

Political Section.

It is true that on July 23rd 1932 the General Commission adopted a Resolution the first point of which reads as follows:

"Toute attaque aérienne contre la population civile sera prohibée de manière absolue."

The remainder of the Resolution deals with the method of giving effect to the principle set forth in the first paragraph. There is in particular the explicit statement that the High Contracting Parties shall bind themselves to abolish between them all bombardment from the air, etc.

Your Section is aware that this Resolution was later watered down in the Draft Convention submitted to the Conference by the United Kingdom delegation (see the Henderson Report for the text of Articles 34 and 47-62 of the Draft Convention as adopted in first reading - Document Conf.D.171(1), pages 180 and 195-198).

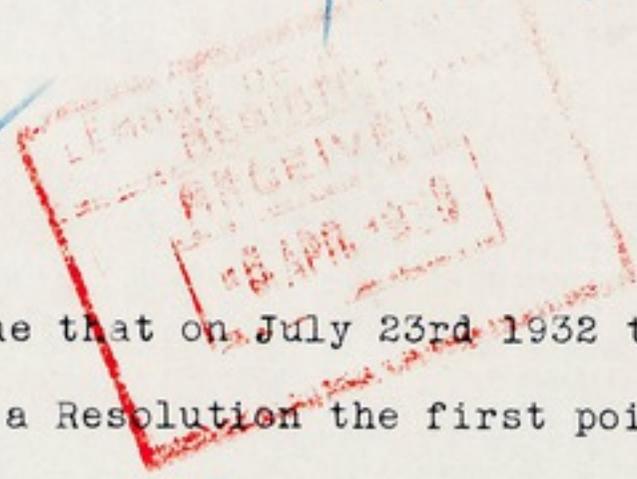
Unfortunately the General Commission's Resolution of July 23rd 1932 has not become a part of modern international law, and therefore it cannot be invoked.

The only positive text in the matter is the Protocol signed in Geneva in 1925, which aims at the prohibition of the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare.

Note that the Protocol of 1925 makes no mention of the protection of civilian populations against bombing, but no doubt the prohibition provided between combatants should a fortiori be extended to the territory lying behind the fighting zones.

Prima facie the 1925 Protocol is irrelevant to the case dealt with in the telegram - and indeed the telegram makes no reference to this Protocol.

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In fact, no binding decision has ever been taken under the auspices of the League for the defence of civilians against bombing. In other words, no action can be taken by us under that narrow heading - particularly in view of the wording of the telegram. *and the status of its signatory.*

30.3.1938.

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M. Vignier

This makes things very clear.

I wonder whether, in all the circumstances, it would not be best to send no reply? Would not a plain acknowledgment seem heartless & uncomprehending? Yet it is clearly all that can be sent. What do you think?

J.P.D.
2. 31/3/38

7 y/c
H.V.
1-4-38

Then no reply. for reasons given J.P.D. 1/4