.

Sir Robert Borden said that, in offering a few observations in regard to the proposals presented, he was without the advantage of having heard Mr. Root's explanation on the previous day, having been in attendance at a subcommittee. Further, his views were purely personal and must not be regarded as binding on any other member of the delegation to which he belonged. As he understood the proposals, Mr. Root had set forth existing rules which had been, or should have been, the general practice in the past to govern the action of nations in time of war. In setting forth article 1 Mr. Root had placed the rules of submarines on a

much higher plane than had been the case with the nations with whom the Allies had been at war for a period of four years. Those nations had wantonly violated these rules. He had no doubt that the statement of the rules in article 1 was correct and that these rules should have been followed by belligerent vessels. Mr. Root's proposal, however, went much further.

In article 2 the signatory powers were asked to pledge themselves to recognize the practical impossibility of using submarines as commerce destroyers without violating the requirements universally accepted by civilized nations for the protection of lives of neutrals and noncombatants, and to the end that the prohibition of such use should be universally accepted as a part of the law of nations the nations here represented were asked to declare their assent to such prohibition and to invite all other nations to adhere thereto. As he understood this resolution, it was intended to mark a notable and most desirable advance on the existing rules. Mr. Root had first stated the existing practice and had then suggested this advance. He thought it would be wise and, indeed, essential in the interests of humanity that this proposal should be accepted. The exact wording, however, must be considered and he did not disagree with the suggestion for examination by an expert body provided that this should not prevent action by this conference. In article 3 Mr. Root had gone rather further. He had laid down the principle that any person in the service of any of the powers adopting these rules who should violate any of the rules thus adopted, whether or not such person was under orders of a governmental superior, should be deemed to have violated the laws of war and should be liable to trial and punishment as if for an act of piracy, etc. Having regard to some experiences of his own country in the late war, and especially to one occasion when nearly 20 Canadian nurses had been drowned as the result of the torpedoing of a hospital ship and the subsequent sinking of the ship's boats, he could say that the feeling of his country was strongly in favor of the proposal that any person guilty of such conduct, whether under the orders of his Government or not, should be treated as a pirate and brought to trial and punishment as such.

Mr. Hanihara said that the Japanese delegation was in entire accord with the substance of article 1 of the proposed resolution. As regards the suggestion whether it was not advisable to refer the matter to a committee of experts for drafting, he was rather inclined to follow it, not that the Japanese delegation had any particular point in mind on which it had observations to offer but merely in order to make it sure that the resolutions left nothing to be desired as to their precise wording. The committee might be instructed to examine it in this sense and not to touch the substance of it.

Mr. Root said that Senator Schanzer had asked some questions to which he would reply.

First, as to the agreement Article I of the resolutions now before the committee, with the second article relative to the prohibition of making use of submarines as commerce destroyers, which Senator Schanzer deemed inconsistent with Article I.

Article I was a statement of existing law; Article II, if adopted, would constitute a change from the existing law, and therefore it was impossible to say that it was not inconsistent. If it were not inconsistent, there would be no change. Article II could not be consistent with Article I and still make a change.

Senator Schanzer had also suggested that the resolution I be completed by including a definition of "a merchant ship." Throughout all the long history of international law no term had been better understood than the term "a merchant ship."

It could not be made clearer by the addition of definitions which would only serve to weaken and confuse it. The merchant ship, its treatment, its rights, its protection, and its immunities, were at the base of the law of nations. Nothing was more clearly or better understood than the subject called merchant ship.

With regard to the proposal to refer this matter to a committee of lawyers, Mr. Root stated that it would be far from his thought to say anything derogatory of the members of the profession of which he had been a humble member for more years than he cared to remember. They were the salt of the earth; they were the noblest work of God; they were superior in intellect and authority to all other people whatsoever. But both this conference and his own life were approaching their termination. He did not wish these resolutions to be in the hands of a commission even of lawyers after the committee adjourned.

He had supposed when the committee adjourned the previous day and after what had been said concerning the opportunity for critical examination, that the different delegations would call in their own experts and ask their advice with regard to this resolution, which was at this time the only one before the committee. He had supposed that the experts in international law brought here for the purpose of advising would have been asked whether this was a correct statement of the rules, and that the results of that inquiry would be before the committee to-day.

Mr. Root said that he felt he was entitled to know whether any delegation questioned this statement of existing international law. All the members of the committee were in favor of the principle of the resolution if it were correct. Did this or did it not state the law of nations as it exists? If it did, all the delegates were in favor of it. What then hindered its adoption, asked Mr. Root.

In describing the action of submarines with regard to merchant vessels Senator Schanzer had repeated on his own behalf the very words of this resolution. The very words—*ipsissimis verbis*—of this resolution might be found in Senator Schanzer's remarks. Mr. Root said that his respect for the learning, experience, and ability of the various delegates around this table forbade him to doubt that everyone present was perfectly familiar with the rules and usages as stated in the first clause of Article I. This article did not purport to be a codification of the laws of nations as regards merchant vessels or to contain all of the rules. It said that the following were to be deemed among the existing rules of international law. The time had come to re-affirm them. He read Clause I of Article I, as follows:

"A merchant vessel must be ordered to stop for visit and search to determine its character before it can be captured."

Did not all of the members of the committee know that to be true? It was a long-established principle.

Mr. Root then read the second and third clauses:

"A merchant vessel must not be attacked unless it refuse to stop for visit and search after warning.

"A merchant vessel must not be destroyed unless the crew and passengers have first been placed in safety," and asked if there were any question whatever as to the correctness of these statements.

Turning to Mr. Malkin, one of the British legal advisers, Mr. Root asked if there were any doubt about that.

Mr. Malkin replied that in principle there was no doubt at all.

Mr. Root, continuing, said that, as Mr. Lodge had remarked to him, this was only elementary. The object of the resolution was to form something which would crystallize the public opinion of the world. He had made it perfectly simple on purpose.

The next article stated a principle of vital importance, on which he challenged denial. If all the lawyers in the world should get together they could not state the question more conclusively. The public opinion of the world said that the submarine was not under any circumstances exempt from the rules above stated; and if so, a submarine could not capture merchant vessels. This was of the greatest importance. This was a negation of the assertion of Germany in the war that if a submarine could not capture a merchant vessel in accordance with established rules, the rules must fail and the submarine was entitled to make the capture. The public opinion of the civilized world had denied this and had rendered its judgment in the action that won the war.

It was the revolt of humanity against the position of Germany that led to Germany's defeat. Was that not a true rendering of the opinion of the civilized world which the committee sought to

express? Mr. Root addressed his friends and colleagues of the committee, saying this was real life they were dealing with here. This was no perfunctory business for a committee of lawyers. It was a statement of action and of undisputed principles universally known and not open to discussion, put in such a form that it might crystallize the public opinion of the world, that there might be no doubt in any future war whether the kind of action that sent down the *Lusitania* was legitimate war or piracy.

This conference was called for what, asked Mr. Root—for the limitation of armament. But limitation was not the end, only the means. It was the belief of the world that this conference had been convened to promote the peace of the world—to relieve mankind of the horrors, and the losses, and the intolerable burdens of war.

Mr. Root declared that the members of the committee could not justify themselves in separating without some declaration that would give voice to the humane opinion of the world upon this subject, which was the most vital, the most heartfelt, the most stirring to the conscience and to the feeling of the people of all our countries of anything that occurred during the late war. He felt to the depth of his heart that the man who was responsible for sinking the *Lusitania* committed an act of piracy. He knew that all his countrymen with whom he had had intercourse felt the same, and he would be ashamed to go on with this conference without some declaration, some pronouncement, which would give voice to the feeling and furnish an opportunity for the crystallization of the opinion of mankind in the establishment of a rule which would make it plain to all the world that no man could commit such an act again without being stigmatized as a pirate.

Mr. Root said there were two ways in which this question that Germany raised about the right of submarines to disobey the rules of international law—what they had said in the way of destroying a merchant vessel—could be settled. With the whole dominion of the air unregulated by international law, with a score of difficult questions staring the conference in the face (such as blockade, contraband, and other questions in the field of law), there was a recommendation made by the committee of jurists which assembled at The Hague last year, 1920, upon the invitation of the Council of the League of Nations, to devise and report a plan for an international court of justice. The committee had met at The Hague and after some months of labor they had recommended a plan which, with some modifications, was adopted by the council and by the assembly of the League of Nations, under which judges of the new court had been appointed and under which that court was about to convene next month, January, 1922. The committee

of jurists selected by the Council of the League of Nations for its advisors went beyond the strict limit of its authority, and so much impressed were they all with the necessity for a restatement of the rules of the law of nations as a result of the war (what happened during the war, and the consequences of the war) that they made a recommendation upon it. There were present a representative of Great Britain, a most able and learned judge of the highest court, and representatives for France (a very distinguished representative), of Belgium, of Japan, of Holland, of Norway, of Spain, of Brazil, and one from the United States of America. They were all there in their individual capacities, but coming from nine different countries and selected by the Council of the League of Nations, and invited there to be their advisors. All of these gentlemen had unanimously agreed upon the following resolution, which Mr. Root proceeded to read:

"The advisory committee of jurists, assembled at The Hague to draft a plan for a permanent court of international justice, convinced that the security of states and the well-being of peoples urgently require the extension of the empire of law and the development of all international agencies for the administration of justice, recommends:

"I. That a new conference of the nations in continuation of the first two conferences at The Hague, be held as soon as practicable for the following purposes:

"(1) To restate the established rules of international law, especially, and in the first instance, in the fields affected by the events of the recent war.

"(2) To formulate and agree upon the amendments and additions, if any, to the rules of international law shown to be necessary or useful by the events of the war, and the changes in the conditions of international life and intercourse which have followed the war.

"(3) To endeavor to reconcile divergent views and secure general agreement upon the rules which have been in dispute heretofore.

"(4) To consider the subjects not now adequately regulated by international law, but as to which the interests of international justice require that rules of law shall be declared and accepted.

"II. That the Institute of International Law, the American Institute of International Law, the Union Juridique Internationale, the International Law Association, and the Iberian Institute of Comparative Law be invited to prepare with such conference or collaboration *inter esse* as they may deem useful, projects for the work of the Conference to be submitted beforehand to the several governments and laid before the conference for its consideration and such action as it may find suitable.

"III. That the conference be named 'Conference for the advancement of international law.'

"IV. That this conference be followed by further successive conferences at stated intervals to continue the work left unfinished."

That recommendation, Mr. Root continued, was communicated to the Council of the League of Nations, was somewhat modified by the council and then referred to the assembly of the League of Nations, and by the assembly was rejected. The door was closed. Where did we stand? Was this not to be a world regulated by law? What were disarmaments worth if assent were given to the proposition that the impulse of the moment, the unregulated and unconstrained instincts of brute force, were to rule the world and that there was to be no law? If there was to be a law, somebody must move. There was no adequate existing law now with regard to submarines. There was no existing law regarding aircraft. There was no existing law now regarding poisonous gases, and somebody must move. The door to a conference was closed, and here delegates of the five greatest powers were met in a solemn conference upon the limitation of armaments and charged to do something toward the peace of the world. This resolution, Mr. Root said, proposed to restate the rules of war that had been trampled under foot, flouted, and disregarded. This resolution proposed that the domination of those humane rules for the protection of human life be once more asserted, and that the attempt to overturn them be discredited and condemned.

This resolution proposed to tell what the conference really believed—that it characterized, as it ought to be characterized, the attempt to overturn the rules impressed by humanity upon the conduct of its Governments. Was there a delegation here which could afford to go back to its own people and say to them, "Upon the proposal being presented to us, we referred it to a committee of lawyers and adjourned"? Those resolutions would not down. They spoke with a voice that would continue insistently. Mr. Root said that he was not going to be buried under a committee of lawyers and that these rules could not be buried under one. Either the delegates assembled here must speak clearly and intelligently the voice of humanity which had sent them here, and to which they must report, or that voice would speak for itself and, speaking without them, would be their condemnation.

In conclusion, Mr. Root declared he was opposed to the reference of this resolution to a committee of lawyers or to any other committee. He asked for a vote upon it here. If the delegation of any country represented here had any error to point out in it, he was ready to correct it, but he asked for a vote upon it, in fur-

therance of the principle to which every one of his colleagues around the table had given his adherence.

After the foregoing had been interpreted, Mr. Root said that he had omitted in answering Senator Schanzer's very discriminating question regarding the relations between Articles I and II to say that, of course, if the second Article were adopted by all the world, it would supersede Article I. This, however, would be a long, slow process, and during the interval the law as it stood must apply until an agreement was reached. Article I also explained in authorized form the existing law and could be brought forward when the public asked what changes were proposed. In proposing a change, he said, it was necessary to make clear what the existing law was. It was very important to link this authoritative statement in Article I with the new principle proposed in Article II.

Sir John Salmond said that while not doubting the substantial accuracy of the resolutions proposed by Mr. Root, and while he was of the opinion with him that it was unnecessary to appoint a committee of jurists to determine the law as regarded merchant ships in war or the capture of private property at sea, at the same time the resolutions as they stood were not free from ambiguities and formal defects. Although reference to such a legal committee was unnecessary, he thought opportunity should be given for verbal amendments. For example: Paragraph 3 of rule 1 stated that a merchant vessel must not be destroyed unless the crew and passengers had been first placed in safety. Was this intended to give absolute immunity to the merchant ship from attack unless the crew and passengers were first placed in safety, even although the ship had refused to stop on being warned? Read literally, this would be the effect of the rule. Secondly, the relation between Resolutions I and II did not appear in the text, and a verbal explanation by Mr. Root was necessary to explain it. While, therefore, he was in absolute agreement with the substance of Mr. Root's resolutions and supported his refusal to put off the matter by reference to a committee of lawyers, he thought there was no haste which could justify the committee not being given opportunity for the examination and formal amendment of these resolutions.

Senator Lodge said that he would not ask to take up the time of the conference if he could attend the meeting that afternoon. He hoped a reasonably speedy decision might be reached in this matter, and he did not like to have this decision reached without having expressed his feeling in regard to it. He had a great respect for experts, but some of the delegates present had given attention to international law for some time, and several of them were capable of putting these resolutions in proper form. He believed the first thing to aim at was simplicity of statement.

The rules laid down by Mr. Root, especially in Article I, were elementary. Anyone who had read a textbook of international law knew them. He would not attempt to add to the powerful argument presented by Mr. Root, who, though he said it in his presence, was one of the greatest international lawyers now living. As far as his arguments went, Mr. Lodge would follow a historic British example and say, "Ditto to Mr. Burke."

Continuing, Mr. Lodge said that what he would like to see done by the conference was to decide on a policy—for this was a question of policy. The committee could easily take care of the amendments suggested by Mr. Salmond. The delegates were here to settle a policy and must do so. This policy had been presented and would not down. The world to-day wanted an unequivocal declaration against the sinking of the *Lusitania*. He took the *Lusitania* as an example, summing up the horrors of the submarine as it was used in the war with Germany. He knew the opinion of his country. The feeling aroused here as well as in Great Britain had been intense. He wanted a declaration showing the representative opinion in this matter and preventing, so far as possible, the use of submarines for the destruction of commerce and against innocent noncombatants, women, and children. The conference could at least erect a standard. After the Constitution of the United States was adopted by the constitutional convention in 1787, George Washington wrote to a friend: "We have erected a standard to which the wise and good can repair. The rest is in the hands of God." Mr. Lodge said he thought a standard could be erected here to which the civilized world can repair in the matter of submarines. He believed the world will rally to it. What would be the alternative if the conference failed to reach this decision? The door of uncertainty would be left open—open to the type of man commanding the submarine which sank the *Lusitania*—open to people who wished to wage war in that way; opportunity would be given them to trample under foot the laws of nations relating to merchant vessels, and the committee would leave matters in that most dangerous of conditions without any settled law upon the subject. But if after formulating it at this table the committee were to declare in a most clear and solemn manner that submarines must not sink merchant vessels with crews and passengers on board, he hoped and prayed the resolution might be adopted and sent out to the world. The people of the United States desired this declaration to be made, and that the world might hear the voice of this conference speaking clearly against the continuance of the use of submarines for the destruction of merchant vessels and innocent lives—those of women, children, and noncombatants.

Senator Underwood said he wished to take a few minutes to express his hearty concurrence in the statement of his colleague,

Mr. Root, in regard to this matter. He hoped this resolution, controlling the unlawful use of submarines, with such amendments as might be necessary, might be passed before this conference adjourned. He believed the dividing of the ways as to what the conference stood for had now been reached at this table. Were they to proclaim that they were still tied to the dead body of the war that was past, or that the civilized nations of the world desired to attain and accomplish new ideals of peace; that they intended to put war behind and peace ahead. If the delegates were only met here for a temporary armistice, if they were only temporarily tired of war, with their treasuries exhausted—if they agreed to fly the white flag for a few years until they grew strong for war again, they had better adjourn now, and let the horrors of the next war teach statesmen the lesson which was necessary, in order that civilization might progress again toward the ideal of permanent peace. If they were only met here to save dollars or francs or shillings for a few years, they had better adjourn.

Senator Underwood said his countrymen had never particularly prided themselves on military expenditures. They had gone for many years at a time without much armament, because they did not fear their neighbors, and because they could say in their hearts that they wanted to be at peace with the world. If the conference was met only to save dollars or other coins, the great heart of the people of the world would be grievously disappointed. Unless the flag of civilization could be planted on a higher point—unless this conference were to move forward, then a failure would have been made. As for himself he would like to see in the future the great Empire of Japan leading the Far East as a nation of commerce and high ideals rather than as a nation of great armaments; he would like to see a great Italy assured of the safety of the seas that carry the fuel necessary to her national life; he would like to see France secure in her territorial integrity; he would like to see the day come when she might feel that her safety was assured for all time and that she had no longer a need for a great army. He would like to see the day come when Great Britain need no longer fear any danger of attack on the food supply of her people; when commercial ships might always safely enter her ports and bring the supplies necessary to her national life. These were the ideals toward which the conference should move rather than toward the ideals of the horror and extended power of war. If the committee rejected this resolution, they would be saying to the peoples of the world that they were declaring only a temporary armistice and that they were going back to war. But if they were willing to take this one step—no matter how small—to make the seas safe for the peaceful ships of commerce, to that extent they would have removed one of the great causes of war—and the world would never be free from war un-

til the causes of war were removed. He therefore heartily supported the proposal of his colleague. He felt it represented great principles underlying the desire of the people of the world for peace, that lasting peace that should banish war from the world.

Senator Schanzer said that he would like to remark that a misunderstanding had arisen in this discussion which it was necessary to eliminate. From some of the speeches that had been made here to-day by eminent orators it might seem as though there were opposition to the fundamental principles upon which Mr. Root's proposals are based. Now, each one of those present had responsibilities toward the public opinion of the entire world, and they could not even for one instant allow that it should be thought that they were opposed to any measure tending to render war less inhumane. It was the Italian delegation which proposed the abolition of poisonous gases, and it was only yesterday that it had declared its most implicit and unconditional sympathy for Mr. Root's proposals. Could there be anyone who might suppose even for one instant that it did not share the sentiments of horror for the methods of war which brought about the criminal sinking of the *Lusitania*?

It was surely not the Italian delegation that could be reproached for any hesitation in supporting anything which could make the world progress toward a higher civilization. No country was more interested than Italy in putting an end to the abuses of submarine warfare. It was, therefore, not the principle itself which he had contested. He had only wished to submit a few remarks on the wording of the text which had been put before the committee. That his observations had not been useless was shown by the explanations which Mr. Root had been kind enough to give him and for which he thanked him. He had asked to know in what way Resolution II was to be understood, in respect to Resolution I. In fact, the systems contemplated in the first and second resolutions could exist at the same time.

Resolution I declared an existing law regarding submarine warfare, which admitted, in certain cases and subject to certain observances, even the destruction of merchant ships. Resolution II condemned in the most absolute way the use of submarines for the destruction of merchant ships. Mr. Root had now explained that Resolution II represented a new and subsequent phase to which things must tend. He felt this ought to be more clearly expressed in the wording of the resolution. The Italian delegation did not insist on the proposal of submitting the whole discussion of the question to the study of a committee of jurists. If it were deemed preferable to continue to discuss it in this same committee, it saw no obstacle to agreeing. As he had already observed, what we would ask was that, pending the arrival of its Government's instructions, the committee examine the various

sides of this proposal with the attention which the subject required, and only because the Italian delegation had the keen desires that the new regulations of international law which would come forth from this conference should be fully satisfactory to all those who believed that the world could and must make further progress on the path of civilization.

The chairman remarked that it being now 1.20 p. m. he would suggest that the committee adjourn for luncheon and reconvene at 3 p. m. In saying this, however, he did not wish to foreclose the opportunity for further debate now if anyone desired to say anything further.

Mr. Sarraut called attention to the fact that the personnel both of the French delegation and of the staff of experts accompanying it had been greatly reduced and that with such a short time between meetings little opportunity was afforded for sending and receiving cables and attending to other such matters. He therefore requested that the afternoon session should begin at 3.30 instead of 3 o'clock.

The chairman announced that the meeting would adjourn until 3.30 o'clock.

TWELFTH MEETING—THURSDAY, DECEMBER 29, 1921, 3.30 P. M.

PRESENT.

United States.—Mr. Hughes, 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), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Capt. Domville, Mr. Knowles, Mr. Flint, Mr. Malkin.

France.—Mr. Sarraut, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Pensot.

Italy.—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Celesia di Vegliasco.

Japan.—Admiral Baron Kato, Prince Tokugawa, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Ichihashi.

The secretary general, assisted by Mr. Cresson and Mr. Osborne.

Interpreter, Mr. Camerlynck.

1. The twelfth meeting of the Committee on the Limitation of Armament was held in the Columbus Room of the Pan American Union Building, at 3.30 p. m., December 29, 1921.